Table of Contents

<table>
<thead>
<tr>
<th>Explanation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>v</td>
</tr>
</tbody>
</table>

Title 50:

<table>
<thead>
<tr>
<th>Chapter I—United States Fish and Wildlife Service, Department of the Interior</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

Finding Aids:

<table>
<thead>
<tr>
<th>Table of CFR Titles and Chapters</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>497</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alphabetical List of Agencies Appearing in the CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>515</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>List of CFR Sections Affected</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>525</td>
</tr>
</tbody>
</table>
Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 50 CFR 18.1 refers to title 50, part 18, section 1.
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The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

- Title 1 through Title 16..............................as of January 1
- Title 17 through Title 27..............................as of April 1
- Title 28 through Title 41..............................as of July 1
- Title 42 through Title 50..............................as of October 1

The appropriate revision date is printed on the cover of each volume.

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The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date (in this case, October 1, 2002), consult the “List of CFR Sections Affected (LSA),” which is issued monthly, and the “Cumulative List of Parts Affected,” which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

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Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cutoff date for the Code a note has been inserted to reflect the future effective date. In those instances where a regulation published in the Federal Register states a date certain for expiration, an appropriate note will be inserted following the text.

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RAYMOND A. MOSLEY,
Director,
Office of the Federal Register.

October 1, 2002.
Title 50—Fish and Wildlife is composed of four volumes. The parts in these volumes are arranged in the following order: Parts 1–17, parts 18–199, parts 200–599 and part 600 to end. The first and second volumes (parts 1–17 and parts 18–199) contain the current regulations issued under chapter I—United States Fish and Wildlife Service, Department of the Interior. The third volume (parts 200–599) contains the current regulations issued under chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; chapter III—International Fishing and Related Activities, chapter IV—Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee regulations; and chapter V—Marine Mammal Commission. The fourth volume (part 600 to end) contains the current regulations issued under chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 2002.

Alphabetical listings of endangered and threatened wildlife and plants appear in part 17.

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Title 50—Wildlife and Fisheries

(This book contains parts 18 to 199)

CHAPTER I—United States Fish and Wildlife Service, Department of the Interior (Continued) ....................................... 18

CROSS REFERENCES: Commercial fishing on Red Lake Indian Reservation, Bureau of Indian Affairs: 25 CFR part 242.
Disposal of certain wild animals in national parks, National Park Service: 36 CFR part 10.
Exchanges of land for migratory bird or other wildlife refuges, Bureau of Land Management: 43 CFR 2200.0–1—2272.1.
Fishing in coastal waters, lakes, rivers, bays, etc., Corps of Engineers: 33 CFR part 209.
Fishing, hunting, trapping, and protection of wildlife in national forests and wildlife refuges, Forest Service: 36 CFR part 241, §§261.8, 261.9.
Fishing, hunting, trapping, and protection of wildlife in national parks, memorials, recreation areas, etc., National Park Service: 36 CFR 2.2 and 2.3, and parts 7, 20.
Fishing and hunting in reservoir areas, Corps of Engineers: 36 CFR 327.8.
Free entry of animals, birds and products of American fisheries under specified conditions, Customs Service: 19 CFR 10.70—10.83.
Grazing areas for wildlife maintenance, Bureau of Land Management: 43 CFR Subpart 4110.
Making pictures, television production, or sound tracks on areas administered by the United States Fish and Wildlife Service or the National Park Service: 43 CFR 5.1.
CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR—(Continued)

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE AND PLANTS (CONTINUED)

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>5</td>
</tr>
<tr>
<td>19</td>
<td>32</td>
</tr>
<tr>
<td>20</td>
<td>34</td>
</tr>
<tr>
<td>21</td>
<td>54</td>
</tr>
<tr>
<td>22</td>
<td>80</td>
</tr>
<tr>
<td>23</td>
<td>90</td>
</tr>
<tr>
<td>24</td>
<td>130</td>
</tr>
</tbody>
</table>

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>133</td>
</tr>
<tr>
<td>26</td>
<td>141</td>
</tr>
<tr>
<td>27</td>
<td>148</td>
</tr>
<tr>
<td>28</td>
<td>154</td>
</tr>
<tr>
<td>29</td>
<td>156</td>
</tr>
<tr>
<td>30</td>
<td>167</td>
</tr>
<tr>
<td>31</td>
<td>167</td>
</tr>
<tr>
<td>32</td>
<td>168</td>
</tr>
<tr>
<td>34</td>
<td>263</td>
</tr>
<tr>
<td>35</td>
<td>267</td>
</tr>
<tr>
<td>36</td>
<td>270</td>
</tr>
<tr>
<td>37</td>
<td>295</td>
</tr>
<tr>
<td>38</td>
<td>317</td>
</tr>
</tbody>
</table>

SUBCHAPTER D [RESERVED]

SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>321</td>
</tr>
<tr>
<td>Part</td>
<td>Section</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>71</td>
<td>Hunting and fishing on national fish hatchery areas</td>
</tr>
<tr>
<td>80</td>
<td>Administrative requirements, Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts</td>
</tr>
<tr>
<td>81</td>
<td>Conservation of endangered and threatened species of fish, wildlife, and plants—cooperation with the States</td>
</tr>
<tr>
<td>82</td>
<td>Administrative procedures for grants-in-aid (Marine Mammal Protection Act of 1972)</td>
</tr>
<tr>
<td>83</td>
<td>Rules implementing the Fish and Wildlife Conservation Act of 1980</td>
</tr>
<tr>
<td>84</td>
<td>National Coastal Wetlands Conservation Grant Program</td>
</tr>
<tr>
<td>85</td>
<td>Clean Vessel Act Grant Program</td>
</tr>
<tr>
<td>86</td>
<td>Boating Infrastructure Grant (BIG) Program</td>
</tr>
<tr>
<td>90</td>
<td>Feeding depredating migratory waterfowl</td>
</tr>
<tr>
<td>91</td>
<td>Migratory bird hunting and conservation stamp contest</td>
</tr>
<tr>
<td>92</td>
<td>Migratory bird subsistence harvest in Alaska</td>
</tr>
<tr>
<td>96-99</td>
<td>[Reserved]</td>
</tr>
<tr>
<td>100</td>
<td>Subsistence management regulations for public lands in Alaska</td>
</tr>
<tr>
<td>101-199</td>
<td>[Reserved]</td>
</tr>
<tr>
<td>APPENDIX A TO CHAPTER I—CODES FOR THE REPRESENTATION OF NAMES OF COUNTRIES (ESTABLISHED BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION)</td>
<td>493</td>
</tr>
</tbody>
</table>
PART 18—MARINE MAMMALS

Subpart A—Introduction

Sec.
18.1 Purpose of regulations.
18.2 Scope of regulations.
18.3 Definitions.
18.4 Information collection requirements.

Subpart B—Prohibitions

18.11 Prohibited taking.
18.12 Prohibited importation.
18.13 Prohibited uses, possession, transportation, and sales.
18.14 Marine mammals taken before the Act.

Subpart C—General Exceptions

18.21 Actions permitted by international treaty, convention, or agreement.
18.22 Taking by Federal, State or local government officials.
18.23 Native exemptions.
18.24 Taking incidental to commercial fishing operations.
18.25 Exempted marine mammals or marine mammal products.
18.26 Collection of certain dead marine mammal parts.
18.27 Regulations governing small takes of marine mammals incidental to specified activities.

Subpart D—Special Exceptions

18.30 Polar bear sport-hunted trophy import permits.
18.31 Scientific research permits and public display permits.
18.32 Waiver of the moratorium.
18.33 Procedures for issuance of permits and modification, suspension, or revocation thereof.

Subpart E—Depleted Species or Stocks [Reserved]

Subpart F—Transfer of Management Authority to States [Note]

Subpart G—Notice and Hearing on Section 103 Regulations

18.70 Basis and purpose.
18.71 Definitions.
18.72 Scope of regulations.
18.73 Burden of proof.
18.74 Notice of hearing.
18.75 Notification by interested persons.
18.76 Presiding officer.
18.77 Direct testimony submitted as written documents.
18.78 Mailing address.
18.79 Inspection and copying of documents.
18.80 Ex parte communications.
18.81 Prehearing conference.
18.82 Prehearing order.
18.83 Determination to cancel the hearing.
18.84 Rebuttal testimony and new issues of fact in prehearing order.
18.85 Waiver of right to participate.
18.86 Conduct of the hearing.
18.87 Direct testimony.
18.88 Cross-examination.
18.89 Oral and written arguments.
18.90 Recommended decision, certification of the transcript and submission of comments on the recommended decision.
18.91 Director’s decision.

Subpart H—Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species

18.92 Purpose of regulations.
18.93 Scope of regulations.
18.94 Pacific walrus (Alaska).

Subpart J—Taking of Marine Mammals Incidental to Oil and Gas Exploration, Development, and Production Activities in the Beaufort Sea and Adjacent Northern Coast of Alaska

18.121 What specified activities does this rule cover?
18.122 In what specified geographic region does this rule apply?
18.123 When is this rule effective?
18.124 How do you obtain a Letter of Authorization?
18.125 What criteria do we use to evaluate Letter of Authorization requests?
18.126 What does a Letter of Authorization allow?
18.127 What activities are prohibited?
18.128 What are the monitoring and reporting requirements?
18.129 What are the information collection requirements?

AUTHORITY: 16 U.S.C. 1361 et seq.

SOURCE: 39 FR 7262, Feb. 25, 1974, unless otherwise noted.
§ 18.1 Subpart A—Introduction

§ 18.1 Purpose of regulations.

The regulations contained in this part implement the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), which among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

§ 18.2 Scope of regulations.

(a) This part 18 applies solely to marine mammals and marine mammal products as defined in §18.3. For regulations under the Act with respect to cetacea (whales and porpoises), pinnipedia, other than walrus (seals and sea lions), see 50 CFR part 216.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also part 13 of this subchapter.)

§ 18.3 Definitions.

In addition to definitions contained in section 3 of the Act and in part 10 of this subchapter, and unless the context requires otherwise, in this part 18:


Alaskan Native means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. section 1603(b) (85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakta Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

Authentic native articles of handicrafts and clothing means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to §18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production results: Provided that, it has been determined that no items created in whole or in part from sea otter meet part (a) of this definition and therefore no such items may be sold.

Commercial fishing operation means the lawful harvesting of fish from the marine environment for profit as part of an on-going business enterprise. Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.


Incidental catch means the taking of a marine mammal (a) because it is directly interfering with commercial fishing operations, or (b) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: Provided, however, That a marine mammal so taken must immediately be returned to the sea.
U.S. Fish and Wildlife Serv., Interior

§ 18.4

with a minimum of injury; and

Provided, further, That the taking of a marine mammal which otherwise meets the requirements of this definition shall not be considered as incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

Marine mammal means any specimen of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Common name</th>
<th>Date listed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ursus maritimus</td>
<td>Polar bear</td>
<td>Dec. 21, 1972</td>
</tr>
<tr>
<td>Enhydra lutris</td>
<td>Sea otter</td>
<td>Do.</td>
</tr>
<tr>
<td>Odobenus rosmarus</td>
<td>Walrus</td>
<td>Do.</td>
</tr>
<tr>
<td>Dugong dugon</td>
<td>Dugong</td>
<td>Do.</td>
</tr>
<tr>
<td>Trichechus manatus</td>
<td>West Indian manatee.</td>
<td>Do.</td>
</tr>
<tr>
<td>Trichechus inunguis</td>
<td>Amazonian manatee.</td>
<td>Do.</td>
</tr>
<tr>
<td>Trichechus senegalensis</td>
<td>West African manatee.</td>
<td>Do.</td>
</tr>
<tr>
<td>Lutra felina</td>
<td>Marine otter</td>
<td>Mar. 29, 1978</td>
</tr>
</tbody>
</table>

NOTE: Common names given may be at variance with local usage.

Native village or town means any community, association, tribe, band, clan, or group.

Pregnant means pregnant near term.

Subsistence means the use by Alaskan Natives of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.

Take means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.


Wasteful manner means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.


§ 18.4 Information collection requirements.

(a) The Office of Management and Budget under 44 U.S.C. 3501 et seq. has approved the information collection requirements contained in Subpart D and assigned clearance number 1018–0022. The Service is collecting this information to review and evaluate permit applications and make decisions according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance or denial of permits. The applicant must respond to obtain or retain a permit.

(b) The Service estimated the public reporting burden for this collection of information to vary from 15 minutes to 4 hours per response, with an average of 1.028 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Office, Fish and Wildlife, Service Office of Management and Budget, Mail Stop 224, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1018–0022), Washington, DC 20503.

§ 18.11 Prohibited taking.

Except as otherwise provided in subpart C, D, or H of this part 18, or part 403, it is unlawful for:

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States.


§ 18.12 Prohibited importation.

(a) Except as otherwise provided in subparts C and D of this part 18, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to subparts C and D of this part 18, it is unlawful for any person to import into the United States any:

(1) Marine mammal: (i) Taken in violation of the Act, or

(ii) Taken in another country in violation of the laws of that country;

(2) Any marine mammal product if:

(i) The importation into the United States of the marine mammal from which such product is made would be unlawful under paragraph (b)(1) of this section, or

(ii) The sale in commerce of such product in the country of origin of the product is illegal.

(c) Except in accordance with an exception referred to in subpart C and §§18.31 and 18.32 of this part, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking;

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later;

(3) Specimen of an endangered or threatened species of marine mammals;

(4) Specimen taken from a depleted species or stock of marine mammals;

or

(5) Marine mammal taken in an inhumane manner.

§ 18.13 Prohibited uses, possession, transportation, and sales.

Except as otherwise provided in the Act or these regulations, it is unlawful for:

(a) Any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or any unlawful importation of any marine mammal or marine mammal products;

(b) Any person to possess any marine mammal, or product therefrom, taken in violation of the Act or these regulations;

(c) Any person to transport, purchase, sell, or offer to purchase or sell any marine mammal or marine mammal product; or

(d) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.


§ 18.14 Marine mammals taken before the Act.

(a) Section 102(e) of the Act provides in effect that the Act shall not apply to any marine mammal taken prior to December 21, 1972, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date. Such status may be established by submitting to the Director prior to, or at the time of importation, an affidavit containing the following:

(1) The Affiant’s name and address;

(2) Identification of the Affiant;

(3) A description of the marine mammals or marine mammal products which the Affiant desires to import;
(4) A statement by the Affiant that to the best of his knowledge and belief, the marine mammals involved in the application were taken prior to December 21, 1972;

(5) A statement by the Affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation of under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(b) Either one of two exhibits shall be attached to such affidavit, and will contain either:

(1) Records or other available evidence showing that the product consists of or is composed in whole or in part of marine mammals taken prior to December 21, 1972. Such records or other evidentiary material must include information on how, when, where, and by whom the animals were taken, what processing has taken place since taking, and the date and location of such processing; or

(2) A statement from a government agency of the country of origin exercising jurisdiction over marine mammals that any and all such mammals from which the products sought to be imported were derived were taken prior to December 21, 1972.

(c) Service agents, or Customs officers, may refuse to clear marine mammals or marine mammal products for importation into the United States, pursuant to §14.53 of this subchapter, until the importer can demonstrate, by production of the affidavit referred to above or otherwise, that section 102(e) of the Act applies to all affected items.

(d) This section has no application to any marine mammal or marine mammal product intended to be imported pursuant to §18.21, §18.31 or §18.32 of this part.

§ 18.23 Native exemptions.

(a) Taking. Except as otherwise provided in part 403 of this title, any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, subject to the restrictions contained in this section, if such taking is:

(1) For subsistence purposes, or
(2) For purposes of creating and selling authentic native articles of handicraft and clothing, and
(3) In each case, not accomplished in a wasteful manner.

(b) Restrictions. (1) “Except for a transfer to a duly authorized representative of the Regional Director of the U.S. Fish and Wildlife Service for scientific research purposes, no marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native without a permit, subject to the restrictions contained in this section, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or
(ii) It is sold or transferred to a registered agent in Alaska for resale or transfer to an Alaskan Native; or
(iii) It is an edible portion and it is sold in an Alaskan Native village or town.

(2) “Except for a transfer to a duly authorized representative of the Regional Director of the U.S. Fish and Wildlife Service for scientific research purposes, no marine mammal taken for purposes of creating and selling authentic Native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or
(ii) It is sold or transferred to a registered agent for resale or transfer to an Indian, Aleut, or Eskimo; or
(iii) It has been first transformed into an authentic Native article of handicraft or clothing; or
(iv) It is an edible portion and it is sold (A) in an Alaskan Native village or town or (B) to an Alaskan Native for his consumption.

(c) The restriction in paragraph (b) shall not apply to parts or products of the Pacific walrus (Odobenus rosmarus) to the extent that the waiver of the moratorium and the approved State/Federal regulations relating to the taking and importation of walrus permits the delivery, sale, transportation or shipment of parts or products of the Pacific walrus in interstate or foreign commerce.

(d) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director for registration as a tannery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

(1) The name and address of the applicant;
§ 18.23

(2) A description of the applicant’s procedures for receiving, storing, processing, and shipping materials;
(3) A proposal for a system of bookkeeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;
(4) Such other information as the Director may request;
(5) A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001.
(6) The signature of the applicant.

The sufficiency of the application shall be determined by the Director, and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The registration of a tannery or other agent shall be subject to the conditions as the Director prescribes, which may include, but are not limited to provisions regarding records, inventory segregation, reports, and inspection. The Director may charge a reasonable fee for such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Interior.

(e) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species or stock of marine mammals to be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals by such person shall conform to such regulations.

(f) Marking, tagging, and reporting. (1) In addition to definitions contained in the Act, 50 CFR 18.3, and 50 CFR 18.27, in this paragraph (f):

(i) The term “marking and tagging” of marine mammals as specified in section 109(i) of the Act refers to the actual physical attachment of an approved band or other such marking device or technique to the raw or unhandicrafted (including unmarked tanned skins) skin and skull of polar bears, the tusks of walruses, and the skin and skull of sea otters; and

(ii) The term “reporting” means the collection by Service personnel or the Service’s authorized local representatives of biological data, harvest data, and other information regarding the effect of taking of marine mammals on populations, the collection of which the Service determines to be necessary for management purposes. Reporting will be done on forms provided by the Service upon presentation for marking, tagging, and reporting purposes of the marine mammal(s) or specified raw or unhandicrafted parts thereof.

(2) Notwithstanding the preceding provisions of this section, but subject to the provisions and conditions contained in this paragraph, no polar bear, walrus, or sea otter, or any parts thereof, taken or collected by an Alaskan Native for subsistence purposes or for purposes of creating and selling authentic Native articles of handicrafts and clothing may be possessed, transported within, or exported from Alaska unless the animal(s), or specified parts thereof, have been reported to, and properly marked and tagged by, Service personnel or the Service’s authorized local representative; except:

(i) An Alaskan Native that harvested or participated in the harvest of a polar bear, sea otter, or walrus and who possesses the animal, or any parts thereof, may possess the unmarked, untagged, and unreported animal(s), or parts thereof, for a period of time not to exceed 30 days from the time of taking for the purpose of transporting the specified parts to Service personnel or the Service’s local authorized representative for marking, tagging, and reporting;

(ii) Alaskan Natives and registered agents/tanneries may possess the specified unmarked or untagged raw, unhandicrafted, or tanned parts thereof for a period of time not to exceed 180 days from the effective date of this rulemaking for the purpose of transporting to Service personnel or the
§ 18.23  Service’s local authorized representative for marking and tagging if the specified parts thereof were taken or possessed between December 21, 1972, and the effective date of this regulation. There is no reporting requirement for marine mammals, or specified parts thereof, covered by this paragraph.

(3) Those unmarked, untagged, and unreported specified parts of polar bear, walrus, and sea otter, that must be presented to Service personnel or an authorized Service representative for marking, tagging, and reporting are as follows:

(i) Polar bear—skin and skull.
(ii) Walrus—tusks.
(iii) Sea otter—skin and skull.

(4) The locations where Service personnel or the Service’s authorized local representative will be available for marking, tagging, and reporting purposes will be announced annually by the Alaska Regional Director. Local persons authorized to act as representatives for marking, tagging, and reporting purposes in the absence of Service personnel will also be announced annually by the Alaska Regional Director.

(5) Marks and tags will be attached or applied to the skins, skulls, and tusks of the marine mammal(s) in such a manner as to maximize their longevity and minimize their adverse effects to the appearance of the specified parts that might result due to hindering the tanning or handicrafting of skins, or the handicrafting of tusks or skulls. If the tag or mark comes off of the specified part the person in possession of the part shall have 30 days to present the part and broken tag or other marking device to the Service or the Service’s authorized local representative for remarking or retagging purposes.

(6) Marks and tags for skins, skulls, and tusks will be provided by the Service. They will be numbered for accountability and of such design, construction, and material so as to maximize their durability and longevity on the specified parts.

(7) Data collected pursuant to this paragraph will be reported on forms provided by the Service and maintained in the Service’s Regional Office, Anchorage, Alaska. The Service will summarize the data annually and make it publicly available. The data will also be included in the Service’s annual report to Congress as set forth in section 103(f) of the Act.

(8) All items of research (e.g., radio collars, satellite transmitters, tags, etc.) that were attached to animals taken by Alaskan Natives must be returned to Service personnel or an authorized Service representative at the time the animal, or specified unhandicrafted parts thereof, are presented for marking, tagging, and reporting. No penalty will be imposed under the Act for a violation of this paragraph. However, penalties may be sought by the Service under other applicable Federal laws governing the possession and use of Federal property.

(9) Pursuant to this paragraph (f), the following specific conditions and provisions apply:

(i) Marking, tagging, and reporting of polar bears or specified parts thereof.

(A) The skin and skull of an animal must accompany each other when presented for marking, tagging, and reporting except that the skin and skull of an animal need not be presented together for marking and tagging purposes if taken between December 21, 1972, and the effective date of this regulation.

(B) Except as provided in paragraph (f)(2)(ii) of this section, the following information must be reported by Alaskan Natives when presenting polar bears, or specified parts thereof, for marking and tagging: sex of animal, date of kill, and location of kill.

(C) Both the skin and the skull will be marked and tagged and a rudimentary pre-molar tooth may be removed from the skull and retained by the Service. The skin must have the sex identifiers, such as vaginal orifice, teats, or penal sheath or baculum, either attached to, or accompanying the skin.

(D) The skull must be skinned out and the skin may be frozen or unfrozen when presented for marking, tagging, and reporting. If the skin is frozen, the sex identifiers, such as vaginal orifice, teats, penal sheath or baculum, must be visible.

(E) Marks and tags must remain affixed to the skin through the tanning,
§ 18.24 Taking incidental to commercial fishing operations.

Persons may take marine mammals incidental to commercial fishing operations until October 21, 1974: Provided, That such taking is by means of equipment and techniques prescribed in regulations issued by the Secretary of Commerce. However, any marine mammal taken as an incidental catch may not be retained. It shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.
§ 18.25 Exempted marine mammals or marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:
   (1) To any marine mammal taken before December 21, 1972, or
   (2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 18.12(c)(3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which notice is published in the Federal Register of the proposed rulemaking with respect to the designation of the species of stock concerned as depleted or endangered:

(c) Section 18.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

§ 18.26 Collection of certain dead marine mammal parts.

(a) Any bones, teeth or ivory of any dead marine mammal may be collected from a beach or from land within 1/4 of a mile of the ocean. The term “ocean” includes bays and estuaries.

(b) Marine mammal parts so collected may be retained if registered within 30 days with an agent of the National Marine Fisheries Service, or an agent of the U.S. Fish and Wildlife Service.

(c) Registration shall include (1) the name of the owner, (2) a description of the article to be registered and (3) the date and location of collection.

(d) Title to any marine mammal parts collected under this section is not transferable, unless consented to in writing by the agent referred to in paragraph (b) of this section.


§ 18.27 Regulations governing small takes of marine mammals incidental to specified activities.

(a) Purpose of regulations. The regulations in this section implement Section 101(a)(5) of the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1371(a)(5), which provides a mechanism for allowing, upon request, during periods of not more than five consecutive years each, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region.

(b) Scope of regulations. The taking of small numbers of marine mammals under section 101(a)(5) of the Marine Mammal Protection Act may be allowed only if the Director of the Fish and Wildlife Service (1) finds, based on the best scientific evidence available, that the total taking during the specified time period will have a negligible impact on the species or stock and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses; (2) prescribes regulations setting forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance; and (3) prescribes regulations pertaining to the monitoring and reporting of such taking.

Note: The information collection requirement contained in this § 18.27 has been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance No. 1018–0070. The information is being collected to describe the activity proposed and estimate the cumulative impacts of potential takings by all persons conducting the activity. The information will be used to evaluate the application and determine whether to issue Specific Regulations and, subsequently, Letters of Authorization. Response is required to obtain a benefit.

The public reporting burden from this requirement is estimated to vary from 2 to 200 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing applications for specific regulations and Letters of Authorization. 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—220 ARLSQ, 18th and C Streets NW.,...
§ 18.27


(c) Definitions. In addition to definitions contained in the Act and in 50 CFR 18.3 and unless the context otherwise requires, in this section:

Citizens of the United States and U.S. citizens mean individual U.S. citizens or any corporation or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13). U.S. Federal, State and local government agencies shall also constitute citizens of the United States for purposes of this section.

Incidental, but not intentional, taking means takings which are infrequent, unavoidable, or accidental. It does not mean that the taking must be unexpected. (Complete definition of take is contained in 50 CFR 18.3.)

Negligible impact is an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Small numbers means a portion of a marine mammal species or stock whose taking would have a negligible impact on that species or stock.

Specified activity means any activity, other than commercial fishing, which takes place in a specified geographical region and potentially involves the taking of small numbers of marine mammals. The specified activity and specified geographical region should be identified so that the anticipated effects on marine mammals will be substantially similar.

Specified geographical region means an area within which a specified activity is conducted and which has similar biogeographic characteristics.

Unmitigable adverse impact means an impact resulting from the specified activity (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

(d) Submission of requests. (1) In order for the Fish and Wildlife Service to consider allowing the taking by U.S. citizens of small numbers of marine mammals incidental to a specified activity, a written request must be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. Requests shall include the following information on the activity as a whole, which includes, but is not limited to, an assessment of total impacts by all persons conducting the activity:

(i) A description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals;

(ii) The dates and duration of such activity and the specific geographical region where it will occur;

(iii) Based upon the best available scientific information:

(A) An estimate of the species and numbers of marine mammals likely to be taken by age, sex, and reproductive conditions, and the type of taking (e.g., disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;

(B) A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks likely to be affected by such activities;

(C) The anticipated impact of the activity upon the species or stocks;

(D) The anticipated impact of the activity on the availability of the species or stocks for subsistence uses;

(iv) The anticipated impact of the activity upon the habitat of the marine mammal populations and the likelihood of restoration of the affected habitat;

(v) The anticipated impact of the loss or modification of the habitat on the marine mammal population involved;

(vi) The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or
§ 18.27

stocks, their habitat, and, where relevant, on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. (The applicant and those conducting the specified activity and the affected subsistence users are encouraged to develop mutually agreeable mitigating measures that will meet the needs of subsistence users.);

(vii) Suggested means of accomplishing the necessary monitoring and reporting which will result in increased knowledge of the species through an analysis of the level of taking or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity; and

(viii) Suggested means of learning of, encouraging, and coordinating research opportunities, plans and activities relating to reducing such incidental taking from such specified activities, and evaluating its effects.

(2) The Director shall determine the adequacy and completeness of a request, and if found to be adequate, will invite information, suggestions, and comments on the preliminary finding of negligible impact and on the proposed specific regulations through notice in the FEDERAL REGISTER, newspapers of general circulation, and appropriate electronic media in the coastal areas that may be affected by such activity. All information and suggestions will be considered by the Fish and Wildlife Service in developing final findings and effective specific regulations.

(3) The Director shall evaluate each request to determine, based on the best available scientific evidence, whether the total taking will have a negligible impact on the species or stock and, where appropriate, will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses. If the Director finds that mitigating measures would render the impact of the specified activity negligible when it would not otherwise satisfy that requirement, the Director may make a finding of negligible impact subject to such mitigating measures being successfully implemented. Any preliminary findings of “negligible impact” and “no unmitigable adverse impact” shall be proposed for public comment along with the proposed specific regulations.

(4) If the Director cannot make a finding that the total taking will have a negligible impact in the species or stock or will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses, the Director shall publish in the FEDERAL REGISTER the negative finding along with the basis for denying the request.

(e) Specific regulations. (1) Specific regulations will be established for each allowed activity which set forth (i) permissible methods of taking, (ii) means of effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, and (iii) requirements for monitoring and reporting.

(2) Regulations will be established based on the best available scientific information. As new information is developed, through monitoring, reporting, or research, the regulations may be modified, in whole or part, after notice and opportunity for public review.

(f) Letters of Authorization. (1) A Letter of Authorization, which may be issued only to U.S. citizens, is required to conduct activities pursuant to any specific regulations established. Requests for Letters of Authorization shall be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. The information to be submitted in a request may be obtained by writing the Director. Once specific regulations are effective, the Service will to the maximum extent possible, process subsequent applications for Letters of Authorization within 30 days after receipt of the application by the Service.

(2) Issuance of a Letter of Authorization will be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations.

(3) Notice of issuance of all Letters of Authorization will be published in the FEDERAL REGISTER within 30 days of issuance.
U.S. Fish and Wildlife Serv., Interior § 18.30

(4) Letters of Authorization will specify the period of validity and any additional terms and conditions appropriate for the specific request.

(5) Letters of Authorization shall be withdrawn or suspended, either on an individual or class basis, as appropriate, if, after notice and opportunity for public comment, the Director determines: (i) The regulations prescribed are not being substantially complied with, or (ii) the taking allowed is having, or may have, more than a negligible impact on the species or stock, or where relevant, an unmitigable adverse impact on the availability of the species or stock for subsistence uses.

(6) The requirement for notice and opportunity for public review in paragraph (f)(5) of this section shall not apply if the Director determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned.

(7) A violation of any of the terms and conditions of a Letter of Authorization or of the specific regulations may subject the Holder and/or any individual who is operating under the authority of the Holder's Letter of Authorization to penalties provided in the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).


Subpart D—Special Exceptions

§ 18.30 Polar bear sport-hunted trophy import permits.

(a) Application procedure. You, as the hunter or heir of the hunter's estate, must submit an application for a permit to import a trophy of a polar bear taken in Canada to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Arlington, Virginia 22203. You must use an official application (Form 3–200) provided by the Service and must include as an attachment all of the following additional information:

(1) Certification that:

(i) You or the deceased hunter took the polar bear as a personal sport-hunted trophy;

(ii) You will use the trophy only for personal display purposes;

(iii) The polar bear was not a pregnant female, a female with dependent nursing cub(s) or a nursing cub (such as in a family group), or a bear in a den or constructing a den when you took it; and

(iv) For a polar bear taken after April 30, 1994, you made sure the gall bladder and its contents were destroyed;

(2) Name and address of the person in the United States receiving the polar bear trophy if other than yourself;

(3) For a polar bear received as an inheritance, documentation to show that you are the legal heir of the decedent who took the trophy;

(4) Proof that you or the decedent legally harvested the polar bear in Canada as shown by one of the following:

(i) A copy of the Northwest Territories (NWT) or Nunavut Territory hunting license and tag number;

(ii) A copy of the Canadian CITES export permit that identifies the polar bear by hunting license and tag number;

(iii) A copy of the NWT or Nunavut Territory export permit; or

(iv) A certification from the Department of Resources, Wildlife, and Economic Development, Northwest Territories, or the Department of Sustainable Development, Nunavut Territory, that you or the decedent legally harvested the polar bear, giving the tag number, location (settlement and population), and season you or the decedent took the bear;

(5) An itemized description of the polar bear parts you wish to import, including size and the sex of the polar bear;

(6) The month and year the polar bear was sport hunted;

(7) The location (nearest settlement or community) where the bear was sport hunted;

(8) For a female bear or a bear of unknown sex that was taken before January 1, 1986, documentary evidence that the bear was not pregnant at the time of take, including, but not limited to, documentation, such as a hunting license or travel itinerary, that shows the bear was not taken in October, November, or December or that shows
§ 18.30  

50 CFR Ch. I (10–1–02 Edition)  

that the location of the hunt did not include an area that supported maternity dens; and  

(9) For a female bear, bear of unknown sex, or male bear that is less than 6 feet in length (from tip of nose to the base of the tail) that was taken prior to the 1996/97 NWT polar bear harvest season, available documentation to show that the bear was not nursing, including, but not limited to, documentation, such as a certification from the NWT, that the bear was not taken while part of a family group.  

(b) Definitions. In addition to the definitions in this paragraph, the definitions in 50 CFR 10.12, 18.3, and 23.3 apply to this section.  

(1) Sport-hunted trophy means a mount, rug or other display item composed of the hide, hair, skull, teeth, baculum, bones, and claws of the specimen which was taken by the applicant or decedent during a sport hunt for personal, noncommercial use and does not include any internal organ of the animal, including the gall bladder. Articles made from the specimen, such as finished or unfinished, worked, manufactured, or handicraft items for use as clothing, curio, ornamentation, jewelry, or as a utilitarian item are not considered trophy items.  

(2) Management agreement means a written agreement between parties that share management responsibilities for a polar bear population which describes what portion of the harvestable quota will be allocated to each party and other measures which may be taken for the conservation of the population, such as harvest seasons, sex ratio of the harvest, and protection of females and cubs.  

(c) Procedures for issuance of permits and modification, suspension or revocation of permits. We, the Service, shall suspend, modify or revoke permits issued under this section:  

(1) In accordance with regulations contained in §18.33; and  

(2) If, in consultation with the appropriate authority in Canada, we determine that the sustainability of Canada’s polar bear populations is being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear populations throughout their range.  

(d) Issuance criteria. In deciding whether to issue an import permit for a sport-hunted trophy, we must determine in addition to the general criteria in part 13 of this subchapter whether:  

(1) You previously imported the specimen into the United States without a permit;  

(2) The specimen meets the definition of a sport-hunted trophy in paragraph (b) of this section;  

(3) You legally harvested the polar bear in Canada;  

(4) Canada has a monitored and enforced sport-hunting program consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears;  

(5) Canada has a sport-hunting program, based on scientifically sound quotas, ensuring the maintenance of the affected population at a sustainable level; and  

(6) The export and subsequent import:  

(i) Are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other international agreements and conventions; and  

(ii) Are not likely to contribute to illegal trade in bear parts, including for bears taken after April 30, 1994, that the gall bladder and its contents were destroyed.  

(e) Additional permit conditions. Your permit to import a sport-hunted trophy of a polar bear taken in Canada is subject to the permit conditions outlined in §18.31(d) and the following additional permit conditions:  

(1) You, the permittee, may not import internal organs of the polar bear, including the gall bladder;  

(2) After import you may not alter or use the trophy in a manner inconsistent with the definition of a sport-hunted polar bear trophy as given in §18.30(b);  

(3) You may not import a sport-hunted trophy if the polar bear at the time you or the decedent took it was:  

(i) A nursing bear or a female with nursing young (i.e., part of a family group);  

(ii) A pregnant female; or  

(iii) A bear moving into a den or in a den;
(4) You must present to Service personnel at the time of import a valid CITES document from the country of export or re-export;

(5) You must comply with the following import procedures:

(i) Import the sport-hunted trophy through a designated port for wildlife imports (see §14.12 of this subchapter) during regular business hours, except for full mount trophies that have been granted an exception to designated port permit requirements under §14.32 of this subchapter;

(ii) Not send the trophy through the international mail; and

(iii) Notify Service personnel at the port at least 48 hours before the import (see §14.54 of this subchapter) and make arrangements for Service personnel to affix a tag in accordance with paragraph (e)(7) of this section prior to being cleared (see §14.52 of this subchapter);

(6) You must import all parts of a single trophy at the same time;

(7) The following tagging/marking procedures apply:

(i) Service personnel must affix a permanently locking tag that contains a unique serial number and the common name ‘polar bear’ to the hide which must remain fixed indefinitely to the hide as proof of legal import; and

(ii) Service personnel must permanently mark upon import the parts of the trophy other than the hide, such as the skull and bones, with the hide tag number; and

(8) If the tag comes off the hide, you must within 30 days:

(i) Contact the nearest Service office at a designated port or a Law Enforcement office as given in §10.22 of this subchapter to schedule a time to present the trophy for retagging;

(ii) Provide as proof that the trophy had been tagged and legally imported a copy of the:

(A) Canceled CITES export permit or re-export certificate;

(B) Canceled U.S. import permit issued under this section; or

(C) Cleared wildlife declaration form (3–177); and

(iii) Present either the broken tag, or if the tag was lost, a signed written explanation of how and when the tag was lost.

(f) Duration of permits. The permit will be valid for no more than one year from the date of issuance.

(g) Fees. (1) You must pay the standard permit processing fee as given in §13.11(4) when filing an application.

(2) You must pay the issuance fee of $1,000 when we notify you the application is approved. We cannot issue an import permit until you pay this fee. We will use the issuance fee to develop and implement cooperative research and management programs for the conservation of polar bears in Alaska and Russia under section 113(d) of the Marine Mammal Protection Act.

(h) Scientific review. (1) We will undertake a scientific review of the impact of permits issued under this section on the polar bear populations in Canada within 2 years of March 20, 1997.

(i) The review will provide an opportunity for public comment and include a response to the public comment in the final report; and

(ii) We will not issue permits under this section if we determine, based upon scientific review, that the issuance of permits under this section is having a significant adverse impact on the polar bear populations in Canada; and

(2) After the initial review, we may review whether the issuance of permits under this section is having a significant adverse impact on the polar bear populations in Canada annually in light of the best scientific information available. The review must be completed no later than January 31 in any year a review is undertaken.

(i) Findings. Polar bear sport-hunted trophies may only be imported after issuance of an import permit, and in accordance with the following findings and conditions:

(1) We have determined that the Northwest Territories and Nunavut Territory, Canada, have a monitored and enforced sport-hunting program that meets issuance criteria of paragraphs (d) (4) and (5) of this section for the following populations: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville Sound (subject to the lifting of the moratorium in this population), Western Hudson Bay, M’Clintock Channel (only for polar bears lawfully taken on or before May
§ 18.31 Scientific research permits and public display permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking and importation of marine mammals for scientific research purposes or for public display.

(a) Application procedure. Applications for permits to take and import marine mammals for scientific research purposes or for public display shall be submitted to the Director. Each such application must contain the general information and certification required by §13.12(a) of this subchapter plus the following additional information:

(1) A statement of the purpose, date, location and manner of the taking or importation;

(2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the population stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e., whether pregnant or nursing) of the animals involved;

(3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant’s qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal;

(4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved;

(5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered or threatened species or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant;

(6) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit for such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking
§ 18.33 Procedures for issuance of permits and modification, suspension, or revocation thereof.

(a) Whenever application for a permit is received by the director which the director deems sufficient, he shall, as soon as practicable, publish a notice thereof in the Federal Register. Such notice shall set forth a summary of the taking or importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant’s qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

(b) Review by Marine Mammal Commission. Upon receipt of an application the Director shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of Scientific Advisors on Marine Mammals. In order to comply with the time limits provided in these regulations, the Director shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may be, does not respond within 30 days from the receipt of such application by the Commission, the Director shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Director may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Director may also consult with any other person, institution or agency concerning the application.

(c) Issuance criteria. Permits applied for under this section shall be issued, suspended, modified and revoked pursuant to regulations contained in §18.33. In determining whether to issue a scientific research permit, the Director shall consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bona fide and necessary or desirable scientific purpose, taking into account the benefits anticipated to be derived from the scientific research contemplated and the effect of the purposed taking or importation on the population stock and the marine ecosystem. In determining whether to issue a public display permit, the Director shall consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed

§ 18.32 Waiver of the moratorium.

See subpart F (Waiver of the moratorium; State laws and regulations) and subpart G (Notice and Hearing on section 103 Regulations) for procedures regarding waivers of the moratorium in those circumstances where a state provides an acceptable management program for a species or population stock within its jurisdiction.

[40 FR 59442, Dec. 24, 1975]
§ 18.33

information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the director his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If the request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the director determines that a hearing would otherwise be advisable, the director may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the Federal Register not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section the director shall issue or deny issuance of the permit. Notice of the decision of the director shall be published in the Federal Register within 10 days after the date of such issuance or denial. Such notice shall include the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the director in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefor;
(2) In accordance with 5 U.S.C. 558, the steps which the permittee may take to demonstrate or achieve compliance with all lawful requirements; and
(3) That the permittee is entitled to a hearing thereon if a written request for such a hearing is received by the Director within 10 days after receipt of the aforesaid notice or such other later date as may be specified in the notice to the permittee. The time and place of the hearing, if requested by the permittee, shall be determined by the director and a written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The director may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and other parties participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Director shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10 day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the Federal Register within 10 days from the date of the Director’s decision. In no event shall the proposed action take effect until notice of the Director’s decision is published in the Federal Register.

Subpart E—Depleted Species or Stocks [Reserved]

Subpart F—Transfer of Management Authority to States

NOTE: Regulations governing the transfer of management authority to States pursuant to section 109 of the Marine Mammal Protection Act for marine mammal species under the jurisdiction of the Secretary of the Interior are found at part 403 of this title.

[48 FR 22456, May 18, 1983]
Subpart G—Notice and Hearing on Section 103 Regulations

§ 18.70 Basis and purpose.

(a) Sections 101(a)(2), 101(a)(3)(A), and 101(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2), 1371(a)(3)(A), and 1371(b)) and these regulations authorize the Director, U.S. Fish and Wildlife Service, to: (1) Impose regulations governing the taking of marine mammals incidental to commercial fishing operations; (2) waive the moratorium and adopt regulations with respect to the taking and importing of animals from each species of marine mammals under his jurisdiction; and (3) prescribe regulations governing the taking of depleted marine mammals by any Indian, Aleut or Eskimo, respectively. In prescribing regulations to carry out the provisions of said sections, the act refers the Director to section 103 (16 U.S.C. 1373). In accordance with section 103(d), regulations must be made on the record after opportunity for an agency hearing on such regulations and, in the case of a waiver, on the determination by the Director to waive the moratorium pursuant to section 101(a)(3)(A) (16 U.S.C. 1371(a)(3)(A)).

(b) [Reserved]

§ 18.71 Definitions.

Definitions shall be the same as in subpart A of this part except as follows:

(a) Party means for the purposes of this subpart:
   (1) The Director or his representative; or
   (2) A person who has notified the Director by specified dates of his or her intent to participate in the hearing pursuant to §§18.75 and 18.84(b).

(b) Presiding officer means, for the purposes of this subpart, an administrative law judge of the Office of Hearings and Appeals appointed in accordance with 5 U.S.C. 3105.

(c) Witness means, for the purposes of this subpart, any person who provides direct testimony on the proposed regulations and waiver. A person may be both a party and a witness.

§ 18.72 Scope of regulations.

The procedural regulations in this subpart govern the practice and procedure in hearings held under section 103(d) of the Act. These hearings will be governed by the provisions of sections 556 and 557 of the Administrative Procedure Act (5 U.S.C. 556 and 557). The regulations shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to any waiver and/or regulation proposed pursuant to section 103(d) of the Act in a manner which gives full protection to the rights of all persons affected thereby.

§ 18.73 Burden of proof.

The proponents of the proposed regulations and waiver must demonstrate that any taking or importation of any marine mammal under such proposed regulations and waiver would be consistent with the act.

§ 18.74 Notice of hearing.

(a) A notice of hearing on any proposed regulations shall be published in the Federal Register, together with the Director’s proposed determination to waive the moratorium pursuant to section 101(a)(3)(A) (16 U.S.C. 1371(a)(3)(A)), where applicable.

(b) The notice shall state:
   (1) The nature of the hearing;
   (2) The place and date of the hearing. The date shall not be less than 60 days after publication of notice of the hearing;
   (3) The legal authority under which the hearing is to be held;
   (4) The proposed regulations and waiver, where applicable, and a summary of the statements required by section 103(d) of the Act (16 U.S.C. 1373(d));
   (5) Issues of fact which may be involved in the hearing;
   (6) If an Environmental Impact Statement is required, the date of publication of the Statement and the times and place(s) where the Statement and comments thereon may be viewed and copied;
   (7) Any written advice received from the Marine Mammal Commission;
   (8) The times and place(s) where records and submitted direct testimony will be kept for public inspection,
§ 18.75 Notification by interested persons.

Any person desiring to participate as a party shall notify the Director, by certified mail, on or before the date specified in the notice of hearing.

§ 18.76 Presiding officer.

(a) Upon publication of the notice of hearing pursuant to §18.74, the Office of Hearings and Appeals shall appoint a presiding officer pursuant to 5 U.S.C. 3105. No individual who has any conflict of interest, financial or otherwise, shall serve as presiding officer in such proceeding.

(b) The presiding officer, in any proceeding under this subpart, shall have power to:

1. Change the time and place of the hearing and adjourn the hearing;
2. Evaluate direct testimony submitted pursuant to these regulations, make a preliminary determination of the issues, conduct a prehearing conference to determine the issues for the hearing agenda, and cause to be published in the Federal Register a final hearing agenda;
3. Rule upon motions, requests and admissibility of direct testimony;
4. Administer oaths and affirmations, question witnesses and direct witnesses to testify;
5. Modify or waive any rule (after notice) when determining no party will be prejudiced;
6. Receive written comments and hear oral arguments;
7. Render a recommended decision; and
8. Do all acts and take all measures, including regulation of media coverage, for the maintenance of order at and the efficient conduct of the proceeding.

(c) In case of the absence of the original presiding officer or his inability to act, the powers and duties to be performed by the original presiding officer under this part in connection with a proceeding may, without abatement of the proceeding, be assigned to any other presiding officer by the Office of Hearings and Appeals unless otherwise ordered by the Director.

(d) The presiding officer shall withdraw from the proceeding upon his own motion or upon the filing of a motion by a party under §18.76(e) if he deems himself disqualified under recognized canons of judicial ethics.

(e) A presiding officer may be requested to withdraw at any time prior to the recommended decision. If there is filed by a party in good faith a timely and sufficient affidavit alleging the presiding officer’s personal bias, malice, conflict of interest or other basis which might result in prejudice to a party, the hearing shall recess. The Director of the Office of Hearings and Appeals shall immediately determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 18.77 Direct testimony submitted as written documents.

(a) Unless otherwise specified, all direct testimony, including accompanying exhibits, must be submitted to the presiding officer in writing no later than the dates specified in the notice of the hearing (§18.74), the prehearing order (§18.82), or within 15 days after the conclusion of the prehearing conference (§18.84) as the case may be. All direct testimony, referred to in the affidavit and made a part thereof, must be attached to the affidavit. Direct testimony submitted with exhibits must state the issue to which the exhibit relates; if no such statement is made, the presiding officer shall determine the relevance of the exhibit to the issues published in the Federal Register.

(b) The direct testimony submitted shall contain:

1. A concise statement of the witness’ interest in the proceeding and his
position regarding the issues presented. If the direct testimony is presented by a witness who is not a party, the witness shall state his relationship to the party; and
(2) Facts that are relevant and material.
(c) The direct testimony may propose issues of fact not defined in the notice of the hearing and the reason(s) why such issues should be considered at the hearing.
(d) Ten copies of all direct testimony must be submitted unless the notice of the hearing otherwise specifies.
(e) Upon receipt, direct testimony shall be assigned a number and stamped with that number and the docket number.
(f) Contemporaneous with the publication of the notice of hearing, the Director’s direct testimony in support of the proposed regulations and waiver, where applicable, shall be available for public inspection as specified in the notice of hearing. The Director may submit additional direct testimony during the time periods allowed for submission of such testimony by witnesses.
§ 18.78 Mailing address.
Unless otherwise specified in the notice of hearing, all direct testimony shall be addressed to the Presiding Officer, c/o Director, U.S. Fish and Wildlife Service, Washington, DC 20240. All affidavits and exhibits shall be clearly marked with the docket number of the proceedings.
§ 18.79 Inspection and copying of documents.
Any document in a file pertaining to any hearing authorized by this subpart or any document forming part of the record of such a hearing may be inspected and/or copied in the Office of the Director, U.S. Fish and Wildlife Service, Washington, DC 20240, unless the file is in the care and custody of the presiding officer, in which case he shall notify the parties as to where and when the record may be inspected.
§ 18.80 Ex parte communications.
(a) After notice of a hearing is published in the Federal Register, all communications, whether oral or written, involving any substantive or procedural issue and directed either to the presiding officer or to the Director, Deputy Director or Marine Mammal Coordinator, U.S. Fish and Wildlife Service, without reference to these rules of procedure, shall be deemed ex parte communications and are not to be considered part of the record for decision.
(b) A record of oral conversations shall be made by the above persons who are contacted. All communications shall be available for public viewing at times and place(s) specified in the notice of hearing.
(c) The presiding officer shall not communicate with any party on any fact in issue or on the merits of the matter unless notice and opportunity is given for all parties to participate.
§ 18.81 Prehearing conference.
(a) After an examination of all the direct testimony submitted pursuant to §18.77, the presiding officer shall make a preliminary determination of issues of fact which may be addressed at the hearing.
(b) The presiding officer’s preliminary determination shall be made available at the place or places provided in the notice of the hearing (§18.74(b)(8)) at least five days before the prehearing conference is held.
(c) The purpose of the prehearing conference shall be to enable the presiding officer to determine, on the basis of the direct testimony submitted and prehearing discussions:
(1) Whether the presiding officer’s preliminary determination of issues of fact for the hearing has omitted any significant issues;
(2) What facts are not in dispute;
(3) Which witnesses may appear at the hearing; and
(4) The nature of the interest of each party and which parties’ interests are adverse.
(d) Only parties may participate in the prehearing conference, and a party may appear in person or be represented by counsel.
§ 18.82 Prehearing order.
(a) After the prehearing conference, the presiding officer shall prepare a prehearing order which shall be published in the Federal Register within
ten days after the conclusion of the conference. A copy of the prehearing order shall be mailed to all Parties.

(b) The prehearing order shall list: (1) All the issues which the hearing shall address, the order in which those issues shall be presented, and the direct testimony submitted which bears on the issues; and (2) a final date for submission of direct testimony on issues of fact not included in the notice of hearing if such issues are presented. The prehearing order may also specify a final date for submission of direct testimony to rebut testimony previously submitted during the time specified in the notice of the hearing.

(c) The presiding officer shall publish with the prehearing order a list of witnesses who may appear at the hearing, a list of parties, the nature of the interest of each party, and which parties interests are adverse on the issues presented.

(d) All parties shall be bound by the prehearing order.

§ 18.83 Determination to cancel the hearing.

(a) If the presiding officer determines that no issues of material fact are presented by the direct testimony submitted prior to the date of the hearing, he may publish in the FEDERAL REGISTER such determination and that on issues of material fact a hearing shall not be held. The presiding officer may provide an opportunity for argument on any issues of law presented by the direct testimony.

(b) Promptly after oral argument, if any, the presiding officer shall make a recommended decision based on the record, which in this case shall consist of the direct testimony and any oral argument presented. He shall transmit to the Director his recommended decision, the record and a certificate stating that the record contains all the written direct testimony, The Director shall then make a final decision in accordance with these regulations (§18.91).

§ 18.84 Rebuttal testimony and new issues of fact in prehearing order.

(a) Direct testimony to rebut testimony offered during the time period specified in the notice of hearing may be submitted pursuant to these regulations within fifteen days after the conclusion of the prehearing conference unless the presiding officer otherwise specifies in the prehearing order.

(b) If the prehearing order presents issues not included in the notice of the hearing published pursuant to §18.74:

(1) Any person interested in participating at the hearing on such issues presented shall notify the Director by certified mail of an intent to participate not later than ten days after publication of the prehearing order. Such person may present direct testimony or cross-examine witnesses only on such issues presented unless he previously notified the Director pursuant to §18.75; and

(2) Additional written direct testimony concerning such issues may be submitted within the time provided in the prehearing order. Such direct testimony will comply with the requirements of §18.77.

§ 18.85 Waiver of right to participate.

Any person who fails to notify the Director of his intent to participate pursuant to §18.75 or §18.84 shall be deemed to have waived his right to participate as a party.

§ 18.86 Conduct of the hearing.

(a) The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer changes the time or place. If a change occurs, the presiding officer shall publish the change in the FEDERAL REGISTER and shall expeditiously notify all parties by telephone or by mail. If the change in time or place of hearing is made less than five days before the date previously fixed for the hearing, the presiding officer shall also announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) The presiding officer shall, at the commencement of the hearing, introduce into the record the notice of hearing as published in the FEDERAL REGISTER, all subsequent notices published in the FEDERAL REGISTER, the Environmental Impact Statement if it is required and the comments thereon and agency responses to the comments, and a list of all parties. Direct testimony
shall then be received with respect to the matters specified in the prehearing order in such order as the presiding officer shall announce. With respect to direct testimony submitted as rebuttal testimony or in response to new issues presented by the prehearing conference, the presiding officer shall determine the relevancy of such testimony.

(c) The hearing shall be publicly conducted and reported verbatim by an official reporter.

(d) If a party objects to the admission or rejection of any direct testimony or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript and shall be subject to review at the same time and in the same manner as the Director’s final decision. Only objections made before the presiding officer may subsequently be relied upon in the proceedings.

(e) All motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript, or by the Director if made thereafter.

§ 18.87 Direct testimony.

(a) Only direct testimony submitted as provided in these regulations and introduced at the hearing by a witness shall be considered part of the record. Such direct testimony, when written, shall not be read into evidence but shall become a part of the record subject to exclusion of irrelevant and immaterial parts thereof.

(b) The witness introducing direct testimony shall:

(1) State his name, address and occupation;

(2) State qualifications for introducing the direct testimony. If an expert, the witness shall briefly state the scientific or technical training which qualifies him as an expert;

(3) Identify the direct testimony previously submitted in accordance with these regulations; and

(4) Submit to appropriate cross- and direct-examination. Cross-examination shall be by a party whose interests are adverse on the issue presented to the witness if the witness is a party, or to the interests of the party who presented the witness.

(c) A party shall be deemed to have waived the right to introduce direct-testimony if such party fails to present a witness to introduce the direct-testimony.

(d) Official notice may be taken of such matters as are judicially noticed by the courts of the United States. Parties shall be given adequate notice, by the presiding officer, at the hearing, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

§ 18.88 Cross-examination.

(a) The presiding officer may:

(1) Require the cross-examiner to outline the intended scope of the examination; and

(2) Exclude cross-examination questions that are immaterial, irrelevant or unduly repetitious.

(b) Any party shall be given an opportunity to appear, either in person or through an authorized counsel or representative, to cross-examine witnesses. Before cross-examining a witness, the party or counsel shall state his name, address and occupation. If counsel cross-examines the witness, counsel shall state for the record the authority to act as counsel. Cross-examiners shall be assumed to be familiar with the direct testimony.

(c) Any party or party’s counsel who fails to appear at the hearing to cross-examine an “adverse” witness shall be deemed to have waived the right to cross-examine that witness.

(d) Scientific, technical or commercial publications may only be utilized for the limited purposes of impeaching witnesses under cross-examination unless previously submitted and introduced in accordance with these regulations.
§ 18.89 Oral and written arguments.

(a) The presiding officer may, in his discretion, provide for oral argument by parties at the end of the hearing. Such argument, when permitted, may be limited by the presiding officer to the extent necessary for the expeditious disposition of the proceeding.

(b) The presiding officer shall announce at the hearing a reasonable period of time within which any party may file with the presiding officer proposed findings and conclusions and written arguments or briefs, which are based upon the record and citing where practicable the relevant page or pages of the transcript. If a party filing a brief desires the presiding officer to reconsider any objection made by such party to a ruling of the presiding officer, he shall specifically identify such rulings by reference to the pertinent pages of the transcript and shall state his arguments thereon as a part of the brief.

(c) Oral or written arguments shall be limited to issues arising from direct testimony on the record.

§ 18.90 Recommended decision, certification of the transcript and submission of comments on the recommended decision.

(a) Promptly after expiration of the period for receiving written briefs, the presiding officer shall make a recommended decision based on the record and transmit the decision to the Director. The recommended decision shall include:

(1) A statement containing a description of the history of the proceedings;

(2) Findings on the issues of fact with the reasons therefor; and

(3) Rulings on issues of law.

(b) The presiding officer shall also transmit to the Director the transcript of the hearing, the original and all copies of the direct testimony, and written comments. The presiding officer shall attach to the original transcript of the hearing a certificate stating that to the best of his knowledge and belief the transcript is a true transcript of the testimony given at the hearing except in such particulars as are specified.

(c) Upon receipt of the recommended decision, the Director shall send a copy thereof to each party by certified mail and shall publish in the Federal Register a notice of the receipt of the recommended decision by the Director. The notice shall include:

(1) A summary of the recommended decision;

(2) A statement that any interested person may file written comments on the recommended decision with the Director by a specified date;

(3) The time(s) and place(s) where the record of the hearing transmitted to the Director pursuant to paragraph (b) of this section may be inspected by interested persons; and

(4) The time(s) and place(s) where the recommended decision may be inspected and/or copied by interested persons.

(d) Within thirty days after the notice of receipt of the recommended decision has been published in the Federal Register, any interested person may file with the Director any written comments on the recommended decision. All comments, including recommendations from or consultation with the Marine Mammal Commission, must be submitted during the thirty-day period to the Director at the above address.

§ 18.91 Director’s decision.

(a) Upon receipt of the recommended decision and transcript and after the thirty-day period for receiving written comments on the recommended decision has passed, the Director shall make a final decision on the proposed regulations and waiver, where applicable. The Director’s decision may affirm, modify, or set aside, in whole or in part, the recommended findings, conclusions and decision of the presiding officer. The Director may also remand the hearing record to the presiding officer for a fuller development of the record.

(b) The Director’s decision shall include:

(1) A statement containing a description of the history of the proceeding;

(2) Findings on the issues of fact with the reasons therefor;

(3) Rulings on issues of law; and

(4) Any other relevant information which the Director deems appropriate.

(c) The Director’s decision shall be published in the Federal Register.
the waiver is approved, the final adopted regulations shall be promulgated with the decision, or as soon thereafter as practicable.

Subpart H—Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species

§ 18.92 Purpose of regulations.

The regulations contained in this subpart fulfill the requirements of section 103 of the Act for regulations to govern the taking and importation of each species of marine mammal for which the moratorium imposed by section 101 has been waived.

§ 18.93 Scope of regulations.

(a) The provisions in this subpart apply only after (1) the Director has made a decision to waive a moratorium pursuant to section 101(a)(3)(A) of the Act, (2) the opportunity for a hearing required by section 103(d) of the Act has been provided, and (3) the Director has made a determination, in the case of State laws and regulations, to approve such State laws and regulations pursuant to section 109(a)(2) of the Act and subpart F of this part.

(b) The provisions of this subpart, unless specifically stated, apply to all taking and/or importation of each species of marine mammal for which the moratorium has been waived other than takings for scientific research or public display, which are governed by § 18.21 of this part, or takings incidental to commercial fishing operations which are governed by § 18.24.

§ 18.94 Pacific walrus (Alaska).

(a) Pursuant to sections 101(a)(3)(A) 103, and 109 of the Marine Mammal Protection Act of 1972, the moratorium on the hunting and killing of Pacific walrus (Odobenus rosmarus) in waters or on lands subject to the jurisdiction of the State of Alaska, the United States, or on the high seas by any person, vessel, or conveyance subject to the jurisdiction of the State of Alaska or the United States, is waived, provided that beginning August 2, 1979 this waiver shall not be effective, and no taking or importation under the waiver shall be allowed, until this section is amended to establish regulations to effectively control taking and otherwise implement the waiver.

(b) [Reserved]

[41 FR 14373, Apr. 5, 1976, as amended at 44 FR 45566, Aug. 2, 1979]

Subpart J—Taking of Marine Mammals Incidental to Oil and Gas Exploration, Development, and Production Activities in the Beaufort Sea and Adjacent Northern Coast of Alaska

§ 18.121 What specified activities does this rule cover?

Regulations in this subpart apply to the incidental, but not intentional, take of small numbers of polar bear and Pacific walrus by you (U.S. citizens as defined in § 18.27(c)) while engaged in oil and gas exploration, development, and production activities and environmental monitoring associated with oil and gas industry activities in the Beaufort Sea and adjacent northern coast of Alaska. The offshore exploration, development, and production facility, known as Northstar, is covered by this rule. Future offshore development and production, such as the proposed Liberty project, is not covered by this rule.

§ 18.122 In what specified geographic region does this rule apply?

This rule applies to the specified geographic region defined by a north/south line at Barrow, Alaska, and includes all Alaska coastal areas, State waters, and all Outer Continental Shelf waters east of that line to the Canadian border and an area 25 miles inland from Barrow on the west to the Canning River on the
30 CFR Ch. I (10–1–02 Edition)

§ 18.123 When is this rule effective?
Regulations in this subpart are effective March 30, 2000 and remain effective through March 31, 2003, for year-round oil and gas exploration, development, and production activities.

§ 18.124 How do you obtain a Letter of Authorization?
(a) You must be a U.S. citizen as defined in §18.27(c) of this part.
(b) If you are conducting an oil and gas exploration, development, or production activity in the specified geographic region described in §18.122 that may take a polar bear or Pacific walrus in execution of those activities and desire incidental take authorization under this rule, you must apply for a Letter of Authorization for each exploration activity or a Letter of Authorization for each development and production area. You must submit the application for authorization to our Alaska Regional Director (See 50 CFR 2.2 for address) at last 90 days prior to the start of the proposed activity.
(c) Your application for a Letter of Authorization must include the following information:
   (1) A description of the activity, the dates and duration of the activity, the specific location, and the estimated area affected by that activity.
   (2) A site-specific plan to monitor the effects of the activity on the behavior of polar bear and Pacific walrus that may be present during the ongoing activities. Your monitoring program must document the effects to these marine mammals and estimate the actual level and type of take. The monitoring
requirements will vary depending on the activity, the location, and the time of year.

(3) A polar bear awareness and interaction plan. For the protection of human life and welfare, each employee on site must complete a basic polar bear encounter training course.

(4) A Plan of Cooperation to mitigate potential conflicts between the proposed activity and subsistence hunting. This Plan of Cooperation must identify measures to minimize adverse effects on the availability of polar bear and Pacific walrus for subsistence uses if the activity takes place in or near a traditional subsistence hunting area. You must contact affected subsistence communities to discuss potential conflicts caused by location, timing, and methods of proposed operations. You must make reasonable efforts to assure that activities do not interfere with subsistence hunting or that adverse effects on the availability of polar bear or Pacific walrus are properly mitigated.

§ 18.125 What criteria do we use to evaluate Letter of Authorization requests?

(a) When you request a Letter of Authorization, we will evaluate each request for a Letter of Authorization based on the specific activity and the specific geographic location. We will determine whether the level of activity identified in the request exceeds that considered by us in making a finding of negligible impact on the species and a finding of no unmitigable adverse impact on the availability of the species for take for subsistence uses. If the level of activity is greater, we will re-evaluate our findings to determine if those findings continue to be appropriate based on the greater level of activity that you have requested. Depending on the results of the evaluation, we may allow the authorization to stand as is, add further conditions, or withdraw the authorization.

(b) In accordance with §18.27(f)(5) of this part, we will make decisions concerning withdrawals of Letters of Authorization, either on an individual or class basis, only after notice and opportunity for public comment.

(c) The requirement for notice and public comment in §18.125(b) will not apply should we determine that an emergency exists that poses a significant risk to the well-being of the species or stock of polar bear or Pacific walrus.

§ 18.126 What does a Letter of Authorization allow?

(a) Your Letter of Authorization may allow the incidental, but not intentional, take of polar bear and Pacific walrus when you are carrying out one or more of the following activities:

1. Conducting geological and geophysical surveys and associated activities;
2. Drilling exploratory wells and associated activities;
3. Developing oil fields and associated activities;
4. Drilling production wells and performing production support operations; and
5. Conducting environmental monitoring activities associated with exploration, development, and production activities to determine associated impacts.

(c) Each Letter of Authorization will identify allowable conditions or methods that are specific to the activity and location.

§ 18.127 What activities are prohibited?

(a) Intentional take of polar bears or Pacific walrus; and
(b) Any take that fails to comply with the terms and conditions of these specific regulations or of your Letter of Authorization.

§ 18.128 What are the monitoring and reporting requirements?

(a) We require holders of Letters of Authorization to cooperate with us and other designated Federal, State, and local agencies to monitor the impacts
§ 18.129

of oil and gas exploration, development, and production activities on polar bear and Pacific walrus.

(b) Holder of Letters of Authorization must designate a qualified individual or individuals to observe, record, and report on the effects of their activities on polar bear and Pacific walrus.

(c) We may place an observer on site of the activity on board drill ships, drill rigs, aircraft, icebreakers, or other support vessels or vehicles to monitor the impacts of your activity on polar bear and Pacific walrus.

(d) For exploratory activities, holders of a Letter of Authorization must submit a report to our Alaska Regional Director within 90 days after completion of activities. For development and production activities, holders of a Letter of Authorization must submit a report to our Alaska Regional Director by January 15 for the preceding year’s activities. Reports must include, at a minimum, the following information:

(1) Dates and times of activity;
(2) Dates and locations of polar bear or Pacific walrus activity as related to the monitoring activity; and
(3) Results of the monitoring activities including an estimated level of take.

§ 18.129. What are the information collection requirements?

(a) The collection of information contained in this subpart has 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.

We need to collect information in order to describe the proposed activity and estimate the impacts of potential takings by all persons conducting the activity. We will use the information to evaluate the application and determine whether to issue specific regulations and, subsequently, Letters of Authorization.

(b) For the initial year, we estimate your burden to be 200 hours to develop an application requesting us to promulgate incidental take regulations. For the initial year and annually thereafter when you conduct operations under this rule, we estimate an 8-hour burden per Letter of Authorization, a 4-hour burden for monitoring, and an 8-hour burden per monitoring report. You must respond to this information collection request to obtain a benefit pursuant to Section 101(a)(5) of the Marine Mammal Protection Act. You should 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, Mall Stop 222 ARLSQ, 1849 C Street, NW., Washington, D.C. 20240, and the Office of Management and Budget, Paperwork Reduction Project (1018–0070), Washington, D.C. 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.

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.


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 authorized 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:

(a) 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

(b) 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 What terms do I need to understand?

Subpart C—Taking

20.20 Migratory Bird Harvest Information Program.
20.21 What hunting methods are illegal?
20.22 Closed seasons.
§ 20.1 Scope of regulations.
(a) In general. The regulations contained in this part relate only to the hunting of migratory game birds, and crows.
(b) Procedural and substantive requirements. Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part. Crows may be taken, possessed, transported, exported, or imported only in accordance with subpart H of this part and the restrictions, conditions, and requirements prescribed in § 20.133.

§ 20.2 Relation to other provisions.
(a) Migratory bird permits. The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to part 21 of this subchapter.
(b) Migratory bird hunting stamps. The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a).
(c) National wildlife refuges. The provisions of this part are in addition to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.
(d) State Laws for the protection of migratory birds. No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this part, however, nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with these regulations and the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

Subpart B—Definitions
§ 20.11 What terms do I need to understand?
For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:
(a) Migratory game birds means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:
(1) Anatidae (ducks, geese [including brant] and swans);
(2) Columbidae (doves and pigeons);
(3) Gruidae (cranes);
§ 20.11

(4) Rallidae (rails, coots and gallinules); and

(5) Scolopacidae (woodcock and snipe).

A list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in §10.13 of this subchapter.

(b) **Seasons**—(1) **Open season** means the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(2) **Closed season** means the days on which migratory game birds shall not be taken.

(c) **Bag limits**—(1) **Aggregate bag limit** means a condition of taking in which two or more usually similar species may be bagged (reduced to possession) by the hunter in predetermined or unpredicted quantities to satisfy a maximum take limit.

(2) **Daily bag limit** means the maximum number of migratory game birds of single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(3) **Aggregate daily bag limit** means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area for which a combined daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(4) **Possession limit** means the maximum number of migratory game birds of a single species or combination of species permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(d) **Personal abode** means one’s principal or ordinary home or dwelling place, as distinguished from one’s temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent or trailer house used as a hunting club, or any hotel, motel or rooming house used during a hunting, pleasure or business trip.

(e) **Migratory bird preservation facility** means:

(1) Any person who, at their residence or place of business and for hire or other consideration; or

(2) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(3) Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.

(f) **Paraplegic** means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease or injury to the spinal cord.

(g) **Normal agricultural planting, harvesting, or post-harvest manipulation** means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

(h) **Normal agricultural operation** means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.
§ 20.20 Migratory Bird Harvest Information Program.

(a) Information collection requirements. The collections of information contained in §20.20 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018–0015. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The information will be used to provide a sampling frame for the national Migratory Bird Harvest Survey. Response is required from licensed hunters to obtain the benefit of hunting migratory game birds. Public reporting burden for this information is estimated to average 2 minutes per response for 3,300,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total annual reporting and record-keeping burden for this collection is estimated to be 112,000 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Officer, ms–224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018–0015, Washington, DC 20503.

(b) General provisions. Each person hunting migratory game birds in any State except Hawaii must have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the respective State hunting licensing authority and must have on his or her person evidence, provided by that State, of compliance with this requirement.

(c) Tribal exemptions. Nothing in paragraph (b) of this section shall apply to tribal members on Federal Indian Reservations or to tribal members hunting on ceded lands.

(d) State exemptions. Nothing in paragraph (b) of this section shall apply to those hunters who are exempt from State-licensing requirements in the respective State to report approximately how many ducks, geese, doves,
§ 20.21 What hunting methods are illegal?

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No persons shall take migratory game birds:

(a) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells. This restriction does not apply during a light-goose-only season (lesser snow and Ross’ geese) when all other waterfowl and crane hunting seasons, excluding falconry, are closed while hunting light geese in Central and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: Provided, That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power except in the seaduck area as permitted in subpart K of this part;

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. This restriction does not apply during a light-goose-only season (lesser snow and Ross’ geese) when all other waterfowl and crane hunting seasons, excluding falconry, are closed while hunting light geese in Central and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(h) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird:

(i) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited. However, nothing in this paragraph prohibits:

1) the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over the following lands or areas that are not otherwise baited areas—

(i) Standing crops or flooded standing crops (including aquatics); standing,
flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;

(ii) From a blind or other place of concealment camouflaged with natural vegetation;

(iii) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

(2) The taking of any migratory game bird, except waterfowl, coots and cranes, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

(j) While possessing shot (either in shotshells or as loose shot for muzzle-loading) other than steel shot, or bismuth-tin (97 parts bismuth; 3 parts tin with <1 percent residual lead) shot, or tungsten-iron (40 parts tungsten; 60 parts iron with <1 percent residual lead) shot, or tungsten-polymer (95.5 parts tungsten; 4.5 parts Nylon 6 or 11 with <1 percent residual lead) shot, or tin (99.9 percent tin with <1 percent residual lead) shot, or tungsten-nickel-iron (50% tungsten; 35% nickel; 15% iron with <1 percent residual lead), or such shot approved as nontoxic by the Director pursuant to procedures set forth in Sec. 20.134, provided that this restriction applies only to the taking of Anatidae (ducks, geese, (including brant) and swans), coots (Fulica americana) and any species that make up aggregate bag limits during concurrent seasons with the former in areas described in Sec. 20.108 as nontoxic shot zones, and further provided that:

(1) Tin shot (99.9 percent tin with 1 percent residual lead) is legal as nontoxic shot for waterfowl and coot hunting for the 2000–2001 hunting season only.

(2) [Reserved]

§ 20.22 Closed seasons.

No person shall take migratory game birds during the closed season except as provided in part 21.

[66 FR 32265, June 14, 2001]

§ 20.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in subpart K of this part.


§ 20.24 Daily limit.

No person shall take in any 1 calendar day, more than the daily bag limit or aggregate daily bag limit, whichever applies.


§ 20.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at the place where taken or between that place and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

[41 FR 31536, July 29, 1976]
§ 20.26 Emergency closures.

(a) The Director may close or temporarily suspend any season established under subpart K of this part:

(1) Upon finding that a continuation of such a season would constitute an imminent threat to the safety of any endangered or threatened species or other migratory bird populations.

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the Federal Register simultaneous with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that it is impractical to publish a Federal Register notice simultaneously, due to the restriction in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the Federal Register notice; or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension, the date and time when the season may be resumed shall be provided by a subsequent local notification to the public, and by publication in the Federal Register.

§ 20.31 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.32 During closed season.

No person shall possess any freshly killed migratory game birds during the closed season.

§ 20.33 Possession limit.

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

§ 20.34 Opening day of a season.

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

§ 20.35 Field possession limit.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

§ 20.36 Tagging requirement.

No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

§ 20.37 Custody of birds of another.

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.
§ 20.38 Possession of live birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

§ 20.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

[41 FR 31537, July 29, 1976]

§ 20.40 Gift of migratory game birds.

No person may receive, possess, or give to another, any freshly killed migratory game birds as a gift, except at the personal abodes of the donor or donee, unless such birds have a tag attached, signed by the hunter who took the birds, stating such hunter’s address, the total number and species of birds and the date such birds were taken.

[42 FR 39668, Aug. 5, 1977]

Subpart E—Transportation Within the United States

§ 20.41 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, transport any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.42 Transportation of birds of another.

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.

§ 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons (Columba fasciata), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

[41 FR 31537, July 19, 1976]

§ 20.44 Marking package or container.

No person shall transport by the Postal Service or a common carrier migratory game birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart F—Exportation

§ 20.51 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, export or cause to be exported, any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.52 Species identification requirement.

No person shall export migratory game birds unless one fully feathered wing remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

§ 20.53 Marking package or container.

No person shall export migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.
§ 20.61 Importation limits.

No person shall import migratory game birds in excess of the following importation limits:

(a) **Doves and pigeons.** (1) From any foreign country except Mexico, during any one calendar week beginning on Sunday, not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species.

(2) From Mexico, not to exceed the maximum number permitted by Mexican authorities to be taken in any one day: Provided, That if the importer has his Mexican hunting permit dated-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

(b) **Waterfowl.** (1) From any foreign country except Canada and Mexico, during any one calendar week beginning on Sunday, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species.

(2) From Canada, not to exceed the maximum number permitted to be exported by Canadian authorities.

(3) From Mexico, not to exceed the maximum number permitted by Mexican authorities to be taken in any one day: Provided, That if the importer has his Mexican hunting permit dated-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

[41 FR 31837, July 19, 1976]

§ 20.62 Importation of birds of another.

No person shall import migratory game birds belonging to another person.

§ 20.63 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a migratory bird preservation facility.

[40 FR 36346, Aug. 20, 1975]

§ 20.64 Foreign export permits.

No person shall import, possess or transport, any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

§ 20.65 Processing requirement.

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in §20.63), drawn, and the head and feet are removed: Provided, That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current taxidermist permit issued to him pursuant to §21.24 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

[40 FR 36346, Aug. 20, 1975]

§ 20.66 Marking of package or container.

No person shall import migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart H—Federal, State, and Foreign Law

§ 20.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any act of Congress or any regulation issued pursuant thereto.
§ 20.72 Violation of State law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

§ 20.73 Violation of foreign law.

No person shall at any time, by any means, or in any manner, import, possess, or transport, any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

Subpart I—Migratory Bird Preservation Facilities

§ 20.81 Tagging requirement.

No migratory bird preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by §20.36.

[41 FR 31537, July 29, 1976]

§ 20.82 Records required.

(a) No migratory bird preservation facility shall:

(1) Receive or have in custody any migratory game birds unless accurate records are maintained which can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show (i) the number of each species; (ii) the location where taken; (iii) the date such birds were received; (iv) the name and address of the person from whom such birds were received; (v) the date such birds were disposed of; and (vi) the name and address of the person to whom such birds were delivered, or

(2) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

(b) Record keeping as required by this section will not be necessary at hunting clubs which do not fully process migratory birds by removal of both the head and wings.

[41 FR 38610, Sept. 10, 1976]

§ 20.83 Inspection of premises.

No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried.

[41 FR 31537, July 19, 1976]

Subpart J—Feathers or Skins

§ 20.91 Commercial use of feathers.

Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses the feathers of migratory waterfowl (ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.


§ 20.92 Personal use of feathers or skins.

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules

§ 20.100 General provisions.

(a) The taking, possession, transportation, and other uses of migratory game birds by hunters is generally prohibited unless it is specifically provided for under regulations developed in accordance with the Migratory Bird Treaty Act. Consequently, hunting is prohibited unless regulatory schedules
§ 20.101 Seasons, limits and shooting hours for Puerto Rico and the Virgin Islands.

This section provides for the annual hunting of certain doves, pigeons, ducks, coots, gallinules and snipe in Puerto Rico; and for certain doves, pigeons and ducks in the Virgin Islands. In these Commonwealths, the hunting of waterfowl and coots (and other certain species, as applicable) must be with the use of nontoxic shot beginning in the 1991–92 waterfowl season.

[53 FR 24290, June 28, 1988]

Editorial Note: For Federal Register citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.102 Seasons, limits, and shooting hours for Alaska.

This section provides for the annual hunting of certain waterfowl (ducks, tundra swans, geese, and brant), common snipe, and sandhill cranes in Alaska. In Alaska, the hunting of waterfowl must be with the use of nontoxic shot beginning in the 1991–92 waterfowl season.

[55 FR 35267, Aug. 28, 1990]

Editorial Note: For Federal Register citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.
§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

This section provides for the annual hunting of sandhill cranes in designated portions of the 48 contiguous United States.

(55 FR 35267, Aug. 28, 1990)

EDITORIAL NOTE: For Federal Register citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.107 Seasons, limits, and shooting hours for tundra swans.

This section provides for the annual hunting of tundra swans in designated portions of the 48 contiguous United States.

(55 FR 39629, Sept. 28, 1990)

EDITORIAL NOTE: For Federal Register citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.108 Nontoxic shot zones.

Beginning September 1, 1991, the contiguous 48 United States, and the States of Alaska and Hawaii, the Territories of Puerto Rico and the Virgin Islands, and the territorial waters of the United States, are designated for the purpose of §20.21(j) as nontoxic shot zones for hunting waterfowl, coots and certain other species. “Certain other species” refers to those species, other than waterfowl or coots, that are affected by reason of being included in aggregate bags and concurrent seasons.

(56 FR 22102, May 13, 1991)

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

This section provides annual regulations by which falconers may take permitted migratory game birds.

(44 FR 7148, Feb. 6, 1979)

EDITORIAL NOTE: For Federal Register citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

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

This section provides for establishing annual migratory bird hunting regulations for certain tribes on Federal Indian reservations, Indian Territory, and ceded lands.

(50 FR 35764, Sept. 3, 1985)

EDITORIAL NOTE: For Federal Register citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.111 Subpart L—Administrative and Miscellaneous Provisions

§ 20.131 Extension of seasons.

Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the
extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

§ 20.132 Subsistence use in Alaska.

(a) In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

(b) In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner and at any time, snow owls and cormorants and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

§ 20.133 Hunting regulations for crows.

(a) Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section.

(b) Except in the State of Hawaii, where no crows shall be taken, States may by statute or regulation prescribe a hunting season for crows. Such State statutes or regulations may set forth the method of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State:

(1) Crows shall not be hunted from aircraft;

(2) The hunting season or seasons on crows shall not exceed a total of 124 days during a calendar year;

(3) Hunting shall not be permitted during the peak crow nesting period within a State; and

(4) Crows may only be taken by firearms, bow and arrow, and falconry.

§ 20.134 Nontoxic shot.

(a) Approval. (1) The information collection requirements contained in §20.134 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018–0067. The information is being collected to provide a basis for which the Director, Fish and Wildlife Service, can conduct a methodical and objective review to approve/disapprove nontoxic shot status sought by an applicant. The information will be used for toxicity assessment of candidate shot submitted for approval by applicant. Response is required to obtain a benefit.

(2) The Director, U.S. Fish and Wildlife Service, shall determine that a specific type of shot material is acceptable for the purposes of 50 CFR 20.22(j), if after a review of applications and supporting data submitted in accordance with this section, together with all other relevant evidence, including public comment, it is concluded that the spent shot material does not impose a significant danger to migratory birds and other wildlife or their habitats.

(b) Application and review—Tiered strategy for approval of nontoxic shot and shot coating. (1) All applications for approval under this section must be submitted with supporting documentation to the Director in accordance with the following procedures and must include at a minimum the supporting materials and information covered by Tier 1 in the tiered approval system as follows:

(2) Tier 1. (i) Applicant provides statements of use, chemical characterization, production variability, volume of use of candidate material and shot sample as listed in paragraphs (b)(2)(1)(A) through (5), (b)(2)(1)(B) through (5), and (b)(2)(1)(C) through (5) of this section. The candidate shot or shot coating may be chemically analyzed by the Service or an independent laboratory to compare the results with the applicant’s descriptions of shot composition and composition variability. Rejection of the application will occur if it is incomplete or if the composition of the candidate material, upon analysis, varies significantly from that described by the applicant.

(1) Statement of proposed use, i.e., purpose and types.

(2) Description of the chemical composition of the intact material.

(i) Chemical names, Chemical Abstracts Service numbers (if available), and structures.
§ 20.134

(ii) Chemical characterization for organics and organometallics for coating and core [e.g., empirical formula, melting point, molecular weight, solubility, specific gravity, partition coefficients, hydrolysis half-life, leaching rate (in water and soil), degradation half-life, vapor pressure, stability and other relevant characteristics].

(iii) Composition and weight of shot material.

(iv) Thickness, quantity (e.g., mg/shot), and chemical composition of shot coating.

(3) Statement of the expected variability of shot during production.

(4) Estimate of yearly volume of candidate shot and/or coated shot expected for use in hunting migratory birds in the U.S.

(5) Five pounds of the candidate shot and/or coated shot, as applicable, in size equivalent to United States standard size No. 4 (0.13 inches in diameter).

(B) Applicant provides information on the toxicological effects of the shot or shot coating as follows:

(i) A summary of the acute and chronic mammalian toxicity data of the shot or shot coating ranking its toxicity (e.g., LD50<5 mg/kg = super toxic, 5–50 mg/kg = extremely toxic, 50–500 mg/kg = very toxic, 500–5,000 mg/kg = moderately toxic, 5,000–15,000 mg/kg = slightly toxic, >15,000 mg/kg = practically nontoxic) with citations.

(ii) An estimate of the environmental half-life of the organic or organometallic component of the shot or shot coating, and a description of the chemical form of the breakdown products.

(3) Information on the Estimated Environmental Concentration (EEC) assuming 69,000 shot per hectare (Bellrose 1969; Pain 1990) for:

(i) A terrestrial ecosystem, assuming complete dissolution of material in 5 cm of soil. What would be the EEC and would that EEC exceed existing clean soil standards? (Environmental Protection Agency [EPA] standards for the Use of Disposal of Sewage Sludge; 40 CFR Part 503). How does the estimated EEC relate to the toxicity threshold for plants, invertebrates, fish and wildlife?

(ii) An aquatic ecosystem, assuming complete dissolution of the shot or shot coating in 1 cubic foot of water. What is the estimated EEC, and how does it compare to the EPA Water Quality Criteria and toxicity thresholds in plants, invertebrates, fish and wildlife?

(D) Service evaluation of an application. (1) In reviewing the submission, the Service will use an exceedence of 1 LD50/square foot as the level of concern (U.S.E.P.A. 1992) as a criteria in the risk assessment.

(2) In cooperation with the applicant, the Service will conduct a risk assessment using the Quotient Method (Environmental Protection Agency 1986): Risk = EEC/Toxicological Level of Concern Compare EEC in ppm to an effect level (e.g., LD50 in ppm. If Q < 0.1 = No Adverse Effects; If 0.1 ≤ Q ≤ 10.0 =
§ 20.134

Possible Adverse Effects; If Q > 10.0 = Probable Adverse Effects.

(3) Upon receipt of the Tier 1 application, the Director will review it to determine if the submission is complete. If complete, the applicant is notified within 30 days of receipt that a thorough review of the application will commence. A Notice of Application will appear in the Federal Register announcing the initiation of review of a Tier 1 application. Complete review of a Tier 1 application will occur within 60 days of the date the Notice of Application is published in the Federal Register.

(E) If, after review of the Tier 1 data, the Service does not conclude that the shot or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, the applicant is advised to proceed with the additional testing described for Tier 2, Tier 3, or both. A Notice of Review will inform the public that Tier 1 test results are inconclusive, and Tier 2, Tier 3, or both testing are required before further consideration.

(F) If review of the Tier 1 data results in a preliminary determination that the candidate material does not impose a significant danger to migratory birds, other wildlife, and their habitats, the Director will publish in the Federal Register a proposed rule stating the Service’s intention to approve this shot or shot coating based on the toxicological report and toxicity studies. The rulemaking will include a description of the chemical composition of the candidate shot or shot coating, and a synopsis of findings under the standards required for Tier 1. If, at the end of the comment period, the Service finds no technical or scientific basis upon which to alter its conclusion, the candidate material will be approved by the publication of a final rule in the Federal Register. If, after receiving public comment, the Service determines that all available information does not establish that the shot and/or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, Tier 2, Tier 3, or both testing will be required and a Notice of Review will appear in the Federal Register. If only one of these two Tier tests are required, the Service will explain in the notice why the other is not required. If the applicant chooses not to proceed, the determination denying approval will appear in the Federal Register.

(ii) [Reserved]

(3) Tier 2. (i) If Tier 2 testing is required, the applicant must submit a plan that addresses paragraph (b)(3)(ii) requirements. The Director will review the Tier 2 testing plan submitted by the applicant within 30 days of receipt. The Director may decline to approve the plan, or any part of it, if deficient in any manner with regard to timing, format or content. The Director shall apprise the applicant regarding what parts, if any, of the submitted testing procedures to disregard and any modifications to incorporate into the Tier 2 testing plan in order to gain plan approval. All testing procedures will be in compliance with the Good Laboratory Practices Standards (40 CFR part 160) except where they conflict with the regulations in this section or with a provision of an approved plan. The Director, or authorized representative, may elect to inspect the applicant’s laboratory facilities and may decline to approve the plan and further consideration of the candidate shot if the facility does not meet the Good Laboratory Practices Standards. After the plan is accepted, Tier 2 testing will commence. Required analyses and reports, in accordance with the regulations in this section, must be sent to the Director. The applicant will ensure that copies of all the raw data and statistical analyses accompany the laboratory reports and final comprehensive report of this test.

(ii) Evaluation of the candidate shot or shot coating will first be in a standardized test under in vitro conditions (see paragraph (b)(3)(i)(A)) that will assess its erosion and any release of components into a liquid medium in an environment simulating in vivo conditions of a waterfowl gizzard. Erosion characteristics are to be compared with those of lead shot and steel shot of comparable size. Following the erosion rate testing, the applicant must conduct a 30-day acute toxicity test in mallards, and a test to determine the candidate shot and/or
shot coating effects on selected invertebrates and fish and include the results in the report for the Director.

(A) In vitro erosion rate test. Conduct a standardized in vitro test to determine erosion rate of the candidate shot or shot coating using the guidelines in Kimball and Munir (1971), unless otherwise provided by the Service.

(1) Typical test materials: Atomic absorption spectrophotometer; Drilled aluminum block to support test tubes; Thermostatically controlled stirring hot plate; Small Teflon-coated magnets; Hydrochloric acid (pH 2.0) and pepsin; Capped test tubes; and Lead, steel and candidate shot/coated shot.

(2) Typical test procedures. Add hydrochloric acid and pepsin to each capped test tube at a volume and concentration that will erode a single 14 lead shot at a rate of 5 mg/day. Place three test tubes, each containing either lead shot, steel shot or candidate shot and/or coated shot, in an aluminum block on the stirring hot plate. Add a Teflon-coated magnet to each test tube and set the hot plate at 42 degrees centigrade and 500 revolutions per minute. Determine the erosion of shot or coated shot daily for 14 consecutive days by weighing the shot and analyzing the digestion solution with an atomic absorption spectrophotometer. Replicate the 14-day procedure five times.

(3) Typical test analyses. Compare erosion rates of the three types of shot by appropriate analysis of variance and regression procedures. The statistical analysis will determine whether the rate of erosion of the shot and/or shot coating is significantly greater or less than that of lead and steel. This determination is important to any subsequent toxicity testing.

(B) Acute toxicity test—Tier 2 (Short-term, 30-day acute toxicity test using a commercially available duck food.). Over a 30-day period, conduct a short-term acute toxicity test that complies with the guidelines described as follows or as otherwise provided by the Service:

(1) Typical test materials: 30 male and 30 female hand-reared mallards approximately 6 to 8 months old (mallards must have plumage and body conformation that resemble wild mallards); 60 elevated outdoor pens equipped with feeders and waterers; Laboratory equipped to perform fluoroscopy, required blood and tissue assays, and necropsies; Commercial duck maintenance mash; and Lead, steel and candidate shot.

(2) Typical test procedures. House mallards individually in pens and give ad libitum access to food and water. After 3 weeks, randomly assign to 3 groups (10 males and 10 females/group), dose with eight pellets of either No. 4 lead shot (positive control), steel shot (negative control), or the candidate shot or coated shot. Fluoroscope birds at 1 week after dosage to check for shot retention. Observe birds daily for signs of intoxication and mortality over a 30-day period. Determine body weight at the time of dosing, and at days 15 and 30 of the test. On days 15 and 30, collect blood by venipuncture, determine hematocrit, hemoglobin concentration and other specified blood chemistries. Sacrifice all survivors on day 30. Remove the liver and other appropriate organs from the sacrificed birds and from birds that died prior to sacrifice on day 30 for histopathological analysis. Analyze the organs for lead and compounds contained in the candidate shot or coated shot. Necropsy all birds to determine any pathological conditions.

(3) Typical test analyses. Analyze mortality among the specified groups with appropriate chi-square statistical procedures. Analyze physiological data and tissue contaminant data by analysis of variance or other appropriate statistical procedures to include the factors of shot type and sex. Compare sacrificed birds and birds that died prior to sacrifice whenever sample sizes are adequate for meaningful comparison.

(C) Daphnid and fish early-life toxicity tests. Determine the toxicity of the compounds that comprise the shot or shot coating (at conditions maximizing solubility without adversely affecting controls) to selected invertebrates and fish. These methods are subject to the environmental effects test regulations developed under the authority of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), as follows:
(1) The first test, the Daphnid Acute Toxicity Test (conducted in accordance with 40 CFR 797.1300), is a guideline for use in developing data on the acute toxicity of chemical substances. This guideline prescribes an acute toxicity test in which Daphnid exposure to a chemical in static and flow-through systems, with the agencies assessing the hazard the compound(s) may present to an aquatic environment.

(2) The second test is the Daphnid Chronic Toxicity Test (conducted in accordance with 40 CFR 797.1330). This test gathers data on the chronic toxicity of chemical substances in which Daphnids (Daphnia spp.) are exposed to a chemical in a renewal or flow-through system. The data from this test are again used to assess the hazard that the compound(s) may present to an aquatic environment.

(3) A third test, Fish Early Life Stage Toxicity Test (conducted in accordance with 40 CFR Section 797.1600), assesses the adverse effects of chemical substances to fish in the early stages of their growth and development. Data from this test are used to determine the hazard the compound(s) may present to an aquatic environment.

(iii) After the Tier 2 testing, the applicant will report the results to the Director. If, after review of the Tier 2 data, the Service determines that the information does not establish that the shot or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, Tier 3 testing will be required and a Notice of Review published in the Federal Register. If the applicant chooses not to proceed, the determination denying approval of the candidate shot or shot coating will appear in the Federal Register.

(iv) If review of the Tier 2 test results leads to a preliminary determination that the candidate shot or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, the Director will publish in the Federal Register a proposed rule stating the Service’s intention to approve this shot and/or coating and why Tier 3 testing is unnecessary. The rulemaking will include a description of chemical composition of the shot or shot coating, and a synopsis of findings under the standards required at Tier 2. If, at the end of the comment period, the Service finds no technical or scientific basis upon which to deny approval, the candidate shot or shot coating approval is published as a final rule in the Federal Register. If, as a result of the comment period, the Service determines that the information does not establish that the shot and/or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, Tier 3 testing will be required and a Notice of Review published in the Federal Register.
accompany the laboratory reports and final comprehensive report of this test.  
(A) Chronic toxicity test—Tier 3 (Long-term toxicity test under depressed temperature conditions using a nutritionally-deficient diet). Conduct a chronic exposure test under adverse conditions that complies with the general guidelines described as follows unless otherwise provided by the Service:

1. Typical test materials: 36 male and 36 female hand-reared mallards approximately 6 to 8 months old (Mallards must have plumage and body conformation that resembles wild mallards); 72 elevated outdoor pens equipped with feeders and waterers; Laboratory equipped to perform fluoroscopy, required blood and tissue assays, and necropsies; Whole kernel corn; and Lead, steel, and candidate shot or coated shot.

2. Typical test procedures. (i) Conduct this test at a location where the mean monthly low temperature during December through March is between 20 and 40 degrees Fahrenheit (–6.6 and 4.4 degrees centigrade, respectively). Assign individual mallards to elevated outdoor pens during the first week of December and acclimate to an ad libitum diet of whole kernel corn for 2 weeks. Randomly assign birds to 5 groups (lead group of 4 males and 4 females, 4 other groups of 8 males and 8 females/group). Dose the lead group (positive control) with one size No. 4 pellet of lead shot. Dose one group (8 males and 8 females) with eight size No. 4 pellets of steel shot (negative control) and dose the 3 other groups (8 males and 8 females/group) with one, four and eight size No. 4 pellets of candidate shot or coated shot.

(ii) Weigh and fluoroscope birds weekly. Weigh all recovered shot to measure erosion. Determine blood parameters given in the 30-day acute toxicity test. Provide body weight and blood parameter measurements on samples drawn at 24 hours after dosage and at the end of days 30 and 60. At the end of 60 days, sacrifice all survivors. Remove the liver and other appropriate organs from sacrificed birds and birds dying prior to sacrifice on day 60 for histopathological analysis. Analyze organisms for lead and other metals potentially contained in the candidate shot or shot coating. Necropsy all birds that died prior to sacrifice to determine pathological conditions associated with death.

3. Typical test analyses. Analyze mortality among the specified groups with appropriate chi-square statistical procedures. Any effects on the previously mentioned physiological parameters caused by the shot or shot coating must be significantly less than those caused by lead shot and must not be significantly greater than those caused by steel shot. Analyze physiological data and tissue contaminant data by analysis of variance or appropriate statistical procedures to include the factors of shot type, dose and sex. Compare sacrificed birds and birds that died prior to sacrifice whenever sample sizes are adequate for a meaningful comparison.

(B) Chronic dosage study—Tier 3 (Moderately long-term study that includes reproductive assessment). Conduct chronic exposure reproduction trial with the general guidelines described as follows unless otherwise provided by the Service:

1. Typical test materials: 44 male and 44 female hand-reared first year mallards (Mallards must have plumage and body conformation that resemble wild mallards); Pens suitable for quarantine and acclimation and for reasonably holding 5–10 ducks each; 44 elevated, pens equipped with feeders, waterers and nest boxes; Laboratory equipped to perform fluoroscopy, required blood and tissue assays, and necropsies; Whole kernel corn, and commercial duck maintenance and breeder mash; and Lead, steel and candidate shot or coated shot.

2. Typical test procedures. (i) Randomly assign mallards to 3 groups (Lead group = 4 males and 4 females; steel group = 20 males and 20 females; candidate shot/coated shot group = 20 males and 20 females) in December and hold in same-sex groups until mid-January (dates apply to outdoor test facility only and will reflect where in the U.S. tests are conducted). Tests conducted in the southern U.S. will need to be completed in low temperature units. After a 3-week acclimation period with ducks receiving commercial maintenance mash, provide birds with...
logical and reproductive data is ana-
talyzed by one-tailed t-tests (α=0.05), or 
other appropriate statistical procedures by the applicant.

(ii) After conclusion of Tier 3 testing, 
the applicant must report the results 
to the Director. If after review of the 
Tier 3 data (completion 60 days after 
receipt of material) the Service deter-
mines that all of the information gath-
ered and submitted in accordance with 
Tiers 1, 2, and 3, as applicable, does not 
establish that the shot or shot coating 
does not impose a significant danger to 
migratory birds, other wildlife, and 
their habitats, the applicant will have 
the option of repeating the tests that 
the Director deems inconclusive. If 
the applicant chooses not to repeat the 
tests, approval of the candidate shot or 
shot coating is denied. A Notice of Re-
view will inform the public that Tier 3 
results are inconclusive, the appli-
cant’s decision not to repeat Tier 3 
testing, and the Service’s subsequent 
denial of the shot or shot coating.

(iii) If review of either the initial or 
repeated Tier 3 test data results in a 
preliminary determination that the 
shot or shot coating does not impose a 
significant danger to migratory birds, 
other wildlife, and their habitats, the 
Director will publish in the FEDERAL 
REGISTER a proposed rule stating the 
Service’s intention to approve this shot 
or shot coating and providing the pub-
lic with the opportunity to comment. 
The rulemaking will include a descrip-
tion of the chemical composition of the 
shot or shot coating and a synopsis of 
findings under the standards required by 
Tier 3. If at the end of the comment 
period, the Service concludes that the 
shot or shot coating does not impose a 
significant danger to migratory birds, 
other wildlife, or their habitats, the 
shot or shot coating will be approved 
as nontoxic with publication of a final 
rule in the FEDERAL REGISTER.

(5) Residual lead levels. The Service’s 
maximum environmentally acceptable 
level of lead in shot is trace amounts 
or <1 percent. Any shot manufactured 
with lead levels equal to or exceeding 1 
percent are considered toxic and, there-
fore, illegal.

(6) Field detection device. Before ap-
proval of any shot for use in migratory 
game bird hunting, a noninvasive field
U.S. Fish and Wildlife Serv., Interior

§ 20.155 Public file.

(a) Establishment. A public file will be established for each rulemaking to which this subpart N is applicable.

(b) Contents. Except for information exempt from disclosure under 5 U.S.C. 552, a public file established pursuant to paragraph (a) of this section will contain:

1. The minutes of Regulations Committee meetings made pursuant to paragraph (d) of §20.153;

2. Any written comments and other significant written communications which occur after the notice of proposed rulemaking;

3. Summaries, identifying the source, of any significant oral communications which occur after the notice of proposed rulemaking; and

4. Copies of or references to any other significant data or information.
PART 21—MIGRATORY BIRD PERMITS

Subpart A—Introduction

Sec.
21.1 Purpose of regulations.
21.2 Scope of regulations.
21.3 Definitions.
21.4 Information collection requirements.

Subpart B—General Requirements and Exceptions

21.11 General permit requirements.
21.12 General exceptions to permit requirements.
21.13 Permit exceptions for captive-reared mallard ducks.
21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.

Subpart C—Specific Permit Provisions

21.21 Import and export permits.
21.22 Banding or marking permits.
21.23 Scientific collecting permits.
21.24 Taxidermist permits.
21.25 Waterfowl sale and disposal permits.
21.26 Special Canada goose permit.
21.27 Special purpose permits.
21.28 Falconry permits.
21.29 Federal falconry standards.
21.30 Raptor propagation permits.

Subpart D—Control of Depredating Birds

21.41 Depredation permits.
21.42 Authority to issue depredating orders to permit the killing of migratory game birds.
21.43 Depredation order for blackbirds, cowbirds, grackles, crows and magpies.
21.44 Depredation order for designated species of depredating birds in California.
21.45 Depredation order for depredating purple gallinules in Louisiana.
21.46 Depredation order for depredating scrub jays and Steller’s jays in Washington and Oregon.
21.47 Depredation order for double-crested cormorants at aquaculture facilities.

Subpart E—Control of Overabundant Migratory Bird Populations

21.60 Conservation order for mid-continent light geese.


§ 21.1 Purpose of regulations.

The regulations contained in this part supplement the general permit regulations of part 13 of this subchapter with respect to permits for the taking, possession, transportation, sale, purchase, barter, importation, exportation, and banding or marking of migratory birds. This part also provides certain exceptions to permit requirements for public, scientific, or educational institutions, and establishes depredation orders which provide limited exceptions to the Migratory Bird Treaty Act (16 U.S.C. 703–712).

[54 FR 38150, Sept. 14, 1989]

§ 21.2 Scope of regulations.

(a) Migratory birds, their parts, nests, or eggs, lawfully acquired prior to the effective date of Federal protection under the Migratory Bird Treaty Act (16 U.S.C. 703–712) may be possessed or transported without a permit, but may not be imported, exported, purchased, sold, bartered, or offered for purchase, sale or barter, and all shipments of such birds must be marked as provided by part 14 of this subchapter: Provide, no exemption from any statute or regulation shall accrue to any offspring of such migratory birds.

(b) This part 21, except for § 21.22 (banding or marking permits), does not apply to the bald eagle (Haliaeetus leucocephalus) or the golden eagle (Aquila chrysaetos) for which regulations are provided in part 22 of this subchapter.

(c) The provisions of this part are in addition to, and are not in lieu of other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also part 13).


§ 21.3 Definitions.

In addition to definitions contained in part 10 of this chapter, and unless the context requires otherwise, as used in this part:

50 CFR Ch. I (10–1–02 Edition)
Bred in captivity or captive-bred refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

Captivity means that a live raptor is held in a controlled environment that is intensively manipulated by man for the purpose of producing raptors of selected species, and that has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include, but are not limited to, artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

Falconry means the sport of taking quarry by means of a trained raptor.

Raptor means a live migratory bird of the Order Falconiformes or the Order Strigiformes, other than a bald eagle (Haliaeetus leucocephalus) or a golden eagle (Aquila chrysaetos).

Resident Canada geese means Canada geese that nest within the conterminous United States and/or Canada geese which reside within the conterminous United States during the months of June, July, or August.

Service or we means the U.S. Fish and Wildlife Service, Department of the Interior.

§ 21.12 General exceptions to permit requirements.

(a) Employees of the Department of the Interior authorized to enforce the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703-711), may, without a permit, take or otherwise acquire, hold in custody, transport, and dispose of migratory birds or their parts, nests, or eggs as necessary in performing their official duties.

(b) State game departments, municipal game farms or parks, and public museums, public zoological parks, accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) and
§ 21.13 Permit exceptions for captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, and disposed of by any person without a permit, subject to the following conditions, restrictions, and requirements:

(a) Nothing in this section shall be construed to permit the taking of live mallard ducks or their eggs from the wild.

(b) All mallard ducks possessed in captivity, without a permit, shall have been physically marked by at least one of the following methods prior to 6 weeks of age and all such ducks hatched, reared, and retained in captivity thereafter shall be so marked prior to reaching 6 weeks of age:

(1) Removal of the hind toe from the right foot.

(2) Pinioning of a wing: Provided, That this method shall be the removal of the metacarpal bones of one wing or a portion of the metacarpal bones which renders the bird permanently incapable of flight.

(3) Banding of one metatarsus with a seamless metal band.

(4) Tattooing of a readily discernible number or letter or combination thereof on the web of one foot.

(c) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and transferred in any number at any time or place: Provided, That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 6 weeks of age.

(d) When so marked, such live birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: Provided, That such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization; or they may be shot, in any number, at any time or place, by any person for bona fide dog training or field trial purposes: Provided further, That the provisions:

(1) The hunting regulations (part 20 of this subchapter), with the exception of §20.108 (Nontoxic shot zones), and

(2) The Migratory Bird Hunting Stamp Act (duck stamp requirement) shall not apply to shooting preserve operations as provided for in this paragraph, or to bona fide dog training or field trial operations.

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass: Provided, That persons, who operate game farms or shooting preserves under a State license, permit, or authorization for such activities, may remove the marked foot or wing when either the number of his State license, permit, or authorization has
§ 21.21 Import and export permits.

(a) Permit requirement. (1) Except for migratory game birds imported in accordance with the provisions of subpart G of part 20 of this subchapter B, an import permit is required before any migratory birds, their parts, nests, or eggs may be imported.

(2) An export permit is required before any migratory birds, their parts, nests, or eggs may be exported: Provided, that captive-reared migratory game birds that are marked in compliance with the provisions of §21.13(b) may be exported to Canada or Mexico without a permit. Provided further, that raptors lawfully possessed under a falconry permit issued pursuant to §21.28 of this part may be exported to or imported from Canada or Mexico without a permit for the purposes of attending bona fide falconry meets, as long as the person importing or exporting the birds returns the same bird(s) to the country of export following any such meet. Nothing in this

(b) All progeny of such birds or eggs hatched, reared, and retained in captivity must be physically marked as defined in §21.13(b).

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any other person unless a waterfowl sale and disposal permit has first been secured authorizing such disposal: Provided, That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcass of any such birds which they have acquired from the holder of a valid waterfowl sale and disposal permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See part 20 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass, unless such carcasses were marked as provided in §21.25(c)(4) and the foot or wing removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a waterfowl sale and disposal permittee, the permittee shall furnish a copy of Form 3–186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required by §21.25(c)(2). The buyer shall retain the Form 3–186 on file for the duration of his possession of such birds or eggs or progeny or eggs thereof.

Subpart C—Specific Permit Provisions

§ 21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.

Any person may, without a permit, lawfully acquire captive-reared and properly marked migratory waterfowl of all species other than mallard ducks, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs therefrom solely for his own use subject to the following conditions and restrictions:

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid waterfowl sale and disposal permits, unless lawfully acquired outside of the United States, except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

(b) All progeny of such birds or eggs hatched, reared, and retained in captivity must be physically marked as defined in §21.13(b).

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any other person unless a waterfowl sale and disposal permit has first been secured authorizing such disposal: Provided, That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcass of any such birds which they have acquired from the holder of a valid waterfowl sale and disposal permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See part 20 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass, unless such carcasses were marked as provided in §21.25(c)(4) and the foot or wing removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a waterfowl sale and disposal permittee, the permittee shall furnish a copy of Form 3–186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required by §21.25(c)(2). The buyer shall retain the Form 3–186 on file for the duration of his possession of such birds or eggs or progeny or eggs thereof.

§ 21.22

(b) Application procedures. Applications for permits to import or export migratory birds shall be submitted to the appropriate issuing office (see §§10.22 and 13.11(b) of this subchapter). Each such application must contain the general information and certification required by §13.12(a)(5) of this subchapter plus the following additional information:

(1) Whether importation or exportation is requested;

(2) The species and numbers of migratory birds or their parts, nests, or eggs to be imported or exported;

(3) The name and address of the person from whom such birds are being imported or to whom they are being exported;

(4) The purpose of the importation or exportation;

(5) The estimated date of arrival or departure of the shipment(s), and the port of entry or exit through which the shipment will be imported or exported; and

(6) Federal and State permit numbers and type of permits authorizing possession, acquisition, or disposition of such birds, their parts, nests, or eggs where such a permit is required.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, banding or marking permits shall be subject to the following conditions:

(1) The banding of migratory birds shall only be by official numbered leg bands issued by the Service. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the permit.

(2) All traps or nets used to capture migratory birds for banding or marking purposes shall have attached thereunto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with notice of banding operations posters (Form 3–1155, available upon request from the Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Md. 20708) which shall bear the name and address of the permittee and the number of his permit.

(3) The holder of a banding or marking permit may salvage, for the purpose of donating to a public scientific or educational institution, birds killed or found dead as a result of the permittee’s normal banding operations, and casualties from other causes. All dead birds salvaged under authority of a migratory bird banding or marking permit must be donated and transferred to

§ 21.22 Banding or marking permits.

(a) Permit requirement. A banding or marking permit is required before any person may capture migratory birds for banding or marking purposes or use official bands issued by the Service for banding or marking any migratory bird.

(b) Application procedures. Applications for banding or marking permits shall be submitted by letter of application addressed to the Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Maryland 20708. Each such application shall contain the general information and certification set forth by §13.12(a) of this subchapter plus the following additional information:

(1) Species and numbers proposed to be banded or marked;

(2) Purpose of banding or marking;

(3) State or States in which authorization is requested; and

(4) Name and address of the public, scientific, or educational institution to which any specimens will be donated pursuant to paragraphs (c) (3) and (4) of this section.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, banding or marking permits shall be subject to the following conditions:

(1) The banding of migratory birds shall only be by official numbered leg bands issued by the Service. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the permit.

(2) All traps or nets used to capture migratory birds for banding or marking purposes shall have attached thereto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with notice of banding operations posters (Form 3–1155, available upon request from the Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Md. 20708) which shall bear the name and address of the permittee and the number of his permit.

(3) The holder of a banding or marking permit may salvage, for the purpose of donating to a public scientific or educational institution, birds killed or found dead as a result of the permittee’s normal banding operations, and casualties from other causes. All dead birds salvaged under authority of a migratory bird banding or marking permit must be donated and transferred to
§ 21.24 Taxidermist permits.

(a) Permit requirement. A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself.

(b) Application procedures. Submit application for taxidermist permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) Species and numbers of migratory birds or their parts, nests, or eggs to be taken or acquired when it is possible to determine same in advance;

(2) Location or locations where such scientific collecting is proposed;

(3) Statement of the purpose and justification for granting such a permit, including an outline of any research project involved;

(4) Name and address of the public, scientific, or educational institution to which all specimens ultimately will be donated; and

(5) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, scientific collecting permits shall be subject to the following conditions:

(1) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific, or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special purpose permit (See §21.27) authorizing possession for a longer period of time.

(2) Unless otherwise provided on the permit, all migratory game birds taken pursuant to a scientific collecting permit during the open hunting season for such birds must be in conformance with part 20 of this subchapter;

(3) Unless specifically stated on the permit, a scientific collecting permit does not authorize the taking of live migratory birds from the wild.

(4) In addition to any reporting requirement set forth in the permit, a report of the scientific collecting activities conducted under authority of such permit shall be submitted to the issuing officer on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit.

§ 21.23 Scientific collecting permits.

(a) Permit requirement. A scientific collecting permit is required before any person may take, transport, or possess migratory birds, their parts, nests, or eggs for scientific research or educational purposes.

(b) Application procedures. Submit applications for scientific permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) Species and numbers of migratory birds or their parts, nests, or eggs to be taken or acquired when it is possible to determine same in advance;

(2) Location or locations where such scientific collecting is proposed;

(3) Statement of the purpose and justification for granting such a permit, including an outline of any research project involved;

(4) Name and address of the public, scientific, or educational institution to which all specimens ultimately will be donated; and

(5) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, scientific collecting permits shall be subject to the following conditions:

(1) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific, or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special purpose permit (See §21.27) authorizing possession for a longer period of time.

(2) Unless otherwise provided on the permit, all migratory game birds taken pursuant to a scientific collecting permit during the open hunting season for such birds must be in conformance with part 20 of this subchapter;

(3) Unless specifically stated on the permit, a scientific collecting permit does not authorize the taking of live migratory birds from the wild.

(4) In addition to any reporting requirement set forth in the permit, a report of the scientific collecting activities conducted under authority of such permit shall be submitted to the issuing officer on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit.
§ 21.25 Waterfowl sale and disposal permits.

(a) Permit requirement. A waterfowl sale and disposal permit is required before any person may lawfully sell, trade, donate, or otherwise dispose of, to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs, except that such a permit is not required for such sales or disposals of captive-reared and properly marked mallard ducks or their eggs.

(b) Application procedures. Submit application for waterfowl sale and disposal permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) A description of the area where waterfowl are to be kept;
(2) Species and numbers of waterfowl now in possession and a statement showing from whom these were obtained;
(3) A statement indicating the method by which individual birds are marked as required by the provisions of this part 21; and
(4) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) Permit authorizations. A permit authorizes a taxidermist to:

(1) Receive, transport, hold in custody or possession, mount or otherwise prepare, migratory birds, and their parts, nests, or eggs, and return them to another.
(2) Sell properly marked, captive reared migratory waterfowl which he has lawfully acquired and mounted. Such mounted birds may be placed on consignment for sale and may be possessed by such consignee for the purpose of sale.

(d) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, taxidermist permits shall be subject to the following conditions:

(1) Permittees must keep accurate records of operations, on a calendar year basis, showing the names and addresses of persons from and to whom migratory birds or their parts, nests, or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery. In addition to the other records required by this paragraph, the permittee must maintain in his files, the original of the completed Form 3-186, Notice of Waterfowl Sale or Transfer, confirming his acquisition of captive reared, properly marked migratory waterfowl from the holder of a current waterfowl sale and disposal permit.

(2) Notwithstanding the provisions of paragraph (c) of this section, the receipt, possession, and storage by a taxidermist of any migratory game birds taken by another by hunting is not authorized unless they are tagged as required by §20.36 of this subchapter. The required tags may be removed during the taxidermy operations but must be retained by the taxidermist with the other records required to be kept and must be reattached to the mounted specimen after mounting. The tag must then remain attached until the mounted specimen is delivered to the owner.

(e) Term of permit. A taxidermist permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

§ 21.26 Additional permit conditions.

In addition to the general conditions set forth in part 13 of this subchapter B, waterfowl sale and disposal permits shall be subject to the following conditions:

(1) Permittees may not take migratory waterfowl or their eggs from the wild, and may not acquire such birds or their eggs from any person not authorized by a valid permit issued pursuant to this part to dispose of such birds or their eggs.

(2) All live migratory waterfowl possessed in captivity under authority of a valid waterfowl sale and disposal permit shall have been, prior to 6 weeks of age, physically marked as defined in §21.13(b). All offspring of such birds hatched, reared, and retained in captivity shall be so marked prior to attaining 6 weeks of age. The preceding does not apply to captive adult geese, swans, and brant which were marked previous to March 1, 1967, by a "V" notch in the web of one foot, nor to such birds held in captivity at public zoological parks, and public scientific or educational institutions.

(3) Such properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild.

(4) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass: Provided, That permittees who are also authorized to sell game under a State license, permit or authorization may remove the marked foot or wing from the raw carcasses if the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass and on the wrapping or container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization.

(5) Such properly marked birds, alive or dead, or their eggs may be disposed of in any number, at any time or place, to any person: Provided, That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 6 weeks of age: And provided further, That on each date that any such birds or their eggs, are transferred to another person, the permittee must complete a Form 3–186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required by §21.25(c)(2). (Service will provide supplies of form.) The permittee will furnish the original of completed Form 3–186 to the person acquiring the birds or eggs; retain one copy in his files as a record of his operations; attach one copy to the shipping container for the birds or eggs, or include the copy in shipping documents which accompany the shipment; and, on or before the last day of each month, mail two copies of each form completed during that month to the office of the Fish and Wildlife Service which issued his permit.

(6) Permittees shall submit an annual report within 10 days following the 31st day of December of each calendar year to the office of the Fish and Wildlife Service which issued the permit. The information provided shall give the total number of waterfowl by species in possession on that date and the method or methods by which individual birds are marked as required by the provisions of this part 21.

(d) Term of permit. A waterfowl sale and disposal permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.


§ 21.26 Special Canada goose permit.

(a) What is the special Canada goose permit and what is its purpose? The special Canada goose permit is a permit issued by us to a State wildlife agency authorizing certain resident Canada goose management and control activities that are normally prohibited. We
§21.26

will only issue such a permit when it will contribute to human health and safety, protect personal property, or allow resolution or prevention of injury to people or property. The management and control activities conducted under the permit are intended to relieve or prevent injurious situations only. No person should construe the permit as opening, reopening, or extending any hunting season contrary to any regulations established under Section 3 of the Migratory Bird Treaty Act.

(b) Who may receive a permit? Only State wildlife agencies (State) are eligible to receive a permit to undertake the various goose management and control activities. Additionally, only employees or designated agents of a permitted State wildlife agency may undertake activities for injurious resident Canada geese in accordance with the conditions specified in the permit, conditions contained in 50 CFR part 13, and conditions specified in paragraph (d) of this section.

(c) How does a State apply for a permit? Any State wildlife agency wishing to obtain a permit must submit an application to the appropriate Regional Director (see §13.11(b) of this subchapter) containing the general information and certification required by §13.12(a) of this subchapter plus the following information:

(1) A detailed statement showing that the goose management and control activities will either provide for human health and safety, protect personal property, or allow resolution of other injury to people or property;

(2) An estimate of the size of the resident Canada goose breeding population in the State;

(3) The requested annual take of resident Canada geese, including eggs and nests;

(4) A statement indicating that the State will inform and brief all employees and designated agents of the requirements of these regulations and permit conditions.

(d) What are the conditions of the permit? The special Canada goose permits are subject to the general conditions in 50 CFR part 13, the conditions elsewhere in this section, and, unless otherwise specifically authorized on the permit, the conditions outlined below:

(1) What are the limitations on management and control activities? (i) Take of resident Canada geese as a management tool under this section may not exceed the number authorized by the permit. States should utilize non-lethal goose management tools to the extent they deem appropriate in an effort to minimize lethal take.

(ii) Methods of take for the control of injurious resident Canada geese are at the State’s discretion. Methods include, but are not limited to, firearms, alpha-chloralose, traps, egg and nest manipulation and other damage control techniques consistent with accepted wildlife damage-management programs.

(2) When may a State conduct management and control activities? States and their employees and agents may conduct management and control activities, including the take of resident Canada geese, under this section between March 11 and August 31. In California, Oregon and Washington, in areas where the threatened Aleutian Canada goose (B. c. leucoperia) has been present during the previous 10 years, lethal control activities are restricted to May 1 through August 31, inclusive.

(3) How must the States dispose or utilize geese taken under this permit? States and their employees and agents may possess, transport, and otherwise dispose of Canada geese taken under this section. States must utilize such birds by donation to public museums or public institutions for scientific or educational purposes, by processing them for human consumption and distributing them free of charge to charitable organizations, or by burying or incinerating them. States, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any Canada goose taken under this section, nor their plumage or eggs.

(4) How does the permit relate to existing State law? No person conducting management and control activities under this section should construe the permit to authorize the killing of injurious resident Canada geese contrary to any State law or regulation, nor on
any Federal land without specific authorization by the responsible management agency. No person may exercise the privileges granted under this section unless they possess any permits required for such activities by any State or Federal land manager.

(5) When conducting management and control activities, are there any special inspection requirements? Any State employee or designated agent authorized to carry out management and control activities must have a copy of the permit and designation in their possession when carrying out any activities. The State must also require the property owner or occupant on whose premises the State is conducting activities to allow, at all reasonable times, including during actual operations, free and unrestricted access to any Service special agent or refuge officer, State wildlife or deputy wildlife agent, warden, protector, or other wildlife law enforcement officer (wildlife officer) on the premises where they are, or were, conducting activities. Furthermore, any State employee or designated agent conducting such activities must promptly furnish whatever information is required concerning such activities to any such wildlife officer.

(6) What are the reporting requirements of the permit? Any State employee or designated agent exercising the privileges granted by this section must keep records of all activities carried out under the authority of this permit, including the number of Canada geese killed and their disposition. The State must submit an annual report detailing activities, including the time, numbers and location of birds, eggs, and nests taken and non-lethal techniques utilized, before December 31 of each year. The State should submit the annual report to the appropriate Assistant Regional Director—Refuges and Wildlife (see §10.22 of this subchapter).

(7) What are the limitations of the special permit? The following limitations apply:

(i) Nothing in this section applies to any Federal land within a State’s boundaries without written permission of the Federal Agency with jurisdiction.

(ii) States may not undertake any actions under any permit issued under this section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act.

(iii) We will only issue permits to State wildlife agencies in the contiguous United States.

(iv) States may not designate agents who must operate under the conditions of the permit.

(v) How long is the special permit valid? A special Canada goose permit issued or renewed under this section expires on the date designated on the face of the permit unless it is amended or revoked or such time that we determine that the State’s population of resident Canada geese no longer poses a threat to human health or safety, personal property, or injury to other interests. In all cases, the term of the permit may not exceed five (5) years from the date of issuance or renewal.

(vi) Can we revoke the special permit? We reserve the right to suspend or revoke any permit, as specified in §§13.27 and 13.28 of this subchapter.

(e) What are the OMB information collection requirements of the permit program? OMB has approved the information collection requirements of the permit and assigned clearance number 1018–0099. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. We will use the information collection requirements to administer this program and in the issuance and monitoring of these special permits. We will require the information from State wildlife agencies responsible for migratory bird management in order to obtain a special Canada goose permit, and to determine if the applicant meets all the permit issuance criteria, and to protect migratory birds. We estimate the public reporting burden for this collection of information to average 8 hours per response for 45 respondents (States), including the time for reviewing instructions, gathering and maintaining data needed, and completing and reviewing the collection of information. Thus, we estimate the total annual reporting and record-keeping for this collection
§ 21.27 Special purpose permits.

Permits may be issued for special purpose activities related to migratory birds, their parts, nests, or eggs, which are otherwise outside the scope of the standard form permits of this part. A special purpose permit for migratory bird related activities not otherwise provided for in this part may be issued to an applicant who submits a written application containing the general information and certification required by part 13 and makes a sufficient showing of benefit to the migratory bird resource, important research reasons, reasons of human concern for individual birds, or other compelling justification.

(a) Permit requirement. A special purpose permit is required before any person may lawfully take, salvage, otherwise acquire, transport, or possess migratory birds, their parts, nests, or eggs for any purpose not covered by the standard form permits of this part. In addition, a special purpose permit is required before any person may sell, purchase, or barter captive-bred, migratory game birds, other than waterfowl, that are marked in compliance with §21.13(b) of this part.

(b) Application procedures. Submit application for special purpose permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) A detailed statement describing the project or activity which requires issuance of a permit, purpose of such project or activity, and a delineation of the area in which it will be conducted. (Copies of supporting documents, research proposals, and any necessary State permits should accompany the application);

(2) Numbers and species of migratory birds involved where same can reasonably be determined in advance; and

(3) Statement of disposition which will be made of migratory birds involved in the permit activity.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, special purpose permits shall be subject to the following conditions:

(1) Permittees shall maintain adequate records describing the conduct of the permitted activity, the numbers and species of migratory birds acquired and disposed of under the permit, and inventorying and identifying all migratory birds held on December 31 of each calendar year. Records shall be maintained at the address listed on the permit; shall be in, or reproducible in English; and shall be available for inspection by Service personnel during regular business hours. A permittee may be required by the conditions of the permit to file with the issuing office an annual report of operation. Annual reports, if required, shall be filed no later than January 31 of the calendar year following the year for which the report is required. Reports, if required, shall describe permitted activities, numbers and species of migratory birds acquired and disposed of, and shall inventory and describe all migratory birds possessed under the special purpose permit on December 31 of the reporting year.

(2) Permittees shall make such other reports as may be requested by the issuing officer.

(3) All live, captive-bred, migratory game birds possessed under authority of a valid special purpose permit shall be physically marked as defined in §21.13(b) of this part.

(4) No captive-bred migratory game bird may be sold or bartered unless marked in accordance with §21.13(b) of this part.

(5) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer, or otherwise dispose of any captive-bred migratory game bird
§ 21.28 Falconry permits.

(a) Permit requirements. A falconry permit is required before any person may take, possess, transport, sell, purchase, barter, offer to sell, purchase, or barter raptors for falconry purposes.

(b) Application procedures. (1) An applicant who wishes to practice falconry in a State listed in §21.29(k) of this part and which has been designated as a participant in a cooperative Federal/State permit application program may submit an application for a falconry permit to the appropriate agency of that State. Each such application must incorporate a completed official form approved by the Service and must include in addition to the general information required by part 13 of this subchapter all of the following:

(i) The number of raptors the applicant possesses at the time the application is submitted, including the species, age (if known), sex (if known), date of acquisition, and source of each;

(ii) A check or money order made payable to “U.S. Fish and Wildlife Service” in the amount of the application fee listed in §13.11(d) of this subchapter.

(iii) An original, signed certification concerning the validity of the information provided in the application in the form set forth in §13.12(a)(5).

(iv) Any additional information requested by the State to which the application is submitted.

(2) Upon receipt of a joint application by a State listed in §21.29(k) as a participant in a cooperative Federal/State permit application program, the State will process the application for a State falconry permit in accordance with its own procedures. A copy of the application, the check or money order for Federal permit fees, and the original, signed certification required by paragraph (b)(1)(iii) of this section will be forwarded to the issuing office of the Service designated by §13.11(b) of this subchapter. If the State decides to issue a falconry permit based upon the application, a copy of the permit will also be forwarded to the appropriate issuing office of the Service.

(3) An applicant who wishes to practice falconry in a State listed in §21.29(k) of this subchapter, but which does not participate in a cooperative Federal/State permit application program must submit a written application for a falconry permit to the issuing office designated by §13.11(b) of this subchapter. Each application must contain the general information and certification required by §13.12(a) of this subchapter plus a copy of a valid State falconry permit issued to the applicant by a State listed in §21.19(k) of this subchapter.

(c) Issuance criteria. Upon receiving an application completed in accordance with paragraph (b) of this section that meets all requirements of this part, the Director will issue a permit. In addition to meeting the general criteria in §13.21(b), the applicant must have a valid State falconry permit issued by a State listed in §21.29(k) of this subchapter.

(d) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) A permittee may not take, transport, or possess a golden eagle (Aquila chrysaetos) unless authorized in writing under §22.24 of this subchapter.

(2) A permit issued under this section is not valid unless the permittee has a
§ 21.29 Federal falconry standards.

(a) Before you can practice falconry in any State. You cannot take, possess, transport, sell, purchase, barter, or offer to sell, purchase, or barter any raptor for falconry purposes, in any State unless the State allows the practice of falconry, and the State has submitted copies of its laws and regulations governing the practice of falconry to us (Director), and we have determined that they meet or exceed the Federal falconry standards established in this section. If you are a Federal falconry permittee, you can possess and transport for falconry purposes a lawfully possessed raptor through States that do not allow falconry or meet Federal falconry standards so long as the raptors remain in transit in interstate commerce. The States that are in compliance with Federal falconry standards are listed in paragraph (k) of this section.

(b) More restrictive State laws. Nothing in this section shall be construed to

valid State falconry permit issued by a State listed in §21.29(k) of this subchapter.

(3) A permittee may not take, possess, transport, sell, purchase, barter, or transfer any raptor for falconry purposes except under authority of a Federal falconry permit issued under this section and in compliance with the Federal falconry standards set forth in §21.29 of this subchapter.

(4) No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3–186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transaction.

(5) No raptor may be possessed under authority of a falconry permit unless the permittee has a properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) for each bird possessed, except as provided in paragraph (d)(4) of this section.

(6) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee for maintenance and care for a period not to exceed thirty (30) days. The raptor must be accompanied at all times by a properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(7) A permittee may not take, possess, or transport any peregrine falcon (Falco peregrinus), gyrfalcon (Falco rusticolus), or Harris hawk (Parabuteo unicinctus) unless such bird is banded either by a seamless numbered band provided by the Service or by a permanent, non-reusable band provided by the Service.

(i) Any peregrine falcon (Falco peregrinus), gyrfalcon (Falco rusticolus), or Harris hawk (Parabuteo unicinctus) taken from the wild must be reported to the issuing office within five (5) days of taking and must be banded with a permanent, non-reusable band provided by the Service. No raptor removed from the wild may be banded with a seamless numbered band.

(ii) The loss or removal of any band must be reported to the issuing office within five (5) working days of the loss. The lost band must be replaced by a permanent, non-reusable band supplied by the Service. A form 3–186A (Migratory Bird Acquisition/Disposition Report) must be filed in accordance with paragraph (d)(4) of this section reporting the loss of the band and rebanding.

(8) A permittee may not sell, purchase, barter, or offer to sell, purchase or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.

(9) A permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued under section 21.30 of this subchapter.

(e) Term of permit. A falconry permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[54 FR 38152, Sept. 14, 1989]
§ 21.29

(c) What is the process for Federal approval of a State program? Any State that wishes to allow the practice of falconry must submit to the Director of the Service a copy of the laws and regulations that govern the practice of falconry in the State. If we determine that they meet or exceed the Federal standards, which are established by this section, we will publish a notice in the Federal Register adding the State to the list of approved States in paragraph (k) of this section. Any State that was listed in paragraph (k) prior to September 14, 1989, is considered to be in compliance with our standards.

(d) Permit. State laws or regulations shall provide that a valid State falconry permit from either that State or another State meeting Federal falconry standards and listed in paragraph (k) of this section is required before any person may take, possess, or transport a raptor for falconry purposes or practice falconry in that State.

(e) Classes of permits. States may have any number of classes of falconry permits provided the standards are not less restrictive than the following:

(1) Apprentice (or equivalent) class. (i) Permittee shall be at least 14 years old; (ii) A sponsor who is a holder of a General or Master Falconry Permit or equivalent class is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time; (iii) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period; and (iv) Permittee shall possess only the following raptors which must be taken from the wild: an American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*), a red-shouldered hawk (*Buteo lineatus*), or, in Alaska only, a goshawk (*Accipiter gentilis*).

(2) General (or equivalent) class. (i) A permittee shall be at least 18 years old; (ii) A permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent; (iii) A permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period; and (iv) A permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in part 17 of this subchapter.

(3) Master (or equivalent) class. (i) An applicant shall have at least five years experience in the practice of falconry at the general class level or its equivalent. (ii) A permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period; (iii) A permittee may not take any species listed as endangered in part 17 of this chapter, but may transport or possess such species in accordance with part 17 of this chapter. (iv) A permittee may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing under § 22.24 of this subchapter; (v) A permittee may not take, in any twelve (12) month period, as part of the three-bird limitation, more than one raptor listed as threatened in part 17 of this chapter, and then only in accordance with part 17 of this chapter.

(f) Examination. State laws or regulations shall provide that before any State falconry permit is issued the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination provided or approved by the Service and administered by the State, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter.

(g) Facilities and equipment. State laws or regulations shall provide that before a State falconry permit is issued the applicant’s raptor housing facilities
§ 21.29

and falconry equipment shall be inspected and certified by a representative of the State wildlife department as meeting the following standards:

(1) Facilities. The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird’s body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from extreme sun, wind, and inclement weather shall be provided for each bird. Adequate perch-es shall be provided.

(2) Equipment. The following items shall be in the possession of the applicant before he can obtain a permit or license:

(i) Jesses—At least 1 pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional 1-piece jesses may be used on raptors when not being flown.);

(ii) Leashes and swivels—At least 1 flexible, weather-resistant leash and 1 strong swivel of acceptable falconry design;

(iii) Bath container—At least 1 suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches—At least 1 weathering area perch of an acceptable design shall be provided for each raptor; and

(v) Weighing device—A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than ½ ounce (15 gram) shall be provided.

(3) Maintenance. All facilities and equipment shall be kept at or above the preceding standards at all times.

(4) Transportation; temporary holding. A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

(h) Marking. All peregrine falcons (Falco peregrinus), gyrfalcon (Falco rusticolus), and Harris hawk (Parabuteo unicinctus) possessed for falconry purposes must be marked in accordance with the following provisions:

(1) Any peregrine falcon (Falco peregrinus), gyrfalcon (Falco rusticolus), or Harris hawk (Parabuteo unicinctus), except a captive bred raptor lawfully marked by a numbered, seamless band issued by the Service, must be banded with a permanent, non-reusable, numbered band issued by the Service.

(2) Any peregrine falcon (Falco peregrinus), gyrfalcon (Falco rusticolus), or Harris hawk (Parabuteo unicinctus) possessed for falconry purposes must be banded at all times in accordance with these standards. Loss or removal of any band must be reported to the issuing office within five (5) working days of the loss and must be replaced with a permanent, non-reusable, numbered band supplied by the Service.

(i) Taking restrictions. State laws or regulations shall provide the following restrictions on the taking of raptors from the wild:

(1) Young birds not yet capable of flight (eyasses) may only be taken by a General or Master Falconer during the period specified by the State and no more than two eyasses may be taken by the same permittee during the specified period.
U.S. Fish and Wildlife Serv., Interior § 21.30

(2) First-year (passage) birds may be taken only during the period specified by the State;

(3) In no case shall the total of all periods of taking of eyasses or passage birds exceed 180 days during a calendar year, except that a marked raptor may be retrapped at any time; and

(4) Only American kestrels (*Falcosparverius*) and great-horned owls (*Bubo virginianus*) may be taken when over one year old, except that any raptor other than endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

(j) Other restrictions. State laws or regulations shall provide the following restrictions or conditions:

(1) A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and cannot be replaced if death, loss, release, or escape occurs.

(2) If you possessed raptors before January 15, 1976, the date these regulations were enacted, and you had more than the number allowed under your permit, you may retain the extra raptors. However, each of those birds must be identified with markers we supplied, and you cannot replace any birds, nor can you obtain any additional raptors, until the number in your possession is at least one fewer than the total number authorized by the class of permit you hold.

(3) A falconry permit holder shall obtain written authorization from the appropriate State wildlife department before any species not indigenous to that State is intentionally released to the wild, at which time the marker from the released bird which is indigenous to that State shall also be removed and surrendered to the State wildlife department. A standard Federal bird band shall be attached to such birds by the State or Service-authorized Federal bird bander whenever possible.

(4) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and that the raptor is authorized the temporary possession.

(5) Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

(k) States meeting Federal falconry standards. We have determined that the following States meet or exceed the minimum Federal falconry standards established in this section for regulating the taking, possession, and transportation of raptors for the purpose of falconry. The States that are participants in a cooperative Federal/State permit system are designated by an asterisk (*).


§ 21.30 Raptor propagation permits.

(a) Permit requirement. A raptor propagation permit is required before any
§21.30 person may take, possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.

(b) **Application procedures.** Submit application for raptor propagation permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

1. A statement indicating the purpose(s) for which a raptor propagation permit is sought and, where applicable, the scientific or educational objectives of the applicant;
2. A statement indicating whether the applicant has been issued a State permit authorizing raptor propagation (include name of State, permit number, and expiration date);
3. A statement fully describing the nature and extent of the applicant’s experience with raptor propagation or handling raptors;
4. A description of each raptor the applicant possesses or will acquire for propagation purposes to include the species, age (if known), sex (if known), date of acquisition, source, and raptor marker number;
5. A description of each raptor the applicant possesses for purposes other than raptor propagation to include the species, age (if known), sex (if known), date of acquisition, source, raptor marker number, and purpose for which it is possessed;
6. A description and photographs of the facilities and equipment to be used by the applicant including the dimensions of any structures intended for housing the birds;
7. A statement indicating whether the applicant requests authority to take raptors or raptor eggs from the wild.

(c) **Issuance criteria.** Upon receiving an application completed in accordance with paragraph (b) of this section, the Director will decide whether a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in 13.21(b) of this chapter, the following factors:

1. Whether an applicant’s raptor propagation facilities are adequate for the number and species of raptors to be held under the permit.
2. Whether propagation is authorized by the State in which the propagation will occur, and if authorized, whether the applicant has any required State propagation permit.
3. Whether the applicant is at least 18 years old with a minimum of 2 years experience handling raptors, and if the applicant requests authority to propagate endangered or threatened species, whether the applicant is at least 23 years old with a minimum of 7 years experience handling raptors.
4. If the applicant requests authority to take raptors or raptor eggs from the wild:
   1. Whether issuance of the permit would have a significant effect on any wild population of raptors;
   2. Whether suitable captive stock is available; and
   3. Whether wild stock is needed to enhance the genetic variability of captive stock.

(d) **Additional permit conditions.** In addition to the general conditions found in part 13 of this chapter, raptor propagation permits are subject to the following additional conditions:

1. **Facilities.** Any tethered raptor possessed under this permit must be maintained in accordance with the Federal falconry standards for “facilities and equipment” described in §21.29(g), unless a specific exception in writing is obtained. For untethered raptors, the breeding facilities must be soundly constructed and entirely enclosed with wood, wire netting, or other suitable material which provides a safe, health, environment. The design of such facilities and ancillary equipment must:
   1. Minimize the risk of injury by providing protection from predators, disturbances that would likely cause harm, extreme weather conditions, and collision with interior or perimeter construction materials and equipment such as support poles, windows, wire netting, perches, or lights;
   2. Enhance sanitation by providing a well-drained floor, fresh air ventilation, source of light, fresh water for...
bathing and drinking, access for cleaning, and interior construction materials suitable for thorough cleaning or disinfection; and

(ii) Enhance the welfare and breeding success of the raptors by providing suitable perches, nesting and feeding sites, and observation ports or inspection windows during times when disturbance is felt to be undesirable.

(2) Incubation of eggs. Each permittee must notify the Director in writing within 5 days from the day the first egg is laid by any raptor held under a raptor propagation permit, but notice is not required more often than once every 60 days.

(3) Marking requirement. Unless otherwise specifically exempted, every raptor possessed for propagation, including all progeny produced pursuant to the permitted activity, must be banded in accordance with the following provisions:

(i) Except for captive-bred raptors lawfully marked with a seamless, numbered band provided by the Service, any raptor possessed for propagation purposes shall be banded with a permanent, non-reusable, numbered band issued by the Service.

(ii) Unless specifically exempted by the conditions of the raptor propagation permit, each captive-bred raptor produced under authority of a raptor propagation permit shall be banded within two (2) weeks of hatching with a numbered, seamless band provided by the Service, placed on the raptor's leg (metatarsus). In marking captive-bred raptors, permittees:

(A) Shall use a band with an opening (inside diameter) which is small enough to prevent its removal when the raptor is fully grown without causing serious injury to the raptor or damaging the band's integrity or one-piece construction;

(B) May band a raptor with more than one size band when the potential diameter of the raptor's leg at maturity cannot be determined at the time of banding;

(C) Shall remove all but one band from any raptor with more than one band before the raptor is five (5) weeks of age and return all bands removed to the issuing office.

(iii) No raptor taken from the wild, produced from an egg taken from the wild, or produced from an egg from any source other than bred in captivity under authority of a raptor propagation permit may be banded with a numbered seamless band issued by the Service.

(iv) No permittee under this section may band any raptor with any band issued or authorized by the Service unless that raptor is lawfully possessed by the permittee.

(4) Taking Raptors or Raptor Eggs from the Wild. Any permit authorizing the permittee to take raptors or raptor eggs from the wild for propagation purposes is subject to the following additional restrictions:

(i) The State or foreign country in which the raptors or raptor eggs are taken must authorize the permittee in writing to take raptors or raptor eggs from the wild for propagation purposes;

(ii) No raptor listed in §17.11 of this chapter as "endangered" or "threatened" may be taken from the wild without first obtaining the proper permit under part 17 of this chapter; and

(iii) No raptor or raptor egg may be taken from the wild except in accordance with State law.

(5) Transfer, purchase, sale, or barter of raptors, raptor eggs, or raptor semen. (i) A permittee may transfer any lawfully possessed raptor, raptor egg, or raptor semen to another permittee or transfer any raptor to a falconer who holds a valid State falconry permit if no money or other consideration is involved.

(ii) A permittee may transfer, purchase, sell, or barter any raptor which is banded with a numbered seamless marker provided or authorized by the Service, subject to the following conditions:

(A) When the permittee purchases from, sells to, or barters with any person in the U.S. that person must be authorized under this part to purchase, sell, or barter captive-bred raptors;

(B) When the permittee purchases from or barters with any person in a foreign country, that person must be authorized by the competent wildlife management authority of the foreign
§ 21.30  

country in which the transaction occurs to sell or barter captive-bred raptors; and

(C) When the permittee transfers to, sells to or barters with any person in a foreign country, that person must be authorized to possess, purchase or barter captive-bred raptors by the competent wildlife management authority of his/her country of residence or domicile and the same wildlife management authority must certify in writing that the recipient is an experienced falconer or raptor propagator who is required to maintain any raptors in his/her possession under conditions that are comparable to the conditions under which a permittee must maintain raptors under § 21.29 or § 21.30. No certification is required if the competent wildlife management authority itself is the recipient of captive-bred raptors for conservation purposes.

(iii) No raptor may be traded, transferred, purchased, sold, or bartered until it is two weeks old and only after it is properly banded with a nonreusable marker provided or authorized by the Service, unless it is transferred, sold, or bartered to a State or Federal wildlife management agency for conservation purposes.

(iv) A permittee may purchase, sell, or barter semen collected from any captive-bred raptor.

(v) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptors hatched from eggs taken from the wild.

(6) Use of Service form 3–186A. No permittee may take, purchase, receive, or otherwise acquire, sell, trade, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3–186A (Migratory Bird Acquisition-Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transfer. Provided, that a permittee does not have to submit a form 3–186A (Migratory Bird Acquisition-Disposition Report) to report the acquisition raptors hatched from eggs produced as a result of the permittee’s propagation activities as long as these raptors remain in the possession of the permittee.

(7) Documentation of lawful possession. No raptor may be possessed under authority of a raptor propagation permit unless the permittee has a properly completed form 3–186A (Migratory Bird Acquisition-Disposition Report) for each bird possessed, except as provided in paragraph (d)(5) of this section.

(8) Temporary possession. A raptor possessed under authority of a raptor propagation permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed form 3–186A (Migratory Bird Acquisition-Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(9) Sale, purchase, barter. A permittee may not sell, purchase, barter, or offer to sell, purchase, or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.

(10) Transfer to another. A permittee may not receive or otherwise acquire from, may not transfer or otherwise dispose of to, and may not loan to or temporarily place with another person any raptor unless that person is authorized to acquire, possess, and dispose of such raptors under a valid permit issued pursuant to this part and part 13 or as permitted by regulations in this part.

(11) Use in falconry. A permittee may use a raptor possessed for propagation in the sport of falconry only if such use is designated in both the propagation permit and the permittee’s falconry permit.

(12) Interspecific hybridization. Hybridization between species (interspecific hybridization) is authorized only if each raptor produced by interspecific hybridization is either imprinted on humans (hand-raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered) or surgically sterilized.

(13) Possession of dead raptors, non-viable eggs, nests, and feathers. (1) Upon the death of any raptor held under permit,
a permittee must remove the marker and immediately return it to the Director. The carcass must be destroyed immediately, unless the permittee requests authorization from the Director to retain possession of it. A permittee who has obtained written authorization from the Director to retain possession of the carcass may transfer it to any other person authorized by the Service to possess it, provided no money or other consideration is involved.

(ii) A permittee may possess addled or blown eggs, nests, and feathers from raptors held under permit and may transfer any of these items to any other person authorized by the Service to possess them provided no money or other consideration is involved.

(14) Intentional release to the wild. (i) A permittee must obtain written authorization from the Director and the Director of the wildlife conservation department of the State in which release to the wild is proposed before intentionally releasing any raptor to the wild. The raptor marker must be removed from each bird and immediately returned to the Director. A Federal bird band must be attached to each raptor by a person designated by the Director before its release.

(ii) No raptor produced by interspecific hybridization may be intentionally released to the wild.

(15) Recordkeeping. A permittee must maintain complete and accurate records of all operations, to include the following:

(i) Acquisition of raptors, eggs, or semen from sources other than production.

(A) Description of stock:

(1) Species, sex, age of each (if applicable),

(2) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and

(3) Marker number (if applicable).

(B) Type of stock (including number or amount):

(1) Semen,

(2) Egg, or

(3) Bird.

(C) How acquired:

(1) Purchase, barter, or transfer (include the purchase price or a description of any other consideration involved), or

(2) Taken from the wild.

(D) Date acquired: month, day, and year.

(E) From whom or where stock acquired:

(1) Name, address, and permit number of seller, barterer, or transferor; or

(2) Location where stock taken from the wild.

(i) Disposition of raptors, eggs, or semen.

(A) Description of stock:

(1) Species, sex, age of each (if applicable),

(2) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and

(3) Marker number (if applicable).

(B) Type of stock (including number or amount):

(1) Semen,

(2) Egg, or

(3) Bird.

(C) Manner of disposition:

(1) Sale, barter, or transfer (include the sale price or a description of any other consideration involved),

(2) Live loss,

(3) Intentional release to the wild, or

(4) Death.

(D) Date of disposition: month, day, and year.

(E) To whom or where stock disposed:

(1) Name, address, and permit number of purchaser, barterer, or transferee, or

(2) Description and location of other disposition.

(iii) Production and pedigree record.

(A) Mother and father(s):

(1) Species,

(2) Genotype-natal area, and

(3) Marker number.

(B) Insemination:

(1) Natural,

(2) Artificial, or

(3) Combined.

(C) Eggs laid:

(1) Total,

(2) First date, and

(3) Last date.

(D) Eggs hatched:

(1) Total,
§ 21.41
Depredation permits.

(a) Permit requirement. Except as provided in §§21.42 through 21.46, a depredation permit is required before any person may take, possess, or transport migratory birds for depredation control purposes. No permit is required merely to scare or herd depredating migratory birds other than endangered or threatened species or bald or golden eagles.

(b) Application procedures. Submit application for depredation permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the following additional information:

(1) A description of the area where depredations are occurring;

(2) The nature of the crops or other interests being injured;

(3) The extent of such injury; and

(4) The particular species of migratory birds committing the injury.

(c) Additional permit conditions. In addition to the general conditions set forth in §13.12 of this subchapter B, depredation permits shall be subject to:

(1) Permittees may not kill migratory birds unless specifically authorized on the permit.

(2) Unless otherwise specifically authorized, when permittees are authorized to kill migratory birds they may do so only with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or area described on the permit.

(3) Permittees may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice birds within gun range.

(4) All migratory birds killed shall be retrieved by the permittee and turned over to a Bureau representative or his designee for disposition to charitable or other worthy institutions for use as food, or otherwise disposed of as provided by law.

(5) Only persons named on the permit are authorized to act as agents of the permittee under authority of the permit.

(d) Tenure of permits. The tenure of depredation permits shall be limited to the dates which appear on its face, but in no case shall be longer than one year.

50 CFR Ch. 1 (10–1–02 Edition)
by publication in the Federal Register a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the Federal Register an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: Provided, That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

§ 21.44 Depredation order for designated species of depredating birds in California.

In any county in California in which horned larks, golden-crowned, white-crowned and other crowned sparrows, and house finches are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed under his/her general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county: Provided:

(a) That such migratory birds shall be killed only when necessary to protect agricultural or horticultural crops from depredation; that none of the above migratory birds killed, or the parts thereof, or the plumage of such birds, shall be sold or removed from the area where killed; but that all such dead migratory birds shall be buried or otherwise destroyed within this area,
§ 21.45 Depredation order for depredating purple gallinules in Louisiana.

Landowners, sharecroppers, tenants, or their employees or agents, actually engaged in the production of rice in Louisiana, may, without a permit, shoot purple gallinules (Ictornis martinica) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by such persons: Provided:

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: Provided, That the Director or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: Provided further, That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year; to the Director.

§ 21.46 Depredation order for depredating scrub jays and Steller’s jays in Washington and Oregon.

Landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of nut crops in Washington and Oregon may, without a permit, take scrub jays (Aphelocoma coerulescens) and Steller’s jays (Cyanocitta stelleri) when found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons: Provided:

(a) That scrub jays and Steller’s jays may only be taken pursuant to this section between August 1 and December 1 in any year, in the Washington counties of Clark, Cowlitz, and Lewis; and the Oregon counties of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill.

(b) That scrub jays and Steller’s jays taken pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: Provided, That the Director of the State agricultural department, college, or other public institution may requisition such scrub jays and Steller’s jays (Cyanocitta stelleri) when found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons.

(c) That such birds may be taken only by trapping or shooting and on
areas where serious depredations are being or are about to be committed.

(d) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(e) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the States of Washington and Oregon.

(f) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the appropriate Special Agent in Charge (see §21.47 of this subchapter).

[39 FR 31326, Aug. 28, 1974]

§ 21.47 Depredation order for double-crested cormorants at aquaculture facilities.

The Service examined the rule under the Paperwork Reduction Act of 1995 and found that it does contain information collection requirements. OMB has issued the following emergency information collection number, 1018–0097, which expires on August 31, 1998. Information collection is required to better enable the Service to assess the benefits of the depredation order on aquaculturists and to assess impacts to the double-crested cormorant population. Burden hours to aquaculturists are calculated as follows: an average of 41 birds may be taken by each of some 2,500 aquaculturists per season. An estimated total of 800 hours will be required to keep and maintain the monthly logs, and produce the logs for inspection, yielding an average of 22 minutes per aquaculturists per year.

Landowners, operators, and tenants actually engaged in the production of commercial freshwater aquaculture stocks (or their employees or agents) in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas may, without a Federal permit, take double-crested cormorants (*Phalacrocorax auritus*) when found committing or about to commit depredations to aquaculture stocks on the premises used for the production of such stocks: Provided that:

(a) Double-crested cormorants may be taken by shooting during daylight hours only, and only when necessary to protect freshwater commercial aquaculture and State-operated hatchery stocks from depredation; none of the birds so taken may be sold; and all dead birds must be buried or incinerated, except that any specimens needed for scientific purposes as determined by the Director must not be destroyed, and information on birds carrying metal leg bands may be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263).

(b) Double-crested cormorants may be shot at freshwater commercial aquaculture facilities or State-operated hatcheries only in conjunction with an established non-lethal harassment program as certified by officials of the Wildlife Services’ program of the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service.

(c) Double-crested cormorants may be taken with firearms only within the boundaries of freshwater commercial aquaculture facilities or State-operated hatcheries, and persons using shotguns are required to use nontoxic shot.

(d) Persons operating under the provisions of this section may use decoys, taped calls, or other devices to lure birds committing or about to commit depredations within gun range.

(e) Any person exercising the privileges of this section must keep and maintain a log recording the date and number of all birds killed each month under this authorization, that the log must be maintained for a period of
§ 21.60 Conservation order for mid-continent light geese.

(a) Which waterfowl species are covered by this order? This conservation order addresses management of lesser snow (Anser c. caerulescens) and Ross’ (Anser rossii) geese that breed, migrate, and winter in the mid-continent portion of North America, primarily in the Central and Mississippi Flyways (mid-continent light geese).

(b) In what areas can the conservation order be implemented? (1) The following States, or portions of States, that are contained within the boundaries of the Central and Mississippi Flyways: Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(2) Tribal lands within the geographic boundaries in paragraph (b)(1) of this section.

(3) The following areas within the boundaries in paragraph (b)(1) of this section are closed to the conservation order after 10 March of each year: Monte Vista National Wildlife Refuge (CO); Bosque del Apache National Wildlife Refuge (NM); the area within 5 miles of the Platte River from Lexington, Nebraska to Grand Island, Nebraska; the following area in and around Aransas National Wildlife Refuge; those portions of Refugio, Calhoun, and Aransas counties that lie inside a line extending from 5 nautical miles offshore to and including Pelican Island, thence to Port O’Conner, thence northwest along State Highway 185 and southwest along State Highway 35 to Aransas Pass, thence southeast along State Highway 361 to Port Aransas, thence east along the Corpus Christi Channel, thence southeast along the Aransas Channel, extending to 5 nautical miles offshore; except that it is lawful to take mid-continent light geese after 10 March of each year within the Guadalupe WMA. If at any time we receive evidence that a need to close the areas in this paragraph (b)(3) no longer exists, we will publish a proposal to remove the closures in the Federal Register.

(c) What is required in order for State/Tribal governments to participate in the conservation order? Any State or Tribal government responsible for the management of wildlife and migratory birds may, without permit, kill or cause to be killed under its general supervision, mid-continent light geese under the following conditions:

(1) Activities conducted under this section may not affect endangered or threatened species as designated under the Endangered Species Act.

(2) Control activities must be conducted clearly as such and are intended to relieve pressures on migratory birds and habitat essential to migratory bird populations only and are not to be construed as opening, re-opening, or extending any open hunting season contrary to any regulations promulgated under section 3 of the Migratory Bird Treaty Act.

(3) Control activities may be conducted only when all waterfowl and crane hunting seasons, excluding falconry, are closed.

(4) Control measures employed through this section may be implemented only between the hours of one-
half hour before sunrise to one-half hour after sunset.

(5) Nothing in this section may limit or initiate management actions on Federal land without concurrence of the Federal Agency with jurisdiction.

(6) States and Tribes must designate participants who must operate under the conditions of this section.

(7) States and Tribes must inform participants of the requirements/conditions of this section that apply.

(8) States and Tribes must keep records of activities carried out under the authority of this section, including the number of mid-continent light geese taken under this section, the methods by which they were taken, and the dates they were taken. The States and Tribes must submit an annual report summarizing activities conducted under this section on or before August 30 of each year, to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, ms 634—ARLSQ, 1849 C Street NW., Washington, DC 20240.

(d) What is required in order for individuals to participate in the conservation order? Individual participants in State or tribal programs covered by this section are required to comply with the following requirements:

(1) Nothing in this section authorizes the take of mid-continent light geese contrary to any State or Tribal laws or regulations; and none of the privileges granted under this section may be exercised unless persons acting under the authority of the conservation order possesses whatever permit or other authorization(s) required for such activities by the State or Tribal government concerned.

(2) Participants who take mid-continent light geese under this section may not sell or offer for sale those birds nor their plumage, but may possess, transport, and otherwise properly use them.

(3) Participants acting under the authority of this section must permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted, and must promptly furnish whatever information an officer requires concerning the operation.

(4) Participants acting under the authority of this section may take mid-continent light geese by any method except those prohibited as follows:

(i) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(ii) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the person a means of concealment beneath the surface of the water;

(iii) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(iv) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and the sails furled, and its progress therefrom has ceased. A craft under power may be used only to retrieve dead or crippled birds; however, the craft may not be used under power to shoot any crippled birds;

(v) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take mid-continent light geese on an area where tame or captive live geese are present unless such birds are and have been for a period of 10 consecutive days before the taking, confined within an enclosure that substantially reduces the audibility of their calls and totally conceals the birds from the sight of mid-continent light geese;

(vi) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of mid-continent light geese;

(vii) By the aid of baiting, or on or over any baited area. As used in this paragraph, “baiting” means the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain,
salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and “baited area” means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph prohibits the taking of mid-continent light geese on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shucked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; or

(viii) Participants may not possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot, or bismuth-tin, or other shots that are authorized in 50 CFR 20.21(j). Season limitations in that section do not apply to participants acting under this order.

(e) Under what conditions would the conservation order be revoked? The Service will annually assess the overall impact and effectiveness of the conservation order to ensure compatibility with long-term conservation of this resource. If at any time we receive that clearly demonstrates a serious threat of injury to the area or areas involved no longer exists, we will initiate action to revoke the conservation order.

(f) Will information concerning the conservation order be collected? The information collection requirements of the conservation order have been approved by OMB and assigned clearance number 1018–0103. Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The recordkeeping and reporting requirements imposed under regulations established in this subpart E will be utilized to administer this program, particularly in the assessment of impacts alternative regulatory strategies may have on mid-continent light geese and other migratory bird populations. The information collected will be required to authorize State and Tribal governments responsible for migratory bird management to take mid-continent light geese within the guidelines provided by the Service.

[66 FR 32265, June 14, 2001]

PART 22—EAGLE PERMITS

Subpart A—Introduction

Sec.
22.1 What is the purpose of this part?
22.2 What activities does this part apply to?
22.3 What definitions do you need to know?
22.4 Information collection requirements.

Subpart B—General Requirements

22.11 What is the relationship to other permit requirements?
22.12 What activities are illegal?

Subpart C—Eagle Permits

22.21 What are the requirements concerning scientific and exhibition purpose permits?
22.22 What are the requirements concerning permits for Indian religious purposes?
22.23 What are the requirements for permits to take depredating eagles?
22.24 Permits for falconry purposes.
22.25 What are the requirements concerning permits to take golden eagle nests?

Subpart D—Depredation Control Orders on Golden Eagles

22.31 Golden eagle depredations control order on request of Governor of a State.
22.32 Conditions and limitations on taking under depredation control order.


SOURCE: 39 FR 1183, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 22.1 What is the purpose of this part?

This part controls the taking, possession, and transportation within the United States of bald and golden eagles for scientific, educational, and depredation control purposes and for the religious purposes of American Indian tribes. This part also governs the transportation into or out of the
United States of bald and golden eagle parts for scientific, educational, and Indian religious purposes. The import, export, purchase, sale, trade, or barter of bald and golden eagles, or their parts, nests, or eggs is prohibited.

[64 FR 50472, Sept. 17, 1999]

§ 22.2 What activities does this part apply to?

(a)(1) You can possess or transport within the United States, without a Federal permit:
(i) Any live or dead bald eagles, or their parts, nests, or eggs that were lawfully acquired before June 8, 1940; and
(ii) Any live or dead golden eagles, or their parts, nests, or eggs that were lawfully acquired before October 24, 1962.
(2) You may not transport into or out of the United States, import, export, purchase, sell, trade, barter, or offer for purchase, sale, trade, or barter bald or golden eagles, or their parts, nests, or eggs of these lawfully acquired pre-act birds. However, you may transport into or out of the United States any lawfully acquired dead bald or golden eagles, their parts, nests, or dead eagles, if you acquire a permit issued under §22.22 of this part.
(3) No exemption from any statute or regulation will apply to any offspring of these pre-act birds.
(4) You must mark all shipments containing bald or golden eagles, alive or dead, their parts, nests, or eggs as directed in §14.81 of this subchapter. The markings must contain the name and address of the person the shipment is going to, the name and address of the person the shipment is coming from, an accurate list of contents by species, and the number of each species.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also part 13 of this subchapter).


§ 22.3 What definitions do you need to know?

In addition to definitions contained in part 0 of this subchapter, and unless the context otherwise requires, in this part 22:

Area nesting population means the number of pairs of golden eagles known to have a resting attempt during the preceding 12 months within a 10-mile radius of a golden eagle nest.

Export for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs out of the United States when accompanied with a valid transportation permit.

Golden eagle nest means any readily identifiable structure built, maintained or occupied by golden eagles for propagation purposes.

Import for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs into the United States when accompanied with a valid transportation permit.

Inactive nest means a golden eagle nest that is not currently used by golden eagles as determined by the absence of any adult, egg, or dependent young at the nest during the 10 days before the nest is taken.

Nesting attempt means any activity by golden eagles involving egg laying and incubation as determined by the presence of an egg attended by an adult, an adult in incubation posture, or other evidence indicating recent use of a golden eagle nest for incubation of eggs or rearing of young.

Person means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of any State or political subdivision of a State.

Resource development or recovery includes, but is not limited to, mining, timbering, extracting oil, natural gas and geothermal energy, construction of roads, dams, reservoirs, power plants, power transmission lines, and pipelines, as well as facilities and access routes essential to these operations, and reclamation following any of these operations.
Take includes also pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb.

Transportation into or out of the United States for the purpose of this part means that the permitted item or items transported into or out of the United States do not change ownership at any time, they are not transferred from one person to another in the pursuit of gain or profit, and they are transported into or out of the United States for Indian religious purposes, or for scientific or exhibition purposes under the conditions and during the time period specified on a transportation permit for the items.

§ 22.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 22 under 44 U.S.C. 3507 and assigned OMB Control Number 1018–0022. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in the Bald and Golden Eagle Protection Act and its regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 1 to 4 hours per response, with an average of 1 hour per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS–222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018–0022), Washington, DC 20603.

[63 FR 52637, Oct. 1, 1998]

Subpart B—General Requirements

§ 22.11 What is the relationship to other permit requirements?

You may not take, possess, or transport any bald eagle (Haliaeetus leucocephalus) or any golden eagle (Aquila chrysaetos), or the parts, nests, or eggs of such birds, except as allowed by a valid permit issued under this part, part 13, and/or §21.22 of this subchapter, or authorized under a depredation order issued under subpart D of this part. We will accept a single application for a permit under this part and any other parts of this subchapter B if it includes all of the information required for an application under each applicable part.

(a) You do not need a permit under parts 17 and 21 of this subchapter B for any activity permitted under this part 22 with respect to bald or golden eagles or their parts, nests, or eggs.

(b) You must obtain a permit under part 21 of this subchapter for any activity that also involves migratory birds other than bald and golden eagles, and a permit under part 17 of this subchapter for any activity that also involves threatened or endangered species other than the bald eagle.

(c) If you are transporting dead bald or golden eagles, or their parts, nests, or dead eggs into or out of the United States, you will also need a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit under part 23 of this subchapter.

§ 22.12 What activities are illegal?

(a) You may not sell, purchase, barter, trade, import, or export, or offer for sale, purchase, barter, or trade, at any time or in any manner, any bald eagle (Haliaeetus leucocephalus), or any golden eagle (Aquila chrysaetos), or the parts, nests, or eggs of these birds, and we will not issue a permit to authorize these acts.

(b) You may not transport into or out of the United States any live bald or...
golden eagle, or any live egg of those birds, and we will not issue a permit to authorize these acts.

[64 FR 50472, Sept. 17, 1999]

Subpart C—Eagle Permits

§ 22.21 What are the requirements concerning scientific and exhibition purpose permits?

We may, under the provisions of this section, issue a permit authorizing the taking, possession, transportation within the United States, or transportation into or out of the United States of lawfully possessed bald eagles or golden eagles, or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds.

(a) How do I apply if I want a permit for scientific and exhibition purposes?

(1) You must submit applications for permits to take, possess, or transport within the United States lawfully acquired live or dead bald or golden eagles, or their parts, nests, or live or dead eggs for scientific or exhibition purposes to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the Regional Directors in 50 CFR 2.2.

(2) If you want a permit to transport into or out of the United States any lawfully acquired dead bald or golden eagles or their parts, nests, or dead eggs for scientific or exhibition purposes, you must submit your application to the Office of Management Authority. Your application must contain all the information necessary for the issuance of a CITES permit. You must also comply with all the requirements in part 23 of this subchapter before international travel. Mail should be addressed to: Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA, 22203.

(b) How do we evaluate your application for a permit? We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes when we determine that the taking, possession, or transportation is compatible with the preservation of the bald eagle and golden eagle. In making this determination, we will consider, among other criteria, the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald and golden eagles;

(2) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully
§ 22.22 What are the requirements concerning permits for Indian religious purposes?

We will issue a permit only to members of Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs listed under 25 U.S.C. 479a–1 engaged in religious activities who satisfy all the issuance criteria of this section. We may, under the provisions of this section, issue a permit authorizing the taking, possession, and transportation within the United States, or transportation into or out of the United States of lawfully acquired bald eagles or golden eagles, or their parts, nests, or eggs for Indian religious use. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds.

(a) How do I apply if I want a permit for Indian religious purposes? You must submit applications for permits to take, possess, transport within the United States, or transport into or out of the United States lawfully acquired bald or golden eagles, or their parts, nests, or eggs for Indian religious use to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. If you are applying for a permit to transport into or out of the United States, your application must contain all the information necessary for the issuance of a CITES permit. You must comply with all the requirements in part 23 of this subchapter before international travel. Your application for any permit under this section must also contain the information required under this section, §13.12(a) of this subchapter, and the following information:

(1) Species and number of eagles or feathers proposed to be taken, or acquired by gift or inheritance.

(2) State and local area where the taking is proposed to be done, or from whom acquired.

(3) Name of tribe with which applicant is associated.

(4) Name of tribal religious ceremony(ies) for which required.

(5) You must attach a certification of enrollment in an Indian tribe that is federally recognized under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a–1, 108 Stat. 4791 (1994). The certificate must be signed by the tribal official who is authorized to certify that an individual is a duly enrolled member of that tribe, and must include the official title of that certifying official.

(b) What are the permit conditions? In addition to the general conditions in part 13 of this subchapter B, permits to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs for Indian religious use are subject to the following conditions:

(1) Bald or golden eagles or their parts possessed under permits issued pursuant to this section are not transferable, except such birds or their parts may be handed down from generation to generation or from one Indian to another in accordance with tribal or religious customs; and

(2) You must submit reports or inventories, including photographs, of eagle feathers or parts on hand as requested by the issuing office.

(c) How do we evaluate your application for a permit? We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs, for Indian religious use when we determine...
that the taking, possession, or transportation is compatible with the preservation of the bald and golden eagle. In making a determination, we will consider, among other criteria, the following:

1. The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald or golden eagles; and
2. Whether the applicant is an Indian who is authorized to participate in bona fide tribal religious ceremonies.

(d) How long are the permits valid? We are authorized to amend, suspend, or revoke any permit that is issued under this section (see §§ 13.23, 13.27, and 13.28 of this subchapter).

1. A permit issued to you that authorizes you to take bald or golden eagles will be valid during the period specified on the face of the permit, but will not be longer than 1 year from the date it is issued.
2. A permit issued to you that authorizes you to transport and possess bald or golden eagles or their parts, nests, or eggs within the United States will be valid for your lifetime.
3. A permit authorizing you to transport dead bald eagles or golden eagles, or their parts, nests, or dead eggs into or out of the United States can be used for multiple trips to or from the United States, but no trip can be longer than 180 days. The permit will be valid during the period specified on the face of the permit, not to exceed 3 years from the date it is issued.

§ 22.23 What are the requirements for permits to take depredating eagles?

(a) How do I apply for a permit? You must submit applications for permits to take depredating bald or golden eagles to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. Your application must contain the information and certification required by §13.12(a) of this subchapter, and the following additional information:

1. Species and number of eagles proposed to be taken;
2. Location and description of property where taking is proposed;
3. Inclusive dates for which permit is requested;
4. Method of taking proposed;
5. Kind and number of livestock or domestic animals owned by applicant;
6. Kind and amount of alleged damaged; and
7. Name, address, age, and business relationship with applicant of any person the applicant proposes to act for him as his agent in the taking of such eagles.

(b) What are the permit conditions? In addition to the general conditions set forth in part 13 of this subchapter, permits to take depredating bald or golden eagles shall be subject to the following conditions:

1. Bald or golden eagles may be taken under permit by firearms, traps, or other suitable means except by poison or from aircraft;
2. The taking of eagles under permit may be done only by the permittee or his agents named in the permit;
3. Any eagle taken under authority of such permit will be promptly turned over to a Service agent or other game law enforcement officer designated in the permit; and
4. In addition to any reporting requirement on a permit, you must submit a report of activities conducted under the permit to the appropriate Regional Director—Attention: Migratory Bird Permit Office within 10 days following completion of the taking operations or the expiration of the permit, whichever occurs first.

(c) Issuance criteria. The Director shall conduct an investigation and not issue a permit to take depredating bald or golden eagles unless he has determined that such taking is compatible with the preservation of the bald or golden eagle. In making such determination the Director shall consider the following:

1. The direct or indirect effect which issuing such permit would be likely to have upon the wild population of bald or golden eagles;
2. Whether there is evidence to show that bald or golden eagles have in fact become seriously injurious to wildlife or to agriculture or other interests in the particular locality to be covered by

§ 22.24 Permits for falconry purposes.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the possession and transportation of golden eagles for falconry purposes.

(a) Application procedures. Submit applications for permits to possess and transport golden eagles for falconry purposes to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) A copy of the applicant’s master (or equivalent) class permit issued in accordance with 50 CFR 21.28.

(2) A statement of the applicant’s experience in handling large raptors, including the species, type of experience and duration of the activity in which the experience was acquired.

(3) At least two (2) letters of reference from individuals with recognized experience in handling and/or flying eagles. Each letter must contain a concise history of the author’s experience with eagles. Eagle handling experience is defined as, but is not limited to, the handling of pre-Act birds, zoological specimens, rehabilitating eagles, or scientific studies involving eagles. Each letter must also assess the applicant’s capability to properly care for the fly golden eagles in falconry, and recommend the issuance or denial of the permit.

(4) A description of the facilities in which golden eagles will be housed.

(5) If requesting an eagle(s) from the Service, applicants must specify the sex, age and condition of the eagle(s) they will accept.

(6) For eagles already legally possessed, a copy of the permit or other documentation authorizing possession of said birds, and the procedures to be used to minimize or eliminate hazards associated with the use of imprinted birds in falconry.

(7) Name, address, age and experience in handling raptors of any person the applicant proposes to act as an authorized agent in taking possession of golden eagles provided by the Service.

(b) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, permits to possess and transport golden eagles for falconry purposes are subject to the following conditions:

(1) Golden eagles possessed for falconry purposes are considered as raptors and must be maintained in accordance with Federal falconry standards described in §§21.28 and 21.29 of this subchapter.

(2) Only golden eagles legally obtained may be possessed and transported for falconry purposes.

(3) Captive breeding of golden eagles possessed for falconry purposes is prohibited.

(4) The applicant, or authorized agent, must agree to take possession of a requested golden eagle(s) within 72 hours of notification of availability. Expenses incurred by the applicant in taking possession of said eagle(s) will be the applicant’s responsibility.

(5) The golden eagle(s) must be banded with a numbered eagle marker provided by the Service.

(6) All permits issued pursuant to this section shall state on their face that eagles possessed for falconry purposes under authority of this permit may not be transferred or otherwise intentionally disposed of by any means, including release to the wild, without
§ 22.25 What are the requirements concerning permits to take golden eagle nests?

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing any person to take golden eagle nests during a resource development or recovery operation when the nests are inactive, if the taking is compatible with the preservation of the area nesting population of golden eagles. The information collection requirements contained within this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make

The information collection requirements approved by the Office of Management and Budget under control number 1018–0022. The information is necessary to determine potential permittee’s qualifications and is required to obtain a permit.

[49 FR 891, Jan. 6, 1984, as amended at 63 FR 52638, Oct. 1, 1998]

§ 22.25 Written approval from the appropriate regional director.

(7) All permits issued pursuant to this section shall state on their face that the appropriate special agent in charge must be notified no later than ten (10) days after the death of a permit holder.

(c) More restrictive State laws. Nothing in this section shall be construed to prevent a State from making and/or enforcing more restrictive laws and regulations as regards the use of golden eagles in falconry.

(d) Issuance criteria. The Director shall conduct an investigation and shall not issue a permit to possess and transport golden eagles for falconry purposes unless he has determined: that such possession and transportation is compatible with the preservation of golden eagles; that the proposed possession and transportation of golden eagles for falconry is not otherwise prohibited by laws and regulations within the State where the activity is proposed; and that the applicant is qualified to possess and transport golden eagles for falconry purposes. In making the latter determination, the Director shall consider, but shall not necessarily be limited to, the following:

(1) The applicant’s cumulative falconry experience.

(2) The applicant’s demonstrated ability to handle and care for large raptors.

(3) Information contained in the applicant’s letters of reference.

(e) Tenure of permits. Any permit to possess and transport golden eagles for falconry purposes is valid for as long as the holder maintains a valid master (or equivalent) class falconry permit or until revoked in writing by the Service.

(f) Permission to trap golden eagles for falconry purposes. Applicants desiring to trap golden eagles from the wild for use in falconry must request and obtain permission from the Service prior to exercising this privilege. The following applies to requests:

(1) Only golden eagles from a specified depredation area may be trapped for falconry purposes.

(2) Permission to trap golden eagles must be requested in writing from the appropriate State Animal Damage Control (ADC) supervisor subsequent to issuance of the permit to possess and transport golden eagles for falconry purposes.

(3) Permission to trap will not be granted until the permittee suitably demonstrates to the State ADC supervisor or a designated project leader his/her qualifications and capabilities to trap golden eagles from the wild.

(4) All such trapping must be conducted under the direct supervision of the State ADC supervisor or designated project leader in the specified depredation area.

(5) Any permission to trap golden eagles from the wild pursuant to this section shall in no case extend more than 90 days from the date of issue.

(6) Upon issuance of permission to trap in accordance with the above conditions, the appropriate special agent in charge will be notified in writing by the State ADC supervisor of the individual’s name, address, location of the specified depredation area and tenure of permission to trap golden eagles.
§ 22.25  decisions, according to the criteria established in this section for the issuance or denial of such permits. The obligation to respond is required to obtain or retain a permit.

(a) How do I apply for a permit to take golden eagle nests? You must submit applications for permits to take golden eagle nests to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. We will only accept applications if you are engaged in a resource development or recovery operation, including the planning and permitting stages of an operation. Your application must contain the general information and certification required by §13.12(a) of this chapter plus the following additional information:

1. A description of the resource development or recovery operation in which the applicant is engaged;

2. The number of golden eagle nests proposed to be taken;

3. A description of the property on which the taking is proposed, with reference made to its exact geographic location. An appropriately scaled map or plat must be included which delineates the area of the resource development or recovery operation and identifies the exact location of each golden eagle nest proposed to be taken. The map or plat must contain enough detail so that each golden eagle nest used to calculate the area nesting population can be readily located by the Service.

4. For each golden eagle nest proposed to be taken, the applicant must calculate the area nesting population of golden eagles and identify on an appropriately scaled map or plat the exact location of each golden eagle nest used to calculate the area nesting population unless the Service has sufficient data to independently calculate the area nesting population. The map or plat must contain enough details so that each golden eagle nest used to calculate the area nesting population can be readily located by the Service.

5. A description of each activity to be performed during the resource development or recovery operation which involves the taking of a golden eagle nest;

6. A statement with any supporting documents from ornithologists experienced with golden eagles or other qualified persons who have made on site inspections and can verify the applicant’s calculation of the area nesting population;

7. The length of time for which the permit is requested, including the dates on which the proposed resource development or recovery operation is to begin and end;

8. A statement indicating the intended disposition of each nest proposed to be taken. Applicants should state whether they are willing to collect any nest for scientific or educational purposes; and

9. A statement indicating any proposed mitigation measures that are compatible with the resource development or recovery operation to encourage golden eagles to recoup the resource development or recovery site. Mitigation measures may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any inactive golden eagle nest taken, or establishing one or more nest sites. If the establishment of one or more nest sites is proposed, a description of the materials and methods to be used and the exact location of each artificial nest site must be included.

(b) Additional permit conditions. In addition to the general conditions set forth in part 13 of this chapter, permits to take golden eagle nests are subject to the following additional conditions:

1. Only inactive golden eagle nests may be taken.

2. The permittee shall submit a report of activities conducted under the permit to the Director within ten (10) days following the permit’s expiration;

3. The permittee shall notify the Director in writing at least 10 days but not more than 30 days before any golden eagle nest is taken;

4. The permittee shall comply with any mitigation measures determined by the Director to be feasible and compatible with the resource development or recovery operation; and

5. Any permit issued before the commencement of a resource development or recovery operation is invalid if the
§ 22.32 Conditions and limitations on taking under depredation control order.

(a) Whenever the taking of golden eagles without a permit is authorized for the seasonal protection of livestock, such birds may be taken by firearms, traps, or other suitable means except by poison or from aircraft.

(b) Any person exercising any of the privileges granted by this subpart D must permit all reasonable times, including during actual operations, any Service agent, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

(c) The authority to take golden eagles under a depredations control order issued pursuant to this subpart D only authorizes the taking of golden eagles when necessary to seasonally protect domesticated flocks and herds, and all such birds taken must be reported and turned over to a local Bureau Agent.
PART 23—ENDANGERED SPECIES
CONVENTION

Subpart A—Introduction

Sec.
23.1 Purpose of regulations.
23.2 Scope of regulations.
23.3 Definitions.
23.4 Parties to the Convention.

Subpart B—Prohibitions, Permits and Exceptions

23.11 Prohibitions.
23.12 Requirements.
23.13 Exceptions.
23.14 Foreign documentation.
23.15 Permits and certificates.

Subpart C—Appendices I, II and III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

23.21 Criteria for listing species. [Reserved]
23.22 Procedures for amending the appendices. [Reserved]
23.23 Species listed in Appendices I, II, and III.

Subpart D—Public Participation in the Development of Negotiating Positions for Meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Federal Agency Consultation

23.31 Purpose of regulations.
23.32 Notice of meeting of Conference of the Parties to the Convention.
23.33 Notice of proposed negotiating positions.
23.34 Public meetings.
23.35 Notice of negotiating positions.
23.36 Schedule of public meetings and notices.
23.37 Federal agency consultation.
23.38 Modifications of procedures and negotiating positions.
23.39 Notice of availability of official report.

Subpart E—Scientific Authority Advice [Reserved]

Subpart F—Export of Certain Species

23.51 American ginseng (Panax quinquefolius).
23.52 Bobcat (Lynx rufus).
23.53 River otter (Lontra canadensis).
23.54 Lynx (Lynx canadensis).
23.55 Gray wolf (Canis lupus).
23.56 Brown bear (Ursus arctos).


SOURCE: 42 FR 10465, Feb. 22, 1977, unless otherwise noted.

Subpart A—Introduction

§ 23.1 Purpose of regulations.

(a) The regulations in this part implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

(b) The regulations identify those species of wildlife and plants included in appendix I, II or III to the Convention.

§ 23.2 Scope of regulations.

(a) The regulations of this part apply only to wildlife and plants listed in appendix I, II or III to the Convention, listed herein in § 23.23 for the convenience of the public. It should be noted that many species listed in appendix I, II or III are also listed in part 17 (endangered and threatened species) or part 18 (marine mammals), and are subject to additional regulations in those parts or in part 216 (marine mammals) or parts 217–225 (endangered and threatened species) for species under jurisdiction of the National Marine Fisheries Service.

(b) [Reserved]

§ 23.3 Definitions.

In addition to the definitions contained in parts 10 and 17 of this subchapter, and unless the context requires otherwise, in this part:

Appendix I means the list of wildlife and plants called “Appendix I” and attached to the Convention (see §23.23 for the list).

Appendix II means the list of wildlife and plants called “Appendix II” and attached to the Convention (see §23.23 for the list).

Appendix III means the list of wildlife and plants called “Appendix III” and attached to the Convention (see §23.23 for the list).

Convention means the Convention on International Trade in Endangered
§ 23.4 Parties to the Convention.

The following countries are currently parties to the Convention. The name and address of the management authority is included under the name of each country. This list is for the convenience of the public, and does not preclude the application of regulations in this part 23 to importation, exportation or re-exportation to or from other countries.

AUSTRALIA
The Bureau of Customs, Department of Business and Consumer Affairs, Canberra, Act 2600, Australia.

BRAZIL
Instituto Brasileiro de Desenvolvimento Florestal (IBDF) do Ministério da Agricultura, Palácio do Desenvolvimento, Setor Bancário Norte, 13° andar, 70000 Brasília—DF Brazil.

CANADA
The Administrator, Convention on International Trade in Endangered Species, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3, Canada.

CHILE
Servicio Agrícola y Ganadero (SAG), Ministerio de Agricultura, Santiago, Chile.

COSTA RICA
Departamento de Pesca Continental y Vida Silvestre, Ministerio de Agricultura y Ganadería, San Jose, Costa Rica.

CYPRUS
Ministry of Agriculture and Natural Resources, Nicosia, Cyprus.

ECUADOR
Ministerio de Agricultura y Ganadería, Quito, Ecuador.

FEDERAL REPUBLIC OF GERMANY
Bundesminister für Ernährung Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn-Duisdorf, Federal Republic of Germany.

FINLAND
Maa—ja Metsatalousministerio, Ministry of Agriculture and Forestry, Bureau of Natural Resources, Hallituskatu 3 A, 00170 Helsinki 3 A, Finland.

GERMAN DEMOCRATIC REPUBLIC
Ministerium für Land, Forst und Nahrungsgüterwirtschaft, der Deutschen Demokratischen Republik, DDR—1157 Berlin, German Democratic Republic.

GHANA
Department of Game and Wildlife, P.O. Box M 239, Accra, Ghana.

INDIA
The Director of Wildlife Preservation, Government of India, Ministry of Agriculture and Irrigation, Department of Agriculture, Krishi Bhavan, New Delhi—110001, India.

IRELAND
Department of the Environment, P.O. Box 1490, Tehran, Iran.

MALAGASY REPUBLIC
Direction des Eaux et Forêts et de la Conservation des Soils, B.P. 243, Tananarive.

MAURITIUS
The Conservator of Forests, Forest Service, Curepipe, Mauritius.

MOROCCO

NEPAL
Not available.

NIGER

NIGERIA
Not available.
§ 23.11 Prohibitions.

(a) Unless the requirements in this part 23 are met, or one of the exceptions in this part 23 is applicable, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in paragraphs (b) through (d) of this section.

(b) Import.

(1) It is unlawful to import into the United States any wildlife or plant listed in appendix I, II or III (see §23.23) from any foreign country.

(2) It is unlawful to import directly into the United States any wildlife or plant listed in appendix I or II (see §23.23) taken from the sea beyond the jurisdiction of any country.

(c) Export. It is unlawful to export from the United States any wildlife or plant listed in appendix I, II or III (see §23.23).

(d) Re-export. It is unlawful to re-export from the United States any wildlife or plant listed in appendix I, II or III (see §23.23).

(e) Possession. It is unlawful for any person subject to the jurisdiction of the United States to possess any wildlife or plant listed in appendix I, II or III imported into the United States, or exported or re-exported from the United States contrary to the provisions of the Convention or this part 23.

§ 23.12 Requirements.

(a) Import. (1) In order to import into the United States any wildlife or plant listed in Appendix I from any foreign country, a United States import permit, issued pursuant to §23.15, and a valid foreign export permit issued pursuant to §23.15, are required.
permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in appendix I taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to §23.15 must be obtained prior to such importation.

(2) Appendix II. (i) In order to import into the United States any wildlife or plant listed in appendix II from any foreign country, a valid foreign export permit issued by the country of origin, or a valid foreign re-export certificate issued by the country of re-export, must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in Appendix II taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to §23.15, must be obtained prior to such importation.

(3) Appendix III. (i) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has listed such animal or plant in appendix III, a valid foreign export permit or re-export certificate issued by such country must be obtained prior to such importation.

(ii) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has not listed such wildlife or plant in appendix III, a valid foreign certificate of origin or foreign re-export certificate must be obtained prior to such importation.

(b) Export or re-export—(1) Appendices I and II. In order to export or re-export from the United States any wildlife or plant listed in appendix I or II, a United States export permit or re-export certificate, issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

(2) Appendix III. (i) In order to export or re-export from the United States any wildlife or plant listed in appendix III by the United States, a United States export permit or re-export certificate issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

(ii) In order to export or re-export from the United States any wildlife or plant listed in appendix III that has not been listed by the United States, a re-export certificate or certificate of origin, issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

§ 23.13 Exceptions.

(a) If any wildlife or plant listed in appendix I, II or III is also subject to the regulations in part 17 or part 18 of this subchapter, the prohibitions and exceptions in those parts and in part 23 shall apply. Exceptions in one part cannot be invoked to allow activities prohibited in another part.

(b) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plant listed in appendix I, II or III that are being transshipped through the United States provided such wildlife or plants remain in Customs custody.

(c) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of origin or the country of re-export to the effect that the wildlife or plant was acquired prior to the date the Convention applied to it. See §23.15 for rules on the issuance of such certificates.

(d) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants that are accompanying personal baggage or part of a shipment of the household effects of persons moving their residences to or from the United States: Provided, That this exception shall not apply to:

(1) Importation by U.S. residents of wildlife or plants listed in appendix I that were acquired outside the United States;

(2) Importation by U.S. residents of wildlife or plants listed in appendix II that were taken from the wild in a foreign country, if that country requires export permits.

(e) Wildlife or plants listed in appendix I that have been bred in captivity.
or artificially propagated, for commercial activities, shall be treated as if listed in appendix II.

(f) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of export to the effect that the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom. See §23.15 for rules on the issuance of such certificates.

(g) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material when they are imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions that have been registered by a management authority of their country, and when a label issued or approved by such management authority is clearly affixed to the package or container. See §23.15 for rules on registration and issuance or approval of labels.

§ 23.14 Foreign documentation.

(a) Party countries. Only export permits, re-export certificates, certificates of origin, or other certificates issued and signed by a management authority will be accepted as a valid foreign document from a country that is a party to the Convention.

(b) Countries that are not parties. The requirements in this part 23 apply to all wildlife and plants listed in appendix I, II or III to the Convention, whether the shipment is to or from a country that is party to the Convention, or to or from any other country. In the case of a shipment from a country not party to the Convention, documents containing information corresponding to that required by the regulations in this part 23 may be accepted. Such documents may be in the form of an export or import permit, a letter from the proper authority, or any other form that clearly indicates the nature of the document. Such documents must:

1. Be issued by an official of the country responsible for authorizing the export of such wildlife or plants;
2. Specify the species (or taxa to the rank listed in appendix I, II or III) and give the numbers of wildlife or plants covered by the document; and
3. Contain the following statement or its equivalent:

I, (Signing official), hereby certify that the shipment of wildlife or plants covered by this document is in accordance with the laws of (Country), will not be detrimental to the survival of the species in the wild and, if living, will be transported in a manner which will minimize the risk of injury, damage to health, or cruel treatment.

§ 23.15 Permits and certificates.

(a) In order to import, export or re-export wildlife or plants listed in appendix I, II or III that are also listed as endangered or threatened and subject to regulations in part 17 of this subchapter, the requirements in both part 17 and part 23 must be met. A single application meeting the appropriate application requirements in part 17 will also meet the application requirements in part 23.

(b) In order to import wildlife listed in appendix I, II or III that are marine mammals subject to regulations in part 18 of this subchapter, the requirements in both part 18 and part 23 must be met. A single application meeting the application requirements in part 18 will also meet the application requirements in part 23.

(c) Application requirements for permits or certificates to import, export or re-export wildlife or plants listed in appendix I, II or III that are not subject to the regulations in part 17 or part 18 of this subchapter. Any person subject to the jurisdiction of the United States who wishes to get such a permit or certificate submits an application under this section to the Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203 by any person subject to the jurisdiction of the United States who wishes to get a permit for the activity. The Service provides Form 3–200 for the application to
which as much of the following information relating to the purpose of the permit or certificate must be attached.

(1) The scientific and common names of the species (or taxa to the rank listed in appendix I, II or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried or embedded museum specimen or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(d) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a), (b) or (c) of this section, the Director will decide whether or not a permit or certificate should be issued. In making his decision, the Director shall consider in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the proposed import, export or re-export would be detrimental to the survival of the species;

(2) Whether the wildlife or plant was acquired lawfully;

(3) Whether any living wildlife or plant to be exported or re-exported will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;

(4) Whether any living wildlife or plant to be imported directly into the United States from the sea beyond the jurisdiction of any country will be so handled as to minimize the risk of injury, damage to health or cruel treatment;

(5) Whether an import permit has been granted by a foreign country, in the case of proposed export or re-export from the United States of any wildlife or plant listed in Appendix I;

(6) Whether the proposed recipient of any living wildlife or plant listed in Appendix I to be imported into the United States is suitably equipped to house and care for such wildlife or plant;

(7) Whether any wildlife or plant listed in appendix I to be imported into the United States is to be used for primarily commercial activities; and

(8) Whether the evidence submitted is sufficient to justify an exception, in the case of (i) wildlife or plants that were acquired prior to the date the
§ 23.21  Convention applied to them; (ii) wildlife or plants that were bred in captivity or artificially propagated, or were part of or derived there from; or (iii) wildlife or plants that are herbarium specimens; other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(9) Whether in the case of wildlife or plants listed in Appendix II, they are the subject of a large volume of trade and are not necessarily threatened with extinction.

(e) Permit or certificate conditions. In addition to the general criteria set forth in part 13 of this subchapter, permits or certificates issued under this section shall be subject to the following special conditions:

(1) Any permit must be presented to a Service agent at a designated port of entry upon importation into the United States or prior to exportation or re-exportation from the United States;

(2) Where appropriate and feasible, the Service may require that an identifying mark be affixed upon any wildlife or plant;

(3) In the case of wildlife or plants that are herbarium specimens, other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. The letters “CITES” (acronym for the Convention), a description such as “herbarium specimens,” and the code letters assigned by the Service to the scientist or scientific institution, must be entered on the Customs declaration form affixed to each package or container.

(f) Duration of permits or certificates. The duration of permits or certificates issued under this section shall be designated on the face of the permit or certificate, but in no case will export permits be valid for longer than six months.

(g) Information collection requirements. The Office of Management and Budget approved the information collection requirements contained in this part 23 under 44 U.S.C. 3501 and assigned OMB Control Number 1018-0093. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to vary from 20 minutes to 2 hours per response, with an average of 1 hour per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS 222-AVL, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0093), Washington, DC 20603.


Subpart C—Appendices I, II and III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

§ 23.21 Criteria for listing species. [Reserved]

§ 23.22 Procedures for amending the appendices. [Reserved]

§ 23.23 Species listed in Appendices I, II, and III.

(a) The list in this section includes species of wildlife and plants placed in Appendix I, II or III in accordance with the provisions of Articles XV and XVI of the Convention.
The list of species is organized as follows:

<table>
<thead>
<tr>
<th>Major group</th>
<th>Subgroups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mammals</td>
<td>Orders, in taxonomic sequence.</td>
</tr>
<tr>
<td>Birds</td>
<td>Orders, in taxonomic sequence.</td>
</tr>
<tr>
<td>Reptiles</td>
<td>Orders, in taxonomic sequence.</td>
</tr>
<tr>
<td>Amphibians</td>
<td>Orders, in taxonomic sequence.</td>
</tr>
<tr>
<td>Fishes</td>
<td>Orders, in taxonomic sequence.</td>
</tr>
<tr>
<td>Molluscs</td>
<td>Classes.</td>
</tr>
<tr>
<td>Arthropods</td>
<td>Classes.</td>
</tr>
<tr>
<td>Plants</td>
<td>Families, in alphabetical sequence.</td>
</tr>
</tbody>
</table>

Within each Subgroup, lower taxonomic units (mainly genera, but sometimes families or subfamilies) are listed in alphabetical sequence. The scientific name takes precedence over the common name in determining if a species is listed.

(b) The appendix column of the list includes the annotation "pe" (=possibly extinct) for certain species. It also contains the names of Parties including species in Appendix III.

(c) For purposes of issuing United States certificates of exemption under Article VII(3), the date when the Convention applies to a species is the date when the inclusion of that species in the appendices enters into force under the terms of Article XV or XVI of the Convention. The date of first listing is retained if a species is transferred from one appendix to another or if a listed species is subsequently included with other species in the listing of a taxon above the species level. Such species are shown separately in this publication of the appendices. The date of a subsequent listing is used only if a species is entirely deleted from the appendices and is subsequently reincluded after an intervening period of time.

(d) Subject to the regulations of this part are all living or dead animals or plants in Appendix I, II or III, and all their readily recognizable parts and derivatives except for specified parts or derivatives of particular Appendix III animal species as excluded in the particular listing and the following categorically excluded or exempted parts or derivatives of certain plants:

1. For Appendix II and Appendix III plants and artificially propagated hybrids of Appendix I plants: Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and

2. For Appendix II and Appendix III plants: Seeds (other than the seeds of Mexican Cactaceae originating from Mexico, which are included in the Appendices), spores, pollen (including pollinia), and artificially propagated cut flowers; and

3. For artificially propagated hybrids of Appendix I plants: seeds and pollen (including pollinia) and cut flowers; and

4. For artificially propagated or naturalized Appendix II Cactaceae species: fruits and their parts and derivatives; for Opuntia subgenus Opuntia species, separate stem joints (pads) and their parts and derivatives.

5. For Orchidaceae species: in Appendix I, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; in Appendix II, for artificially propagated Vanilla species, the fruits and their parts and derivatives.

(e) The list of species set out in subsection (f) is informational and not regulatory in nature. It is solely intended as a convenience to the public. The official list of species included in Appendices I, II, and III is the one maintained by the CITES Secretariat based on the decisions of the Parties to the Convention.

(f) The list of species in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora is provided below:

<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS MAMMALIA:</td>
<td>MAMMALS:</td>
<td>Monotremes:</td>
<td>Spiny anteaters</td>
</tr>
<tr>
<td>Order Monotremata:</td>
<td></td>
<td></td>
<td>Dunnart (Marsupial-mice), Tasmanian wolf:</td>
</tr>
<tr>
<td>Zaglossus spp.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Order Dasyuromorphia:</td>
<td>Sminthopsis longicaudata</td>
<td></td>
<td>Long-tailed marsupial-mouse, Long-tailed dunnart.</td>
</tr>
<tr>
<td>Species</td>
<td>Common name</td>
<td>Appendix</td>
<td>First listing date (month/year)</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>----------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>S. psammophila</td>
<td>Large desert marsupial-mouse</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Thylacinus cynocephalus</td>
<td>Sandhill dunnart</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Order Primates (formerly including order Scandentia)</td>
<td>Tasmanian wolf, Thylacinus</td>
<td>I pe</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Order Peramelemorphia:</td>
<td>Pig-footed bandicoot</td>
<td>I pe</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Cheirogaleus</td>
<td>Rabbit bandicoot, Bilby</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>M. leucura</td>
<td>Lesser spiny bandicoot, Yallah</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Perameles bougainvillei</td>
<td>Barred bandicoot, Long-nosed bandicoot, Mars.</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Order Chiroptera:</td>
<td>Bats</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>A. jubatus</td>
<td>Flying foxes</td>
<td>III (Uruguay)</td>
<td>7/1/75</td>
</tr>
<tr>
<td>A. lucifer</td>
<td>Golden-capped fruit bat</td>
<td>I</td>
<td>1/18/90</td>
</tr>
<tr>
<td>P. insularis</td>
<td>Flying foxes</td>
<td>II</td>
<td>1/18/90</td>
</tr>
<tr>
<td>P. insularis</td>
<td>Trinket flying fox</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>P. marifus</td>
<td>Flying foxes</td>
<td>II</td>
<td>10/22/87</td>
</tr>
<tr>
<td>P. molossinus</td>
<td>Flying foxes</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>P. phoeoecephalus</td>
<td>Mortlock flying fox</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>P. pilosus</td>
<td>Palau flying fox</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>P. samarensis</td>
<td>Samoa flying fox</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>P. tuckeri</td>
<td>Little Mariana fruit bat, Okada’s flying fox</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>P. torquatus</td>
<td>Insular flying fox, Tonga fruit bat</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>Vampyrum spectrum</td>
<td>White-lined bat</td>
<td>III (Uruguay)</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Order Primates (formerly including order Scandentia, above):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All species of primates except those in App. I or with earlier date in App. II.</td>
<td></td>
<td></td>
<td>2/4/77</td>
</tr>
<tr>
<td>All monkeys, apes, etc. not listed below.</td>
<td></td>
<td></td>
<td>2/4/77</td>
</tr>
<tr>
<td>Ailuropoda melanoleuca</td>
<td>Hairy-eared dwarf lemurs</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Alouatta palliata (=villosa)</td>
<td>Mantled howler monkey</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>A. pigra</td>
<td>Black howler monkey</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Ateles geoffroyi frontatus</td>
<td>Black-handed spider monkey</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>A. geoffroyi panamensis</td>
<td>Black-handed spider monkey</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Avahi spp.</td>
<td>Avahis, Woolly lemurs</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Brachyteles arachnides</td>
<td>Woolly spider monkey</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Cacajao spp.</td>
<td>Uakaris</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Callicebus cupreus (=C. jaccus aucta)</td>
<td>Goeldi’s monkey, Callicebus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Callithrix aurita (=C. jaccus aucta)</td>
<td>White-eared marmoset</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>C. flaviceps (=C. jaccus flaviceps)</td>
<td>Buff-headed marmoset</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Cebus capucinus</td>
<td>White-throated capuchin</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Cercopithecus galeritus galeritus</td>
<td>Tana River mangabey, Agili</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Cercopithecus galeritus</td>
<td>Langabey.</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Cercocebus galeritus galeritus</td>
<td>Cercopithecus diana (=C. roloway)</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Cheirogaleus sp.</td>
<td>Dwarf lemurs</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Chiropterus aethiops</td>
<td>White-nosed saki</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Colobus (see Procolobus)</td>
<td>Aye-aye</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Daubentonia madagascariensis</td>
<td>Lemurs</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Eulemur spp.</td>
<td>Lemurs</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Giraffa camelopardalis</td>
<td>Gentile lemurs</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Hapalemur spp.</td>
<td>Gibbons, Siamese</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Indri spp.</td>
<td>Indri</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Species</td>
<td>Common name</td>
<td>Appendix</td>
<td>First listing date (month/day/year)</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------------------------------</td>
<td>----------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Lapithrix flavicauda</td>
<td>Yellow-tailed woolly monkey</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Lemur spp.</td>
<td>Lemurs</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Leontopithecus (= Leonticus) spp.</td>
<td>Golden lion tamarins</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Lepilemur spp.</td>
<td>Sportive lemur, Weasel lemur</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Loris tardigradus</td>
<td>Slender loris</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Macaca silenus</td>
<td>Lion-tailed macaque</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>M.ylvanus</td>
<td>Barbary ape</td>
<td>III</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Mandrillus leucophaeus</td>
<td>Drill</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>M. sphinx</td>
<td>Mandrill</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Microcebus spp.</td>
<td>Mouse lemur</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Nasalis (= Simias) concolor</td>
<td>Pagi Island langur</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>N. larvatus</td>
<td>Proboscis monkey</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Nicrotoechus ouescang</td>
<td>Slow loris</td>
<td>III</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Pan spp.</td>
<td>Chimpanzee, Bonobo</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Papio (see Mandrillus)</td>
<td></td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Phaner spp.</td>
<td>Fork-marked mouse lemur</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Pongo pygmaeus</td>
<td>Orangutan</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Presbytis entellus (see Semnopithecus entellus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P. pileata (see Trachypithecus pileatus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P. potenziari</td>
<td>Long-tailed langur, Mentawai leaf monkey</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Presbytis (other species) (see Trachypithecus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procolobus badius gordonorum</td>
<td>Uhhehe red colobus</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>P. penmani kirk (= C. badius kirk)</td>
<td>Zanzibar red colobus</td>
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</tr>
<tr>
<td>P. rufomitratus (= C. rufomitratus)</td>
<td>Tana River red colobus</td>
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<tr>
<td>P. verus</td>
<td>Olive colobus</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>Proopithecus spp.</td>
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</tr>
<tr>
<td>Pygathrix (= Rhinopithecus) spp. (except those species with earlier date).</td>
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<tr>
<td>P. nemaus</td>
<td>Dour langur</td>
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</tr>
<tr>
<td>P. rouxeliana</td>
<td>Sikhuan snub-nosed langur</td>
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<tr>
<td>Saguinus bicolor</td>
<td>Pied tamarin</td>
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<td>2/4/77</td>
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<tr>
<td>S. geoffroyi</td>
<td>Geoffroy's marmoset</td>
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<td>2/4/77</td>
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<tr>
<td>S. leucopus</td>
<td>White-footed tamarin, Silvery-brown</td>
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<td>2/4/77</td>
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<tr>
<td>S. edwards (including S. edwards geoffroyi)</td>
<td>Cotton-top tamarin</td>
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<tr>
<td>Saimiri oerstedii</td>
<td>Red-backed squirrel monkey</td>
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<td>7/1/75</td>
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<tr>
<td>Semnopithecus entellus</td>
<td>Gray langur, Common Indian langur</td>
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<tr>
<td>Symphalangus (= see Hylobates)</td>
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<td>Trachypithecus gee</td>
<td>Golden langur</td>
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<tr>
<td>T. johnii</td>
<td>Nilgrin langur</td>
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<td>T. pileatus</td>
<td>Capped langur</td>
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<tr>
<td>Tupaiidae spp. (see Order Scandentia, above).</td>
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<td>Lemurs</td>
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<tr>
<td>Order Xenarthra:</td>
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<tr>
<td>Bradypus variegatus (= boliviensis or griseus)</td>
<td>Three-toed sloth</td>
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<tr>
<td>Cabassous centralis</td>
<td>Five-toed armadillo</td>
<td>III</td>
<td>10/28/76</td>
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<tr>
<td>C. tatouy (= gymurus)</td>
<td>Naked-toed armadillo</td>
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<tr>
<td>Chaetophractus natio (subject to a zero export quota).</td>
<td>Hairy armadillo</td>
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<td>Choloepus hoffmanni</td>
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<tr>
<td>Two-toed sloth</td>
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<tr>
<td>Myrmecophaga tridactyla</td>
<td>Giant anteater</td>
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<tr>
<td>Prochotes maximus (= giganteus)</td>
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<td>7/1/75</td>
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<tr>
<td>Tamandua tetradactyla (= T. mexicana)</td>
<td>Collared anteater</td>
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<tr>
<td>Order Pholidota:</td>
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<td>Manis spp. (all species except those with an annual export quota).</td>
<td>Pangolins, Scaly Anteaters:</td>
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<tr>
<td>Manis crassicaudata [zero quota for wild specimens].</td>
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</tr>
<tr>
<td>Manis javanica [zero quota for wild specimens]</td>
<td>Pangolin</td>
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<tr>
<td>Manis pentadactyla [zero quota for wild specimens]</td>
<td>Chinese pangolin</td>
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<tr>
<td>Order Lagomorpha:</td>
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<tr>
<td>Caprolagus hippus</td>
<td>Hairy hare, Assam rabbit</td>
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<tr>
<td>Romenilagus dacti</td>
<td>Mexican volcano rabbit</td>
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<td>Order Rodentia:</td>
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<tr>
<td>Agouti (= Cuniculus) paca</td>
<td>Greater paca, Spotted cavy</td>
<td>III</td>
<td>4/13/87</td>
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<tr>
<td>Anomalurus beccrota</td>
<td>Beecroft's scaly-toed flying squirrel</td>
<td>III</td>
<td>2/28/76</td>
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</tbody>
</table>

**Notes:****

- *Species:* The species listed are those required to be exported under the provisions of the Lacey Act.
- *Common name:* The common names are provided for reference, but the focus is on species required for export.
- *Appendix:* The appendix designates the level of protection under the Lacey Act.
- *First listing date (month/day/year):* The date when the species was first listed under the Lacey Act.

**Order:** The orders are used to classify the species into larger groups, such as mammals, birds, and fish.
<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
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<tbody>
<tr>
<td>A. derbianus</td>
<td>Lord Derby’s scaly-tailed squirrel</td>
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<tr>
<td>A. peli</td>
<td>Pel’s scaly-tailed flying squirrel</td>
<td>III (Honduras)</td>
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<tr>
<td>Chinchilla spp. (populations of South America, except domesticated specimens)</td>
<td>Chinchilla</td>
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<td>2/4/77</td>
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<td>Cynomys mexicanus</td>
<td>Mexican prairie dog</td>
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<td>Dasypodidae species</td>
<td>Common agouti</td>
<td>III (Honduras)</td>
<td>4/13/87</td>
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<td>Epithectus ebi</td>
<td>African palm squirrel</td>
<td>III (Honduras)</td>
<td>2/26/76</td>
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<td>Hystrix cristata</td>
<td>Crested porcupine</td>
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<tr>
<td>Hystrix macrotis</td>
<td>Long-eared pygmy flying squirrel</td>
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<td>Lepus conditor</td>
<td>Australian stick-nest rat</td>
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<td>7/1/75</td>
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<td>Marmota caudata</td>
<td>Long-tailed marmot</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>M. himalayana</td>
<td>Himalayan marmot</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>Pseudoryx preeois</td>
<td>Shark Bay mouse</td>
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<td>Rhinolophus arnyi</td>
<td>Deper’s squirrel</td>
<td>III (Costa Rica)</td>
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<tr>
<td>Scirius deppei</td>
<td>Middle American prehensiled-tailed porcupine, Coendou.</td>
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<tr>
<td>S. (=Coendou) spinosus</td>
<td>Prehensle-tailed porcupine</td>
<td>III (Honduras)</td>
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<tr>
<td>Xeromys myoides</td>
<td>False water rat</td>
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<tr>
<td>Zygonyx pedunculatus</td>
<td>Australian native mouse, McDonnell Range rock rat.</td>
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<td>7/1/75</td>
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<tr>
<td>Order Cetacea:</td>
<td>Whales, Porpoises, Dolphins:</td>
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<tr>
<td>All species except those in App. I or with earlier date in App. II</td>
<td>All whales, porpoises, and dolphins</td>
<td>II</td>
<td>6/28/79</td>
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<tr>
<td>Balaena mysticetus</td>
<td>Bowhead whale</td>
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<td>7/1/75</td>
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<td>Balaenoptera acutorostrata</td>
<td>Northern minke whale</td>
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<tr>
<td>Balaenoptera mivoneraensis</td>
<td>Southern minke whale</td>
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<td>B. borealis</td>
<td>Sei whale</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>B. edeni</td>
<td>Bryde’s whale</td>
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<td>6/28/79</td>
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<tr>
<td>B. musculus</td>
<td>Blue whale</td>
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<tr>
<td>B. physalus</td>
<td>Fin whale</td>
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<td>2/4/77</td>
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<td>Berardius spp.</td>
<td>Beaked whales</td>
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<td>6/28/79</td>
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<tr>
<td>Cephea marginata (entry into force as App. I on 1/1/06)</td>
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<td>Echinochaetes robusus (=glaucaus)</td>
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<tr>
<td>Enubalena (=Balaena) spp.</td>
<td>Bottle-nosed whales</td>
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<td>6/28/79</td>
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<tr>
<td>Lepotes vexillifer</td>
<td>Gray whale</td>
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<td>7/1/75</td>
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<tr>
<td>Megaptera novaeanglia</td>
<td>Humpback whale</td>
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<tr>
<td>Monodon monoceros</td>
<td>Narwhal</td>
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<td>11/16/75</td>
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<td>Neophocaena phocaenoides</td>
<td>Finless porpoise</td>
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<td>6/28/79</td>
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<td>Phocoena sinus</td>
<td>Gulf of California harbor porpoise, Cochita.</td>
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<td>6/28/79</td>
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<tr>
<td>Physeter catodon (=macrocephalus)</td>
<td>Sperm whale</td>
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<tr>
<td>Platanista spp.</td>
<td>Ganges and Indus River dolphins</td>
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<td>7/1/75</td>
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<tr>
<td>Pontoporia (=Stenodolphis) blainvillei</td>
<td>La Plata River dolphin</td>
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<td>Sotalia spp.</td>
<td>Humpbacked dolphins</td>
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<td>6/28/79</td>
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<tr>
<td>Sousa spp.</td>
<td>Humpbacked dolphins</td>
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<td>6/28/79</td>
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<td>Order Carnivora:</td>
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<td>Cheetah</td>
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<td>7/1/75</td>
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<td>Giant panda</td>
<td>I</td>
<td>3/14/84</td>
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<td>Aliurus fulgens</td>
<td>Lesser panda</td>
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<td>7/1/75</td>
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<tr>
<td>Aonyx conicus (=microdon) (populations of Cameroon and Nigeria)</td>
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<td>Arctictis bintunong</td>
<td>Bintunong</td>
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<td>3/16/89</td>
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<tr>
<td>Bassariscus gabbii</td>
<td>Bushy-tailed dingo</td>
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<tr>
<td>Bassariscus sumichrasti</td>
<td>Cacomistle</td>
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<td>Canis aureus</td>
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<tr>
<td>C. lupus (all subspecies and populations except those listed below)</td>
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<td>C. lupus (India, Pakistan, Bhutan, and Nepal populations)</td>
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<td>C. lupus crassodon</td>
<td>Gray wolf</td>
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<td>C. lupus irremus</td>
<td>Gray wolf</td>
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<td>Species</td>
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<td>Appendix</td>
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<td>Caracal (Felis caracal)</td>
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<td>Crab-eating fox</td>
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<td>Chrysocyon brachyurus</td>
<td>Manded wolf</td>
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<td>Civettictis (Viverra) civetta</td>
<td>African civet</td>
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<td>4/24/78</td>
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<td>Humboldt's hog nose skunk</td>
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<td>Cryptoprocta ferox</td>
<td>Fossa</td>
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<td>Shotle</td>
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<td>Oter civet</td>
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<td>Dusicyon thous (see Cendocyon thous)</td>
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<td>Dusicyon (other species) (See Pseudalopex)</td>
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<td>Felidae spp. (All species except Felis (other species) (see below)</td>
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<td>Fossa fossana</td>
<td>Fanaloka</td>
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<td>Galictis vittata (allamandi)</td>
<td>Grison</td>
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<td>Herpestes lugubris tusus (H. fuscus)</td>
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<td>H. javanicus auripunctatus (+H. auripunctatus)</td>
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<td>Rudy mongoose</td>
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<td>H. urva</td>
<td>Crab-eating mongoose</td>
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<td>H. vitticollis</td>
<td>Stripe-necked mongoose</td>
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<tr>
<td>Hyæna (see Parahyæna)</td>
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<td>Leopardus (Felis) pardalis (except subspecies with earlier date)</td>
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<td>L. tigrinus (Tiger cat)</td>
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<td>Marine otter</td>
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<td>7/1/75</td>
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<td>Lontra felina</td>
<td>Long-tailed otter, Neotropical otter</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>L. longicaudis</td>
<td>Southern river otter, South American river otter</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>L. provocax</td>
<td>European river otter</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Lutra lutra</td>
<td>Oters</td>
<td>II</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Lutrinae spp. (All species except those in App. I)</td>
<td>Spanish lynx, Iberian lynx</td>
<td></td>
<td>2/4/77</td>
</tr>
<tr>
<td>Lynx pardinii</td>
<td>Mexican bobcat</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>L. rufus (Felis rufa) escuinape</td>
<td>Yellow-throated marten</td>
<td>III</td>
<td>3/16/89</td>
</tr>
<tr>
<td>Martes flavivisa (including M. gwatkinsi)</td>
<td>Honey badger, Ratel</td>
<td>III</td>
<td>2/26/76</td>
</tr>
<tr>
<td>M. fulva intermedius</td>
<td>Sloth bear</td>
<td>I</td>
<td>9/21/88</td>
</tr>
<tr>
<td>Melivora capensis</td>
<td>Mountain weasel</td>
<td>III</td>
<td>3/16/89</td>
</tr>
<tr>
<td>Melursus (= Ursus) ursinus</td>
<td>Mountain weasel</td>
<td>III</td>
<td>3/16/89</td>
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<tr>
<td>Mustela altaica</td>
<td>Emirene</td>
<td>III</td>
<td>3/16/89</td>
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<tr>
<td>M. erminea ferghanae</td>
<td>Yellow-bellied weasel</td>
<td>III</td>
<td>3/16/89</td>
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<tr>
<td>M. kathiah</td>
<td>Black-footed ferret</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>M. nigripes</td>
<td>Siberian weasel</td>
<td>III</td>
<td>3/16/89</td>
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<tr>
<td>M. oibrica</td>
<td>Common coati, Coatiomus</td>
<td>III</td>
<td>4/13/87</td>
</tr>
<tr>
<td>Nasua narica</td>
<td>Coatiomus</td>
<td>III</td>
<td>7/14/76</td>
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<tr>
<td>N. nasua solitaria</td>
<td>Geoffroy's cat</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>Oncifelis (= Felis) Geoffreyi</td>
<td>Geofroy's cat</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>Ocelot (Felis) Joshua</td>
<td>Andean cat</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Paguma larvata</td>
<td>Masked palm civet</td>
<td>III</td>
<td>3/16/89</td>
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<td>Species</td>
<td>Common name</td>
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<tr>
<td>Panthera leo persica</td>
<td>Asiatic lion, Indian lion</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. onca</td>
<td>Jaguar</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. pardus</td>
<td>Leopard</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. tigris</td>
<td>Tiger</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. uncia (see Uncia uncia), Paradoxurus hermaphroditus</td>
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<td>P. jerdoni</td>
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<tr>
<td>Pardofelis (+Felis) marmorata</td>
<td>Marbled cat</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Potos flavus</td>
<td>Kinkajou</td>
<td>III (Honduras)</td>
<td>4/13/87</td>
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<tr>
<td>Prionailurus (+Felis) bengalensis bengalensis</td>
<td>Leopard cat</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>(Bangladesh, India, and Thailand populations), P. bengalensis bengalensis (all other populations)</td>
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<tr>
<td>P. planeiceps</td>
<td>Flat-headed cat</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. rubiginosus (+Felis rubiginosus) (Indian population)</td>
<td>Rusty-spotted cat</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>P. tigrina</td>
<td>Banded linsang</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. pardicolor</td>
<td>Spotted linsang</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Proteles cristatus</td>
<td>Aardwolf</td>
<td>III (Botswana)</td>
<td>4/24/78</td>
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<tr>
<td>Pseudalopex (Fullopus)</td>
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<td>P. griseus</td>
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<td>P. gymnogaster</td>
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<td>Phaethontis bairdii</td>
<td>Giant otter</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Puma (+Felis) concolor coryi</td>
<td>Florida panther, Florida puma</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. concolor costaricensis</td>
<td>Costa Rican puma</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>P. concolor couguar</td>
<td>Eastern puma, Andean cougar</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Selenarctos thibetanus (see Ursus thibetanus)</td>
<td>Bush dog</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>Speothos venaticus</td>
<td>Spectacled bear</td>
<td>II</td>
<td>2/4/77</td>
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<tr>
<td>Tremarctos ornatus</td>
<td>Snow leopard</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Ursus arctos (all species in family except those in App. I or with earlier date in App. II, includes Baltic States and former USSR populations), Ursus arctos americanus</td>
<td>American black bear</td>
<td>I</td>
<td>9/18/91</td>
</tr>
<tr>
<td>U. arctos (all Asian populations, including populations of Iran, Iraq, Syria, Turkey, and the former USSR, except populations and subspecies listed in App. I), U. arctos (all European populations except Italian population and former USSR populations), U. arctos (all North American populations except U. a. nelsoni), U. arctos (all populations of Bhutan, Mongolia, and China except subspecies with earlier date), U. arctos (Italian population)</td>
<td>Brown bear</td>
<td>II</td>
<td>1/18/90</td>
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<tr>
<td>U. arctos isabellinus</td>
<td>European brown bear</td>
<td>II</td>
<td>7/29/83</td>
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<tr>
<td>U. arctos nelsoni</td>
<td>Brown bear, Grizzly bear</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>U. arctos (all Asian populations, including populations of Iran, Iraq, Syria, Turkey, and the former USSR, except populations and subspecies listed in App. I), U. arctos isabellinus</td>
<td>European brown bear</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>U. arctos nelsoni</td>
<td>Red bear</td>
<td>I</td>
<td>6/28/79</td>
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<tr>
<td>U. arctos prinusus</td>
<td>Mexican grizzly bear</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>U. (+Thalarctos) maritimus</td>
<td>Tibetan blue bear</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>U. thibetanus (except subspecies listed below), U. thibetanus gedrosianus</td>
<td>Polar bear</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>V. civetina (+megaspila)</td>
<td>Asiatic black bear</td>
<td>I</td>
<td>6/28/79</td>
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<tr>
<td>Viverra civerina</td>
<td>Baluchistan black bear</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>V. zibetha</td>
<td>Malabar large-spotted civet</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>Viverricula indica</td>
<td>Large Indian civet</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>Vulpes bengalensis</td>
<td>Lesser oriental civet, Small Indian civet</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>V. cana</td>
<td>Bengal fox</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>V. fulvus</td>
<td>Blanford’s fox</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>V. fulvus nigrita</td>
<td>Griffith’s red fox</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>V. fulvus montana</td>
<td>Montane red fox</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>V. vulpes pusilla (+levocospis)</td>
<td>Little red fox</td>
<td>III (India)</td>
<td>3/16/89</td>
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<tr>
<td>V. (+Fennecus) diana</td>
<td>Fennec fox</td>
<td>II</td>
<td>4/22/76</td>
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<tr>
<td>Order Carnivora:</td>
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<tr>
<td>Aroctecephalus spp. (except species listed below), A. australis</td>
<td>Southern fur seals</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>A. palaeae</td>
<td>Southern fur seal</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>A. phalangeris</td>
<td>Galapagos fur seal</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>A. philippi</td>
<td>Juan Fernandez fur seal</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>A. townsendi</td>
<td>Guadalupe fur seal</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Minounga leucomela</td>
<td>Southern elephant seal</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Monachus spp.</td>
<td>Monk seals</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Odocoileus rosmarus</td>
<td>Wapiti</td>
<td>III (Canada)</td>
<td>11/16/75</td>
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<td>Species</td>
<td>Common name</td>
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<td>First listing date (month/year)</td>
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<tr>
<td>L. africana</td>
<td>African elephant</td>
<td>II</td>
<td>2/4/77</td>
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<td>only the populations of Botswana, Namibia, South Africa and Zimbabwe, to allow:</td>
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<td>(1) export of hunting trophies for noncommercial purposes; (2) export of live animals to appropriate and acceptable destinations (Namibia; for non-commercial purposes only; South Africa; for re-introduction purposes); (3) export of hides and leather goods (South Africa and Zimbabwe); (4) export of ivory cannings for noncommercial purposes (Zimbabwe only); (5) export of ivory tusks from Kruger National Park (South Africa; zero quota).</td>
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<td>Order Perissodactyla:</td>
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<td>Vu Quang ox</td>
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<td>P. mephistophile</td>
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<td>Bongo antelope</td>
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<td>2/26/76</td>
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### U.S. Fish and Wildlife Serv., Interior

**§ 23.23**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
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<tr>
<td>T. speki</td>
<td>Sitatunga antelope</td>
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<tr>
<td>Vicugna vicugna (except populations listed below, under the conditions specified).</td>
<td>Vicuña</td>
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<tr>
<td>V. vicugna (Argentina: wild populations of the Province of Jujuy and the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handcrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, “VICUNA-ARGENTINA”; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)).</td>
<td>Vicuña</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>V. vicugna (Bolivia: populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lipez-Chichas (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handcrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, “VICUNA-BOLIVIA”; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)).</td>
<td>Vicuña</td>
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<td>7/1/75</td>
</tr>
<tr>
<td>V. vicugna (Chile: populations of Paranicota Province, 1a. Region of Tarapaca (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handcrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, “VICUNA-CHILE”; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)).</td>
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<tr>
<td>V. vicugna (Peru: all populations (export limited to the stock of 3,249 kg. extant in November, 1994, to wool sheared from live animals, and to cloth and items made thereof, including luxury handcrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, “VICUNA-PERU-ARTEsanía”; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)).</td>
<td>Vicuña</td>
<td>III</td>
<td>7/1/75</td>
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</tbody>
</table>

**CLASS AVES:**

**Order Struthioniformes:**
- Struthio camelus (populations of Algeria, Burkina Faso, Cameroon, Central African Republic, Chad, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, and Sudan).

**Order Rheiformes:**
- Pterocnemia pennata (see Rhea pennata)
- Rhea americana (all subspecies except that with earlier date in App. II).
- R. americana adiabensis
- R. pennata (except subspecies listed below)
- R. pennata garleppi (except population of Argentina)
- R. pennata pennata (Argentina only)
- R. pennata pennata (except population of Argentina)
- Greater rhea, Common rhea
- Greater rhea
- Lesser rhea
- Darwin’s rhea
- Darwin’s rhea

**BIRDS:**
- Ostriches: Ostrich

**First listing date (month/day/year):**
- 2/26/76
- 7/1/75
- 7/14/76
- 6/28/79
### § 23.23

50 CFR Ch. I (10–1–02 Edition)

#### Order Procellariiformes:
- Albatrosses, Shearwaters, Petrels:
  - Procellariidae
  - Cory’s shearwater
  - Spectacled guillemot
  - White-chinned petrel
  - Portlock’s petrel

#### Order Sphenisciformes:
- Penguins:
  - Fam. Spheniscidae
  - Adélie penguin
  - Chinstrap penguin

#### Order Podicipediformes:
- Grebes:
  - Podiceps auritus
  - Neotropis nigricans

#### Order Pelecaniformes:
- Tropicbirds, Pelicans, Frigatebirds:
  - D. bicolor
  - Thalassarche chrysostoma

#### Order Tinamiformes:
- Tinamous:
  - Tinamus solitarius

#### Order Charadriiformes:
- Waders, Ruff, Grebe:
  - Larus argentatus
  - Limosa limosa

#### Order Anseriformes:
- Ducks, Geese, Swans, Screamers:
  - Anas clypeata
  - Chen caerulescens

#### Order Pelecaniformes:
- Podicipediformes:
  - D. bicolor

#### Order Ciconiiformes:
- Herons, Storks, Ibises, Flamingos:
  - Ardea cinerea
  - Bubulcus ibis

### Appendix I

- **B. canadensis leucopareia**
- **D. bicolor**
- **D. melanophris**
- **F. arctica**
- **G. calvus**
- **H. longipes**
- **S. humboldti**

### First Listing Date (Month/Day/Year)
- **106**

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**Note:** The text appears to be a list of species and their corresponding Appendix I listings. Each entry includes the scientific name with its common name and the listing date. The list is organized by order and sub-order, with species grouped by their scientific names.
### U.S. Fish and Wildlife Serv., Interior

<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/year)</th>
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<tbody>
<tr>
<td>D. viduata</td>
<td>White-faced whistling-duck</td>
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<td>Nettapus auritus</td>
<td>African pygmy goose</td>
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<td>Chytraeus vermiculatus</td>
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<td>Pteropus gambensis</td>
<td>Spur-winged goose</td>
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<td>Pteronetta hartlaubi</td>
<td>Hartlaub's duck</td>
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<td>Rhodoperdix caerophylleaceae</td>
<td>Pink-headed duck</td>
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<tr>
<td>Sarcidiosoma melanotos</td>
<td>Comb duck</td>
<td>II</td>
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</table>

Order Falconiformes:

- All species except those in App. I, or with earlier date in App. II, and except Cathartidae species not specifically listed below.

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<td>A. wallichi</td>
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<td>F. peregrinus</td>
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§ 23.23

U.S. Fish and Wildlife Serv., Interior

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<th>Species</th>
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<td>A. guildingi</td>
<td>Imperial parrot, Sisserou</td>
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<td>A. leucopsyllus</td>
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<td>A. vindobonensis</td>
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<td>Ara ambiguus</td>
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<td>A. glaucogularis</td>
<td>Caninde macaw</td>
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</tbody>
</table>

Order Charadriiformes:
- Shorebirds, Gulls, Terns, Skimmers, Auks:
  - Burhinus bistriatus Double-striped thick-knee, Mexican stone curlew.
  - Larus relicus Relict gull
  - Numenius borealis Eskimo curlew
  - N. tenuirostris Slender-billed curlew
  - Tringa guttifer Nordmann's greenshank

Order Columbiformes:
- Pigeons, Doves, Sand-grouse:
  - Caloenas nicobarica Nicobar pigeon
  - Columba guinea Speckled pigeon
  - C. inquisitor Bronze-necked pigeon, Bronze-naped pigeon.
  - C. livia Rock dove
  - C. mayrhoferi Pink pigeon
  - C. uncinata African wood pigeon
  - Ducula mindorensis Mindoro imperial pigeon
  - Gallicolumba luzonica Bleeding-heart pigeon
  - Goura spp. Crowded pigeons
  - Nesoenas mayeni (see Columba mayrei)
  - Oena capensis Namaqua dove, Masked dove
  - Streptopelia decipiens African mourning dove, Mourning collared dove.
  - S. semitorquata Red-eyed dove
  - S. renegalis Laughing dove
  - S. turtur Turtle dove
  - T. baillonii Vinaceous dove
  - T. bergii African green pigeon
  - T. philippinensis Black-billed wood dove
  - T. tolmiei Blue-spotted wood dove
  - T. brehmeri Blue-headed wood dove
  - T. nyctophilus Tambourine dove

Order Psittaciformes:
- All species in order except those in App. I or with earlier date in App. II, and except Melopsittacus undulatus, Nympicus hollandicus, and Psittacula krameri. However, the latter is listed separately in App. III.
- Amazona arausiaca Red-necked parrot
- A. barbadensis Yellow-shouldered parrot
- A. brasiliensis Red-tailed parrot
- A. duftschmidti rhodocorytha (see A. rhodocorytha)
- A. eurycephala St. Vincent parrot
- A. imperialis Imperial parrot, Sisserou
- A. leucopsyllus Cuban parrot
- A. pretrei Red-spectacled parrot
- A. rhodocorytha Red-browed parrot
- A. lucumana Tucuman parrot
- A. versicolor St. Lucia parrot
- A. vinacea Vinaceous parrot
- A. vindobonensis Red-crowned (= Green-cheeked) parrot.

Note: The text includes a list of species with their common names and first listing dates.
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<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
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<td>A. militans</td>
<td>Military macaw</td>
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<td>A. rubrogenys</td>
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<td>Aratinga guarouba</td>
<td>Golden parakeet</td>
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<td>Cacatua goffinii</td>
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<td>C. haematopterus</td>
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</table>

Order Cuculiformes:

Cuckoos, Plantain-eaters, Turacos:

Corythaixoides cristata | Great blue turaco | III (Ghana) | 2/4/77 |
| Corvus pectoralis | Gray plantain eater | III (Ghana) | 2/4/77 |
| Musophaga (=Tauraco, =Galurna) popyphreola | Violet-crested turaco | II | 7/1/75 |
| M. violacea | Violet turaco | III (Ghana) | 2/4/77 |
| Tauraco spp. (except those with earlier date in App. II or III) | Turacos, Louies | II | 2/16/95 |
| T. corvina | Knysna turaco | II | 2/4/77 |
| T. macrorhynchos | Yellow-billed turaco | II | 2/4/77 |

Order Strigiformes:

Owls:

All species except those in App. I or with earlier date in App. II

Athena blewitti | Forest little owl, Forest spotted owl | I | 6/28/79 |
<p>| Bubo ascalaphus | Pharaoh eagle owl | II | 2/4/77 |
| B. bengalensis | Rock eagle owl | II | 2/4/77 |</p>
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<td>B. bubo</td>
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<td>Giant scops owl</td>
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<td>Ninox novaeseelandiae undulata</td>
<td>Great hawk-owl</td>
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<td>N. squamipila notalis</td>
<td>Great hawk-owl, Moluccan hawk-owl</td>
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<td>Nyctea scandiaca</td>
<td>Snowy owl</td>
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<td>S. nebula</td>
<td>Great grey owl</td>
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<td>Tyto soumagni</td>
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<td>Ramphodon dominii</td>
<td>Hummingbirds</td>
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<td>Narcondam hornbill</td>
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<td>Hornbills, Pied hornbills</td>
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<td>Buceros spp. (all species and subspecies except those in App. I or with earlier date in App. II)</td>
<td>Giant hornbills</td>
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<tr>
<td>B. bicorne</td>
<td>Great hornbill</td>
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<td>B. hydrocorax hydrocorax</td>
<td>Luzon-Marindique rufous hornbill</td>
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<td>Rhinoceros hornbill</td>
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<td>Malay rhinoceros hornbill</td>
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<td>B. (=Rhinopax) vigil</td>
<td>Helmeted hornbill</td>
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<td>Order Piciformes: Woodpeckers, Toucans, Jacamars, Barbets:</td>
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<tr>
<td>Balgonius bailloni</td>
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**U.S. Fish and Wildlife Serv., Interior**

§ 23.23

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<td>V. wilsoni (=Agelius)</td>
<td>Wilson’s indigobird</td>
<td>III (Ghana)</td>
<td>2/26/76</td>
</tr>
<tr>
<td>Xanthopsar (see Agelius)</td>
<td>White-winged cotiga</td>
<td>I</td>
<td>7/175</td>
</tr>
<tr>
<td>Xipholea atropurpurea</td>
<td>White-chested white-eye, Norfolk Island white-eye</td>
<td>I</td>
<td>7/175</td>
</tr>
</tbody>
</table>

**CLASS REPTILIA:**

**Order Testudinata:**

Apatone ater | Cuatro Ciénagas softshell turtle | I | 7/175 |
Aspidemeres gangeticus | Indian soft-shell turtle | I | 7/175 |
Aspidemeres hurum | Peacock soft-shell turtle | I | 7/175 |
Aspidemeres nigricans | Black soft-shell turtle | I | 7/175 |
Batagour baska | River terrapin, Tuntong | II | 1/1897 |
Callagur borneensis | Painted terrapin | II | 1/1897 |
Cheloniaeidae spp. (all species in family) | Sea turtles | I | 7/175 |
Chersina (=Testudo) spp. | Bog-spring tortoises | II | 7/175 |
Clemmys insculpta | Wood turtle | II | 6/1192 |
C. mullenbergi | Bog turtle | I | 7/175 |
Cuora spp. | Asian box turtles | II | 7/175 |
Dermatemydias mawi | Central American river turtle | II | 6/81 |
Dermochelys coriacea | Leatherback sea turtle | I | 7/175 |
Erymnochelys madagascariensis | | I | 7/175 |
Geochelone spp. (except species listed below) | Land tortoises | I | 7/175 |
G. sulcata [zero quota for wild specimens] | African spurred tortoise | I | 7/175 |
G. (=Testudo) nigra (=elephantopus) | | I | 7/175 |
G. (=Testudo) ysynophora | | | |
Geoclemys (=Diamantina) hamiltoni | | | |
Gopherus spp. (except species listed below) | | | |
G. flavomarginatus | | | |
Hornopus spp. | | | |
Kachuga testa | | | |
Kiniyus spp. | | | |
Listeronyx punctata (all subspecies except punctata) | | | |
L. p. punctata | | | |
Malacocherus spp. | | | |
Melanochelys (=Eremochelys) incinata | | | |
Morenia occelata | | | |
Pelomedusa subrosa | Helmeted terrapin | III (Ghana) | 2/26/76 |
Peltochelus dunemana | Big-headed Amazon River turtle | II | 7/175 |
Pelusios adansonii | | | |
P. castaneus | Brown hinged terrapin, Swamp hinged terrapin |III (Ghana) | 2/26/76 |
<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>P. gabinonis ( P. niger )</td>
<td>Gabor hinged terrapin</td>
<td>III (Ghana)</td>
<td>2/26/76</td>
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<tr>
<td>Podocemis spp.</td>
<td>South American turtles</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>Pseudemys flavicans ( P. scripta )</td>
<td>Madagascan snapping turtle</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>Pyxis spp.</td>
<td>Geometric turtle</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Terrapene spp. (all species except those in App. I) ( T. coahuila )</td>
<td>Land tortoises</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Testudinidae spp. (all species except those in App. I or with earlier date in App. II)</td>
<td>Land tortoises</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Testudo spp. (all species except those in App. I) ( T. kleinmanni )</td>
<td>Egyptian tortoise</td>
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<tr>
<td>Trionyx ater (see Apalone ater)</td>
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<td></td>
<td></td>
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<tr>
<td>T. gangeticus (see Apalone gangeticus)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>T. hurum (see Apalone hurum)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>T. nigricans (see Apalone nigricans)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T. triunguis</td>
<td>Three-clawed turtle</td>
<td>III (Ghana)</td>
<td>2/26/76</td>
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</tbody>
</table>

**Order Crocodylia:**

**Alligatoridae spp. (all species in family except those in App. I or with earlier date in App. II).**

<table>
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<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
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</thead>
<tbody>
<tr>
<td>Alligator mississippiensis</td>
<td>American alligator</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>A. sinensis</td>
<td>Chinese alligator</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Caiman crocodilus ( C. americanus )</td>
<td>Indian gharial ( C. trachycephalus )</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. johnsoni</td>
<td>Nile crocodile</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. moreletii</td>
<td>Morelet's crocodile</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. niloticus (except those populations in App. II)</td>
<td>Nile crocodile</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. niloticus (population of Botswana, Kenya, Malawi, South Africa, Zambia, and Zimbabwe, subject to ranching provisions)</td>
<td>Nile crocodile</td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. novaeguineae (except subspecies listed below)</td>
<td>New Guinea crocodile, Freshwater crocodile</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>C. palustris</td>
<td>Philippine crocodile</td>
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<td>7/1/75</td>
</tr>
<tr>
<td>C. porosus (except populations of Australia, Papua New Guinea, and Indonesia)</td>
<td>Mugger crocodile</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. porosus</td>
<td>Saltwater crocodile</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. porosus (Australia and Papua New Guinea populations)</td>
<td>Saltwater crocodile</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>C. rufus</td>
<td>Cuban crocodile</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>C. siamensis</td>
<td>Siamese crocodile</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Gavialis gangeticus</td>
<td>Gavial, Gharial</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Melanosuchus niger (except for population of Ecuador)</td>
<td>Black caiman</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>M. niger (population of Ecuador, subject to a zero annual export quota until a different quota has been approved by the Secretariat)</td>
<td>Black caiman</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Osteolaemus tetraspis (except subspecies listed below)</td>
<td>Dwarf crocodile</td>
<td>I</td>
<td>2/4/77</td>
</tr>
<tr>
<td>O. tetraspis obtusirostris</td>
<td>Dwarf crocodile</td>
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<tr>
<td>O. tetraspis tetraspis</td>
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<tr>
<td>Paleosuchus trigonatus</td>
<td>Smooth-fronted caiman</td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>Tomistoma schlegelii</td>
<td>Tomistoma, False gavial</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Order Rhynchocephalia:</td>
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<tr>
<td>Sphenodon spp.</td>
<td>Tuatara:</td>
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<td></td>
<td>Tuataras</td>
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### Order Sauroptera:

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<th>Species</th>
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<tbody>
<tr>
<td>Lizards:</td>
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<tr>
<td>Galapagos marine iguana</td>
<td></td>
<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Fiji iguana</td>
<td></td>
<td>I</td>
<td>6/6/81</td>
</tr>
<tr>
<td>Chameleons</td>
<td></td>
<td>II</td>
<td>2/4/77</td>
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<tr>
<td>Chamaeleon</td>
<td></td>
<td>II</td>
<td>2/4/77</td>
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<tr>
<td>Orange-throated whiptail lizard</td>
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<td>II</td>
<td>7/1/75</td>
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<tr>
<td>Land lizards</td>
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<td>II</td>
<td>2/4/77</td>
</tr>
<tr>
<td>Barrington Island land lizard</td>
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<td>7/1/75</td>
</tr>
<tr>
<td>Galapagos land iguana</td>
<td></td>
<td>II</td>
<td>7/1/75</td>
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<tr>
<td>Gridled lizards</td>
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<td>II</td>
<td>6/6/81</td>
</tr>
<tr>
<td>Prehensile-tailed skink</td>
<td></td>
<td>II</td>
<td>6/11/92</td>
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<tr>
<td>Dragon lizard</td>
<td></td>
<td>II</td>
<td>2/4/77</td>
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<tr>
<td>Ground iguanas</td>
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<td>I</td>
<td>2/4/77</td>
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<tr>
<td>Serpent Island gecko</td>
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<td>II</td>
<td>2/4/77</td>
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<tr>
<td>Caiman lizards</td>
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<td>2/4/77</td>
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<tr>
<td>Beaded lizards, Gila monster</td>
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<td>7/1/75</td>
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<tr>
<td>Desert monitor</td>
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<tr>
<td>Indian monitor, Bengal monitor</td>
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<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Coastal horned lizards</td>
<td></td>
<td>II</td>
<td>6/11/92</td>
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<tr>
<td>San Diego horned lizard</td>
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<td>7/1/75</td>
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<tr>
<td>Lilford’s wall lizard</td>
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<td>II</td>
<td>10/22/87</td>
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<td>Ibiza wall lizard</td>
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<td>Crag lizards</td>
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<td>San Esteban Island chuckwalla</td>
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<td>Chinese crocodile lizard</td>
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<td>Tegu lizards</td>
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<td>Spiny-tailed lizards</td>
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<tr>
<td>Monitor lizards</td>
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<tr>
<td>Indian monitor, Bengal monitor</td>
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<td>7/1/75</td>
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<tr>
<td>Komodo Island monitor, Komodo</td>
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<td>7/1/75</td>
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<tr>
<td>Dragon.</td>
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</table>

### Order Serpentes:

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<thead>
<tr>
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<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
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<tbody>
<tr>
<td>Acrantophis spp.</td>
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<tr>
<td>Agkistrodon bilineatus</td>
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<td>III</td>
<td>4/13/87</td>
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<tr>
<td>Atractus schistoma</td>
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<td>II</td>
<td>2/12/84</td>
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<tr>
<td>Adipophilus nummiller</td>
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<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Boa (=Constrictor) constrictor</td>
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<td>II</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Boa constrictor occidentalis</td>
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<tr>
<td>Boidae spp.</td>
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<tr>
<td>Coastal horned lizards</td>
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<td>II</td>
<td>6/11/92</td>
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<tr>
<td>Round Island boa</td>
<td></td>
<td>II</td>
<td>2/4/77</td>
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<tr>
<td>Round island boa</td>
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<td>II</td>
<td>2/4/77</td>
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<tr>
<td>Eye lash palm pit-viper</td>
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<td>III</td>
<td>4/13/87</td>
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<tr>
<td>Terocipelo</td>
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<tr>
<td>Madagascar boa</td>
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<td>2/4/77</td>
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<tr>
<td>Olive keebback water snake</td>
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<td>4/13/87</td>
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<tr>
<td>Jumping pit-viper</td>
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<tr>
<td>Brae constrictor</td>
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<td>Boas</td>
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<td>Indian egg-eating snake</td>
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<td>Puerto Rican boa</td>
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<td>Mona boa</td>
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<tr>
<td>Jamaican boa</td>
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<tr>
<td>Yellow anaconda</td>
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<td>Broad-headed snake</td>
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<td>Mexican dwarf boa</td>
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<tr>
<td>Atlantic coral snake</td>
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<tr>
<td>Black-banded coral snake</td>
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**Note:** The listing dates and species are subject to change based on the latest updates from the U.S. Fish and Wildlife Service. Always consult the official sources for the most current information. These listings are for educational purposes and may not reflect the most recent regulations and guidelines.
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<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/day/year)</th>
</tr>
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<tbody>
<tr>
<td>Naja naja</td>
<td>Indian cobra</td>
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<tr>
<td>N. oxiana (see Naja naja).</td>
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<tr>
<td>N. kaouthia (see Naja naja).</td>
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<tr>
<td>Ophiophagus hannah</td>
<td>King cobra</td>
<td>II</td>
<td>2/12/84</td>
</tr>
<tr>
<td>Porthidium nasutum</td>
<td>Rainforest hognosed pit-viper</td>
<td>III (Honduras)</td>
<td>4/13/87</td>
</tr>
<tr>
<td>P. ophryomegax</td>
<td>Slender hognosed pit-viper</td>
<td>III (Honduras)</td>
<td>4/13/87</td>
</tr>
<tr>
<td>Ptyas mucosa</td>
<td>Oriental rat snake, Whipsnake</td>
<td>II</td>
<td>2/12/84</td>
</tr>
<tr>
<td>Pythonidae spp. (except subspecies listed below)</td>
<td>Pythons.</td>
<td>II</td>
<td>7/1/75</td>
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<td>Pythonidae spp. (all species except those in App. I or with earlier date in App. II)</td>
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<td>II</td>
<td>2/4/77</td>
</tr>
<tr>
<td>P. molurus molurus</td>
<td>Indian python</td>
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<td>7/1/75</td>
</tr>
<tr>
<td>Sanonias madagascariensis</td>
<td>Tree boa</td>
<td>I</td>
<td>2/4/77</td>
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<tr>
<td>Tropidophiidae spp. (all species except those in App. I or with earlier date in App. II)</td>
<td>Small ground boas</td>
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<tr>
<td>Viperina russelli (see Daboia russelli).</td>
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<tr>
<td>V. urinaii (except USSR populations)</td>
<td>Orsini's viper</td>
<td>I</td>
<td>10/22/87</td>
</tr>
<tr>
<td>V. wagnerii</td>
<td>Wagner's vipers</td>
<td>II</td>
<td>6/11/92</td>
</tr>
<tr>
<td>Xenochoris (=Natrix) piscator</td>
<td>Checkered keelback water snake</td>
<td>III (India)</td>
<td>2/12/84</td>
</tr>
</tbody>
</table>

**CLASS AMPHIBIA:**

**Order Caudata:**

| Ambyystoma dumerilli | Lake Patzcuaro salamander            | II       | 7/1/75                             |
| A. mexicanum | Axolotl                                  | II       | 7/1/75                             |
| Ambystoma spp. | Giant salamanders                         | I        | 7/1/75                             |

**Order Anura:**

| Astyanax varius zeteki | Panamanian golden frog | I        | 7/1/75                             |
| Astyanax perigenes | Monte Verde golden toad               | I        | 7/1/75                             |
| B. supercilios | Cameron toad                             | I        | 7/1/75                             |
| Dendrobatidae spp. | Poison dart frogs, Poison arrow frogs | II       | 10/22/87                           |
| Dendrobates spp. | Tomato frog                               | I        | 10/22/87                           |
| Epipedobates spp. (see Dendrobates spp.) | | | |
| Mantella aurantica | Malagasy golden mantella               | II       | 2/16/95                             |
| Mantella spp. (except species below) | Mantella frogs                        | II       | 7/19/00                            |
| Maniobates spp. (see Dendrobates spp.) | | | |
| Nectophrynoides spp. | African viviparous toads               | I        | 7/1/75                             |
| Phyllodactylus spp. | Poison arrow frogs                      | II       | 10/22/87                           |
| Raina hexadactyla | Asian bullfrog                           | II       | 8/1/85                             |
| R. igerina | Indian bullfrog                           | II       | 8/1/85                             |
| R. ocellatus | Platyplus frog                           | II       | 8/1/85                             |

**CLASS OSTEICHTHYES:**

**Order Cetorhiniformes (Cetorhiniformes):**

| Latimeria spp. (except species below) | Coelacanth: Coelacanth                     | I        | 7/19/90                             |
| Latimeria chalumnae | Gomzessa coelacanth                         | I        | 7/1/75                             |

**Order Acipenseriformes (all species except those in App. I or with earlier date in App. II):**

| Acipenser brevirrussus | All Sturgeons and Paddlefish not listed below. | II       | 4/1/98                             |
| A. oxyrhynchus | Short-nosed sturgeon                        | I        | 7/1/75                             |
| A. spino | Baltic sturgeon                            | I        | 7/1/75                             |
| Polyodon spathula | Paddlefish                                   | II       | 6/11/92                            |

**Order Osteoglossiformes:**

| Osteoglossum spp. | Bonyfishes: Longfishes: Australian lungfish | II       | 7/1/75                             |
| Arapaima gigas | Arapaima                                    | II       | 7/1/75                             |
| Scleropages formosus | Asian bonytongue                                | II       | 7/1/75                             |

**Order Cynipiformes:**

| Cyniopsryneus Georgii | African blind barb, Congo blind barb | II       | 6/6/81                             |
| Chasmistes cuaj | Cui-ui                                      | I        | 7/1/75                             |
| Probrinthus julineri | Ikan temolek, Pia eesok                    | I        | 7/1/75                             |

**Order Siluriformes:**

| Pangasianodon gigas | Thailand giant catfish                      | II       | 7/1/75                             |

**Order Perciformes:**

| Corynorhynchus macdonaldi | Totoaba                                  | I        | 2/4/77                             |

**PHYLUM ARTHROPODA:**

**CLASS Insecta:**

| Blthantus spp. | (except species listed below)          | | |
| Ophionothopa spp. (all species except those in App. I or with earlier date in App. II) | Bhtuan glory swallowtails II | 10/22/87 |
| O. alexandrae | Queen Alexandra's birdwing butterfly | I        | 2/4/77                             |
| O. allotae | Birdwing butterfly                         | II       | 2/4/77                             |
| O. chimaera | Birdwing butterfly                         | II       | 2/4/77                             |
| O. poliath | Birdwing butterfly                         | II       | 2/4/77                             |
| O. mendicantae | Birdwing butterfly                         | II       | 2/4/77                             |
| O. paradisia | Paradise birdwing butterfly                | II       | 2/4/77                             |

116
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<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/year)</th>
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<tr>
<td>O. victoriae</td>
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<td>Papilio chikae</td>
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<td>P. homerus</td>
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<td>P. hospiton</td>
<td>Cornsian swallowtail</td>
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<td>P. apollo apollo</td>
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<td>Trophonoptera spp.</td>
<td>Birdwing butterflies</td>
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<td>Trochites spp.</td>
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<td>B. smithi</td>
<td>Red-kneed tarantulas</td>
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<td>Pandinus dictator</td>
<td>Emperor scorpion</td>
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<td>2/16/95</td>
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<td>P. gambiensis</td>
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<td>P. Imperator</td>
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<td>Hirudo medicinalis</td>
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<td>Cyrenogena aberti</td>
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<td>F. edgariana</td>
<td>Shiny pigoite mussel</td>
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<td>Hipposphalus spp. (except Tridacnidae spp.)</td>
<td>Higgin’s eye mussel</td>
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<td>Lampashis higginsii</td>
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<td>L. orbicularis orbiculata</td>
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<td>L. salto</td>
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<td>L. virensis</td>
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<td>P. coopenanus</td>
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<td>Potamalus (=Proptera) capax</td>
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<td>Quadrula intermedia</td>
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<td>P. elongata</td>
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<td>Tridacna denasa</td>
<td>Giant clam</td>
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<td>5/29/83</td>
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<td>T. gigas</td>
<td>Giant clam</td>
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<td>Tridacnidae spp. (includes all species in genera Hipposphalus and Tridacna except those with earlier date in App. II)</td>
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<td>U. (=Megalonia (=Megalonaia) nickeliana)</td>
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<td>Queen conch</td>
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<td>Order Heliopora spp.</td>
<td>Blue corals</td>
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<tr>
<td>Species</td>
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<td>Appendix</td>
<td>First listing date (month/day/year)</td>
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<tr>
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<td>Order Antipatharia:</td>
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<td>Euphyllia spp.</td>
<td>Trumpet corals</td>
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<tr>
<td>Favia spp.</td>
<td>Brain corals</td>
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<td>8/1/85</td>
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<td>Fungia spp.</td>
<td>Mushroom corals</td>
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<td>Halomitra spp.</td>
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<td>Lettuce corals</td>
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<td>Platygira spp.</td>
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<td>Stylophora spp.</td>
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<td>P. brevicaulis (and its natural hybrids)</td>
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<td>P. decaryi (and its natural hybrids)</td>
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<td>T. sucrii</td>
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</tr>
<tr>
<td>(1) Hatiora × graeseri (=H. gaertneri × H. rosea); (2) Schlumbergera ×Zygocactus) truncata cultivars and its hybrids with S. truncata (S. × mojavea), S. leucantha, and S. russeliana (=S. × buckleyi); (3) Gymnocalycium mihanovichii cultivars lacking chlorophyll, grafted on Hatiora × graeseri; H. truncata × Opuntia microdasys; H. rosea × Opuntia microdasys; and (4) Opuntia microdasys.</td>
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</tr>
<tr>
<td><strong>Arilocactus spp. (includes Neogomesia sp. and</strong></td>
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</tr>
<tr>
<td>Roseocactus sp.)</td>
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<tr>
<td>Astrophytum (=Echinochactus) asterias</td>
<td>Sea-urchin cactus, Star cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>Astrophytum ililae</td>
<td>Azteca cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. wrightiae</td>
<td>Mesa Verde cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. erectocentrus</td>
<td>San Rafael cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. peeblesianus</td>
<td>Wonderfuly bristled Turk's-cap cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>C. paradinei</td>
<td>Wonderfully bristled Turk's-cap cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>M. paucispinus</td>
<td>Woolly waxy-stemmed Turk's-cap cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>M. deinacanthus</td>
<td>Wonderfuly bristled Turk's-cap cactus</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>M. solisioides</td>
<td>Living-rock cacti</td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>M. glaucescens</td>
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<td>I</td>
<td>7/1/75</td>
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<tr>
<td>M. pachyacanthus</td>
<td>Wonderfully bristled Turk's-cap cactus</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Obregonia denegrii</td>
<td>Wonderfully bristled Turk's-cap cactus</td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td>Pachycereus miliarius (=Baeckeburcia m., Cephalocereus m., Mitrocereus m., Pachycereus chrysomallus).</td>
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<tr>
<td>Pediocactus (=Tourmeya) bradyi</td>
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<tr>
<td>P. despanii</td>
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</tr>
<tr>
<td>P. knolltonii (=P. bradyi var. k., =Tourmeya k.)</td>
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<tr>
<td>P. paradinii (=Pilocactus p.)</td>
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<tr>
<td>P. peeblesianus, including P. p. var. ficketseniae (=Navajoa f., =Tourmeya f.) and P. p. var. peeblesianus (=Echinocactus p., =Navajoa p., =Tourmeya p., =Utahia p.).</td>
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<tr>
<td>P. sileri (=Echinocactus s., =Utahia s.)</td>
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<td>P. winkleri</td>
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<tr>
<td>Pelecyphora (=Encephalocarpus) spp.</td>
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<tr>
<td>Sclerocactus brevithamatus subsp. tobushii (=Ancistrocactus t., =Echinocactus t., =Ferocactus t., =Mammillaria t.).</td>
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<tr>
<td>S. pappacastanos (=Echinocactus p., =Mammillaria p., =Pediacactus g., =S. whipplei var g., =E. subglauca; =S. wetlandicus; =S. w. var. isaeae).</td>
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<tr>
<td>S. glaucus (=S. franklini; =Echinocactus g., =Ferocactus g., =S. whipplei var g., =E. subglauca; =S. wetlandicus; =S. w. var. isaeae).</td>
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<tr>
<td>S. mesae-verdae</td>
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<tr>
<td>S. pappacastanos (=Echinocactus p., =Mammillaria p., =Pediacactus g., =Tourmeya p.).</td>
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<tr>
<td>S. pubispinus</td>
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<tr>
<td>S. brittii</td>
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<tr>
<td>Strombocactus spp. (=S. discoformis in broad sense)</td>
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</table>

Note: The table lists various species of cacti with their common names and the year of their listing under the Appendix, which is designated by the letter 'I'. The first listing date is also provided, indicating the year of their listing (7/1/75).
## § 23.23

### Species

<table>
<thead>
<tr>
<th>Common name</th>
<th>Appendix</th>
<th>First listing date (month/year)</th>
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<tbody>
<tr>
<td>Turbinicarpus spp. (includes Gymnocalycium spp., most Neolloydia spp., (in sense of E.F. Anderson 1966), Normanbokea spp., and Rapicactus spp.), Uebelmannia spp.</td>
<td>Uebelmannia cacti</td>
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<td><strong>Family Caryocaraceae:</strong></td>
<td>Caryocar costaricense</td>
<td>Ajo</td>
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<tr>
<td></td>
<td>Sautauxia costata (S. lappa)</td>
<td>Costus, Kuth root</td>
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<tr>
<td><strong>Family Grussiauceae:</strong></td>
<td>Dudgeya stolonifera</td>
<td>Santa Barbara Island dudleya</td>
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<td>D. traskiae</td>
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<tr>
<td><strong>Family Cupressaceae:</strong></td>
<td>Pieris japonica</td>
<td>Fitzroya, Alerce</td>
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<tr>
<td></td>
<td>Shortia galacifolia</td>
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<tr>
<td><strong>Family Cyatheaceae:</strong></td>
<td>Alsophila spp. (see Cyathea spp.)</td>
<td>Tree-fern family</td>
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<tr>
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<td>Cyathea spp. (includes Alsophila spp., Nephelea spp., Sphaeropteris spp., Trichopteris spp.).</td>
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<tr>
<td></td>
<td>Cyathea (=Hemitelia) capsens</td>
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<tr>
<td></td>
<td>C. dredgei</td>
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<td>C. mexicana</td>
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<tr>
<td></td>
<td>C. (=Alsophila) salvini</td>
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<td>Nephelea spp. (see Cyathea spp.)</td>
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<tr>
<td></td>
<td>Sphaeropteris spp. (see Cyathea spp.)</td>
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<td><strong>Family Cycadaceae:</strong></td>
<td>Trichopteris spp. (see Cyathea spp.)</td>
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<tr>
<td>All species in the family except species in App. I</td>
<td>Cycads</td>
<td>II</td>
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<td>C. beddomei</td>
<td>Beddome cycad</td>
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<tr>
<td><strong>Family Diapensiaeae:</strong></td>
<td>Diapensia family:</td>
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<tr>
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<td>Oconee bells</td>
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<td><strong>Family Dicksoniaceae:</strong></td>
<td>Dicksonia spp. (the Americas only)</td>
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<tr>
<td></td>
<td>Cibotium barometz</td>
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</tr>
<tr>
<td></td>
<td>Dicksonia spp. (the Americas only)</td>
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<td><strong>Family Dideraceae:</strong></td>
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<tr>
<td>Allium species</td>
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<td><strong>Family Dioscoreaceae:</strong></td>
<td>Dioscorea deltoidea</td>
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<td></td>
<td>Kniss, Kurta</td>
<td>I</td>
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<tr>
<td><strong>Family Dracaceae:</strong></td>
<td>Sundew family:</td>
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<tr>
<td>Dionaea muscipula</td>
<td>Venus flytrap</td>
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<tr>
<td><strong>Family Euphorbiaceae:</strong></td>
<td>Euphorbia spp., except those species in App. I, and excluding non-succulent species and artificially propagated specimens of Euphorbia trigona cultivars. E. subgenus Laccarix dwarf species in Madagascar and their natural hybrids as given below: E. ambovombensis (and its natural hybrids)</td>
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<tr>
<td></td>
<td>E. capsanternuensis (E. decary var. c) (and its natural hybrids).</td>
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<tr>
<td></td>
<td>E. cremeri</td>
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<tr>
<td></td>
<td>E. cylindrofollia (including subsp. tuberifera) (and its natural hybrids).</td>
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<tr>
<td></td>
<td>E. decary (and its natural hybrids) (see also E. capsanternuensis, formerly included in E. decary).</td>
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<tr>
<td></td>
<td>E. francoi (and its natural hybrids)</td>
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<td></td>
<td>E. moradi (and its natural hybrids)</td>
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<td>E. parviicaphophora (and its natural hybrids)</td>
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<td></td>
<td>E. quaritzfolia (and its natural hybrids)</td>
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<tr>
<td></td>
<td>E. tulearen (E. capsanternuensis var. tulearen) (and its natural hybrids).</td>
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<td><strong>Family Fouquieriaceae:</strong></td>
<td>Ocotillo family:</td>
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<tr>
<td>Fouquieria columnaris</td>
<td>Boojum tree</td>
<td>II</td>
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<tr>
<td>F. fasciculata</td>
<td>Arbol del banli</td>
<td>I</td>
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<tr>
<td>F. purpurea</td>
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<td>I</td>
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<td><strong>Family Gnetaceae:</strong></td>
<td>Gnetum family:</td>
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<td>Gnetum montanum</td>
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<tr>
<td><strong>Family Juglandaceae:</strong></td>
<td>Walnut family:</td>
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<tr>
<td>Oreomunnea (=Engelhardia) pterocarpa</td>
<td>Gavilan</td>
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<tr>
<td>Family Leguminosae (=Fabaceae):</td>
<td>Pea family:</td>
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<tr>
<td>---------------------------------</td>
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<tr>
<td><em>Dalbergia nigra</em></td>
<td>Brazilian rosewood</td>
<td>I</td>
</tr>
<tr>
<td><em>Pericopsis elata</em> (including logs, sawn wood, and veneer sheets, but not other parts or derivatives):</td>
<td>Atromosia</td>
<td>II</td>
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<tr>
<td><em>Platymiscium pleistachyum</em></td>
<td>Cristobal, Granadillo</td>
<td>III</td>
</tr>
<tr>
<td><em>P Newark santalinus</em> (only logs, wood-chips, and unprocessed broken material):</td>
<td>Red sandalwood, Redsanders</td>
<td>II</td>
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<td>Family Liliaceae:</td>
<td>Lily family:</td>
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<tr>
<td><em>Aloe spp.</em> (all except those in App. I, and excluding <em>A. vera</em> (=A. barbadensis) except <em>A. vera var. chinensis)</em></td>
<td>Aloe</td>
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<tr>
<td><em>A. albida</em></td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td><em>A. albiflora</em></td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td><em>A. alfredi</em></td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td><em>A. bakeri</em></td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td><em>A. bellatula</em></td>
<td>I</td>
<td>7/1/75</td>
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<td><em>A. caica raphe</em></td>
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<td>7/1/75</td>
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<tr>
<td><em>A. compressa</em> (incl. var. rugosquamosa, var. schistophila)*</td>
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<td>7/1/75</td>
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<tr>
<td><em>A. delphinensis</em></td>
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<tr>
<td><em>A. descoingsi</em></td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td><em>A. fragilis</em></td>
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<tr>
<td><em>A. harnworthiiodes</em> (incl. var. aurantiflora)</td>
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<tr>
<td><em>A. helena</em></td>
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</tr>
<tr>
<td><em>A. ieta</em> (incl. var. marilena)*</td>
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<td><em>A. parallelefus</em></td>
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<tr>
<td><em>A. parvula</em></td>
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</tr>
<tr>
<td><em>A. pillans</em></td>
<td>I</td>
<td>7/1/75</td>
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<td><em>A. polybractea</em></td>
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<td><em>A. raffii</em></td>
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<td><em>A. suzannae</em></td>
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<td><em>A. thomsonii</em></td>
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<td><em>A. versicolor</em></td>
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<tr>
<td><em>A. vossii</em></td>
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<td>Family Magnoliaceae:</td>
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<td><em>Magnolia (=Talauma) hodgsoni</em></td>
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<td>11/16/75</td>
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<td>Family Meliaceae:</td>
<td>Mahogany family:</td>
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<td><em>Sweretinia humilis</em></td>
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<td>7/1/75</td>
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<td><em>S. macrophylla</em> (populations in the Americas, including logs, sawn wood, and veneer sheets, but not other parts or derivatives):</td>
<td>Big leaf mahogany</td>
<td>III (Bolivia, Brazil, Costa Rica, Mexico)</td>
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<td><em>S. mahagoni</em> (including logs, sawn wood, and veneer sheets, but not other parts or derivatives):</td>
<td>Caribbean mahogany</td>
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<td>Family Nepenthaceae:</td>
<td>Old World pitcher-plant family:</td>
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<td><em>Nepenthes spp.</em> (all except those in App. I)</td>
<td>Tropical pitcher plants</td>
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</tr>
<tr>
<td>N. <em>Khasiand</em></td>
<td>Indian tropical pitcher plant</td>
<td>I</td>
</tr>
<tr>
<td>N. rajah*</td>
<td>Giant tropical pitcher plant</td>
<td>I</td>
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<tr>
<td>Family Orchidaceae (=Apostasiaceae, Cypripedioideae) (note general exclusions and exceptions in introductory text):</td>
<td>Orchid family:</td>
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<tr>
<td>All species except those in App. I</td>
<td>Orchids</td>
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<td><em>Calathea trianae</em></td>
<td>Christmas orchid</td>
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<td><em>Dendrobium cruentum</em></td>
<td>I</td>
<td>7/1/75</td>
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<tr>
<td><em>Laelia jongeana</em></td>
<td>I</td>
<td>7/1/75</td>
</tr>
<tr>
<td>L. lobata*</td>
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<td>7/1/75</td>
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<td><em>Paphiopedilum spp.</em></td>
<td>Asian tropical lady's slippers</td>
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<tr>
<td><em>Pdendrobium elata</em></td>
<td>Holy Ghost, Dove orchid</td>
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</tr>
<tr>
<td><em>Phragmipedium spp. (includes Mepedium sp.)</em></td>
<td>New World tropical lady's slippers</td>
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<td><em>Renanthera irroriflora</em></td>
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<td><em>Vanda coerulea</em></td>
<td>Blue vanda</td>
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<td><em>Neodypsis decaryi</em></td>
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<td>Guatemalan fir</td>
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<td>Species</td>
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<tr>
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<td>P. parlatorei</td>
<td>Parlatore’s podocarp, Monteromero</td>
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<td>Family Podophyllaceae (see Berberidaceae)</td>
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<td>Avonia spp. (formerly a part of Anacampseros spp.)</td>
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<tr>
<td>Lewisia maguirei</td>
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<td>II</td>
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<tr>
<td>L. serra</td>
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<td>Family Primulaceae:</td>
<td>Primrose family</td>
<td>III</td>
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<tr>
<td>Cyclamen spp., excluding artificially propagated specimens of the cultivars of Cyclamen persicum (except when traded as dormant tubers).</td>
<td>Cyclamen</td>
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<td>Family Proteaceae:</td>
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<tr>
<td>Orotammus zeyheri</td>
<td></td>
<td>II</td>
</tr>
<tr>
<td>Protea odora</td>
<td></td>
<td>II</td>
</tr>
<tr>
<td>Family Ranunculaceae:</td>
<td>Buttercup family</td>
<td></td>
</tr>
<tr>
<td>Sarracenia spp. (all species and natural hybrids except species in App. I)</td>
<td>New World pitcher-plant family</td>
<td></td>
</tr>
<tr>
<td>S. alabamensis subsp. alabamensis (=S. rubra subsp. alabamensis)</td>
<td>Trumpet pitcher plants</td>
<td>II</td>
</tr>
<tr>
<td>S. jonesii (=S. rubra subsp. jonesii)</td>
<td></td>
<td></td>
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<tr>
<td>S. oreophila</td>
<td></td>
<td></td>
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<tr>
<td>Species</td>
<td>Common name</td>
<td>Appendix</td>
</tr>
<tr>
<td>Family Rosaceae:</td>
<td>Rose family</td>
<td>II</td>
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<tr>
<td>Prunus africana</td>
<td>African cherry</td>
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<td>Family Rubiaceae:</td>
<td>Coffee family</td>
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<td>Balnea stormiae</td>
<td>Ayuque</td>
<td>I</td>
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<tr>
<td>Family Sarraceniacae:</td>
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<td></td>
</tr>
<tr>
<td>Sarracenia spp. (including species in App. I)</td>
<td>New World pitcher-plant family</td>
<td></td>
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<tr>
<td>S. alabamensis subsp. alabamensis (=S. rubra subsp. alabamensis)</td>
<td>Trumpet pitcher plants</td>
<td>II</td>
</tr>
<tr>
<td>S. jonesii (=S. rubra subsp. jonesii)</td>
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<tr>
<td>S. oreophila</td>
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<tr>
<td>Family Scrophulariaceae:</td>
<td>Figwort family</td>
<td></td>
</tr>
<tr>
<td>Picrorhiza kurrooa (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).</td>
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<td></td>
</tr>
<tr>
<td>Species</td>
<td>Common name</td>
<td>Appendix</td>
</tr>
<tr>
<td>Family Stangeriaceae:</td>
<td>Stangeria family</td>
<td>II</td>
</tr>
<tr>
<td>Bowenia spp. (formerly in Zamiaceae)</td>
<td>Bipinnate cycads</td>
<td>II</td>
</tr>
<tr>
<td>Stangeria eurica (=S. paradoxica)</td>
<td>Stangeria, Fern-leaved cycad</td>
<td>I</td>
</tr>
<tr>
<td>Family Taxaceae:</td>
<td>Yew family</td>
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<tr>
<td>Taxus wallachiana (=T. baccata subsp. wallachiana) (except chemical derivatives and finished pharmaceutical products).</td>
<td>Himalayan yew</td>
<td>II</td>
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<tr>
<td>Family Tetracentraceae:</td>
<td>Tetracentron family</td>
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<tr>
<td>Tetracentron sinense</td>
<td>Tetracentron</td>
<td>III</td>
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<tr>
<td>Family Thymelaeaceae:</td>
<td>Mezereon family</td>
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<tr>
<td>Aquilaria malacensis</td>
<td>Agarwood, Alicewood</td>
<td>II</td>
</tr>
<tr>
<td>Family Valerianaceae:</td>
<td>Valerian family</td>
<td></td>
</tr>
<tr>
<td>Nardostachys grandiflora (=Nardostachys jatamansi misapplied) (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).</td>
<td>Himalayan nard or spikenard</td>
<td>II</td>
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<tr>
<td>Family Welwitschiaceae:</td>
<td>Welwitschia family</td>
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<td>Welwitschia mirabilis (=W. bainesi)</td>
<td>Welwitschia</td>
<td>II</td>
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<tr>
<td>Family Zamiaceae:</td>
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<tr>
<td>All species except those in App. I</td>
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<tr>
<td>Ceratozamia spp.</td>
<td>Ceratozamias, Horncones</td>
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<tr>
<td>Chigua spp.</td>
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<tr>
<td>Encephalartos spp.</td>
<td>Bread palms, African cycads</td>
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<td>Microcycas calocoma</td>
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<td>Family Zingiberaceae:</td>
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<td>Hedyodium philippinense</td>
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<td>Family Zygophyllaceae:</td>
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<tr>
<td>Guaziasm officinalis</td>
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</table>

G. sanctum

Subpart D—Public Participation in the Development of Negotiating Positions for Meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Federal Agency Consultation

§ 23.31 Purpose of regulations.

The regulation contained in this subpart sets out procedures for participation of the public and consultation with appropriate Federal agencies in the Service’s process of developing negotiating positions to be used by the representative of the United States to meetings of the Conference of the Parties to the Convention provided for by Article XI of the Convention.

§ 23.32 Notice of meeting of Conference of the Parties to the Convention.

(a) Upon receipt of a notice of a meeting to the Conference of the Parties to the Convention, the director shall publish in the FEDERAL REGISTER a notice setting forth the time and place of the meeting, and the proposed agenda, and inviting the public to comment and provide information on agenda items including, when appropriate, suggestions for additional agenda items.

(b) Upon receipt from the CITES Secretariat of a notice of additional agenda items, the Director shall publish in the FEDERAL REGISTER a notice inviting the public to comment and provide information on such items.

§ 23.33 Notice of proposed negotiating positions.

Subsequent to the comment period of the notice of meeting of the Conference of the Parties to the Convention, the Director shall publish in the FEDERAL REGISTER a notice of proposed negotiating positions setting forth a summary of the information and comments received in response to any of the notices mentioned in §23.33, the negotiating positions which the Service proposes to use at the meetings of the Conference of the Parties to the Convention, and the basis thereof, and inviting information and comments on the proposed negotiating positions. The notice will also set forth the time and place of at least one public meeting to provide information and comments on the proposed negotiating positions of the Service.

§ 23.34 Public meetings.

The Service shall hold at least one public meeting to enable interested persons to provide information and comments on the proposed agenda and at least one such public meeting on the proposed negotiating positions of the Service. Written statements may be submitted to the Service before and at the meeting. Appointments to speak at the meetings may be made with the Federal Wildlife Permit Office, Washington, DC 20240 (703/235-2418). Participants without prior appointments will be given an opportunity to speak to the extent time allows following speakers with appointments.

§ 23.35 Notice of negotiating positions.

Subsequent to the comment period of the notice of proposed negotiating positions, and after all associated public meetings have been held, the Director shall publish in the FEDERAL REGISTER a notice setting forth (a) a summary of the information and comments received in response to the notice of proposed negotiating positions, (b) a summary of negotiating positions of the Service to be used by the representative of the United States to the meeting of the Conference of the Parties to the Convention, and (c) the basis of such negotiating positions.

§ 23.36 Schedule of public meetings and notices.

The Director shall publish in the FEDERAL REGISTER a schedule, subject to change and modification, of all public meetings and notices related to preparation of negotiating positions for meetings of the Conference of the Parties to the Convention.
§ 23.37 Federal agency consultation.
The Service shall consult with appropriate Federal agencies in the development of negotiating positions.

§ 23.38 Modifications of procedures and negotiating positions.
(a) Any of the procedures in §§23.32 through 23.36 may be modified or suspended by the Director on notice published in the FEDERAL REGISTER where to follow the procedures would interfere with the timely or appropriate development of negotiating positions.

(b) Any of the negotiating positions set forth in a notice of negotiating positions may be modified, reversed or abandoned by the United States representative to a meeting of the Conference of the Parties to the Convention where to do so would be in the best interests of the United States.

§ 23.39 Notice of availability of official report.
After any meeting of the Conference of the Parties to the Convention attended by a United States representative, the Service shall publish a notice of availability of the official report of such representative and set forth how and where copies of such report can be obtained.

Subpart E—Scientific Authority Advice [Reserved]

Subpart F—Export of Certain Species

SOURCE: 45 FR 80446, Dec. 4, 1980, unless otherwise noted.

§ 23.51 American ginseng (Panax quinquefolius).

State populations for which the export of the indicated season’s harvest may be permitted under §23.15 of this part:

(a) 1978 Harvest: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

(b) 1979 Harvest: Arkansas, Georgia, Illinois, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

(c) 1980 Harvest: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, New York, North Carolina, Ohio, Tennessee, Vermont (artificially propagated ginseng only), Virginia, West Virginia, Wisconsin.

(d) 1981 Harvest: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Vermont (artificially propagated ginseng only), Virginia, West Virginia, Wisconsin.

Condition on findings: Roots must be documented as to state of origin and season of collecting.


(e)(1) 1982–1993 harvests (wild and cultivated roots for each year unless noted).

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§ 23.52

Bobcat (Lynx rufus).

States for which the export of the indicated season’s harvest may be permitted under § 23.15 of this part:

(a) States and Harvest Seasons Approved for Export of Bobcat From the United States.

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</table>
§ 23.53 River otter (Lontra canadensis)

States for which we permit the export of the indicated season's take under §23.15 of this part:

(a) States and Indian Nations, and seasons approved for export of river otter from the United States:

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(b) Condition on export: Each pelt must be clearly identified as to species; State, Indian Tribe, or Indian Nation of origin; and season of taking by a permanently attached, serially numbered tag of a type approved by and attached under conditions established by the Service. Exception to tagging requirement: finished furs and fully manufactured fur products may only be exported from the United States when the State, Indian Tribe, or Indian Nation export tags, removed from the hides used to manufacture the product being exported, are surrendered to the Service at the time of export. Such tags must be removed by cutting the tag strap on the female side next to the locking socket of the tag so the locking socket and locking tip remain joined.

§ 23.54 Lynx (Lynx canadensis).

States for which the export of the indicated season’s harvest may be permitted under §23.15 of this part:


(b) 1978–79 Harvest: Alaska, Idaho, Minnesota, Montana, Washington. Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.


(c) 1979–80 Harvest: Alaska, Idaho, Minnesota, Montana, Washington. Conditions on findings: Pelts must be clearly identified as to state of origin and state of taking, including tagging according to standards and conditions established by the Service.


(d) 1980–81 Harvest: Alaska, Minnesota, Montana. Condition on finding: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.
§ 23.55  Gray wolf (Canis lupus).

State for which the export of the indicated season’s harvest may be permitted under § 23.15 of this part:

(a) 1977–78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(b) 1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(c) 1979–80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.


(d) 1980–81 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

§ 23.56  Brown bear (Ursus arctos).

State for which the export of the indicated season’s harvest may be permitted under § 23.15 of this part:

(a) 1977–78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(b) 1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(c) 1979–80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.


(d) 1980–81 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.
(e) 1981–82 Harvest: Alaska.
Condition on findings: Pelts must be tagged as required by the State of Alaska.

(f) 1982–83 Harvest: Alaska.
Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved by the Service and attached under conditions established by the Service.

(g) 1983–84 and Subsequent Harvests: Alaska.
Condition on export: Each pelt must be clearly identified as to species, State of origin, species, year of take, and a unique serial number. The tag must be inserted through the hide and permanently locking Convention export tag bearing a legend showing the US-CITES logo, State of origin, species, year of take, species, and attached under conditions established by the Service.

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\(= \) export approved.
\(-= \) export not approved.
\(F= \) export approved for farm-raised only.

(b) Condition on initial export from the United States. (1) Each hide (full skin) must be clearly identified by a durable, permanently locking Convention export tag bearing a legend showing the US-CITES logo, State of origin, species, year of take, and a unique serial number. The tag must be inserted through the hide and permanently locked in place using the locking mechanism of the tag and in accordance with State requirements. Hides with broken tags may not be exported. Prior to export and upon submission of documentation to show legality of the hide, broken tags may be replaced with CITES replacement tags. Hides with valid CITES replacement tags are eligible for export.

(2) US-CITES export tags that were removed from the hides used to manufacture products to be exported must be surrendered to the Service prior to the export of those products.

(3) Meat from legally harvested and tagged alligators shall be packed in State-uniform containers, permanently sealed and labeled as required by State law. Bulk meat containers shall be marked with a State “parts tag” or “bulk meat tag” permanently attached indicating, at a minimum, State of origin, year of take, species, original hide export tag number, weight of meat in the container, and identification of State licensed processor or packer.

(4) Small parts such as tails, throats, feet, or backstrips shall be packed in transparent, sealed containers clearly marked with a parts tag. Parts tags shall supply at a minimum the State of origin, species, original hide export tag number, and weight of the parts in the container.

§ 23.57 American alligator (Alligator mississippiensis).

States for which the export of the indicated season’s harvest may be permitted under §23.15 of this part:

(a) 1979–1997 harvests (wild and farm-raised for each year unless noted).
Subpart B—Importation and Exportation at Designated Ports

§24.11 General restrictions.
No person shall import, export, or reexport plants at any place other than at a port designated in 24.12 (hereinafter “designated port”) in accordance with the provisions of this part, unless otherwise specifically authorized by the Service at a nondesignated port in accordance with section 9(f)(1) of the Endangered Species Act of 1973, as amended.

§24.12 Designated ports.
(a) The following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants which are listed in 50 CFR 17.12 and/or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 and/or 23:

Nogales, Arizona
Los Angeles, California
San Diego, California
San Francisco, California
Miami, Florida
Orlando, Florida
Honolulu, Hawaii
New Orleans, Louisiana
Hoboken, New Jersey (Port of New York)
Jamaica, New York
San Juan, Puerto Rico
Brownsville, Texas
El Paso, Texas
Houston, Texas
Seattle, Washington

(b) The U.S. Department of Agriculture ports at Hilo, Hawaii, and Chicago, Illinois, are designated ports for the importation, exportation, or reexportation of plants of the family Orchidaceae (orchids) which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(c) The U.S. Department of Agriculture ports at Atlanta, Georgia; Chicago, Illinois; Baltimore, Maryland; St. Louis, Missouri; and Milwaukee, Wisconsin, are designated ports for the importation, exportation or reexportation of roots of American ginseng (Panax quinquefolius) listed in 50 CFR 23.23 and which are required to be accompanied...
by documentation under 50 CFR part 17 or 23.

(d) The U.S. Department of Agriculture ports at Detroit and Port Huron, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington, are designated ports for the importation from Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23, and for the exportation or reexportation to Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(e) The U.S. Department of Agriculture ports at Mobile, Alabama; Fort Lauderdale (=Port Everglades), Jacksonville, and Panama City, Florida; Savannah, Georgia; Baltimore, Maryland; Gulfport, Mississippi; Wilmington and Morehead City, North Carolina; Portland, Oregon; Philadelphia, Pennsylvania; Charleston, South Carolina; Laredo, Texas; Norfolk, Virginia; and Vancouver, Washington, are designated ports for the importation of logs and lumber from trees which are listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(f) The U.S. Department of Agriculture port at Wilmington, North Carolina, is a designated port for the exportation of plants of the species Dionaea muscipula (Venus flytrap), which is listed in appendix II to CITES and which is required to be accompanied by documentation under 50 CFR part 23.

(g) All U.S. Customs designated ports of entry on the United States-Canadian border (Customs designated ports of entry are listed in 19 CFR part 101) and the following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants not required to be accompanied by documentation under 50 CFR part 17 or 23:

Mobile, Alabama
Anchorage, Alaska
Nogales, Arizona
Phoenix, Arizona
San Luis, Arizona
Tucson, Arizona
Calexico, Arizona
Los Angeles, California
San Diego, California
San Francisco, California
San Pedro, California
Denver, Colorado
Wallingford, Connecticut
Dover, Delaware (Dover AFB)
Wilmington, Delaware
Washington, District of Columbia
Jacksonville, Florida
Key West, Florida
Miami, Florida
Orlando, Florida
Pensacola, Florida
Cape Canaveral, Florida
Port Everglades, Florida
Tampa, Florida
West Palm Beach, Florida
Atlanta, Georgia
Savannah, Georgia
Agana, Guam
Hilo, Hawaii
Honolulu, Hawaii
Waikiki, Maui, Hawaii
Chicago, Illinois
Baton Rouge, Louisiana
New Orleans, Louisiana
Bangor, Maine
Portland, Maine
Baltimore, Maryland
Boston, Massachusetts
Detroit, Michigan
Duluth, Minnesota
St. Paul, Minnesota
Kansas City, Missouri
St. Louis, Missouri
Hoboken, New Jersey
McGuire AFB, New Jersey
Albany, New York
Buffalo, New York
New York, New York
Jamaica, New York
Rouses Point, New York
Morehead City, North Carolina
Wilmington, North Carolina
Cleveland, Ohio
Astoria, Oregon
Coe Bay, Oregon
Portland, Oregon
Philadelphia, Pennsylvania
Hato Rey, Puerto Rico
Mayaguez, Puerto Rico
Ponce, Puerto Rico
Roosevelt Roads, Puerto Rico
San Juan, Puerto Rico
Warwick, Rhode Island
Charleston, South Carolina
Memphis, Tennessee
Brownsville, Texas
Corpus Christi, Texas
Dallas-Ft. Worth, Texas
Del Rio, Texas
Eagle Pass, Texas
§ 24.12

El Paso, Texas
Galveston, Texas
Hidalgo, Texas
Houston, Texas
Laredo, Texas
Port Arthur, Texas
Presidio, Texas
Progreso, Texas
Roma, Texas
San Antonio, Texas
St. Croix, Virgin Islands of the United States

St. Thomas, Virgin Islands of the United States
Newport News, Virginia
Norfolk, Virginia
Blaine, Washington
Tacoma, Washington (McChord AFB)
Seattle, Washington
Milwaukee, Wisconsin

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—ADMINISTRATIVE PROVISIONS

Subpart A—Introduction

§ 25.11 Purpose of regulations.

(a) The regulations in this subchapter govern general administration of units of the National Wildlife Refuge System, public notice of changes in U.S. Fish and Wildlife Service policy regarding Refuge System units, issuance of permits required on Refuge System units and other administrative aspects involving the management of various units of the National Wildlife Refuge System. The regulations in this subchapter apply to areas of land and water held by the United States in fee title and to property interests in such land and water in less than fee, including but not limited to easements. For areas held in less than fee, the regulations in this subchapter apply only to the extent that the property interest held by the United States may be affected. The regulations in this subchapter also apply to and govern those areas of the Rocky Mountain Arsenal over which management responsibility has been transferred to the U.S. Fish and Wildlife Service under the Rocky Mountain Arsenal Act of 1992 (Pub. L. 102–402, 106 Stat. 1961), before their establishment as a refuge and inclusion in the National Wildlife Refuge System.

(b) All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources.

§ 25.12 What do these terms mean?

(a) As used in the rules and regulations in this subchapter:
§ 25.12  

Authorized official means any Federal, State or local official empowered to enforce provisions of this subchapter C.

Big game means large game animals, including moose, elk, caribou, reindeer, musk ox, deer, bighorn sheep, mountain goat, pronghorn, bear, and pecary, or such species as the separate States may so classify within their boundaries.

Compatibility determination means a written determination signed and dated by the Refuge Manager and Regional Chief, signifying that a proposed or existing use of a national wildlife refuge is a compatible use or is not a compatible use. The Director makes this delegation through the Regional Director.

Compatible use means a proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose(s) of the national wildlife refuge.

Comprehensive conservation plan means a document that describes the desired future conditions of a refuge or planning unit and provides long-range guidance and management direction to achieve the purposes of the refuge; helps fulfill the mission of the Refuge System; maintains and, where appropriate, restores the ecological integrity of each refuge and the Refuge System; helps achieve the goals of the National Wilderness Preservation System; and meets other mandates.

Conservation, and Management mean to sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants utilizing, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs. Such methods and procedures include, consistent with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

Coordination area means a wildlife management area made available to a State by cooperative agreement between the U.S. Fish and Wildlife Service and a State agency having control over wildlife resources pursuant to section 4 of the Fish and Wildlife Coordination Act (16 U.S.C. 664) or by long-term leases or agreements pursuant to title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.). The States manage coordination areas but they are part of the National Wildlife Refuge System. The compatibility standard does not apply to coordination areas.

Director means the Director, U.S. Fish and Wildlife Service or the authorized representative of such official.

Easement means a less than fee interest in land or water acquired and administered by the U.S. Fish and Wildlife Service for the purpose of maintaining fish and wildlife habitat.

Fish, Wildlife, and Fish and wildlife mean any member of the animal kingdom in a wild, unconfined state, whether alive or dead, including a part, product, egg, or offspring of the member.

Migratory bird means and refers to those species of birds listed under §10.13 of this chapter.

National wildlife refuge, and Refuge mean a designated area of land, water, or an interest in land or water located within the National Wildlife Refuge System but does not include coordination areas.

National Wildlife Refuge System, and System mean all lands, waters, and interests therein administered by the U.S. Fish and Wildlife Service as wildlife refuges, wildlife ranges, wildlife management areas, waterfowl production areas, coordination areas, and other areas for the protection and conservation of fish and wildlife including those that are threatened with extinction as determined in writing by the Director or so directed by Presidential or Secretarial order. The determination by the Director may not be delegated.

National Wildlife Refuge System mission, and System mission mean to administer a national network of lands and
waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Nontoxic shot means steel shot or other shot approved pursuant to 50 CFR 20.134.

Plant means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

Purpose(s) of the refuge means the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a national wildlife refuge, national wildlife refuge unit, or national wildlife refuge subunit. For refuges that encompass Congressionally designated wilderness, the purposes of the Wilderness Act are additional purposes of the wilderness portion of the refuge.

Refuge management activity means an activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the national wildlife refuge, or the National Wildlife Refuge System mission. Service-authorized agents include contractors, cooperating agencies, cooperating associations, refuge support groups, and volunteers.

Refuge management economic activity means a refuge management activity on a national wildlife refuge which results in generation of a commodity which is or can be sold for income or revenue or traded for goods or services. Examples include: Farming, grazing, haying, timber harvesting, and trapping.

Regional Chief means the official in charge of the National Wildlife Refuge System within a Region of the U.S. Fish and Wildlife Service or the authorized representative of such official.

Regional Director means the official in charge of a Region of the U.S. Fish and Wildlife Service or the authorized representative of such official.

Secretary means the Secretary of the Interior or the authorized representative of such official.

Service, We, and Us mean the U.S. Fish and Wildlife Service, Department of the Interior.

Sound professional judgment means a finding, determination, or decision that is consistent with principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), and other applicable laws. Included in this finding, determination, or decision is a refuge manager’s field experience and knowledge of the particular refuge’s resources.

State, and United States mean one or more of the States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States.

Waterfowl production area means any wetland or pothole area acquired pursuant to section 4(c) of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718d(c)), owned or controlled by the United States and administered by the U.S. Fish and Wildlife Service as a part of the National Wildlife Refuge System.

Wildlife-dependent recreational use, and Wildlife-dependent recreation mean a use of a national wildlife refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation. The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), specifies that these are the six priority general public uses of the National Wildlife Refuge System.
§ 25.13 Other applicable laws.

Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.

Subpart B—Administrative Provisions

§ 25.21 When and how do we open and close areas of the National Wildlife Refuge System to public access and use or continue a use?

(a) Except as provided below, all areas included in the National Wildlife Refuge System are closed to public access until and unless we open the area for a use or uses in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) and this subchapter C. See 50 CFR 36 for details on use and access restrictions, and the public participation and closure process established for Alaska national wildlife refuges. We may open an area by regulation, individual permit, or public notice, in accordance with §25.31 of this subchapter.

(b) We may open a national wildlife refuge for any refuge use, or expand, renew, or extend an existing refuge use only after the Refuge Manager determines that it is a compatible use and not inconsistent with any applicable law. Lands subject to the patent restrictions imposed by Section 22(g) of the Alaska Native Claims Settlement Act are subject to the compatibility requirements of Parts 25 and 26 of 50 CFR except as otherwise provided in paragraph (b)(1) of this section.

(1) We will complete compatibility determinations for uses of Alaska Native Claims Settlement Act 22(g) lands in compliance with the following requirements:

(i) Refuge managers will work with 22(g) landowners in implementation of these regulations. The landowners should contact the Refuge Manager in advance of initiating a use and request a compatibility determination. After a compatibility determination is requested, refuge managers have no longer than ninety (90) days to complete the compatibility determination and notify the landowner of the finding by providing a copy of the compatibility determination or to inform the landowner of the specific reasons for delay. If a refuge manager believes that a finding of not compatible is likely, the Refuge Manager will notify the landowner prior to rendering a decision to encourage dialog on how the proposed use might be modified to be compatible.

(ii) Refuge managers will allow all uses proposed by 22(g) landowners when the Refuge Manager determines the use to be compatible with refuge purposes.

(iii) Compatibility determinations will include only evaluations of how the proposed use would affect the ability of the refuge to meet its mandated purposes. The National Wildlife Refuge System mission will not be considered in the evaluation. Refuge purposes will include both pre-ANILCA purposes and those established by ANILCA, so long as they do not conflict. If conflicts arise, ANILCA purposes will take precedence.

(iv) A determination that a use is not compatible may be appealed by the landowner to the Regional Director. The appeal must be submitted in writing within forty-five (45) days of receipt of the determination. The appeals process provided for in 50 CFR 36.41(3) through (5) will apply.

(v) Compatibility determinations for proposed uses of 22(g) lands will only evaluate the effects of the use on the adjacent refuge lands, and the ability of that refuge to achieve its purposes, not on the effects of the proposed use to the 22(g) lands.

(vi) Compatibility determinations for 22(g) lands that a use is compatible are
not subject to re-evaluation unless the use changes significantly, significant new information is made available that could affect the compatibility determination, or if requested by the landowner.

(vii) Refuge comprehensive conservation plans will not include 22(g) lands, and compatibility determinations affecting such lands will not to be automatically re-evaluated when the plans are routinely updated. (viii) Refuge special use permits will not be required for compatible uses of 22(g) lands. Special conditions necessary to ensure a proposed use is compatible may be included in the compatibility determination and must be complied with for the use to be considered compatible.

(c) The Refuge Manager may temporarily allow or initiate any refuge use without making a compatibility determination if necessary to protect the health and safety of the public or any fish or wildlife population.

(d) When we add lands to the National Wildlife Refuge System, the Refuge Manager will identify, prior to acquisition, withdrawal, transfer, reclassification, or donation of those lands, existing wildlife-dependent recreational public uses (if any) determined to be compatible that we will permit to continue on an interim basis, pending completion of the comprehensive conservation plan for the national wildlife refuge. We will make these compatibility determinations in accordance with procedures in §26.41 of this subchapter.

(e) In the event of a threat or emergency endangering the health and safety of the public or property or to protect the resources of the area, the Refuge Manager may close or curtail refuge uses of all or any part of an opened area to public access and use in accordance with the provisions in §25.31, without advance notice. See 50 CFR 36.42 for procedures on closing Alaska national wildlife refuges.

(f) We will re-evaluate compatibility determinations for existing wildlife-dependent recreational uses when conditions under which the use is permitted change significantly, or if there is significant new information regarding the effects of the use, or concurrently with the preparation or revision of a comprehensive conservation plan, or at least every 15 years, whichever is earlier. In addition, a refuge manager always may re-evaluate the compatibility of a use at any time.

(g) Except for uses specifically authorized for a period longer than 10 years (such as right-of-ways), we will re-evaluate compatibility determinations for all existing uses other than wildlife-dependent recreational uses when conditions under which the use is permitted change significantly, or if there is significant new information regarding the effects of the use, or at least every 10 years, whichever is earlier. In addition, a refuge manager always may re-evaluate the compatibility of a use at any time.

(h) For uses in existence on November 17, 2000 that were specifically authorized for a period longer than 10 years (such as right-of-ways), our compatibility re-evaluation will examine compliance with the terms and conditions of the authorization, not the authorization itself. We will frequently monitor and review the activity to ensure that the permittee carries out all permit terms and conditions. However, the Service will request modifications to the terms and conditions of these permits from the permittee if the Service determines that such changes are necessary to ensure that the use remains compatible. After November 17, 2000 no uses will be permitted or reauthorized, for a period longer than 10 years, unless the terms and conditions for such long-term permits specifically allows for modifications to the terms and conditions, if necessary to ensure compatibility. We will make a new compatibility determination prior to extending or renewing such long-term uses at the expiration of the authorization. When we prepare a compatibility determination for re-authorization of an existing right-of-way, we will base our analysis on the existing conditions with the use in place, not from a pre-use perspective.

(i) When we re-evaluate a use for compatibility, we will take a fresh look at the use and prepare a new compatibility determination following the procedure outlined in 50 CFR 26.41.

[65 FR 62481, Oct. 18, 2000]
§ 25.22 Lost and found articles.

Lost articles or money found on a national wildlife refuge are to be immediately turned in to the nearest refuge office.

§ 25.23 What are the general regulations and information collection requirements?

The Office of Management and Budget has approved the information collection requirements contained in subchapter C, parts 25, 32, and 36 under 44 U.S.C. 3501 et seq. and assigned the following clearance numbers: Special Use Permit Applications on National Wildlife Refuges in Alaska (SUP-AK), clearance number 1018-0014; Special Use Permit Applications on National Wildlife Refuges Outside Alaska (SUP), clearance number 1018-0102. See §36.3 of this subchapter for further information on Special Use Permit Applications on National Wildlife Refuges in Alaska. We are collecting the information to assist us in administering these programs in accordance with statutory authorities that require that recreational uses be compatible with the primary purposes for which the areas were established. We require the information requested in the application form for the applicant to obtain a benefit. We estimate the public reporting burden for the SUP application form to be 30 minutes per response. This includes time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222 ARLSQ, Washington, DC 20240 (1018-0014 or 1018-0102).

Subpart C—Public Notice

§ 25.31 General provisions.

Whenever a particular public access, use or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a national wildlife refuge or where public access, use, or recreational or other activities previously permitted are curtailed, the public may be notified by any of the following methods, all of which supplement this subchapter C:

(a) Official signs posted conspicuously at appropriate intervals and locations;

(b) Special regulations issued under the provisions of §26.33 of this subchapter C.

(c) Maps available in the office of the refuge manager, regional director, or area director, or

(d) Other appropriate methods which will give the public actual or constructive notice of the permitted or curtailed public access, use, or recreational activity.

Subpart D—Permits

§ 25.41 Who issues refuge permits?

We authorize the refuge manager of the facility where an activity is to take place to issue permits required by this subchapter C unless the regulations in this subchapter C require the applicant to obtain the applicable permit from the Director or Secretary. In those situations, the refuge manager will so inform the applicant, giving the applicant all necessary information as to how and where to apply.

§ 25.42 Permits required to be exhibited on request.

Any person on a national wildlife refuge shall upon request by any authorized official exhibit the required Federal or State permit or license authorizing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

§ 25.43 Who may terminate or revoke a permit and why?

The refuge manager may terminate or revoke a permit at any time for noncompliance with the terms of the permit or of the regulations in this subchapter C; for nonuse; for violation of any law, regulation, or order applicable to the refuge; or to protect public health or safety or the resources of a national wildlife refuge.

[67 FR 58942, Sept. 18, 2002]

[67 FR 58943, Sept. 18, 2002]
§ 25.44 How do we grant permits for easement area uses?

(a) The provisions of this subsection shall govern the regulation of activities that affect easement interests acquired by the United States. All other provisions of subchapter C shall apply to activities within such easement areas, but only to the extent that those provisions are directly or indirectly related to the protection of those easement interests expressly acquired by the United States which are specified in the easement agreement itself, and are not inconsistent with the provisions of this subsection.

(b) We require permits for use of easement areas administered by us where proposed activities may affect the property interest acquired by the United States. Applications for permits will be submitted in writing to the Regional Director or a designee. We may grant special use permits to owners of servient estates, or to third parties with the owner's agreement, by the Regional Director or a designee. We may grant special use permits to owners of servient estates, or to third parties with the owner's agreement, by the Regional Director or a designee, upon written determination that such permitted use is compatible. If we ultimately determine that the requested use will not affect the United States' interest, the Regional Director will issue a letter of non-objection.

(c) In instances where the third applicant is a governmental entity which has acquired a partial interest in the servient estate by subsequent condemnation, a special use permit may be granted to the governmental entity without the servient estate owner's agreement if the regional director or his or her designee determines:

1. The permitted use is compatible; and
2. The permitted use is consistent with the partial property interests obtained through condemnation.

(d) Regulations pertaining to rights-of-way in easement areas are contained in 50 CFR part 29.21.


§ 25.45 Appeals procedure.

(a) Who may appeal. Any person who is adversely affected by a refuge manager's decision or order relating to the person's permit granted by the Service, or application for permit, within the National Wildlife Refuge System. This section does not apply to permits or applications for rights-of-way. See §29.22 for the hearing and appeals procedure on rights-of-way.

(b) Preliminary procedure. Prior to making any adverse decision or order on a permit or application for permit, the refuge manager shall notify the permittee or applicant orally or in writing of the proposed action and its effective date. The permittee or applicant shall have twenty (20) days after notification in which to present to the refuge manager, orally or in writing, a statement in opposition to the proposed action or order. The permittee or applicant shall be notified in writing within twenty (20) days after receipt of the statement in opposition, of the refuge manager's final decision or order.

(c) Appeals, how taken. If the refuge manager still intends to proceed with the proposed action, the permittee or applicant shall have thirty (30) days from the postmarked date of the refuge manager's final decision or order in which to file a written appeal to the appropriate area manager. The appellant (permittee or applicant) shall be notified in writing within thirty (30) days from the postmarked date of the appeal of the area manager's decision. The appellant shall have (30) days from the postmarked date of the area manager's decision to further appeal in writing to the appropriate regional director.

(d) Decision of regional director. The regional director's decision shall be final and issued in writing to the appellant within thirty (30) days from the postmarked date of the appeal.

(e) Oral presentation. The appellant shall be provided an opportunity for oral presentation before the area manager or the regional director within the respective thirty (30) day appeal periods.

(f) Addresses. The addresses of the appropriate officials to whom appeals may be taken shall be furnished in each decision or order.

(g) Suspension pending appeal. Compliance with any decision or order of a refuge manager shall not be suspended by reason of an appeal having been
§ 25.51 General provisions.

Reasonable charges and fees may be established for public recreational use of and, except in Alaska, entrance onto National Wildlife Refuges. Regulations regarding recreational use fees are contained in 36 CFR part 71. Regulations regarding entrance fees are contained in this subpart E.

§ 25.52 Designation.

To be designated as an “Entrance Fee Area”, a unit of the National Wildlife Refuge System must be found to demonstrate that:

(a) The level of visitation for recreational purposes is high enough to justify the collection of fees for admission permits for economic reasons;

(b) There is a practical mechanism in existence for implementing and operating a system of collecting fees for admission permits; and

(c) Imposition of a fee for admission permits is not likely to result in undue economic hardship for a significant number of visitors to the unit.

§ 25.53 Establishment of single visit entrance fees.

Entrance fees established for single visit permits at a designated Entrance Fee Area shall consider the following criteria with regard to the local area within which the refuge is located:

(a) The direct and indirect cost to the Government.

(b) The benefits to the permit holder.

(c) The public policy or interest served.

(d) The comparable fees charged by non-Federal public agencies.

(e) The economic and administrative feasibility of fee collection.

§ 25.54 Posting and public notification.

The public shall be notified that an entrance fee is charged through refuge publications and posted designation signs in accordance with § 25.31 of this part.

§ 25.55 Refuge admission permits.

(a) Unless otherwise provided, persons entering an Entrance Fee Area shall obtain and be in possession of a valid admission permit.

(b) The following five types of permits allowing entrance onto an Entrance Fee Area will be available for issue or purchase at such area and, except for refuge-specific permits, at Fish and Wildlife Service Regional and Washington, DC Offices, and at other locations as may be designated.

1. Single visit permit with a charge not to exceed $3 per person or $7.50 per noncommercial vehicle (single visit can be defined as 1–15 days, dependent upon a determination of the period of time reasonably and ordinarily necessary for such a visit at a particular refuge unit).

2. Golden Eagle Passport.


5. Federal Migratory Bird Hunting and Conservation (Duck) Stamp. To be valid, the Duck Stamp must be current and bear the signature of the holder on the front.

§ 25.56 Enforcement.

Permits issued or used for entrance onto Entrance Fee Areas are non-transferable. Failure to pay the entrance fee, to display upon request of an authorized official a valid permit, or to comply with other entrance fee provisions, rules or regulations, will be subject to the penalties prescribed in 50 CFR 28.31.

§ 25.57 Exceptions and exemptions.

At Entrance Fee Areas:
(a) Special admission permits for uses, such as group activities, may be issued.

(b) No entrance fee shall be charged for persons under 16 years of age.

(c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway established as part of the National Federal Aid System (defined in 23 U.S.C. 101), which is commonly used by the public as a means of travel between two places which are outside the Entrance Fee Area.

(d) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has a property interest if such land is within any Entrance Fee Area.

(e) Persons accompanying the holder of a valid single visit permit, Federal Duck Stamp or Golden Eagle, Age, or Access Passport in a single, private, noncommercial vehicle shall be entitled to general entrance.

(f) Where entry is by any means other than single, private, noncommercial vehicle, the spouse, children, or parents accompanying the holder of a valid single visit permit, Federal Duck Stamp or Golden Eagle, Age, or Access Passport shall be entitled to general entrance.

§ 25.72 Reporting of accidents.

Accidents involving damage to property, injury to the public or injury to wildlife that occur within the boundaries of any national wildlife refuge are to be reported as soon as possible, but in no event later than 24 hours after the accident, by the persons involved, to the refuge manager or other personnel on duty at the national wildlife refuge headquarters. This report does not relieve persons from the responsibility of making any other accident reports which may be required.

PART 26—PUBLIC ENTRY AND USE

Subpart A—Introduction

Sec. 

26.11 Purpose of regulations.

Subpart B—Public Entry

26.21 General trespass provision.

26.22 General exception for entry.

26.23 Exception for entry to the headquarters office.

26.24 Exception for entry when accompanied by refuge personnel.

26.25 Exception for entry to persons with an economic use privilege.

26.26 Exception for entry for use of emergency shelter.

26.27 Exception for entry on designated routes of travel.

Subpart C—Public Use and Recreation

26.31 General provisions.

26.32 Recreational uses.

26.33 Special regulations.

26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

26.35 Cabin sites.

26.36 Public assemblies and meetings.

26.41 What is the process for determining if a use of a national wildlife refuge is a compatible use?


SOURCE: 41 FR 9167, Mar. 3, 1976, unless otherwise noted.
Subpart A—Introduction

§ 26.11 Purpose of regulations.

The regulations in this part govern the circumstances under which the public can enter and use a national wildlife refuge.

Subpart B—Public Entry

§ 26.21 General trespass provision.

(a) No person shall trespass, including but not limited to entering, occupying, using, or being upon, any national wildlife refuge, except as specifically authorized in this subchapter C or in other applicable Federal regulations.

(b) No unconfined domestic animals, including but not limited to dogs, hogs, cats, horses, sheep and cattle, shall be permitted to enter upon any national wildlife refuge or to roam at large upon such an area, except as specifically authorized under the provisions of §26.34, §27.91 or §29.2 of this subchapter C.

§ 26.22 General exception for entry.

(a) Any person entering or using any national wildlife refuge will comply with the regulations in this subchapter C, the provisions of any special regulations and any other official notification as is appropriate under §25.31.

(b) A permit shall be required for any person entering a national wildlife refuge, unless otherwise provided under the provisions of subchapter C. The permittee will abide by all the terms and conditions set forth in the permit.

§ 26.23 Exception for entry to the headquarters office.

The headquarters office of any national wildlife refuge is open to public access and admission during regularly established business hours.

§ 26.24 Exception for entry when accompanied by refuge personnel.

A permit is not required for access to any part of a national wildlife refuge by a person when accompanied by refuge personnel.

§ 26.25 Exception for entry to persons with an economic use privilege.

Access to and travel upon a national wildlife refuge by a person granted economic use privileges on that national wildlife refuge should be restricted to a specified area in accordance with the provisions of their agreement, lease, or permit.

§ 26.26 Exception for entry for use of emergency shelter.

A permit is not required for access to any national wildlife area for temporary shelter or temporary protection in the event of emergency conditions.

§ 26.27 Exception for entry on designated routes of travel.

A permit is not required to enter, travel on, and exit from any national wildlife refuge on public waters and roads, and such roads, trails, footpaths, walkways, or other routes and areas which are designated for public use under the provisions of this subchapter C.

Subpart C—Public Use and Recreation

§ 26.31 General provisions.

Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations.

§ 26.32 Recreational uses.

Recreational uses such as, but not limited to, sightseeing, nature observation and photography, interpretive centers and exhibits, hunting and fishing, bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities may be permitted on national wildlife refuges. When such uses are permitted the public will be notified under the provisions of this subchapter C.
§ 26.33 Special regulations.

(a) Special regulations shall be issued for public use, access, and recreation within certain individual national wildlife refuges where there is a need to amend, modify, relax or make more stringent the regulations contained in this subchapter C. The issued special regulations will supplement the provisions in this part 26.

(b) Special recreational use regulations may contain the following items:

(1) Recreational uses authorized.
(2) Seasons, period, or specific time of use.
(3) Description of areas open to recreation.
(4) Specific conditions or requirements.
(5) Other provisions.
(6) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER and may be codified in the Code of Federal Regulations. They shall be issued in compliance with procedures contained in the Departmental Manual.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

VIRGINIA

Back Bay National Wildlife Refuge

ACCESS

(a) Access qualifications and specifications. (1) As provided for in Pub. L. 96–315, permanent, full-time residents who can furnish to the refuge manager, Back Bay NWR, adequate proof of continuous and continuing residency, commencing prior to December 31, 1979, on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina, as long as they remain permanent, full-time residents. The south boundary of the area for access consideration is defined as a straight east-west line extending from Currituck Sound to the Atlantic Ocean and passing through a point 1,600 feet due south of the Currituck lighthouse. "Residence" means a place of general abode; "Place of general abode" means a person's principal, actual dwelling place in fact, without regard to intent. A "dwelling" means a residential structure occupied on a year-round basis by the permit applicant and shall not include seasonal or part-time dwelling units such as beach houses, vacation cabins, or structures which are intermittently occupied.

(2) As provided for in Pub. L. 98–146, “Up to 15 additional permits shall be granted to those persons meeting any one of the following conditions:”

(i) A resident as of July 1, 1982, who held a valid Service access permit for improved property owners at any time during the period from July 29, 1976, through December 31, 1979.

(ii) Anyone in continuous residency since 1976, in the area bounded on the north by the refuge boundary, and on the south by a straight line passing through a point in the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.

(iii) Any permanent, full time resident as of April 1, 1983, residing in the area outlined in paragraph (a)(2)(ii) of this section and not otherwise eligible, who can substantiate to the Secretary of the Interior that access is essential to their maintaining a livelihood; so long as they maintain full-time continuous employment in the Norfolk, Virginia, area may qualify for access.

(3) The burden of proving that the prospective permittee meets these criteria shall be on the applicant by presentation of adequate documentation to the refuge manager. Permittees may be required to submit additional documentation of their eligibility to the refuge manager in order to maintain access. Permits will be issued only to those who legally qualify for them.

(4) Only one permit will be issued per family. All permits issued will be terminated in the event that alternate access becomes available during the permit period.

(5) Permits are issued for the purpose of providing ingress and egress across the refuge beach to the permittee's residence. Personal access is limited to permittees, their families, relatives, and guests while being transported in the permittee's vehicle. "Personal access" means private, non-commercial
use. Permits are not transferable by sale or devise.

(6) All vehicle occupants must provide positive identification upon the request of any refuge official.

(b) Routes of travel. Access to, and travel along, the refuge beach by motorized vehicles may be allowed between the dune crossing at the key card operated gate near the refuge headquarters, and the south boundary of the refuge only after a permit has been issued or authorization provided by the refuge manager. Travel along the refuge beach by motorized vehicle shall be below the high tide line, within the intertidal zone, to the maximum extent practicable. This may require permittees to adjust their travel times to avoid high tides which would require the use of the emergency storm access/evacuation route over the east dike.

(c) Number of trips allowed. Permittees and members of their immediate families residing with them are limited to a total of two round trips per day per household.

(d) Hours of travel. Travel along the designated route is permitted 24 hours per day from October 1 through April 30. Travel is restricted to the hours of 5:00 a.m. to 12:00 midnight from May 1 through September 30.

(e) Medical emergencies. Private vehicles used in a medical emergency will be granted access. A “medical emergency” means any condition that threatens human life or limb unless medical treatment is immediately obtained.

The vehicle operator is required to provide the refuge manager with a doctor’s statement confirming the emergency within 36 hours after the access has occurred.

(f) Military, fire or emergency vehicles. Military, fire, emergency or law enforcement vehicles used for emergency purposes may be granted access. Vehicles used by an employee/agent of the Federal, State or local government, in the course of official duty other than for emergency purposes, may be granted access upon advance request to the refuge manager. Continuous or recurring use of the refuge beach for other than emergency purposes shall require the issuance of a permit from the refuge manager.

(g) Public utility vehicles. Public utility vehicles used on official business will be granted access. A permit specifying the times and types of access will be issued by the refuge manager. A “public utility vehicle” means any vehicle owned or operated by a public utility company franchised to supply Outer Banks residents with electricity or telephone service.

(h) Essential commercial service vehicles. (1) Essential commercial service vehicles on business calls during the hours of 8 a.m.–5 p.m. Monday through Friday will be granted access, only upon prior approval of the refuge manager when responding to a request from a permittee. Such requests may be verbal or in writing. Access by essential commercial service vehicles will be granted only after all other reasonable alternatives to access through the refuge have been exhausted as determined by the refuge manager.

(2) “Commercial service vehicle” means any vehicle owned or operated by or on behalf of an individual, partnership, or corporation that is properly licensed to engage entirely in the business of furnishing emergency repair services, including but not limited to plumbing, electrical, and repairs to household appliances.

(3) Emergency situations. The refuge manager, upon reasonable notification, will be able to authorize essential service/emergency repair access, outside the prescribed time periods, for emergency situations should they arise.

(i) False Cape State Park employees. False Cape State Park and Virginia Game Commission employees who are residents in the park will be considered as permanent, full-time residents as defined in §26.34(a) with access privileges identical to those of other permittees with beach access privileges.

(j) Commercial fishermen, businesses and their employees. (1) Commercial fishermen who have verified that their fishing operations on the Outer Banks of Virginia Beach, Virginia, or Currituck County, North Carolina, have been dependent since 1972 on ingress and egress to or across the refuge are granted permits for access. Travel through the refuge by commercial fishermen from Currituck County, North Carolina, will be permitted only when
directly associated with commercial fishing operations. Drivers and passengers on trips through the refuge are limited to commercial fishing crew members. A commercial fisherman means one who harvests finfish by gill net or haul seine in the Atlantic Ocean, and who has owned and operated a commercial fishing businesses continuously since 1972. Commercial permits are not transferable by sale or devise. The level of commercial permittee travel across the refuge shall not increase above the average yearly levels maintained in the 1985–1987 period.

(2) Other businesses who have verified that their business operations on the Outer Banks of Currituck County, North Carolina, have been dependent since 1972 on ingress and egress to or across the refuge will be granted permits for access in accordance with the limitations outlined in paragraph (j)(1) of this section.

(3) Each commercial fisherman or other business may be granted a maximum of five designated employees to travel the refuge beach for commercial fishing or other business-related purposes only. Commercial fishing employees may carry only other commercial fishing employees as passengers. Other business employees may carry only other employees of that business. The hauling of trailers associated with the conduct of commercial fishing or other business activities is authorized.

(4) Employees of commercial fishermen and/or other businesses who apply for access permits shall have the burden of proving, by the presentation of appropriate documentation to the refuge manager, that they are an “employee” for purposes of this section of the regulations. Appropriate documentation is defined as the submission of standardized and verifiable employment forms including: Signed W–2 and W–4 forms, IRS form #1099, official earnings statements for specified periods, employee income tax withholding submissions to State and Federal tax offices (e.g., IRS form W–3 with W–2s attached), State unemployment tax information or other proof of actual employment. Documentation for each employee must be submitted in advance of access being granted, or, for new employees, within 30 days of their starting date. Failure to provide verification of employment for new employees within 30 days will result in termination of access privileges.

(k) Suspension or waiver of rules. (1) In an emergency, the refuge manager may suspend any or all of the foregoing restrictions on vehicular travel and announce each suspension by whatever means are available. In the event of adverse weather conditions, the refuge manager may close all or any portion of the refuge to vehicular traffic for such periods as deemed advisable in the interest of public safety.

(2) The refuge manager may make exceptions to access restrictions, if they are compatible with refuge purposes, for qualified permittees who have demonstrated to the refuge manager a need for additional access relating to health or livelihood.

(3) The refuge manager may grant one-time use authorization for vehicular access through the refuge to individuals, not otherwise qualified above, who have demonstrated to the refuge manager that there is no feasible alternative to the access requested. Authorization for access under this provision will not be based on convenience to the applicant.

(4) Medical access waiver permits may be issued under the following conditions:

(i) The Regional Director may grant access to non-eligible permanent residents who can show proof that their physical health is such that life-threatening situations may result from more arduous travel conditions. The submission of substantiating medical records is required to be considered for a medical access waiver.

(ii) All medical access waiver permittees will be required to prove that their medical condition is or continues to be such that a life-threatening situation would result from more arduous travel conditions. Such proof shall be required prior to the issuance of an access permit, and at 3-year intervals thereafter.

(iii) A second medical opinion will be required by the Regional Director prior to the issuance or re-issuance of any such permit. This second opinion will be provided for at Service expense, by a government designated physician.
§ 26.34

146

50 CFR Ch. I (10–1–02 Edition)

(iv) No additional medical access waiver permits will be issued after December 31, 1987.

(v) Previous holders of medical access waiver permits will retain access subject to paragraph (k)(4) (ii) and (iii) of this section.

(l) Violation of rules. Violators of these special regulations pertaining to Back Bay NWR are subject to legal action as prescribed by 50 CFR 25.43 and part 28, including suspension or revocation of all permits issued to the violator or responsible permittee. The refuge manager may deny access permits to applicants who, during the 2 years immediately preceding the date of application, have formally been charged and successfully prosecuted for three or more violations of these or other regulations in effect at Back Bay NWR. Individuals whose vehicle access privileges are suspended, revoked, or denied may, within 30 days, file a written appeal of the action to the Assistant Regional Director-Refuges and Wildlife, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, in accordance with 50 CFR 25.45(c).

(m) Other access rules. (1) No permit will remain in effect beyond December 31 of the year in which it was issued. Permits may be renewed upon the submission of appropriate updated information relating to the permit, and a signed statement that the conditions under which the previous permit was issued have not changed. In the event of any changes of conditions under which the permit is granted, the permittee shall notify the refuge manager in writing within 30 days. Failure to report changes may result in suspension/revocation of the permit.

(2) Vehicles shall be operated on the refuge beach only by the permittee or other authorized drivers. Permit holders shall not tow, transport or operate vehicles owned by non-permit holders through the refuge. Non-commercial permit holders may tow utility and boat trailers when being used for their personal use only. Any towed vehicle shall have advance approval from the refuge manager prior to being brought through the refuge. This access privilege is not to be used for any commercial purpose.

(3) The refuge manager may prescribe restrictions as to the types of vehicles to be permitted to ensure public safety and adherence to all applicable rules and regulations.

(4) A magnetic card will be issued to each authorized driver only for his or her operation of the computer controlled gate. No more than two cards will be issued per family. Only one vehicle will be permitted to pass for each gate opening. Unauthorized use of the magnetic card may result in suspension of the permit. A fee will be charged to replace lost or misplaced cards. Malfunctioning cards will be replaced at no charge.

(5) Access is granted for the purpose of travel to and from the permittee’s residence and/or place of business. Access is not authorized for the purpose of transporting individuals for hire, or for the transport of prospective real estate clients to or from the Outer Banks of North Carolina, or for any other purpose not covered in this rule.

GENERAL RULES

(n) Entry on foot, bicycle or motor vehicle. Entry on foot, bicycle, or by motor vehicle on designated routes is permitted one-half hour before sunrise to one-half hour after sunset for the purposes of nature observation and study, photography, hiking, surf fishing, and bicycling.

(o) Beach-oriented uses. Designated areas of the refuge beach are open to wildlife/wildlands-oriented recreation only as outlined in paragraph (n) of this section. Entry to the beach is via designated access points only.

(p) Parking. Limited parking at the refuge office/visitor contact station is permitted only in designated spaces. Parking is available on a first-come, first-serve basis for persons engaged in wildlife/wildlands-oriented recreation only as outlined in paragraph (n) of this section.

(q) Fires. All fires are prohibited.

(r) Pets. Dogs and other pets, on a hand-held leash not exceeding 10 feet in length, are permitted from October 1 through March 31.

(s) Other general rules. (1) Pedestrians and vehicular traffic in the sand dunes are prohibited.
§ 26.41 What is the process for determining if a use of a national wildlife refuge is a compatible use?

The Refuge Manager will not initiate or permit a new use of a national wildlife refuge or expand, renew, or extend an existing use of a national wildlife refuge, unless the Refuge Manager has determined that the use is a compatible use. This section provides guidelines for making compatibility determinations, and procedures for documenting compatibility determinations and for periodic review of compatibility determinations. We will usually complete compatibility determinations as part of the comprehensive conservation plan or step-down management plan process for individual uses, specific use programs, or groups of related uses described in the plan. We will make all compatibility determinations in writing.

(a) What information do we include in a compatibility determination? All compatibility determinations will include the following information:

(1) The proposed or existing use;
(2) The name of the national wildlife refuge;
(3) The authorities used to establish the national wildlife refuge;
(4) The purpose(s) of the national wildlife refuge;

(c) The refuge manager may issue a permit on proper application unless:

(1) A prior application for the same time and place has been made which has been or will be granted; or
(2) The activity will present a clear and present danger to public health or safety, or undue disturbance to the other users or resources of the area; or
(3) The activity is of such nature that it cannot be reasonably accommodated in the particular national wildlife refuge; or
(4) The activity conflicts with the purposes of the national wildlife refuge.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the national wildlife refuge for the purpose for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.

§ 26.35 Cabin sites.

(a) There shall be no new private cabin site permits issued for national wildlife refuges. All appropriate provisions of 43 CFR part 21 apply to the phaseout of existing permits on national wildlife refuges.

(b) No new government owned cabin site permits for private recreational purposes shall be issued nor shall existing permits be renewed.

§ 26.36 Public assemblies and meetings.

(a) Public meetings, assemblies, demonstrations, parades and other public expressions of view may be permitted within a national wildlife refuge open to public use, provided a permit therefore has been issued by the refuge manager.

(b) Any application for such permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(2) Use by all groups exceeding 10 individuals will require a Special Use Permit, issued by the refuge manager.

(3) Registered motor vehicles and motorized bicycles (mopeds) are permitted on the paved refuge access road and parking lot at refuge headquarters. All other motorized vehicular use is prohibited, except as specifically authorized pursuant to this rule.

(4) The information collection requirement contained in this rule has been approved by the Office of Management and Budget under 44 U.S.C. 3501, et seq., and has been assigned the number 1018–0014. The information being collected is used to determine eligibility for issuing a vehicular access permit and a response is required to obtain a benefit.

[52 FR 35715, Sept. 23, 1987]
(5) The National Wildlife Refuge System mission;
(6) The nature and extent of the use including the following:
   (i) What is the use? Is the use a priority public use?;
   (ii) Where would the use be conducted?;
   (iii) When would the use be conducted?;
   (iv) How would the use be conducted?; and
   (v) Why is the use being proposed?;
(7) An analysis of costs for administering and managing each use;
(8) The anticipated impacts of the use on the national wildlife refuge’s purposes and the National Wildlife Refuge System mission;
(9) The amount of opportunity for public review and comment provided;
(10) Whether the use is compatible or not compatible (does it or will it materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose(s) of the national wildlife refuge);
(11) Stipulations necessary to ensure compatibility;
(12) A logical explanation describing how the proposed use would, or would not, materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose(s) of the national wildlife refuge;
(13) The Refuge Manager’s signature and date signed; and
(14) The Regional Chief’s concurrence signature and date signed.
(15) The mandatory 10- or 15-year re-evaluation date.

(b) Making a use compatible through replacement of lost habitat values or other compensatory mitigation. We will not allow compensatory mitigation to make a proposed refuge use compatible, except by replacement of lost habitat values as provided in paragraph (c) of this section. If we cannot make the proposed use compatible with stipulations we cannot allow the use.

(c) Existing right-of-ways. We will not make a compatibility determination and will deny any request for maintenance of an existing right-of-way which will affect a unit of the National Wildlife Refuge System, unless: the design adopts appropriate measures to avoid resource impacts and includes provisions to ensure no net loss of habitat quantity and quality; restored or replacement areas identified in the design are afforded permanent protection as part of the national wildlife refuge or wetland management district affected by the maintenance; and all restoration work is completed by the applicant prior to any title transfer or recording of the easement, if applicable. Maintenance of an existing right-of-way includes minor expansion or minor realignment to meet safety standards.

(d) Termination of uses that are not compatible. When we determine an existing use is not compatible, we will expeditiously terminate or modify the use to make it compatible. Except with written authorization by the Director, this process of termination or modification will not exceed 6 months from the date that the compatibility determination is signed.

[65 FR 62482, Oct. 18, 2000]

PART 27—PROHIBITED ACTS

Subpart A—Introduction
Sec. 27.11 Purpose of regulations.

Subpart B—Taking Violations

27.21 General provisions.

Subpart C—Disturbing Violations: With Vehicles

27.31 General provisions regarding vehicles.
27.32 Boats.
27.33 Water skiing.
27.34 Aircraft.

Subpart D—Disturbing Violations: With Weapons

27.41 General provisions.
27.42 Firearms.
27.43 Weapons other than firearms.

Subpart E—Disturbing Violations: Against Plants and Animals

27.51 Disturbing, injuring, and damaging plants and animals.
27.52 Introduction of plants and animals.

Subpart F—Disturbing Violations: Against Nonwildlife Property

27.61 Destruction or removal of property.
U.S. Fish and Wildlife Serv., Interior

§ 27.31 General provisions regarding vehicles.

Travel in or use of any motorized or other vehicles, including those used on air, water, ice, snow, is prohibited on national wildlife refuges except on designated routes of travel, as indicated by the appropriate traffic control signs or signals and in designated areas posted or delineated on maps by the refuge manager and subject to the following requirements and limitations:

(a) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern traffic and the operation and use of vehicles. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(b) No operator of a vehicle shall be under the influence of intoxicating beverages or controlled substances.

(c) Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the travel way is prohibited. Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

(d) The vehicle speed limit shall not exceed 25 m.p.h. except as otherwise legally posted.

(e)(1) Every motor vehicle shall at all times be equipped with a muffler in good working order, and which cannot be removed or otherwise altered while the vehicle is being operated on a national wildlife refuge. To prevent excessive or unusual noise no person shall use a muffler cut-out, bypass, or
§ 27.32 Boats.

(a) The use of boats in national wildlife refuges is prohibited except as may be authorized under and subject to the requirements set forth below.

(b) When the use of boats is permitted on any national wildlife refuge, the public will be notified under the provisions of this subchapter C and the following operational requirements and limitations will apply:

1. (i) In addition to the regulations contained in this part, the U.S. Coast Guard Regulations, titles 33 and 46 CFR, are applicable on navigable waters of the United States.

(ii) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern boating and the operation and use of boats. Such laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(ii) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern boating and the operation and use of boats. Such laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

3. No person shall operate or be in actual physical control of a boat while under the influence of intoxicating beverages or controlled substances.

4. No person shall operate a boat in a manner which will unreasonably interfere with other boats or with free and proper navigation of the waterways of the areas. Anchoring in heavily
traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(5) No person shall operate a boat on refuge waters that has a marine head (toilet) unless it conforms to Environmental Protection Agency regulations regarding sewage discharge.

(6) Every sailboat when underway from sunset to sunrise shall carry and exhibit a bright white light visible all around the horizon for a distance of two miles.

(7) Leaving any boat unattended, outside of designated mooring or beaching areas, for a period in excess of 72 hours without written permission of the refuge manager is prohibited and any boat so left may be impounded by the refuge manager.

(8) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the refuge manager.

§ 27.33 Water skiing.

When water skiing is permitted upon national wildlife refuge waters, the public will be notified under the provisions of this subchapter C and the following requirements and limitations will apply:

(a) Water skiing is permitted only during daylight hours and during periods posted or otherwise designated under the provisions of this subchapter C.

(b) When a skier is in “tow” there must be two persons in the boat at all times, with one person not operating the boat, acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear U.S. Coast Guard approved ski belts, life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any designated swimming area.

§ 27.34 Aircraft.

The unauthorized operation of aircraft, including sail planes, and hang gliders, at altitudes resulting in harassment of wildlife, or the unauthorized landing or take-off on a national wildlife refuge, except in an emergency, is prohibited. National wildlife refuge boundaries are designated on update FAA aeronautical charts.

Subpart D—Disturbing Violations: With Weapons

§ 27.41 General provisions.

Carrying, possessing, or discharging firearms, fireworks, or explosives on national wildlife refuges is prohibited unless specifically authorized under the provisions of this subchapter C.

§ 27.42 Firearms.

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

(a) Persons using firearms for public hunting under the provisions of 50 CFR part 32.

(b) Persons carrying unloaded firearms, that are dismantled or cased, in vehicles and boats over routes of travel designated under the provision of subchapter C.

(c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.

(d) Persons authorized by special regulations or permits to possess or use firearms for the protection of property, for field trials, and other special purposes.

[46 FR 47230, Sept. 25, 1981]

§ 27.43 Weapons other than firearms.

The use or possession of cross bows, bows and arrows, air guns, spears, gigs, or other weapons on national wildlife refuges is prohibited except as may be authorized under the provision of this subchapter C.

[46 FR 47230, Sept. 25, 1981]
§ 27.51 Disturbing, injuring, and damaging plants and animals.

(a) Disturbing, injuring, spearing, poisoning, destroying, collecting or attempting to disturb, injure, spear, poison, destroy or collect any plant or animal on any national wildlife refuge is prohibited except by special permit unless otherwise permitted under this subchapter C.

(b) [Reserved]

§ 27.52 Introduction of plants and animals.

Plants and animals or their parts taken elsewhere shall not be introduced, liberated, or placed on any national wildlife refuge except as authorized.

Subpart F—Disturbing Violations: Against Nonwildlife Property

§ 27.61 Destruction or removal of property.

The destruction, injury, defacement, disturbance, or the unauthorized removal of any public property including natural objects or private property on or from any national wildlife refuge is prohibited.

§ 27.62 Search for and removal of objects of antiquity.

No person shall search for or remove from national wildlife refuges objects of antiquity except as may be authorized by 43 CFR part 3.

§ 27.63 Search for and removal of other valued objects.

(a) No person shall search for buried treasure, treasure trove, valuable semi-precious rocks, stones, or mineral specimens on national wildlife refuges unless authorized by permit or by provision of this subchapter C.

(b) Permits are required for archeological studies on national wildlife refuges in accordance with the provisions of this subchapter C.

§ 27.64 Prospecting and mining.

Prospecting, locating, or filing mining claims on national wildlife refuges is prohibited unless otherwise provided by law. See §29.31 for provisions concerning mineral leasing.

[41 FR 9168, Mar. 3, 1976, as amended at 44 FR 42976, July 23, 1979]

§ 27.65 Tampering with vehicles and equipment.

Tampering with, entering, or starting any motor vehicle, boat, equipment or machinery or attempting to tamper with, enter, or start any motor vehicle, boat, equipment or machinery on any national wildlife refuge without proper authorization is prohibited.

Subpart G—Disturbing Violations: Light and Sound Equipment

§ 27.71 Motion or sound pictures.

The taking or filming of any motion or sound pictures on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR part 5.

§ 27.72 Audio equipment.

The operation or use of audio devices including radios, recording and playback devices, loudspeakers, television sets, public address systems and musical instruments so as to cause unreasonable disturbance to others in the vicinity is prohibited.

§ 27.73 Artificial lights.

No unauthorized person shall use or direct the rays of a spotlight or other artificial light, or automotive headlights for the purpose of spotting, locating, or taking any animal within the boundaries of any national wildlife refuge or along rights-of-way for public or private roads within a national wildlife refuge.

Subpart H—Disturbing Violations: Personal Conduct

§ 27.81 Alcoholic beverages.

Entering or remaining in any national wildlife refuge when under the influence of alcohol, to a degree that may endanger oneself or other persons or property or unreasonably annoy persons in the vicinity, is prohibited.
§ 27.82 Possession and delivery of controlled substances.

(a) Definitions for the purpose of this section:

(1) The term controlled substance means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21 U.S.C. 812) or any drug or substance added to these schedules pursuant to the terms of the Controlled Substance Act.

(2) The term practitioner means a physician, dentist, veterinarian, scientific investigator, pharmacist, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term delivery means the actual, attempted or constructive transfer and/or distribution of a controlled substance, whether or not there exists an agency relationship.

(b) Offenses.

(1) The delivery of any controlled substance on a national wildlife refuge is prohibited, except that distributed by a practitioner in accordance with applicable law.

(2) The possession of a controlled substance on a national wildlife refuge is prohibited unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a national wildlife refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person’s enjoyment of a national wildlife refuge is prohibited.

§ 27.83 Indecency and disorderly conduct.

Any act of indecency or disorderly conduct as defined by State or local laws is prohibited on any national wildlife refuge.

§ 27.84 Interference with persons engaged in authorized activities.

Disturbing, molesting, or interfering with any employee of the United States or of any local or State government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any national wildlife refuge is prohibited.

§ 27.85 Gambling.

Gambling in any form, or the operation of gambling devices, for money or otherwise, on any national wildlife refuge is prohibited.

§ 27.86 Begging.

Begging on any national wildlife refuge is prohibited. Soliciting of funds for the support or assistance of any cause or organization is also prohibited unless properly authorized.

Subpart I—Other Disturbing Violations

§ 27.91 Field trials.

The conducting or operation of field trials for dogs on national wildlife refuges is prohibited except as may be authorized by special permit.

§ 27.92 Private structures.

No person shall without proper authority construct, install, occupy, or maintain any building, log boom, pier, dock, fence, wall, pile, anchorage, or other structure or obstruction in any national wildlife refuge.

§ 27.93 Abandonment of property.

Abandoning, discarding, or otherwise leaving any personal property in any national wildlife refuge is prohibited.

§ 27.94 Disposal of waste.

(a) The littering, disposing, or dumping in any manner of garbage, refuse sewage, sludge, earth, rocks, or other debris on any national wildlife refuge except at points or locations designated by the refuge manager, or the draining or dumping of oil, acids, pesticide wastes, poisons, or any other types of chemical wastes in, or otherwise polluting any waters, water holes,
§ 27.95 Streams or other areas within any national wildlife refuge is prohibited.  
(b) Persons using a national wildlife refuge shall comply with the sanitary requirements established under the provisions of this subchapter C for each individual refuge; the sanitation provisions which may be included in leases, agreements, or use permits, and all applicable Federal and State laws.

§ 27.95 Fires.  
On all national wildlife refuges persons are prohibited from the following:  
(a) Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material including camp or cooking fires, except as authorized by the refuge manager or at locations designated for that purpose or as provided for under § 26.33(c) of this subchapter C.  
(b) Leaving a fire unattended or not completely extinguished;  
(c) Throwing a burning cigarette, match, or other lighted substance from any moving conveyance or throwing of same in any place where it may start a fire; and  
(d) Smoking on any lands, including roads, or in any buildings which have been designated and/or posted with no smoking signs.

§ 27.96 Advertising.  
Except as may be authorized, posting, distributing, or otherwise displaying private or public notices, advertisements, announcements, or displays of any kind in any national wildlife refuge, other than business designations on private vehicles or boats is prohibited.

§ 27.97 Private operations.  
Soliciting business or conducting a commercial enterprise on any national wildlife refuge is prohibited except as may be authorized by special permit.

PART 28—ENFORCEMENT, PENALTY, AND PROCEDURAL REQUIREMENTS FOR VIOLATIONS OF PARTS 25, 26, AND 27

Subpart A—Introduction

Sec. 28.11 Purpose of regulations.
Subpart C—Penalty Provisions

§ 28.31 General penalty provisions.

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this subchapter C, or any items, conditions or restrictions in a permit, license, grant, privilege, or any other limitation established under the subchapter C shall be subject to the penalty provisions of this section.

(b) Failure of any person, utilizing the resources of any national wildlife refuge or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this subchapter C or to comply with any applicable provisions of Federal or State law may render such person liable to:


(2) [Reserved]

§ 28.32 Penalty provisions concerning fires and timber.

(a) Any person violating sections 1855–1856 of the Criminal Code (18 U.S.C. 1855–1856) as they pertain to fires on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

(b) Any person violating sections 1852–1853 of the Criminal Code (18 U.S.C. 1852–1853) as they pertain to timber on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

Subpart D—Impoundment Procedures

§ 28.41 Impoundment of abandoned property.

Any property abandoned or left unattended without authority on any national wildlife refuge for a period in excess of 72 hours is subject to removal. The expense of the removal shall be borne by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1959, as amended (40 U.S.C. 484m), and regulations issued thereunder. Former owners may apply within 3 years for reimbursement for such property, subject to disposal and storage costs and similar expenses, upon sufficient proof of ownership.

§ 28.42 Impounding of domestic animals.

(a) Any animal trespassing on the lands of any national wildlife refuge may be impounded and disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served in person with written receipt obtained or delivery by certified mail with return receipt requested. In the event of his failure to remove the impounded animal within five (5) days from receipt of such notice, it will be sold or otherwise disposed of as prescribed in this section.

(c) If the owner is unknown, no disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date of a legal notice of the impounding has been posted at the county courthouse and 15 days after the second notice published in a newspaper in general circulation in the county in which the trespass took place.

(d) The notice shall state when and where the animal was impounded and shall describe it by brand or earmark or distinguishing marks or by other reasonable identification. The notice shall specify the time and place the animal will be offered at public sale to the highest bidder, in the event it is not claimed or redeemed. The notice shall reserve the right of the official conducting the sale to reject any and all bids so received.

(e) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of
§ 28.43 Destruction of dogs and cats.

Dogs and cats running at large on a national wildlife refuge and observed by an authorized official in the act of killing, injuring, harassing or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

PART 29—LAND USE MANAGEMENT

Subpart A—General Rules

Sec.
29.1 May we allow economic uses on national wildlife refuges?
29.2 Cooperative land management.
29.3–29.4 [Reserved]
29.5 Fees.

Subpart B—Rights-of-Way General Regulations

29.21 What do these terms mean?
removing shell, sand or gravel, cultivating areas, or engaging in operations that facilitate approved programs on national wildlife refuges.

[65 FR 62483, Oct. 18, 2000]

§ 29.2 Cooperative land management.

Cooperative agreements with persons for crop cultivation, haying, grazing, or the harvest of vegetative products, including plantlife, growing with or without cultivation on wildlife refuge areas may be executed on a share-in-kind basis when such agreements are in aid of or benefit to the wildlife management of the area.

§§ 29.3–29.4 [Reserved]

§ 29.5 Fees.

Fees and charges for the grant of privileges on wildlife refuge areas and for the sale of products taken therefrom, where not otherwise prescribed by law or regulation, shall be set at a rate commensurate with fees and charges for similar privileges and products made by private land owners in the vicinity or in accordance with their local value. Fees or rates of charge for products and privileges may be based either on a monetary exchange or on a share in kind of the resource or product.

Subpart B—Rights-of-Way General Regulations

§ 29.21 What do these terms mean?

Compatible use means a proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge. The term “inconsistent” in section 28(b)(1) of the Mineral Leasing Act of 1920 (30 U.S.C. 185) means a use that is not compatible.

Department means U.S. Department of the Interior unless otherwise specified.

National Wildlife Refuge System land means lands and waters, or interests therein, administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas.

Other lands means all other lands, or interests therein, and waters administered by the Secretary through the U.S. Fish and Wildlife Service which are not included in National Wildlife Refuge System lands, e.g., administrative sites, research stations, fish hatcheries, and fishery research stations.

Project Manager means the officer in charge of the land under administration by the U.S. Fish and Wildlife Service.


§ 29.21–1 Purpose and scope.

The regulations in this subpart prescribe the procedures for filing applications and the terms and conditions under which rights-of-way over and across the lands administered by the U.S. Fish and Wildlife Service may be granted.

(a) National Wildlife Refuge System lands. Applications for all forms of rights-of-way on or over such lands shall be submitted under authority of Pub. L. 89–669, (80 Stat. 926; 16 U.S.C. 668dd) as amended, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93–153, following application procedures set out in §29.21–2. No right-of-way will be approved unless it is determined by the Regional Director to be compatible. See §29.21–8 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(b) National Wildlife Refuge System lands—easement interest. Applications for all forms of rights-of-way across lands in which the United States owns
§ 29.21–2 Application procedures.

(a) Application. (1) No special form of application is required. The application should state the purpose for which the right-of-way is being requested together with the length, width on each side of the centerline, and the estimated acreage. Applications, including exhibits, shall be filed in triplicate with the Regional Director for the region in which the State is located. A list of States in each region and the addresses of the Regional Directors are contained in paragraph (c) of this section.

(2)(i) All applications filed pursuant to this subpart in the name of individuals, corporations, or associations must be accompanied by a nonreturnable application fee. No application fee will be required of (A) State of local governments or agencies or instrumentalities thereof except as to rights-of-way, easements or permits under section 28 of the Mineral Leasing Act of 1920, as amended by Pub. L. 93–153, or (B) Federal Government agencies.

(ii) Application fees will be in accordance with the following schedule:

<table>
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<th>Length</th>
<th>Payment</th>
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<tbody>
<tr>
<td>Less than 5 miles</td>
<td>$50 per mile or fraction thereof</td>
</tr>
<tr>
<td>5 to 20 miles</td>
<td>$500.</td>
</tr>
<tr>
<td>20 miles and over</td>
<td>$500 for each 20 miles or fraction thereof.</td>
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</tbody>
</table>

(B) For nonlinear facilities, $250 for each 40 acres or fraction thereof.

(C) Where an application includes both linear and nonlinear facilities, payment will be the aggregate of amounts under paragraphs (a)(2)(ii)(A) and (B) of this section.

(D) When an application is received, the Regional Director will estimate the costs expected to be incurred in processing the application. If the estimated costs exceed the payments under paragraph (a)(2)(ii)(A), (B), or (C) of this section by an amount greater than the cost of maintaining actual cost records, the Regional Director shall require the applicant to make periodic payments in advance of the incurrence of such costs by the United States except for the last payment which will reflect final reimbursement for actual costs of the United States in processing the application. Overpayments may be refunded or adjusted by the Regional Director as appropriate.

(E) The Regional Director shall, on request by an applicant or prospective applicant, give an estimate based on the best available cost information, of the costs which would be incurred by the United States in processing an application. However, reimbursement will not be limited to the estimate of the Regional Director if the actual costs exceed the estimate. Prospective applicants are encouraged to consult with the Regional Director in advance.
of filing an application in regard to probable costs and other requirements.

(3)(i) By accepting an easement or permit under this subpart, the holder agrees to reimburse the United States for reasonable costs incurred by the Fish and Wildlife Service in monitoring the construction, operation, maintenance, and termination of facilities within or adjacent to the easement or permit area. No reimbursement of monitoring costs will be required of (A) State or local governments or agencies or instrumentalities thereof except as to right-of-way, easements, or permits granted under section 28 of the Mineral Leasing Act of 1920 as amended by Pub. L. 93–153, or (B) Federal Government agencies.

(ii) Within 60 days of the issuance of an easement or permit the holder must submit a nonreturnable payment in accordance with the following:

(A) For linear facilities e.g., powerlines, pipelines, roads, etc.).

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<tr>
<th>Length</th>
<th>Payment</th>
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<tbody>
<tr>
<td>Less than 5 miles</td>
<td>$20 per mile or fraction thereof.</td>
</tr>
<tr>
<td>5 to 20 miles</td>
<td>$200.</td>
</tr>
<tr>
<td>20 miles and over</td>
<td>$200 for each 20 miles or fraction thereof.</td>
</tr>
</tbody>
</table>

(B) For nonlinear facilities, $100 for each 40 acres or fraction thereof.

(C) Where an easement or permit includes both linear and nonlinear facilities, payment will be the aggregate amounts under paragraph (a)(3)(2)(ii) (A) and (B) of this section.

(D) When an easement or permit is granted the Regional Director shall estimate the costs, based on the best available cost information, expected to be incurred by the United States in monitoring holder activity. If the estimated costs exceed the payments under paragraph (a)(3)(2)(ii), (A), (B), (C) of this section by an amount which is greater than the cost of maintaining actual cost records for the monitoring process, the Regional Director shall require the holder to make periodic payments of the estimated reimbursable costs prior to the incurrence of such costs by the United States. Overpayments may be refunded or adjusted by the Regional Director as appropriate.

(E) Following the termination of an easement or permit, the former holder will be required to pay additional amounts to the extent the actual costs to the United States have exceeded the payments required by paragraphs (a)(3)(ii)(A), (B), and (C) of this section.

(4) All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), Executive Order 11593 “Protection and Enhancement of the Cultural Environment” of May 13, 1971 (36 FR 8921), and “Procedures for the Protection of Historic and Cultural Properties” (36 CFR, part 800). Concerning the National Environmental Policy Act, the Regional Director may, at his discretion, rely on an environmental assessment or impact statement prepared by a “lead agency.”

(b) Maps. A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Service land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Service project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown. If the right-of-way or site is located wholly within Service project land, a tie to a Government corner or prominent cultural feature which can be readily recognized and recovered should be shown.

(c) Regional or Area Director’s Addresses.
§ 29.21–3 Nature of interest granted.

(a) Where the land administered by the Secretary is owned in fee by the United States and the right-of-way is compatible with the objectives of the area, permit or easement may be approved and granted by the Regional Director. Generally an easement or permit will be issued for a term of 50 years or so long as it is used for the purpose granted, or for a lesser term when considered appropriate. For rights-of-way granted under authority of section 28 of the Mineral Leasing Act of 1920, as amended, for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, the grant may be for a term not to exceed 30 years and the right-of-way may not exceed 50 feet, plus the area occupied by the pipeline and its related facilities unless the Regional Director finds, and records the reasons for his finding, that, in his judgment, a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, etc. However, a temporary permit supplementing a right-of-way may be granted for additional land needed during construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

(b) Unless otherwise provided, no interest granted shall give the grantee any right whatever to remove any material, earth, or stone for construction or other purpose, except that stone or earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

§ 29.21–4 Terms and conditions.

(a) Any right-of-way easement or permit granted will be subject to outstanding rights, if any, in third parties.

(b) An applicant, by accepting an easement or permit agrees to such terms and conditions as may be prescribed by the Regional Director in the granting document. Such terms and conditions shall include the following, unless waived in part by the Regional Director, and may include additional...
special stipulations at his discretion. See §29.21–8 for special requirements for electric powerlines and §29.21–9 for special requirements for oil and gas pipelines.

(1) To comply with State and Federal laws applicable to the project within which the easement or permit is granted, and to the lands which are included in the right-of-way, and lawful existing regulations thereunder.

(2) To clear and keep clear the lands within the easement or permit area to the extent and in the manner directed by the project manager in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such a manner as to decrease the fire hazard and also in accordance with such instructions as the project manager may specify.

(3) To prevent the disturbance or removal of any public land survey monument or project boundary monument unless and until the applicant has requested and received from the Regional Director approval of measures the applicant will take to perpetuate the location of aforesaid monument.

(4) To take such soil and resource conservation and protection measures, including weed control on the land covered by the easement or permit as the project manager in charge may request.

(5) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near lands to be occupied under the easement or permit area, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(6) To rebuild and repair such roads, fences, structures, and trails as may be destroyed or injured by construction work and upon request by the Regional Director, to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(7) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the easement or permit, except where the easement or permit is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages. Where the easement of permit involves lands which are under the exclusive jurisdiction of the United States, the holder or his employees, contractors, or agents of the contractors, shall be liable to third parties for injuries incurred in connection with the easement or permit area. Grants of easements or permits involving special hazards will impose liability without fault for injury and damage to the land and property of the United States up to a specified maximum limit commensurate with the foreseeable risks or hazards presented. The amount of no-fault liability for each occurrence is hereby limited to no more than $1,000,000.

(8) To notify promptly the project manager in charge of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States in advance of construction such sum of money as the project manager may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(9) That all or any part of the easement or permit granted may be terminated by the Regional Director, for failure to comply with any or all of the terms or conditions of the grant, or for abandonment. A rebuttable presumption of abandonment is raised by deliberate failure of the holder to use for any continuous 2-year period the easement or permit for the purpose for which it was granted or renewed. In the event of noncompliance of abandonment, the Regional Director will notify in writing the holder of the easement or permit of his intention to suspend or terminate such grant 60 days from the
date of the notice, stating the reasons therefor, unless prior to that time the holder completes such corrective actions as are specified in the notice. The Regional Director may grant an extension of time within which to complete corrective actions when, in his judgment, extenuating circumstances not within the holder’s control such as adverse weather conditions, disturbance to wildlife during breeding periods or periods of peak concentration, or other compelling reasons warrant. Should the holder of a right-of-way issued under authority of the Mineral Leasing Act, as amended, fail to take corrective action within the 60-day period, the Regional Director will provide for an administrative proceeding pursuant to 5 U.S.C. 554, prior to a final Departmental decision to suspend or terminate the easement or permit. In the case of all other right-of-way holders, failure to take corrective action within the 60-day period will result in a determination by the Regional Director to suspend or terminate the easement or permit. No administrative proceeding shall be required where the easement or permit terminates under its terms.

(10) To restore the land to its original condition to the satisfaction of the Regional Director so far as it is reasonably possible to do so upon revocation and/or termination of the easement or permit, unless this requirement is waived in writing by the Regional Director. Termination also includes permits or easements that terminate under the terms of the grant.

(11) To keep the project manager informed at all times of his address, and, in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.

(12) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts.

(13) That the grant of the easement or permit shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or disposal by the United States of the land affected thereby. The applicant agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the easement of permit area not actually occupied for the purpose of the granted rights to the extent that it does not interfere with the full and safe utilization thereof by the holder. The holder of an easement or permit also agrees that authorized representatives of the United States shall have the right of access to the easement or permit area for the purpose of making inspections and monitoring the construction, operation and maintenance of facilities.

(14) That the easement or permit herein granted shall be subject to the express covenant that any facility constructed thereon will be modified or adapted, if such is found by the Regional Director to be necessary, without liability or expense to the United States, so that such facility will not conflict with the use and occupancy of the land for any authorized works which may hereafter be constructed thereon under the authority of the United States. Any such modification will be planned and scheduled so as not to interfere unduly with or to have minimal effect upon continuity of energy and delivery requirements.

(15) That the easement or permit herein granted shall be for the specific use described and may not be construed to include the further right to authorize any other use within the easement or permit area unless approved in writing by the Regional Director.


§ 29.21–5 Construction.

(a) If construction is not commenced within two (2) years after date of right-of-way grant, the right-of-way may be canceled by the Director of the U.S. Fish and Wildlife Service at his discretion.

(b) Proof of construction: Upon completion of construction, the applicant shall file a certification of completion with the Regional Director.

[42 FR 43919, Aug. 31, 1977]
§ 29.21–6 Disposal, transfer or termination of interest.

(a) Change in jurisdiction over and disposal of lands. The final disposal by the United States of any tract of land traversed by a right-of-way shall not be construed to be a revocation of the right-of-way in whole or in part, but such final disposition shall be deemed and taken to be subject to such right-of-way unless it has been specifically canceled.

(b) Transfer of easement or permit. Any proposed transfer, by assignment, lease, operating agreement or otherwise, of an easement or permit must be filed in triplicate with the Regional Director and must be supported by a stipulation that the transferee agrees to comply with and be bound by the terms and conditions of the original grant. A $25 nonreturnable service fee must accompany the proposal. No transfer will be recognized unless and until approved in writing by the Regional Director.

(c) Disposal of property on termination of right-of-way. In the absence of any agreement to the contrary, the holder of the right-of-way will be allowed 6 months after termination to remove all property or improvements other than a road and useable improvements to a road, placed thereon by him; otherwise, all such property and improvements shall become the property of the United States. Extensions of time may be granted at the discretion of the Regional Director.


§ 29.21–7 What payment do we require for use and occupancy of national wildlife refuge lands?

(a) Payment for use and occupancy of lands under the regulations of this subpart will be required and will be for fair market value as determined by appraisal by the Regional Director. At the discretion of the Regional Director, the payment may be a lump sum payment or an annual fair market rental payment, to be made in advance. If any Federal, State or local agency is exempted from such payment by and any other provision of Federal law, such agency shall otherwise compensate the Service by any other means agreeable to the Regional Director, including, but not limited to, making other land available or the loan of equipment or personnel, except that any such compensation shall relate to, and be consistent with the objectives of the National Wildlife Refuge System. The Regional Director may waive such requirement for compensation if he finds such requirement impracticable or unnecessary.

(b) When annual rental payments are used, such rates shall be reviewed by the Regional Director at any time not less than 5 years after the grant of the permit, right-of-way, or easement or the last revision of charges thereunder. The Regional Director will furnish a notice in writing to the holder of an easement or permit of intent to impose new charges to reflect fair market value commencing with the ensuing charge year. The revised charges will be effective unless the holder files an appeal in accordance with § 29.22.


§ 29.21–8 Electric power transmission line rights-of-way.

By accepting a right-of-way for a power transmission line, the applicant thereby agrees and consents to comply with and be bound by the following terms and conditions, except those which the Secretary may waive in a particular case, in addition to those specified in § 29.21–4(b).

(a) To protect in a workmanlike manner, at crossings and at places in proximity to his transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph and power transmission lines from contact and all highways and railroads from obstruction and to maintain his transmission lines in such manner as not to menace life or property.

(b) Neither the privilege nor the right to occupy or use the lands for the purpose authorized shall relieve him of any legal liability for causing inductive or conductive interference between any project transmission line or other project works constructed, operated, or maintained by him on the servient lands, and any radio installation.
§ 29.21–9

Telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof.


§ 29.21–9 Rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(a) Application procedure. Applications for pipelines and related facilities under this section are to be filed in accordance with §29.21–2 of these regulations with the following exception:

When the right-of-way or proposed facility will occupy Federal land under the control of more than one Federal Agency and/or more than one bureau or office of the Department of the Interior, a single application shall be filed with the appropriate State Director of the Bureau of Land Management in accordance with regulations in 43 CFR part 2800.

Any portion of the facility occupying land of the National Wildlife Refuge System will be subject to the provisions of these regulations.

(b) Right-of-way grants under this section will be subject to the special requirements of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended, as set forth below. Gathering lines and associated structures used solely in the production of oil and gas under valid leases on the lands administered by the Fish and Wildlife Service are excepted from the provisions of this section.

(1) Pipeline safety. Rights-of-way or permits granted under this section will include requirements that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline. An applicant must agree to design, construct, and operate all proposed facilities in accordance with the provisions of parts 192 and 195 of title 49 of the CFR and in accordance with the Occupational Safety and Health Act of 1970, Pub. L. 91-596, including any amendments thereto.

(2) Environmental protection. An application for a right-of-way must contain environmental information required by §29.21–2(a)(4) of this subpart. If the Regional Director determines that a proposed project will have a significant affect on the environment, there must also be furnished a plan of construction, operations, and rehabilitation of the proposed facilities. In addition to terms and conditions imposed under §29.21–4, the Regional director will impose such stipulations as may be required to assure: (i) Restoration, re-vegetation and curtailment of erosion of the surface; (ii) that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards in related facilities siting standards established by law; (iii) control or prevention of damage to the environment including damage to fish and wildlife habitat, public or private property, and public health and safety; and (iv) protection of the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes.

(c) Disclosure. If the applicant is a partnership, corporation, association, or other business entity it must disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 percentum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(d) Technical and financial capability. The Regional Director may grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain and terminate the
facility. At the discretion of the Regional Director, a financial statement may be required.

(e) Reimbursement of costs. In accordance with §29.21-2(a)(3) of this subpart, the holder of a right-of-way or permit must reimburse the Service for the cost incurred in monitoring the construction, operation, maintenance, and termination of any pipeline or related facilities as determined by the Regional Director.

(f) Public hearing. The Regional Director shall give notice to Federal, State, and local government agencies, and the public, and afford them the opportunity to comment on right-of-way applications under this section. A notice will be published in the FEDERAL REGISTER and a public hearing may be held where appropriate.

(g) Bonding. Where appropriate the Regional Director may require the holder of a right-of-way or permit to furnish a bond, or other security satisfactory to him, to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation, not to exceed the period of construction plus one year or a longer period if necessary for the pipeline to stabilize.

(h) Suspension of right-of-way. If the Project Manager determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health and safety or the environment, he may issue an emergency suspension order to abate such activities prior to an administrative proceeding. The Regional Director must make a determination and notify the holder in writing within 15 days from the date of suspension as to whether the suspension should continue and list actions needed to terminate the suspension. Such suspension shall remain in effect for only so long as an emergency condition continues.

(i) Joint use of rights-of-way. Each right-of-way or permit shall reserve to the Regional Director the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit areas granted under this section after giving notice to the holder and an opportunity to comment.

(j) Common carriers. (1) Pipelines and related facilities used for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom shall be constructed, operated, and maintained as common carriers.

(2)(i) The owners or operators of pipelines subject to this subpart shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

(ii) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipelines, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

(3)(i) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

(ii) Where natural gas not subject to state regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

(4) The Regional Director shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (i) Conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or

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§29.22 Hearing and appeals procedures.

An appeal may be taken from any final disposition of the Regional Director to the Director, U.S. Fish and Wildlife Service, and, except in the case of a denial of a right-of-way application, from the latter decision to the Secretary of the Interior. Appeals to the Secretary shall be taken pursuant to 43 CFR part 4, subpart G.

[44 FR 42976, July 23, 1979]

Subpart C—Mineral Operations

§29.31 Mineral ownerships in the United States.

Where mineral rights to lands in wildlife refuge areas are vested in the United States, the provisions of 43 CFR 3101.3-3, 3109.4, 3201.1-6 and 3501.2-2 govern.


§29.32 Mineral rights reserved and excepted.

Persons holding mineral rights in wildlife refuge lands by reservation in the conveyance to the United States and persons holding mineral rights in such lands which rights vested prior to the acquisition of the lands by the United States shall, to the greatest extent practicable, conduct all exploration, development, and production operations in such a manner as to prevent damage, erosion, pollution, or contamination to the lands, waters, facilities and vegetation of the area. So far as is practicable, such operations must also be conducted without interference with the operation of the refuge or disturbance to the wildlife thereon. Physical occupancy of the area must be kept to the minimum space compatible with the conduct of efficient mineral operations. Persons conducting mineral operations on refuge areas must comply with all applicable Federal and State laws and regulations for the protection of wildlife and the administration of the area. Oil field brine, slag, and all other waste and contaminating substances must be kept in the smallest practicable area, must be confined so as to prevent escape as a result of rains and high water or otherwise, and must be removed from the area as quickly as practicable in such a manner as to prevent contamination, pollution, damage, or injury to the lands, waters, facilities, or vegetation of the refuge or to wildlife. Structures and equipment must be removed from the area when the need for them has ended. Upon the cessation of
operations the area shall be restored as nearly as possible to its condition prior to the commencement of operations. Nothing in this section shall be applied so as to contravene or nullify rights vested in holders of mineral interests on refuge lands.

PART 30—RANGE AND FERAL ANIMAL MANAGEMENT

Subpart A—Range Animals

Sec.
30.1 Surplus range animals.
30.2 Disposition of surplus range animals.

Subpart B—Feral Animals

30.11 Control of feral animals.
30.12 Disposition of feral animals.


Subpart A—Range Animals

§ 30.1 Surplus range animals.

Range animals on fenced wildlife refuge areas, including buffalo and longhorn cattle, determined to be surplus to the needs of the conservation program may be planned and scheduled for disposal.

[38 FR 16356, June 22, 1973]

§ 30.2 Disposition of surplus range animals.

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of exigent circumstances affecting the animals, their range, or the recipient. The Refuge Manager is responsible for determining the existence of “exigent circumstances.” Surplus range animals may be disposed of, subject to State and Federal health laws and regulations, by donation for specific purposes to public agencies, public institutions, other governments or charitable institutions, or sold on the open market.


Subpart B—Feral Animals

§ 30.11 Control of feral animals.

(a) Feral animals, including horses, burros, cattle, swine, sheep, goats, reindeer, dogs, and cats, without ownership that have reverted to the wild from a domestic state may be taken by authorized Federal or State personnel or by private persons operating under permit in accordance with applicable provisions of Federal or State law or regulation.

(b) [Reserved]

[31 FR 16027, Dec. 15, 1966]

§ 30.12 Disposition of feral animals.

Feral animals taken on wildlife refuge areas may be disposed of by sale on the open market, gift or loan to public or private institutions for specific purposes, and as otherwise provided in section 401 of the act of June 15, 1935 (49 Stat. 383, 16 U.S.C. 715s).

[38 FR 16356, June 22, 1973]

PART 31—WILDLIFE SPECIES MANAGEMENT

Subpart A—Surplus Wildlife

Sec.
31.1 Determination of surplus wildlife populations.
31.2 Methods of surplus wildlife population control and disposal.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

31.11 Donation and loan of wildlife specimens.
31.12 Sale of wildlife specimens.
31.13 Commercial harvest of fishery resources.
31.14 Official animal control operations.
31.16 Trapping program.
31.17 Disposal of furs and pelts.


SOURCE: 31 FR 16027, Dec. 15, 1966, unless otherwise noted.

Subpart A—Surplus Wildlife

§ 31.1 Determination of surplus wildlife populations.

The populations and requirements of wildlife species on wildlife refuge areas
§ 31.2 Methods of surplus wildlife population control and disposal.

Upon a determination that wildlife are surplus to a balanced conservation program on any wildlife refuge area, the surplus may be reduced or utilized in accordance with Federal and State law and regulation by:

(a) Donation or loan to public agencies and institutions.
(b) Sale to public or private agencies and institutions.
(c) Commercial harvest of fishery resources.
(d) Official wildlife control operations.
(e) Public hunting or fishing.
(f) Trapping.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

§ 31.11 Donation and loan of wildlife specimens.

Wildlife specimens may be donated or loaned to public institutions for specific purposes. Donation or loans of resident species of wildlife will not be made unless the recipient has secured the approval of the State.

§ 31.12 Sale of wildlife specimens.

Surplus wildlife specimens may be sold alive or butchered, dressed and processed subject to Federal and State laws and regulations and the provisions of this part.

§ 31.13 Commercial harvest of fishery resources.

Fishery resources of commercial importance on wildlife refuge areas may be taken under permit in accordance with Federal and State law and regulation.

§ 31.14 Official animal control operations.

(a) Animal species which are surplus or detrimental to the management program of a wildlife refuge area may be taken in accordance with Federal and State laws and regulations by Federal or State personnel or by permit issued to private individuals.
(b) Animal species which are damaging or destroying Federal property within a wildlife refuge area may be taken or destroyed by Federal personnel.

§ 31.15 Public hunting and fishing programs.

The privilege of hunting and fishing may be extended to the general public under the provisions of regulations cited in parts 32 and 33 of this subchapter.

§ 31.16 Trapping program.

Except as hereafter noted, persons trapping animals on wildlife refuge areas where trapping has been authorized shall secure and comply with the provisions of a Federal permit issued for that purpose. This permit shall specify the terms and conditions of trapping activity and the rates of charge or division of pelts, hides, and carcasses. Lands acquired as ‘‘waterfowl production areas’’ shall be open to public trapping without Federal permit provided that trapping on all or part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions affecting land, water, vegetation, or wildlife populations. Each person trapping on any wildlife refuge area shall possess the required State license or permit and shall comply with the provisions of State laws and regulations.

§ 31.17 Disposal of furs and pelts.

The disposition of animals and the pelts or carcasses thereof accruing to the United States through the trapping programs shall be sold by public auction or on the open market unless required for official purposes.

PART 32—HUNTING AND FISHING

Subpart A—General Provisions

Sec.
32.1 Opening of wildlife refuge areas to hunting.
§ 32.1 Opening of wildlife refuge areas to hunting.

The opening of a wildlife refuge area to hunting will be dependent upon the provisions of law applicable to the area and upon a determination by the Secretary that the opening of the area to the hunting of migratory game birds, upland game, or big game will be compatible with the principles of sound wildlife management and will otherwise be in the public interest. The opening or closing of wildlife refuge areas to hunting shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). Lands acquired pursuant to the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695) will be opened to hunting only after it has been determined that the major portion of the crops in the vicinity of the area involved have been harvested, that the period of susceptibility of such crops to wildfowl depredation has passed, or that the possibility of such crops being damaged by waterfowl is minor. Lands acquired as "waterfowl production areas" shall annually be open to the hunting of migratory game birds, upland game, and big game subject to the provisions of State law and regulations and the pertinent provisions of parts 25 through 31 of this subchapter. Provided, That all forms of hunting or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting land, water, vegetation, or wildlife populations.
$32.2$ What are the requirements for hunting on areas of the National Wildlife Refuge System?

The following provisions shall apply to each person while engaged in public hunting on areas of the National Wildlife Refuge System:

(a) Each person shall secure and possess the required State license.

(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.

(c) Each person shall comply with the applicable provisions of Federal law and regulations including this subchapter and the current Federal Migratory Bird Regulations.

(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access or use of wildlife refuges, including the terms and conditions under which hunting permits are issued.

(f) Each person must comply with the provisions of any refuge-specific regulations governing hunting on the wildlife refuge area. Regulations, special conditions, and maps of the hunting areas for a particular wildlife refuge are available at that area’s headquarters. In addition, refuge-specific hunting regulations for migratory game bird, upland game, and big game hunting appear in §§ 32.20 through 32.72.

(g) The use of any drug on any arrow for bow hunting on national wildlife refuges is prohibited. Archers may not have arrows employing such drugs in their possession on any national wildlife refuge.

(h) The unauthorized distribution of bait and the hunting over bait is prohibited on wildlife refuge areas. (Baiting is authorized in accordance with State regulations on national wildlife refuges in Alaska).

(i) The use of nails, wire, screws or bolts to attach a stand to a tree, or hunting from a tree into which a metal object has been driven to support a hunter is prohibited on wildlife refuge areas.

(j) You may possess only approved nontoxic shot while in the field, which we identify in 50 CFR 20.21(j), while on Waterfowl Production Areas, or on certain other areas of the National Wildlife Refuge System as delineated on maps, leaflets and/or signs, available at each refuge headquarters or posted at each refuge, or as stated in refuge-specific regulations. Where we allow turkey and deer hunting, you may use slugs and shot containing lead to hunt these species unless prohibited by refuge-specific regulations and/or State law.

(k) You may possess only approved nontoxic shot while in the field, which we identify in 50 CFR 20.21(j), while on Waterfowl Production Areas, or on certain other areas of the National Wildlife Refuge System as delineated on maps, leaflets and/or signs, available at each refuge headquarters or posted at each refuge, or as stated in refuge-specific regulations. Where we allow turkey and deer hunting, you may use slugs and shot containing lead to hunt these species unless prohibited by refuge-specific regulations and/or State law.

(l) The refuge-specific regulations ($32.20$ through $32.72$) may include the items discussed in §32.3(b). Refuge permits and brochures should also include those items and any special conditions allowed by paragraph (f) of this section.


§32.3 What are the procedures for publication of refuge-specific hunting regulations?

(a) Refuge-specific hunting regulations are issued only at the time of or after the determination and publication of the opening of a wildlife refuge area to migratory game bird, upland game, or big game hunting.

(b) Refuge-specific hunting regulations may contain the following items:

(1) Wildlife species that may be hunted;

(2) Seasons;

(3) Bag limits;

(4) Methods of hunting;

(5) Description of areas open to hunting;

(6) Other provisions as required.

(c) Refuge-specific hunting regulations will not liberalize existing State laws or regulations.

(d) Refuge-specific hunting regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.

(e) We initially publish refuge-specific hunting regulations in the daily issue of the Federal Register, and subsequently they appear in §§ 32.20 through 32.72, except that the refuge manager may adopt and issue relevant

170
§ 32.6 What are the procedures for publication of refuge-specific sport fishing regulations?

(a) Refuge-specific fishing regulations are issued only at the time of or after the opening of a wildlife refuge area to sport fishing.

(b) Refuge-specific fishing regulations may contain the following items:

(1) Fish species that may be taken;

(2) Seasons;

(3) Creel limits;

(4) Methods of fishing;

(5) Description of areas open to fishing;

(6) Other provisions as required.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.

(d) Each person shall comply with the terms and conditions authorizing access and use of the wildlife refuge area.

(e) Each person must comply with the provisions of any refuge-specific regulation governing fishing on the wildlife refuge area. Regulations, special conditions, and maps of the fishing areas for a particular wildlife refuge are available at that area’s headquarters. In addition, refuge-specific sport fishing regulations appear in §§32.20 through 32.72.

§ 32.5 What are the requirements for sportfishing on areas of the National Wildlife Refuge System?

The following provisions shall apply to each person while engaged in public sport fishing on a wildlife refuge area:

(a) Each person shall secure and possess the required State license.

(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.

(d) Each person shall comply with the terms and conditions authorizing access and use of the wildlife refuge area.

(e) Each person must comply with the provisions of any refuge-specific regulation governing fishing on the wildlife refuge area. Regulations, special conditions, and maps of the fishing areas for a particular wildlife refuge are available at that area’s headquarters. In addition, refuge-specific sport fishing regulations appear in §§32.20 through 32.72.

(f) Refuge-specific fishing regulations may be amended as needed when unpredictable changes occur in fish and wildlife populations, habitat conditions or...
§ 32.7

in other factors affecting a refuge’s fish and wildlife resources.


§ 32.7 What refuge units are open to hunting and/or sport fishing?

Refuge units open to hunting and/or sport fishing in accordance with the provisions of subpart A of this part and §§32.20–32.72, inclusive, are as follows:

**ALABAMA**
- Blowing Wind Cave National Wildlife Refuge
- Bon Secour National Wildlife Refuge
- Choctaw National Wildlife Refuge
- Eufaula National Wildlife Refuge
- Grand Bay National Wildlife Refuge
- Key Cave National Wildlife Refuge
- Wheeler National Wildlife Refuge

**ALASKA**
- Alaska Maritime National Wildlife Refuge
- Alaska Peninsula National Wildlife Refuge
- Arctic National Wildlife Refuge
- Becharof National Wildlife Refuge
- Innoko National Wildlife Refuge
- Izembek National Wildlife Refuge
- Kanuti National Wildlife Refuge
- Kenai National Wildlife Refuge
- Kodiak National Wildlife Refuge
- Koyukuk National Wildlife Refuge
- Nowitna National Wildlife Refuge
- Salawik National Wildlife Refuge
- Tetlin National Wildlife Refuge
- Togiak National Wildlife Refuge
- Yukon Delta National Wildlife Refuge
- Yukon Plats National Wildlife Refuge

**ARKANSAS**
- Bald Knob National Wildlife Refuge
- Big Lake National Wildlife Refuge
- Cache River National Wildlife Refuge
- Caddo National Wildlife Refuge
- Cache River National Wildlife Refuge
- Cheaha National Wildlife Refuge
- Choctaw National Wildlife Refuge
- Eufaula National Wildlife Refuge
- Grand Bay National Wildlife Refuge
- Key Cave National Wildlife Refuge
- Key Largo National Wildlife Refuge
- Grand Bay National Wildlife Refuge
- Wheeler National Wildlife Refuge

**COLORADO**
- Alamosa National Wildlife Refuge
- Arapaho National Wildlife Refuge
- Brownie National Wildlife Refuge
- Monte Vista National Wildlife Refuge
- Rocky Mountain Arsenal

**CONNECTICUT**
- [Reserved]

**DELAWARE**
- Bombay Hook National Wildlife Refuge
- Prime Hook National Wildlife Refuge

**FLORIDA**
- Arthur R. Marshall Loxahatchee National Wildlife Refuge
- Cedar Keys National Wildlife Refuge
- Chassahowitzka National Wildlife Refuge
- Ding Darling National Wildlife Refuge
- J.N.
- Lake Woodruff National Wildlife Refuge
- Lower Suwannee National Wildlife Refuge
- Merritt Island National Wildlife Refuge
- Ponce de Leon National Wildlife Refuge
- St. Marks National Wildlife Refuge
- Ten Thousand Islands National Wildlife Refuge
- Wolf Island National Wildlife Refuge

**GEORGIA**
- Banks Lake National Wildlife Refuge
- Blackbeard Island National Wildlife Refuge
- Bond Swamp National Wildlife Refuge
- Eufaula National Wildlife Refuge
- Harris Neck National Wildlife Refuge
- Okefenokee National Wildlife Refuge
- Piedmont National Wildlife Refuge
- Savannah National Wildlife Refuge
- Wassaw National Wildlife Refuge
- Wolf Island National Wildlife Refuge

**GUAM**
- Guam National Wildlife Refuge

50 CFR Ch. I (10–1–02 Edition)
§ 32.7

HAWAII
Hakalau Forest National Wildlife Refuge
Hanalei National Wildlife Refuge
Kakahaia National Wildlife Refuge
Kilauea Point National Wildlife Refuge

IDAHO
Bear Lake National Wildlife Refuge
Camas National Wildlife Refuge
Deer Flat National Wildlife Refuge
Grays Lake National Wildlife Refuge
Kootenai National Wildlife Refuge
Minidoka National Wildlife Refuge

ILLINOIS
Chautauqua National Wildlife Refuge
Crab Orchard National Wildlife Refuge
Cypress Creek National Wildlife Refuge
Emiquon National Wildlife Refuge
Great River National Wildlife Refuge
Meredosia National Wildlife Refuge
Middle Mississippi River National Wildlife Refuge
Port Louisa National Wildlife Refuge
Two Rivers National Wildlife Refuge
Upper Mississippi River National Wildlife Refuge

INDIANA
Big Oaks National Wildlife Refuge
Muscatawck National Wildlife Refuge
Patoka River National Wildlife Refuge and Management Area

IOWA
De Soto National Wildlife Refuge
Driftless Area National Wildlife Refuge
Neal Smith National Wildlife Refuge
Port Louisa National Wildlife Refuge
Union Slough National Wildlife Refuge
Upper Mississippi River Wild Life and Fish Refuge

KANSAS
Flint Hills National Wildlife Refuge
Kirwin National Wildlife Refuge
Quivira National Wildlife Refuge

KENTUCKY
Clarke National Wildlife Refuge
Ohio River Islands National Wildlife Refuge
Reelfoot National Wildlife Refuge

LOUISIANA
Atchafalaya National Wildlife Refuge
Bayou Coccodrie National Wildlife Refuge
Bayou Sauvage National Wildlife Refuge
Bayou Teche National Wildlife Refuge
Big Branch Marsh National Wildlife Refuge
Black Bayou Lake National Wildlife Refuge
Bogue Chitto National Wildlife Refuge
Breton National Wildlife Refuge
Cameron Prairie National Wildlife Refuge
Cat Island National Wildlife Refuge
Catahoula National Wildlife Refuge
D’Arbonne National Wildlife Refuge
Delta National Wildlife Refuge
Grand Cote National Wildlife Refuge
Lacassine National Wildlife Refuge
Lake Ophelia National Wildlife Refuge
Mandalay National Wildlife Refuge
Sabine National Wildlife Refuge
Tensas River National Wildlife Refuge
Upper Ouachita National Wildlife Refuge

MAINE
Lake Umbagog National Wildlife Refuge
Moosehorn National Wildlife Refuge
Petit Manan National Wildlife Refuge
Rachel Carson National Wildlife Refuge
Sunkhaze Meadows National Wildlife Refuge

MARYLAND
Blackwater National Wildlife Refuge
Eastern Neck National Wildlife Refuge
Patuxent Research Refuge

MASSACHUSETTS
Great Meadows National Wildlife Refuge
Monomoy National Wildlife Refuge
Nantucket National Wildlife Refuge

MICHIGAN
Harbor Island National Wildlife Refuge
Kirtland’s Warbler Wildlife Management Area
Seney National Wildlife Refuge
Shiawassee National Wildlife Refuge

MINNESOTA
Agassiz National Wildlife Refuge
Big Stone National Wildlife Refuge
Fergus Falls Wetland Management District
Litchfield Wetland Management District
Minnesota Valley National Wildlife Refuge
Morris Wetland Management District
Rice Lake National Wildlife Refuge
Rydell National Wildlife Refuge
Sherburne National Wildlife Refuge
Tamarac National Wildlife Refuge
Upper Mississippi River Wild Life and Fish Refuge
Windom Wetland Management District

MISSISSIPPI
Bogue Chitto National Wildlife Refuge
Dahomey National Wildlife Refuge
Grand Bay National Wildlife Refuge
Hillside National Wildlife Refuge
Mathews Brake National Wildlife Refuge
Morgan Brake National Wildlife Refuge
Noxubee National Wildlife Refuge
Panther Swamp National Wildlife Refuge
St. Catherine Creek National Wildlife Refuge
Tallahatchie National Wildlife Refuge
Yazoo National Wildlife Refuge

MISSOURI
Big Muddy National Wildlife Refuge
§ 32.7

Clarence Cannon National Wildlife Refuge
Great River National Wildlife Refuge
Middle Mississippi River National Wildlife Refuge
Mingo National Wildlife Refuge
Squaw Creek National Wildlife Refuge
Swan Lake National Wildlife Refuge
Two Rivers National Wildlife Refuge

MONTANA
Benton Lake National Wildlife Refuge
Black Coulee National Wildlife Refuge
Bowdoin National Wildlife Refuge
Charles M. Russell National Wildlife Refuge
Creedman Coulee National Wildlife Refuge
Hallstone National Wildlife Refuge
Halfbreed Lake National Wildlife Refuge
Hewitt Lake National Wildlife Refuge
Lake Massongale National Wildlife Refuge
Lake Thibadeau National Wildlife Refuge
Lameeeteer National Wildlife Refuge
Lee Metcalfe National Wildlife Refuge
Lost Trail National Wildlife Refuge
Medicine Lake National Wildlife Refuge
National Bison National Wildlife Refuge
Nine-Pipe National Wildlife Refuge
Pablo National Wildlife Refuge
Red Rock Lakes National Wildlife Refuge
Swan River National Wildlife Refuge
UL Bend National Wildlife Refuge
War Horse National Wildlife Refuge

NEBRASKA
Boyler Chute National Wildlife Refuge
Crescent Lake National Wildlife Refuge
De Soto National Wildlife Refuge
Fort Niobrara National Wildlife Refuge
North Platte National Wildlife Refuge
Valentine National Wildlife Refuge

NEVADA
Ash Meadows National Wildlife Refuge
Desert National Wildlife Refuge
Pahranagat National Wildlife Refuge
Ruby Lake National Wildlife Refuge
Sheldon National Wildlife Refuge
Stillwater Management Area
Stillwater National Wildlife Refuge

NEW HAMPSHIRE
Great Bay National Wildlife Refuge

NEW JERSEY
Cape May National Wildlife Refuge
Edwin B. Forsythe National Wildlife Refuge
Great Swamp National Wildlife Refuge
Lake Umbagog National Wildlife Refuge
Supawna Meadows National Wildlife Refuge
Wallkill River National Wildlife Refuge

NEW MEXICO
Bitter Lake National Wildlife Refuge
Boise del Apache National Wildlife Refuge
Las Vegas National Wildlife Refuge
Maxwell National Wildlife Refuge
San Andres National Wildlife Refuge
Sevilleta National Wildlife Refuge

NEW YORK
Amagansett National Wildlife Refuge
Elizabeth A. Morton National Wildlife Refuge
Iroquois National Wildlife Refuge
Montezuma National Wildlife Refuge
Oyster Bay National Wildlife Refuge
Seautuck National Wildlife Refuge
Target Rock National Wildlife Refuge
Wertheim National Wildlife Refuge

NORTH CAROLINA
Alligator River National Wildlife Refuge
Cumbintuck National Wildlife Refuge
Cedar Island National Wildlife Refuge
Great Dismal Swamp National Wildlife Refuge
MacKay Island National Wildlife Refuge
Mottamusketo National Wildlife Refuge
Pee Ilo National Wildlife Refuge
Pee Dee National Wildlife Refuge
Pocosin Lakes National Wildlife Refuge
Roanoke River National Wildlife Refuge
Swanquarter National Wildlife Refuge

NORTH DAKOTA
Arrowwood National Wildlife Refuge
Audubon National Wildlife Refuge
Chase Lake National Wildlife Refuge
Des Lacs National Wildlife Refuge
J. Clark Salyer National Wildlife Refuge
Lake Alice National Wildlife Refuge
Lake Ilo National Wildlife Refuge
Lake Nettie National Wildlife Refuge
Lake Zahl National Wildlife Refuge
Long Lake National Wildlife Refuge
Lostwood National Wildlife Refuge
Rock Lake National Wildlife Refuge
Sibley Lake National Wildlife Refuge
Slade National Wildlife Refuge
Stewart Lake National Wildlife Refuge
Tewaukon National Wildlife Refuge
Upper Souris National Wildlife Refuge

OHIO
Cedar Point National Wildlife Refuge
Ottawa National Wildlife Refuge

OKLAHOMA
Deep Fork National Wildlife Refuge
Little River National Wildlife Refuge
Optima National Wildlife Refuge
Salt Plains National Wildlife Refuge
Sequoyah National Wildlife Refuge
Tishomingo National Wildlife Refuge
Washita National Wildlife Refuge
Wichita Mountains National Wildlife Refuge

OREGON
Bandon Marsh National Wildlife Refuge
Bear Valley National Wildlife Refuge
Cold Springs National Wildlife Refuge
§ 32.7

U.S. Fish and Wildlife Serv., Interior

Deer Flat National Wildlife Refuge
Hart Mountain National Wildlife Refuge
Julia Butler Hansen Refuge for the Columbian White-Tailed Deer
Klamath Marsh National Wildlife Refuge
Lewis and Clark National Wildlife Refuge
Lower Klamath National Wildlife Refuge
Malheur National Wildlife Refuge
McKay Creek National Wildlife Refuge
McNary National Wildlife Refuge
Sheldon National Wildlife Refuge
Umatilla National Wildlife Refuge
Upper Klamath National Wildlife Refuge
William L. Finley National Wildlife Refuge

Pennsylvania

Erie National Wildlife Refuge
John Heinz National Wildlife Refuge at Tinicum
Ohio River Islands National Wildlife Refuge

Rhode Island

(Reserved)

Purueblo Rico

ACE Basin National Wildlife Refuge
Cape Romain National Wildlife Refuge
Carolina Sandhills National Wildlife Refuge
Pinckney Island National Wildlife Refuge
Santee National Wildlife Refuge
Savannah National Wildlife Refuge

South Carolina

Lacreek National Wildlife Refuge
Pocassee National Wildlife Refuge
Sand Lake National Wildlife Refuge
Waubay National Wildlife Refuge

Tennessee

Chickasaw National Wildlife Refuge
Cross Creeks National Wildlife Refuge
Hatchie National Wildlife Refuge
Lake Isom National Wildlife Refuge
Lower Hatchie National Wildlife Refuge
Reelfoot National Wildlife Refuge
Tennessee National Wildlife Refuge

Texas

Anahuac National Wildlife Refuge
Aransas National Wildlife Refuge
Balcones Canyonlands National Wildlife Refuge
Big Boggy National Wildlife Refuge
Brazoria National Wildlife Refuge
Buffalo Lake National Wildlife Refuge
Hagerman National Wildlife Refuge
Laguna Atascosa National Wildlife Refuge
Lower Rio Grande Valley National Wildlife Refuge
McFaddin National Wildlife Refuge
San Bernard National Wildlife Refuge
Texas Point National Wildlife Refuge
Trinity River National Wildlife Refuge

Utah

Bear River National Wildlife Refuge
Fish Springs National Wildlife Refuge
Ouray National Wildlife Refuge

Vermont

Missisquoi National Wildlife Refuge

Virginia

Back Bay National Wildlife Refuge
Chincoteague National Wildlife Refuge
Eastern Shore of Virginia National Wildlife Refuge
Great Dismal Swamp National Wildlife Refuge
James River National Wildlife Refuge
Mackay Island National Wildlife Refuge
Mason Neck National Wildlife Refuge
Occoquan Bay National Wildlife Refuge
Pleasant Island National Wildlife Refuge
Presquile National Wildlife Refuge
Rappahannock River Valley National Wildlife Refuge
Wallops Island National Wildlife Refuge

Washington

Columbia National Wildlife Refuge
Conboy Lake National Wildlife Refuge
Dungeness National Wildlife Refuge
Hanford Reach National Monument/Saddle Mountain National Wildlife Refuge
Julia Butler Hansen Refuge for the Columbian White-tailed Deer
Littler Pend Oreille National Wildlife Refuge
McNary National Wildlife Refuge
Nisqually National Wildlife Refuge
Ridgefield National Wildlife Refuge
Toppenish National Wildlife Refuge
Umatilla National Wildlife Refuge
Wallowa National Wildlife Refuge

West Virginia

Canaan Valley National Wildlife Refuge
Ohio River Islands National Wildlife Refuge

Wisconsin

Fox River National Wildlife Refuge
Horicon National Wildlife Refuge
Leopold Wetland Management District
Necedah National Wildlife Refuge
St. Croix Wetland Management District
Trempealeau National Wildlife Refuge
Upper Mississippi River National Wildlife and Fish Refuge
Whittlesey Creek National Wildlife Refuge

Wyoming

National Elk Refuge
### § 32.8 Areas closed to hunting.

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>State</th>
<th>Land and waters within boundary and adjacent to, or in the vicinity of—</th>
<th>Citation</th>
</tr>
</thead>
</table>

Subpart B—Refuge-Specific Regulations for Hunting and Fishing

§ 32.20 Alabama.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BLOWING WIND CAVE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following condition: Sauty Creek Wildlife Management Area regulations apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

BON SECOUR NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

CHOCTAW NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of squirrels, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted only from sunrise to sunset.

2. Only nonmotorized boats and boats with electric motors are permitted on Gator and Little Gator Lakes.

CHOTEAU NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunters may hunt rabbit and squirrel on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Anglers may fish, frog and trap turtles on designated areas of the refuge subject to State fishing regulations and the following conditions:

1. Fishermen may fish, including bowfishing, only during daylight hours in refuge impoundments and waters other than the Walter F. George Reservoir.

2. Fishermen may not frog or trap turtles in impounded waters not contiguous with the Walter F. George Reservoir.

3. Creel, possession, and size limit for Walton F. George Reservoir apply to all impounded refuge waters.

4. Reciprocal license agreements between Alabama and Georgia only apply to waters contiguous with the Walter F. George Reservoir. Anglers fishing in refuge impoundments must possess a license for the state in which they are fishing.

GRAND BAY NATIONAL WILDLIFE REFUGE

Refer to §32.43 Mississippi for regulations.

KEY CAVE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt mourning doves on designated portions of the refuge subject to the following condition: Refuge permits required.

B. Upland Game Hunting. Hunters may hunt only quail, squirrel, rabbits, raccoons, and opossum on designated portions of the refuge subject to the following condition: Refuge permits required.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

WHEELER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

6. Entry and use of airboats, hovercraft, and personalized watercraft such as jet skis, watercycles or waterbikes are prohibited.

7. All gill nets must be actively attended at all times.

8. A refuge permit is required for commercial fishing of all nets, traps, baskets, boxes and seine used in refuge waters. Information on harvest data is required.
§ 32.21 Alaska.

Alaska refuges are opened to hunting, fishing and trapping pursuant to the Alaska National Interest Lands Conservation Act (Pub. L. 96–487, 94 Stat. 2371). Information regarding specific refuge regulations can be obtained from the Region 7 Office of the U.S. Fish and Wildlife Service, Anchorage, AK, or by contacting the manager of the respective individual refuge.

§ 32.22 Arizona.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BILLY WILLIAMS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds.

We allow hunting of mourning and white-winged doves on designated areas of the refuge subject to the following conditions:
1. We do not allow hunting of mourning and white-winged doves on designated areas of the refuge subject to the following conditions: We require permits.
2. We allow only shotguns.
3. You may not hunt within 50 yards (45 m) of any building, road, or levee.
4. You may hunt only during seasons, dates, times, and areas posted by signs and

B. Upland Game Hunting.

We allow hunting of quail, squirrels, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting.

We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing.

We allow fishing on designated areas of the refuge subject to the following conditions:
1. We do not allow bank fishing at the shoreline of the refuge headquarters.
2. You may not leave boats on the refuge overnight.
3. We prohibit entry and use of airboats and hovercraft on all waters within the refuge boundaries.
4. We prohibit entry and use of inboard watercraft, watercycles, and waterbikes on all waters of the refuge except that portion of the Tennessee River and Flint Creek from its mouth to mile-marker three.
5. We require permits.

BUENA VISTA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds.

We allow hunting of geese, ducks, coots and mourning and white-winged doves is permitted on designated areas of the refuge.

B. Upland Game Hunting.

We allow hunting of cottontail rabbits from September 1 to the close of the State quail season.

C. Big Game Hunting.

Hunting of mule and white-tailed deer, javelina and feral hogs is permitted on designated areas of the refuge.

D. Sport Fishing.

We allow sport fishing in designated areas of the refuge subject to the following conditions: We prohibit personal watercraft (PWC, as defined by State law), air boats, or hovercraft on all waters within the boundaries of the refuge.

CABO CAYDAS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds.

We allow hunting of geese, ducks, coots and mourning and white-winged doves.

B. Upland Game Hunting.

We allow hunting of cottontail rabbits, coyotes, and skunks on designated areas of the refuge subject to the following condition: We require refuges permits for hunting of coyotes and skunks.

C. Big Game Hunting.

Hunting of mule and white-tailed deer, javelina and feral hogs is permitted on designated areas of the refuge.

D. Sport Fishing.

[Reserved]

CABRERA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds.

[Reserved]

B. Upland Game Hunting.

[Reserved]

C. Big Game Hunting.

Hunting of desert bighorn sheep is permitted on designated areas of the refuge subject to the following conditions: Entry permits are required.

D. Sport Fishing.

[Reserved]

CABRAL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds.

We allow hunting of geese, ducks, coots, moorhen, common snipe, and mourning and white-winged doves on designated areas of the refuge subject to the following conditions:
1. We allow only shotguns.
2. You may possess only approved nontoxic shot while in the field.
3. You may not hunt within 50 yards (45 m) of any building, road, or levee.
4. We do not allow pit or permanent blinds.
5. You may hunt only during seasons, dates, times, and areas posted by signs and
or indicated on refuge leaflets, special regulations, and maps available at the refuge office.
7. You must remove all temporary blinds, boats, and decoys from the refuge following each day’s hunt.
8. We do not allow hunting within 50 yards (45 m) of any public roads or levees.
9. We close Farm Unit 2 to all hunting except goose hunting during the Arizona waterfowl season.
10. Consult the refuge hunt leaflet for the shot limit.
11. The area known as Pretty Water is open to waterfowl hunting from ½ hour before sunrise to 3:00 p.m. MST during the Arizona and California waterfowl seasons.
12. The Hart Mine Marsh area is open to hunting from 10 a.m. to 3 p.m. daily during goose season.

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit on designated areas of the refuge subject to the following conditions:
1. We allow only shotguns and bows and arrows.
2. You may possess only approved nontoxic shot while in the field.
3. You may possess only approved nontoxic shot while in the field.
4. We require approved nontoxic shot for hunting quail and cottontail rabbit.
5. You may possess only approved nontoxic shot while in the field.
6. Hunting of cottontail rabbits is permitted from September 1 to the close of the State quail season, except in Pintail Slough where rabbit hunting is permitted only during September.
7. You must remove temporary blinds, boats, and decoys from the refuge following each day’s hunt.
8. You may not hunt within 50 yards (45 m) of any building, road, or levee.
9. We close Farm Unit 2 to all hunting except goose hunting during the Arizona waterfowl season.
10. Consult the refuge hunt leaflet for the shot limit.

C. Big Game Hunting.
1. Hunting of quail and cottontail rabbit is permitted on designated areas of the refuge subject to the following conditions:
2. Temporary blinds, boats and decoys are not permitted.
3. You may possess only approved nontoxic shot while in the field.
4. You may possess only approved nontoxic shot while in the field.

D. Sport Fishing. We allow sport fishing and frogging subject to the following condition: Cibola Lake is open to fishing and frogging from March 15 through Labor Day.

HAVASU NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning and white-winged doves, ducks, coots, moorhens, geese and common snipe is permitted on designated areas of the refuge subject to the following conditions:
1. Neither hunters nor dogs may enter closed areas to retrieve game.
2. Pits and permanent blinds are not permitted.
3. You may possess only approved nontoxic shot while in the field.
4. The following apply only to Pintail Slough (all refuge lands north of the north dike):
   i. We require a fee for waterfowl hunting, and you must have in your possession proof of payment (refuge permit) while hunting.
   ii. Dove hunting is permitted only during the September season.
   iii. Waterfowl hunters must hunt only at the assigned location.
   iv. We limit waterfowl hunters to 16 shells each.
   5. You must remove temporary blinds, boats, hunting equipment, and decoys from the refuge following each day’s hunt.
   6. You may not hunt within 50 yards (45 m) of any public road.
   7. We prohibit personal watercraft (PWC, as defined by State law), air boats, or hovercraft on all waters within Topock Marsh or other waters indicated by signs or buoys.

IMPERIAL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning and white-winged doves, ducks, coots, moorhens, geese and common snipe is permitted on designated areas of the refuge subject to the following conditions:
1. Pits and permanent blinds are not allowed.
2. Temporary blinds, boats and decoys must be removed from the refuge following each day’s hunt.
3. You may possess only approved nontoxic shot in the field.
4. The following apply only to Pintail Slough (all refuge lands north of the north dike):
   1. Allowed methods of take for quail and cottontail rabbit are shotgun and bow and arrow.
   2. We require approved nontoxic shot for hunting quail and cottontail rabbit.
   3. Cottontail rabbit hunting is permitted September 1 to the close of the State quail season.
§ 32.23  Arkansas.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BALD KNOB NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following condition:
1. Hunters must possess a refuge permit.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to the following condition:
1. Hunters must possess a refuge permit.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to the following conditions:
1. Hunters must possess a refuge permit.

D. Sport Fishing. Fishermen may fish and frog on designated areas of the refuge subject to the following conditions:
1. Fishermen may fish and frog only during published refuge open seasons and in accordance with refuge regulations.
2. Fishermen must adhere to all applicable State fishing and frogging regulations.

BIG LAKE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of quail, cotontail rabbit, coyote, and fox is permitted on designated areas of the refuge subject to the following conditions:
1. Hunting of coyote, fox, and cotontail rabbit is permitted during the State quail season only, except as provided below.
2. Hunting of coyote and fox is not permitted during the deer season except that deer hunters with valid Unit 45A, 45B, and 45C deer permits may take these predators until a deer is taken.
3. Allowed method of take of cotontail rabbits is shotgun only.

C. Big Game Hunting. Hunting of mule deer and desert bighorn sheep is permitted on designated areas of the refuge subject to the following conditions:
1. Hunters must possess a refuge permit.

D. Sport Fishing. [Reserved]

SAN BERNARDINO NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Cotontail rabbit season shall open on September 1 and close on the last day of the State quail season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

§ 32.23  Arkansas.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following condition:
1. Hunters must possess a refuge permit.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to the following condition:
1. Hunters must possess a refuge permit.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to the following conditions:
1. Hunters must possess a refuge permit.

D. Sport Fishing. Fishermen may fish and frog on designated areas of the refuge subject to the following conditions:
1. Fishermen may fish and frog only during published refuge open seasons and in accordance with refuge regulations.
2. Fishermen must adhere to all applicable State fishing and frogging regulations.

CACHE RIVER NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of squirrels, rabbit, raccoon, beaver and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of whitetailed deer is permitted on designated areas of the refuge subject to the following conditions: Permits are required.

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted from March 1 through October 31 with the following exceptions: Bank fishing is permitted at any time in the area around Floodway Dam south of the Highway 18 bridge, and fishing only from sunrise to sunset from nonmotorized boats and boats with electric motors is permitted in the Sand Slough-Mud Slough Area from November 1 through the end of February.
2. The use of limb lines and toxic chemical containers for jug fishing is not permitted.
3. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.
4. Boats may be launched only in designated areas.
5. ATVs and airboats are prohibited.
6. Frogging is permitted from the beginning of the State frogging season through October 31. The use of archery equipment for taking frogs is not permitted.
7. The taking of largemouth bass is permitted in accordance with the posted length and/or slot limits.
snipe, and mourning doves is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of quail, rabbit, squirrel, raccoon, opossum and beaver is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of whitetailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing or entry is not permitted in the waterfowl sanctuary areas from November 15 through February 28.

2. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

3. Fishermen must fish and frog in accordance with refuge regulations and applicable State fishing and frogging regulations.

FELSIENTHAL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, coots and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of quail, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of whitetailed deer, turkey, and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing, frogging and the taking of turtles and crawfish are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is not permitted in the waterfowl sanctuary area during the waterfowl hunting season with the exception of the main channel of the Ouachita River and the borrow pits along Highway 82.

2. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

HOLLA BEND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, geese, coots, woodcock, snipe, and mourning doves on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunters may hunt quail, rabbit, squirrel, raccoon, opossum and beaver on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunters may hunt white-tailed deer, turkey, and feral hogs on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishermen may fish, take frogs, turtles and crawfish on designated areas of the refuge subject to the following conditions:

1. Fishermen must take turtles and crawfish in accordance with applicable State regulations.

2. Trotlines must be reset when exposed by receding water levels. Trotline ends must consist of a length of cotton line that extends from the point of attachment into the water.
§ 32.24

WAPANOCCA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, beaver, nutria, raccoon, and opossum on designated areas of the refuge subject to the following conditions: We require permits.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. We allow fishing from March 15 through October 31 from sunrise to sunset.
2. The use of live carp, shad, buffalo, and goldfish for bait is not permitted.
3. The use of yo-yos, jugs, drops, trotlines and all commercial fishing tackle is not permitted.
4. Big Creek and Ditch 8 are closed to fishing.
5. The taking of largemouth bass is permitted in accordance with the posted length and/or slot limits.

WHITE RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following conditions: Permits are required.

B. Upland Game Hunting. Hunting of squirrel, rabbit, beaver, coyote, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of whitetailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from March 15 through November 30 except as posted and as follows: fishing is permitted year-round in the entire State season. The use of bow and arrow for taking bullfrogs is prohibited.
2. The use of live carp, shad, buffalo, and goldfish for bait is not permitted.
3. The use of yo-yos, jugs, drops, trotlines and all commercial fishing tackle is not permitted.
4. Big Creek and Ditch 8 are closed to fishing.
5. The taking of largemouth bass is permitted in accordance with the posted length and/or slot limits.

CLEAR LAKE NATIONAL WILDLIFE REFUGE

We allow hunting of geese, ducks, coots, moorhens, and snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Air-thrust and inboard waterthrust boats are not permitted.
2. You may possess only approved nontoxic shot while in the field.
3. Access to the unit is permitted only through the gate located on Clear Lake Road.

D. Sport Fishing. [Reserved]

COLUSA NATIONAL WILDLIFE REFUGE

We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.
2. Hunters may not possess more than 25 shells while in the field.
3. Access to the unit is permitted only through the gate located on Clear Lake Road.

D. Sport Fishing. [Reserved]

50 CFR Ch. I (10–1–02 Edition)
passengers or equipment or stopping between
designated parking areas.

B. Upland Game Hunting. We allow hunting
of pheasant on designated areas of the refuge
subject to the following conditions:
1. Access to the hunt area is by foot traffic
only.
2. We do not allow bicycles and other con-
veyances. Mobility-impaired hunters should
consult with the Refuge Manager for allowed
conveyances.
3. You may possess only approved nontoxic
shot while in the field.
4. Hunters may not possess more than 25
shells while in the field.
5. No person may build or maintain fires,
except in portable gas stoves.
6. You may enter or exit only at designated
locations.
7. Vehicles may stop only at designated
parking areas. We prohibit the dropping of
passengers or equipment or stopping between
designated parking areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

DELEVAN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We
allow hunting of geese, ducks, coots, moorhens,
and snipe on designated areas of the refuge subject to the following condi-
tions:
1. You must unload firearms while trans-
porting them between parking areas and
spaced blind areas.
2. We do not allow snipe hunting in the
spaced blind areas.
3. We restrict hunters assigned to the
spaced blind area to within 100 feet (30 m) of
their assigned hunt site except for retrieving
downed birds, placing decoys, or traveling to
and from the area.
4. Access to the hunt area is by foot traffic
only. We do not allow bicycles and other con-
veyances. Mobility-impaired hunters should
consult with the Refuge Manager for allowed
conveyances.
5. You may possess no more than 25 shells
while in the field.
6. You may possess only approved nontoxic
shot while in the field.
7. No person may build or maintain fires,
except in portable gas stoves.
8. You may enter or exit only at designated
locations.
9. Vehicles may stop only at designated
parking areas. We prohibit the dropping of
passengers or equipment or stopping between
designated parking areas.

HAVASU NATIONAL WILDLIFE REFUGE

§ 32.24

183
§ 32.24

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:
1. We allow fishing from the designated shoreline train along Hookton Slough during daylight hours only.
2. We allow fishermen to use only pole and line or rod and reel from the Hookton Slough Shoreline trail fishing area.
3. We do not allow either motorized boats or motors on the refuge dock on Humboldt Bay. We close the dock on Humboldt Bay to launching of all boats from November 1 through January 15.

IMPERIAL NATIONAL WILDLIFE REFUGE

Refer to §32.22 Arizona for regulations.

KERN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and moorhens is permitted on designated areas of the refuge subject to the following conditions:
1. Hunters assigned to the spaced blind unit must travel to and from parking areas and blind sites with firearms unloaded.
2. Hunters assigned to the spaced blind unit must remain within 100 feet of the numbered steel post (blind site) except when pursuing cripples, placing decoys or traveling to and from the parking area.
3. Hunters may not possess more than 25 shells while in the field.
4. Hunters must park in assigned lots.
5. Only nonmotorized boats are permitted.
6. You may possess only approved nontoxic shotshells per day while in the field.
7. You may use only nonmotorized boats and boats with electric motors on units 4b and 4c from the start of the hunting season through November 30. You may use motorized boats on units 4b and 4c from December 1 through the end of hunting season.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. You may carry only unloaded firearms on hunter access routes open to motor vehicles or when taking them through posted retrieving zones when traveling to and from the hunting areas.
3. You may carry only unloaded firearms for the general public after December 1.
4. You may carry only unloaded firearms on hunter access routes open to motor vehicles or when taking them through posted retrieving zones when traveling to and from the hunting areas.
5. You may not set decoys in retrieving zones.
6. We do not allow air-thrust and inboard waterthrust boats.
7. You may possess only approved nontoxic shot while in the field.

MERED National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and moorhens on designated areas of the refuge subject to the following conditions and as we may otherwise post in the refuge regulations:
1. A permit issued by the refuge to hunters with advance reservations only is required for the first weekend.
2. You may possess no more than 25 approved nontoxic shotshells per day while in the field.
3. You may possess only approved nontoxic shot while in the field.
4. We restrict hunters assigned to the spaced blind unit to their assigned blind except for retrieving downed birds, placing decoys, or traveling to and from the parking area.
5. You may possess no more than 25 approved nontoxic shotshells per day while in the field.
6. You may possess only approved nontoxic shot while in the field.

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:
1. In the controlled waterfowl hunting area, we require entry permits for the first 2 days of the waterfowl season for all hunters 16 years of age or older. An adult with a permit must accompany hunters under the age of 16 hunting in the controlled area. We require advance reservations for the first 2 days of the hunt.
2. Shooting hours end at 1:00 p.m. on all California portions of the refuge with the following exceptions:
   a. The refuge manager may designate up to 6 afternoon special youth or disabled hunter waterfowl hunts per season; and
2. After the first weekend of the open season, we allow hunting only on Wednesdays, Saturdays, and Sundays. Hunters must check in and out of the refuge by using self-service permits.

3. In the designated spaced blind area, hunters must remain within 50 feet of the established blind stake for the blind assigned to them.

4. You may possess only approved nontoxic shot while in the field.

5. Hunters may not possess more than 25 shells after leaving the parking area.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. We limit hunting to junior hunters possessing a valid Junior Hunting License and refuge permit.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

§ 32.24

SACRAMENTO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. You must unload firearms while transporting them between parking areas and spaced blind areas.

2. We do not allow snipe hunting in the spaced blind area.

3. We restrict hunters assigned to the spaced blind unit to within 100 feet (30 m) of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the parking area.

4. You may possess only approved nontoxic shot while in the field.

5. You may possess no more than 25 shells while in the field.

6. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

7. No person may build or maintain fires, except in portable gas stoves.

8. You may enter or exit only at designated locations.

9. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. We do not allow pheasant hunting in the spaced blind area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.

2. You may possess only approved nontoxic shot while in the field.

3. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

4. You may not possess more than 25 shells while in the field.

5. No person may build or maintain fires, except in portable gas stoves.

6. You may enter or exit only at designated locations.

7. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SALINAS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow fishing on Pack-Bear Lake subject to the following conditions:

1. Fishing is permitted only on Dorris Reservoir subject to the following conditions: Fishing is permitted only from boats up to 14 feet (4.2 m) long and canoes.

2. You may fish from the western shoreline from sunrise to sunset.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and snipe on designated areas of the refuge subject to the following conditions:

1. You may possess no more than 25 approved nontoxic shotshells per day while in the field.

2. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

3. You must keep firearms unloaded until you are within the designated hunt area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]
§ 32.24

SAN LUIS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. You may use only portable blinds or blinds constructed of vegetation in the free-roam hunting area.
2. You must remove all portable blinds, decoys, and other personal equipment from the refuge following each day’s hunt.
3. You may snipe hunt only within the free-roam portion of the San Luis unit’s waterfowl hunting areas.
4. You may possess only approved nontoxic shot while in the field.
5. You may possess no more than 25 shells after leaving your assigned parking lot or boat launch.
6. Vehicles may stop only at designated, assigned parking areas. We prohibit dropping of passengers or equipment or stopping between designated parking areas. You must return your permits to the check stations immediately upon completion of your hunt, and prior to using any tour routes or leaving the refuge vicinity.
7. You may not transport loaded firearms while walking or bicycling between parking areas in spaced blind units, or while traveling in a boat under power.
8. We restrict hunters in the spaced blind area to their assigned blind except when they are placing decoys, traveling to and from the parking area, retrieving downed birds, or when shooting to retrieve cripples.
9. Access to the Frietas Unit free-roam hunting area is by boat only with a maximum of 5 mph. Prohibited boats include air-thrust and/or inboard water-thrust types.
10. We prohibit the use of motorized boats in the free-roam units with the exception of the Frietas Unit.
11. We do not allow vehicle trailers of any type or size to be in the refuge hunt areas at any time or to be left unattended at any location on the refuge.

B. Upland Game Hunting. We allow hunting of pheasants on designated areas of the refuge subject to the following conditions or as we may otherwise post in refuge regulations available at visitor information centers and refuge headquarters:

1. You may possess only approved nontoxic shot while in the field.
2. Hunters may not possess more than 25 shotshells while in the field.

C. Big Game Hunting.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions or as we may otherwise post in refuge regulations.

SAN PABLO BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and snipe on designated areas of the refuge subject to the following conditions:

1. We allow fishing from designated shoreline trail fishing areas and from the Dumbarton Pier is permitted during the hours posted at the pier and refuge headquarters.
2. Fishing and all other public entry is not permitted in the entire Mowry Slough from March 15 through June 15.
3. Digging into levees or sloughs is not permitted.
4. Nonmotorized boats may be used on all 9 ponds for setting out and retrieving decoys or for retrieving downed waterfowl. Nonmotorized boats may also be used for hunting on Ponds 1, 2, 3, 4, 5, and 6 of the Mowry Slough Unit.
5. All decoys, boats and other personal property must be removed from the refuge following each day’s hunt.
6. We allow hunting of geese, ducks, and coots on designated areas of the refuge.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing from designated shoreline trail fishing areas and from the Dumbarton Pier is permitted during the hours posted at the pier and refuge headquarters.
2. Access is by boat only.
3. Digging into levees is not permitted.
4. You may possess only approved nontoxic shot while in the field.
5. You may possess no more than 25 shells while in the field.
6. We allow only the use of pole and line or rod and reel, and anglers must attend their equipment at all times.
7. You must remove all portable blinds, decoys, and personal equipment from the refuge following each day’s hunt.
8. We do not allow vehicle trailers of any type or size to be in the refuge hunt areas at any time or to be left unattended at any location on the refuge.
9. Access to the Frietas Unit free-roam hunting area is by boat only with a maximum of 5 mph. Prohibited boats include air-thrust and/or inboard water-thrust types.
10. We prohibit the use of motorized boats in the free-roam units with the exception of the Frietas Unit.
11. We do not allow vehicle trailers of any type or size to be in the refuge hunt areas at any time or to be left unattended at any location on the refuge.
§ 32.24

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and moorhens on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. You may access the Tolay Creek Unit by foot and bicycle only.
3. We allow only dogs engaged in hunting activities on the refuge during pheasant season. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.
4. Access to the hunt area is by foot traffic only. We do not allow air-thrust and inboard waterthrust boats.
5. You may possess only approved nontoxic shot while in the field. You must hunt from assigned blinds on the Union Tract and within 100 feet (30 m) of blind sites on the Hazard Tract, except when shooting to retrieve crippled birds.
6. No person may build or maintain fires, except in portable gas stoves.
7. You may enter or exit only at designated locations.
8. You must hunt from assigned blinds on the Northern Tract except when shooting to retrieve crippled birds.
9. Access is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.
10. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. We require entry permits in the controlled waterfowl hunting area for the first 2 days of the waterfowl season for all hunters 16 years of age or older. An adult with a permit must accompany hunters under the age of 16 hunting in the controlled area. We require advance reservation for the first 2 days of the hunt.
3. Shooting hours end at 1:00 p.m. on all California portions of the refuge with the following exceptions:
4. You may possess no more than 25 shells while in the field.
5. You may not possess more than 25 shells while in the field.
6. We do not allow air-thrust and inboard waterthrust boats.
7. You may not possess more than 25 shells while in the field.
8. You may enter or exit only at designated locations.
9. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.
10. You may possess no more than 25 shells while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]
2. You may carry only unloaded firearms on hunter access routes open to motor vehicles or when taking them through posted retrieving zones when traveling to and from the hunting areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]


§ 32.25 Colorado.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ALAMOSA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, snipe and mourning doves is permitted on designated areas of the refuge subject to the following condition: Snipe and dove hunting are permitted only during the waterfowl hunting season.

B. Upland Game Hunting. Hunting of pheasant, cottontail rabbit, black-tailed and white-tailed jackrabbit is permitted on designated areas of the refuge subject to the following conditions: Hunting is permitted only when the respective State season coincides with the refuge waterfowl hunting season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

ARAPAHO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is allowed on designated areas of the refuge pursuant to State law.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge pursuant to State law and subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of pronghorn antelope is permitted on designated areas of the refuge.

D. Sport Fishing. Anglers may fish in designated areas of the refuge subject to the following conditions:

1. Anglers may not fish between June 1 and July 31 each year.

2. Anglers may fish only during daylight hours.

BROWNS PARK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, coots, and mourning doves only in designated areas of the refuge.

B. Upland Game Hunting. Hunters may hunt cottontail rabbits only in designated areas of the refuge.

C. Big Game Hunting. Hunters may hunt mule deer and elk only in designated areas of the refuge.

D. Sport Fishing. Anglers may fish only in designated areas of the refuge.

MONTE VISTA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, snipe and mourning doves is permitted on designated areas of the refuge subject to the following condition: Snipe and dove hunting are permitted only during the waterfowl hunting season.

B. Upland Game Hunting. Hunting of pheasant, cottontail rabbit, black-tailed and white-tailed jackrabbit is permitted on designated areas of the refuge subject to the following conditions: Hunting is permitted only when the respective State season coincides with the refuge waterfowl hunting season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

ROCKY MOUNTAIN ARSENAL

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish only in designated areas of the refuge subject to the following conditions:

1. Refuge fishing permit required.

2. Fishing permitted only from sunrise to sunset from April 15 through October 15 annually.

3. Catch and release only fishing.


§ 32.26 Connecticut. [Reserved]

§ 32.27 Delaware.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required for waterfowl hunting except on the South Upland Hunting Area.
§ 32.28 Florida.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ARTHUR R. MARSHALL LOXAHATCHEE
NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. Consult the refuge hunting brochure for specific information regarding species, areas, and days open to hunting, rules, and regulations.

2. You may possess only approved nontoxic shot while in the field.

3. We do not allow upland game hunting beginning March 1 through August 31.

B. Upland Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. Consult the refuge hunting brochure for specific information regarding areas and days open to hunting, rules, and specific regulations.

2. You may use only portable tree stands and must remove them from the refuge following each day’s hunt.

3. During the firearm deer season, hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (10.16 m²) of solid-colored hunter orange clothing or material.

4. We require a refuge permit and fee for deer hunting.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

1. Consult refuge regulations regarding access areas, launch points, and motor restrictions.

2. We allow fishing only from sunrise to sunset in all areas except those areas marked by signs as closed to public entry.

3. During the firearm deer season, hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (10.16 m²) of solid-colored hunter orange clothing or material.

D. Sport Fishing. [Reserved]
§ 32.28

4. The possession or use of trotlines, gags, jugs, seines, castnets or other fishing devices not described above is not permitted.

CEDAR KEYS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish in salt water year round in accordance with State regulations subject to the following condition: We require permits.

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks and coots on designated areas of the refuge subject to the following condition: We require permits.
B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and armadillo on designated areas of the refuge subject to the following condition: We require permits.
C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: We require permits.
D. Sport Fishing. We allow fishing on the refuge year round subject to the following condition: You must fish in accordance with State regulations.

EGMONT KEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow fishing of ducks and coots on designated areas of the refuge subject to the following condition: We require permits.
B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and armadillo on designated areas of the refuge subject to the following condition: We require permits.
C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: We require permits.
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted only from sunrise to sunset.
2. Fishing is permitted year-round, from refuge beaches only.

HOBESOUND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish in salt water year round in accordance with State regulations subject to the following condition: We require permits.

J. N. “DING” DARLING NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and crab on designated areas of the refuge subject to the following conditions:
1. Fishing permitted in refuge waters except in areas designated as “closed to public entry.”
2. Crabbing permitted in refuge waters except in areas designated as “closed to public entry.”
3. Anglers may not take horseshoe crabs, stone crabs, or spider crabs.
4. Anglers may not take blue crabs for commercial purposes.
5. Anglers may take blue crabs along the Wildlife Drive only with the use of dip nets.
6. Anglers may use baited lines and traps within refuge waters if such devices are continuously attended/monitored and removed at the end of each day. Attended/monitored means that all devices used in the capture of blue crabs must be within the immediate view of the sport crabber.
7. Daily limit of blue crabs is 20 per person of which no more that 10 shall be females.
8. With the exception of those nonregulated species generally used as bait, all fish caught for commercial purposes in the waters of the refuge or transported into the refuge must remain in an intact and whole condition until removed from the refuge.

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: We require permits.
D. Sport Fishing. Sport fishing will be in accordance with State regulations and is subject to the following conditions:
1. We allow fishing only from sunrise to sunset.
2. We do not allow use of airboats in the refuge.
3. We do not allow commercial fishing or the taking of frogs or turtles.
4. We do not allow the use of snatch hooks in the refuge impoundments.

LOWER SUWANNEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:
1. We require a refuge permit.
2. Parents or adult guardians over the age of 21 are responsible for supervising hunters under the age of 16 and must remain within
sight and normal voice contact of the juvenile hunter. Parents or adult guardians are responsible for ensuring that hunters under the age of 16 do not engage in conduct that would constitute a violation of the refuge regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:
1. We require a refuge permit.
2. Parents or adult guardians over the age of 21 are responsible for supervising hunters under the age of 16 and must remain within sight and normal voice contact of the juvenile hunter. Parents or adult guardians are responsible for ensuring that hunters under the age of 16 do not engage in conduct that would constitute a violation of the refuge regulations.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge subject to the following conditions:
1. We require a refuge permit.
2. Parents or adult guardians over the age of 21 are responsible for supervising hunters under the age of 16 and must remain within sight and normal voice contact of the juvenile hunter. Parents or adult guardians are responsible for ensuring that hunters under the age of 16 do not engage in conduct that would constitute a violation of the refuge regulations.

D. Sport Fishing. Anglers may fish in accordance with State regulations subject to the following conditions:
1. Anglers may take game and nongame fish only with pole and line or rod and reel.
2. Anglers may not take turtles and frogs.
3. Boats may not be left on the refuge overnight.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunters may hunt ducks and coots in designated areas of the refuge subject to the following conditions:
1. You must possess a valid refuge hunting permit at all times while hunting on the refuge. In addition, we annually require a quota permit for hunt areas 1 and 4 from the beginning of the regular waterfowl season through December 31.
2. Hunters may hunt only on Wednesday, Saturday, Sunday, and the following holidays: Thanksgiving, Christmas, and New Year’s Day only within the designated State season.
3. You may hunt only in four designated areas of the refuge subject to delineation in the refuge hunting brochure and map, including the open waters of Mosquito Lagoon, Indian River, and designated impoundments outside the NASA security area. We do not allow hunting in the Banana River. You may not hunt in or enter any portion of the refuge south of Haulover Canal and east of the western boundary when the Kennedy Space Center activates its outer security perimeter.
4. Hunting hours are one-half hour before sunrise until 1:00 pm. each hunting day.
5. All persons must successfully complete a Firearm Hunter Education course before they may hunt and must possess the Firearm Hunter Education certificate when hunting.
6. An adult 21 years of age or older must supervise and remain in sight and normal voice contact with hunters under the age of 16.
7. We close the refuge between sunset and sunrise except waterfowl hunters may enter at 4:00 a.m. on hunting days with a valid Refuge Hunt Permit.
8. You may not park along Blackpoint Wildlife Drive, Playalinda Beach Road, or Scrub Ridge Trail for the purpose of waterfowl hunting.
9. Hunters may not trespass or hunt migratory game birds in refuge areas posted "AREA CLOSED".
10. Vehicles must use only designated public access routes and boat launching areas north and south of Haulover Canal.
11. Hunters must not construct permanent above ground, or pit blinds, nor dig into dikes.
12. Hunters must not shoot from within 10 feet of any dike, roadway, or railroad fill.
13. Hunters must remove decoys, boats, and other personal property from the refuge by 2:00 pm daily.
14. Refuge guides must purchase and have Guide Permits on their person while in the field hunting.
15. Hunters may not launch boats off Black Point Wildlife Drive.
16. Hunters may not use air thrust boats, hovercraft, jetskis or similar craft on refuge waters.
17. Boats must not exceed idle speed in Bairs Cove and KARS (Kennedy Athletic Recreational Social Organization) Marina or 8 mph in Haulover Canal.

B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]

D. Sport Fishing. You may fish, crab, clam, oyster, and shrimp in designated areas of the refuge subject to the following conditions:
1. We close the refuge between sunset and sunrise except anglers may enter after dark to fish from a boat with a valid Refuge Night Fishing Permit. We allow nighttime boat launching only at Bairs Cove and Beacon 42 Fish Camp. We allow night fishing only in Haulover Canal and the open waters of Mosquito Lagoon, Indian River Lagoon, and Banana River.
2. Anglers must attend their lines at all times.
3. Vehicles must use only designated public access routes and boat launching areas north and south of Haulover Canal.
4. You may not launch boats, crab, or fish from Black Point Wildlife Drive.
§ 32.28

5. You may not use air-thrust boats, hovercraft, personal watercraft, or similar craft on refuge waters.

6. You may not use motorized boats in the Banana River Manatee Sanctuary (north of KARS Park on the west side of the Barge Channel and north of the Air Force power line on the east side of the Barge Channel). This includes any boat having an attached motor or a nonattached motor capable of use (including electric trolling motors). This is in effect throughout the year.

7. Boats must not exceed idle speed in Bairs Cove and KARS Marina or 8 mph in Haulover Canal.

8. We prohibit harvest or possession of horseshoe crabs while on the refuge.

9. You may not fish in or enter any portion of the refuge south of Haulover Canal and east of the western boundary when the Kennedy Space Center activates its outer security perimeter.

PELICAN ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted year-round.

2. Bank fishing from spoil islands is permitted, during daylight hours only.

PINEILLAS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is only permitted from boats, into the waters surrounding Tarpon Key.

ST. MARKS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks and coots in designated areas of the refuge subject to the following condition: We require refuge permits.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and raccoon on designated areas of the refuge subject to the following condition: We require refuge permits.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. Anglers may fish and crab on designated areas of the refuge subject to the following conditions:

1. Anglers may fish and crab only from sunrise to sunset.

2. Anglers may only use boats with motors of 10 horsepower or less in refuge pools and lakes.

3. Anglers may only use boats with or without motors on the St. Marks Unit pools from March 15 through October 15 annually.

4. Anglers may take only fish species, and fish limits authorized by State regulations.

5. Anglers may not take frogs or turtles.

6. Anglers may fish and boat in Panacea Unit ponds year round. Anglers may access Panacea Unit ponds in a vehicle only from March 15 through May 15 annually. Anglers may fish and boat in Otter Lake year round.

7. Anglers may not launch commercial boats at the saltwater boat ramp on Co. Rd. 59 (Lighthouse Rd.).

8. Anglers may only take bait fish and non-game fish by hook and line in refuge ponds, lakes, and impoundments.

9. We prohibit crabbing in refuge pools and impoundments along Lighthouse Road.

10. We do not allow launching of airboats or inboard waterthrust boats (personal watercraft) from refuge saltwater boat ramps at Wakulla Beach or the Lighthouse Road area.

11. While on the refuge, anglers must keep all harvested fish in whole condition.

ST. VINCENT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer, sambar deer, and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow fishing in Lakes 1 and 2 and Oyster Pond from April 1 through September 30.

ST. VINCENT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer, sambar deer, and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing only from sunrise to sunset.

2. We allow only nonmotorized boats and boats with electric motors.

3. We do not allow the use of live minnows as bait.

4. We allow fishing in Lakes 1 and 2 and Oyster Pond from April 1 through September 30.

5. We allow fishing in Lakes 3, 4, and 5 from May 15 through September 30.

TEN THOUSAND ISLANDS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. You may hunt ducks and coots in designated areas of the refuge in accordance with State regulations and subject to the following conditions:
§ 32.29 Georgia.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BANKS LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Anglers may bank fish into estuarine waters daily from sunrise to sunset.
2. The use of live minnows as bait is not permitted.
3. Boats may not be left on the refuge overnight.
4. Anglers may bank fish into estuarine waters daily from sunrise to sunset only.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish only in designated portions of the refuge subject to the following conditions:
1. fishing is permitted year-round only from sunrise to sunset.
2. Night fishing is permitted from March 1 through October 31.
3. Only the use of pole and line or rod and reel is permitted.
4. The daily creel limit is 5 largemouth bass, 5 channel catfish, and 50 of any one, or combination, of bream or sunfish. Possession of more than the daily creel limit at any time is not permitted.
5. The taking of largemouth bass smaller than 14 inches is not permitted.

BOND SWAMP NATIONAL WILDLIFE refuge

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish only in designated portions of the refuge subject to the following conditions:
1. Fishing is permitted only in accordance with State regulations, except that crab pots abandoned or not checked after 72 hours are subject to impoundment.

§ 32.29

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing from March 15 to October 15 except on the Ocmulgee River, which is open to fishing year-round.
2. We allow fishing only from sunrise to sunset.
3. We allow fishing only with pole and line or rod and reel.
4. We prohibit the taking of sturgeon, frogs, turtles, and mollusks.
5. We allow only nonmotorized boats or boats with electric motors on refuge waters except the Ocmulgee River.
6. You may not leave boats or other personal equipment on the refuge overnight.
7. The minimum size limit for largemouth bass is 14 inches (35 cm).

Eufaula National Wildlife Refuge
Refer to §32.20 Alabama for regulations.

Harris Neck National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Anglers may fish in estuarine waters year round from sunrise to sunset daily.
2. Bank fishing into estuarine waters is permitted only from sunrise to sunset.
3. Anglers may use the Barbour River public boat ramp as public access year-round from 4:00 a.m. to 12:00 p.m. (midnight) daily. However, anglers may not use the Barbour River public boat ramp as access from 12:01 a.m. to 3:59 a.m. daily.

Okefenokee National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of rabbit, squirrel, bobwhite quail, and turkey in the Cowhouse Unit of the refuge. The season will be consistent with the adjacent Dixon Memorial Wildlife Management Area and subject to the following conditions:

1. We require sign in/sign out.
2. We allow no vehicles on the refuge portion of Cowhouse Island.
3. We allow no dogs except for pointing dogs during quail hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following condition: We require a refuge permit for Suwannee Canal Unit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We do not allow the use of boats with motors larger than 10 horsepower.
2. We do not allow the use of live minnows as bait.
3. We allow only the use of pole and line or rod and reel.
4. The daily creel limit is 5 largemouth bass, 5 channel catfish, and 25 of any one, or combination, of bream or sunfish. We do not allow the possession of more than the daily creel limit.
5. We do not allow the taking of largemouth bass smaller than 14 inches (35 cm).

Piedmont National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of quail, squirrel, and rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.
2. Hunting is not permitted during refuge deer hunts.

C. Big Game Hunting. Hunters may hunt white-tailed deer and turkey on designated areas of the refuge subject to the following condition: Permits required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from May 1 through September 30 only from sunrise to sunset.
2. The creel limit for black bass is five.
3. Only the use of pole and line or rod and reel is permitted.
4. The use of live minnows as bait is not permitted.
5. Nonmotorized boats and boats with electric motors are permitted only in Pond 2A and Allison Lake.

Savannah National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrels and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Anglers may fish in refuge impoundments and canals from March 1 through November 30 annually.
2. Anglers may fish in Kingfisher Pond year round.
3. We allow fishing from sunrise to sunset.
4. Anglers may bank fish year round in the canals adjacent to the wildlife drive.
5. Boats may not be left on the refuge overnight.
6. Anglers may only use non-motorized boats and boats with electric motors within impounded waters.

**Wassaw National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.
D. **Sport Fishing.** Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted year-round except during refuge hunts.
   2. Bank fishing into estuarine waters is permitted only from sunrise to sunset.

**Wolf Island National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following condition:
   1. Anglers may fish year round.
   2. Fishing from boats is only permitted on Beacon and Wolf Creeks.

**Hakalau Forest National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** Hunters may hunt feral pigs and feral cattle on designated areas of the refuge subject to the following condition:
   1. You must have reservations or permits to access the refuge.
D. **Sport Fishing.** [Reserved]

**Hanalei National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** Fishing is permitted on designated areas of the refuge.

**Kakahaia National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** Fishing is permitted on designated areas of the refuge.

**Kilauea Point National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** Anglers may salt water fish in designated areas of the refuge.

§ 32.30 Hawaii.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

**Camas National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** We allow hunting of geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.
B. **Upland Game Hunting.** Hunters may hunt pheasant and grouse on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** Fishing is permitted on designated areas of the refuge subject to the following condition: Boats are not permitted in fishing areas.

**Bear Lake National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following condition: Air-thrust boats are not permitted.
B. **Upland Game Hunting.** We allow hunting of partridge, grouse, and cottontail rabbits, including pygmy rabbits, on designated areas of the refuge subject to the following conditions:
   1. You may possess only approved nontoxic shot while in the field.
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. You may possess only approved nontoxic shot while in the field.

**Hakalau Forest National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** We allow hunting of geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

§ 32.31 Idaho.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

**Wassaw National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]
B. **Upland Game Hunting.** [Reserved]
C. **Big Game Hunting.** [Reserved]
D. **Sport Fishing.** Fishing is permitted on designated areas of the refuge.
§ 32.31

D. Sport Fishing. [Reserved]

DEER FLAT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, common snipe and doves is permitted on designated areas of the refuge subject to the following conditions:

1. You may hunt only ducks, coots, and doves on the Lake Lowell Sector.
2. Only portable and temporary blinds constructed of natural materials are permitted.
3. Snipe and dove hunters may possess only approved nontoxic shot while in the field.
4. We restrict nonmotorized boats and boats with electric motors only to the area bounded by the water’s edge and extending to a point 200 yards (180 m) lakeward in hunting area 1 on the Lake Lowell sector.

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of pheasant, quail and partridge is permitted on the Lake Lowell Sector.
2. Shooting hours on the Lake Lowell sector are the same as those for waterfowl hunting.
3. Hunting is not permitted on the Snake River sector from February 1 through May 31.
4. Pheasant, quail, and partridge hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted only on Tuesdays, Thursdays, Saturdays and Sundays.
2. You may possess only approved nontoxic shot while in the field.
3. All firearms must be unloaded when in the posted retrieving zone for purposes of retrieving downed birds or traveling to or from the hunting area.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. During the waterfowl season, we allow fishing only within the area bounded by the water’s edge extending to a point 200 yards (180 m) lakeward in front of the Lower Dam, fishing area A and in front of the Upper Dam, and fishing area B on the Lake Lowell sector.
2. Nonmotorized boats are permitted from 1/2 hour before sunrise to 1/2 hour after sunset from October 1 through April 14, within the area bounded by the water’s edge extending to a point 200 yards lakeward in front of the lower dam fishing area A, and in front of the upper dam, fishing area B.
3. Motorized and nonmotorized boats are permitted from 1/2 hour before sunrise to 1/2 hour after sunset from April 15 through September 30.
4. Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

GRAYS LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following condition: Motorized boats are not permitted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

KOOTENAI NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted only on Tuesdays, Thursdays, Saturdays and Sundays.
2. You may possess only approved nontoxic shot while in the field.
3. All firearms must be unloaded when in the posted retrieving zone for purposes of retrieving downed birds or traveling to or from the hunting area.

B. Upland Game Hunting. We allow hunting of forest grouse on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer, elk, black bear, moose and mountain lion is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of pheasant, quail, partridge and cottontail rabbits, including pygmy rabbit, is permitted on designated areas of the refuge subject to the following conditions:
2. Hunters are limited to the use and/or possession of no more than 25 shells per day.
3. All firearms must be unloaded when in the posted retrieving zone for purposes of retrieving downed birds or traveling to or from the hunting area.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing from boats on the main reservoir from Minidoka Dam to the west tip of Bird Island, April 1 through September 30.
2. We allow fishing from boats within boating lanes at Smith and Gifford Springs year around.
3. We allow bank fishing all year.

MINIDOKA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following condition:

B. Upland Game Hunting. Hunting of pheasant, partridge and cottontail rabbits, including pygmy rabbit, is permitted on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

§ 32.32 Illinois.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:
1. Hunting is permitted only in the area outside the main dike in the Liverpool Lake section and north of the entrance to the north ditch known as Goofy Ridge Ditch.
2. The retrieval zone is limited to the river side of the main dike.
3. Only temporary structures or blinds constructed of native materials are permitted.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:
1. Upland game hunting prohibited in the controlled goose hunting areas during the goose hunting season, except furbearer hunting permitted from sunset to sunrise.
2. Hunters may not use rifles or handguns with ammunition larger than .22 caliber rim fire, except they may use black powder firearms up to and including .40 caliber.
3. You may possess only approved nontoxic shot while hunting all permitted species except wild turkey. You may possess and use lead shot for hunting wild turkey.

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:
1. Hunters must possess a special permit issued by the Illinois Department of Natural Resources.
2. We require hunters using the closed area to check in at the refuge visitor contact station prior to hunting and to comply with the special rules provided to them.
3. We prohibit deer hunting with a firearm in the controlled goose hunting areas or on all refuge lands north of Illinois State Route 13. We allow deer hunting in the controlled goose hunting areas and on all refuge lands north of Illinois State Route 13 only with archery equipment and in accordance with State regulations.
4. You must remove hunting stands at the end of each day’s hunt.
5. Permitted hunters may use center fire ammunition for handgun deer hunting during the handgun deer season.

D. Sport Fishing. Anglers may fish on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:
1. Crab Orchard Lake—west of Wolf Creek Road—Anglers may fish from boats all year. Anglers must remove trotlines/jugs from sunrise until sunset from Memorial Day through Labor Day; east of Wolf Creek Road, anglers may fish from boats March 15 through September 30. Anglers may fish all year at the Wolf Creek and Route 148 causeway areas. Anglers must check and remove fish from all jugs and trotlines daily. It is illegal to use stakes to anchor any trotlines; anglers must tag them with their name and address. Anglers may use all noncommercial fishing methods except they may not use any underwater breathing apparatus. Anglers may not use jugs or trotlines with any flotation device that has previously contained...
any petroleum-based materials or toxic substances. Anglers must attach a buoyed device that is visible on the water's surface to all trotlines.

2. A-41, Bluegill, Blue Heron, Managers, Honkers, and Visitors Ponds: Anglers may fish only from sunrise to sunset March 15 through October 15. Anglers may not use boats or flotation devices.

3. Anglers may not submerge any pole or similar object to take or locate any fish.

4. Organizers of all fishing events must possess a refuge-issued permit.

5. Anglers may not fish within 250 yards of an occupied waterfowl hunting blind.

6. Fishermen may anchor trotlines only with portable weights that are removed from the water, along with the trotlines and jugs.

7. We restrict motorboats to slow speeds leaving no wakes in Cambria Neck, and within 150 feet (45 m) of any shoreline, swimming area, marina entrance, boat ramp, or causeway tunnel on Crab Orchard, Little Grassly, or Devil's Kitchen Lakes.

CYPRUS CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters may dove hunt on sunflower fields only on Mondays, Wednesdays, and Saturdays starting September 1. Hunters may hunt only from noon to 5 pm. Hunters must sign in and out and report daily harvest at the registration box. All hunting must be from field borders only. Hunters may not hunt or shoot from the interior of sunflower fields or within 100 yards of roadways. Hunters may not carry or use guns while retrieving downed doves from field interiors.

2. On the Bellrose Waterfowl Reserve— Hunters may not hunt ducks. Hunters may hunt only geese following the closure of the state duck season. Hunters may hunt only on Tuesdays, Thursdays, and Sundays. Hunters may hunt only from sunrise to 1 pm. All hunters must remove blinds and decoys, and be off the unit by 2 pm daily. Hunters may not enter the area prior to 5 am. Hunters may not hunt during special snow goose seasons after the closure of the regular goose season. Hunters may use only temporary or portable blinds; Hunters may not construct pit blinds. No one may hunt within 100 yards of any private property boundary. Distance between hunting parties must be at least 200 yards. All hunters must sign in and out and report daily harvest at the registration box.

3. Hunters must remove boats, decoys, and blinds from the refuge at the conclusion of each day's hunt.

4. Boats, decoys and blinds must be removed from the refuge at the conclusion of each day's hunt.

B. Upland Game Hunting. You may hunt bob-white quail, rabbit, squirrel, raccoon, opossum, coyote, red fox, grey fox, and turkey (spring) on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:

1. If we provide hunter check-in/check-out post, you must present daily harvests.

2. We do not allow hunting after sunset.

3. You may possess only approved nontoxic shot while hunting for any permitted birds except wild turkey. You may use lead shot while hunting wild turkey.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:

1. Hunters must check in and out of the refuge each day of hunting.

2. Hunting blinds may not be left overnight on the refuge.

D. Sport Fishing. [Reserved]

EMIQUON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to posted conditions.

1. Only temporary structures or blinds constructed of native materials are permitted.

2. Hunters must remove boats, decoys, and portable blinds at the end of each day's hunt.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to posted conditions.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to posted conditions.

1. Hunters must remove hunting stands at the end of each day's hunt.

D. Sport Fishing. Fishermen may sport fish in designated waters of the refuge subject to the following conditions:

1. Fishermen may sport fish in all refuge waters during daylight hours from January 15, through October 15.

2. Private boats may not be left in refuge waters overnight.

3. Fishermen must restrict motorboats to slow speed/minimum wake.

4. Anglers may not sportfish in areas open to hunting during hunting seasons.

GREAT RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to brochures and posted regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to brochures and posted regulations.
D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

MERODESIAN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishermen may sport fish on all refuge waters during daylight hours from January 15 through October 15.
2. From October 16 through January 14, fishermen may fish south of Carver Lake by foot access only.
3. Private boats may not be left in refuge waters overnight.
4. Motorboats must not exceed “slow speed/minimum wake.”

MIDDLE MISSISSIPPI RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to brochures and posted regulations.
B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.
C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to brochures and posted regulations.
D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

PORT LOUISA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to brochures and posted regulations.
B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.
C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to brochures and posted regulations.
D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

TWO RIVERS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.
C. Big Game Hunting. [Reserved]
D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. In areas posted “No Hunting Zone,” we only consider all such blinds public property and open to use by any person on a first-come basis. We allow you to gather only willow, grasses, marsh vegetation, and dead wood on the ground from the refuge for blind-building materials. We prohibit cutting or removing any other refuge trees or vegetation.
2. In areas posted “No Hunting Zone,” we prohibit hunting or possession of firearms at all times.
3. On areas open to hunting, we prohibit hunting beginning the day after the close of legal shooting hours, until 1 hour before the start of legal shooting hours.
4. Shotgun hunters may possess only approved nontoxic shot when hunting for any permitted birds or other small game, except...
wild turkey. We still allow possession of lead shot for hunting wild turkey.

5. You may use lights and dogs to hunt raccoons, and other specifically authorized small mammals, in accordance with State regulations. We allow such use of lights on the refuge at the point of kill only. We prohibit all other uses of lights for hunting on the refuge.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. In areas posted “No Hunting Zone,” we prohibit hunting or possession of firearms at all times.

2. In areas posted “Area Closed,” we only allow hunting beginning the day after the close of the applicable State duck hunting season until big game season closure or March 15, whichever occurs first.

3. On areas open to hunting, we only allow hunting or possession of firearms until season closure or March 15, whichever occurs first.

4. We do not allow construction or use of permanent blinds, platforms, or ladders.

5. You must remove all stands from the refuge at the end of each day’s hunt.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. On Spring Lake Closed Areas, Carroll County, Illinois, we prohibit fishing from October 1 until the day after the close of the State duck hunting season.

2. On Mertes Slough, Buffalo County, Wisconsin, we allow only hand-powered boats or boats with electric motors.

3. Ice fishing is permitted only when indicated by refuge signs.

4. You may fish from the bank and from nonmotorized boats on Stanfield Lake from May 15 through October 15.

5. Non-hunters must stay in vehicles when entering the hunt area during the second State muzzleloader season.

6. Frogs and turtles may be taken by hook and line during daylight hours from areas open to fishing.

§ 32.33 Indiana.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BIG OAKS NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions: We require a refuge access permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: We require a refuge access permit.

MUSCATATUCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of quail and rabbit is permitted on designated areas of the refuge subject to the following condition:

1. No discharge of firearms is permitted within 100 yards of an occupied dwelling.

2. Hunting is permitted only from sunrise to sunset.

3. Hunting is prohibited from the beginning of the second State muzzleloader season through the end of the year.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required during the second State muzzleloader season.

2. Only bow and arrow and muzzleloaders are permitted.

3. The construction and use of permanent blinds, platforms or ladders is not permitted.

4. No discharge of firearms is permitted within 100 yards of an occupied dwelling.

5. Non-hunters must stay in vehicles when entering the hunt area during the second State muzzleloader season.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. You may fish from the bank and from nonmotorized boats on Stanfield Lake from May 15 through October 15. You may not boat at other times. Stanfield Lake is open to ice fishing when ice conditions permit.

2. Only fishing with rod and reel or pole and line is permitted.

3. Ice fishing is permitted only when indicated by refuge signs.

4. The minimum size limit for large-mouth black bass taken from refuge waters is 14 inches.

5. Fishing is permitted during daylight hours only.

6. Frogs and turtles may be taken by hook and line during daylight hours from areas open to fishing.

PATOKA RIVER NATIONAL WILDLIFE REFUGE AND MANAGEMENT AREA

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to posted regulations.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to posted regulations.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to posted regulations.
§ 32.34 Iowa.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

DE SOTO NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted only as posted.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Hunters must not construct or use permanent blinds, platforms or ladders at any time.
3. Hunters must remove all hunting stands from the refuge by the close of the season.
D. Sport Fishing. Fishing is permitted in DeSoto Lake subject to the following conditions:
1. Ice fishing is permitted from January 1 through the end of February when conditions are safe.
2. Motor- or wind-driven conveyances are not permitted on the lake from January 1 through the end of February.
3. The use of portable ice fishing shelters is permitted on a daily basis from January 1 through the end of February.
4. Only the use of pole and line, or rod and reel, is permitted from April 15 through October 14 with the exception that archery and spear fishing are permitted only for nongame fish from April 15 to October 14.
5. Fishing with more than two lines or with more than two hooks on each line is not permitted.
6. The use of trotlines and float lines is not permitted.
7. Minimum length and creel limits are required as posted.

DRIFTLESS AREA NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:
1. In areas posted “Area Closed,” we prohibit entry, including hunting.
2. In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting seasons or January 15, whichever occurs first.
3. You may possess only approved nontoxic shot while hunting for any allowed birds or other small game.
C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:
1. In areas posted “Area Closed,” we prohibit all public entry, including hunting.
2. In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting seasons or January 15, whichever occurs first.
3. We allow archery and muzzleloader hunting only.
4. We allow deer drives only during lawful party hunting conducted within the refuge, in accordance with State regulations. We prohibit driving deer from or through the refuge to any persons hunting outside the refuge boundary.
5. We do not allow construction or use of permanent blinds, platforms, or ladders.
6. You must remove all stands from the refuge following each day’s hunt.
D. Sport Fishing. Fishing is permitted on designated areas of the refuge.

NEAL SMITH NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. We allow hunting of ringnecked pheasant, bobwhite quail, cottontail rabbit, and squirrel on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while hunting for any permitted birds or other small game.
2. We allow hunting only during the dates posted at the refuge.
3. All hunters must wear one or more of the following articles of visible, external, solid-blaze-orange clothing: a hat, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls.
C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: All hunting stands must be removed from the refuge at the end of each day’s hunt.
D. Sport Fishing. [Reserved]

PORT LOUISA NATIONAL WILDLIFE REFUGE
Refer to §32.32 Illinois for regulations.

UNION SLOUGH NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to bro-
chures and posted regulations.
B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge subject to bro-
chures and posted regulations.

§ 32.34
C. Big Game Hunting. We allow big game hunting on designated areas of the refuge subject to brochures and posted regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Refer to §32.32 Illinois for regulations.


§ 32.35 Kansas.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

FLINT HILLS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, rails (Virginia and Sora only), and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions: You may use only approved nontoxic shot.

B. Upland Game Hunting. We allow hunting of pheasant, quail, prairie chicken, rabbit, squirrel, and crow on designated areas of the refuge in accordance with State regulations and subject to the following conditions:
1. We prohibit centerfire rifles and pistols.
2. You may use only approved nontoxic shot for all shotgun hunting.

C. Big Game Hunting. We allow hunting of turkey and deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:
1. We allow only shotguns, muzzleloading firearms, or bow and arrow.
2. You may use only approved nontoxic shot for turkey hunting.

D. Sport Fishing. Anglers may sportfish on designated portions of the refuge subject to State regulations and any refuge-specific regulations as listed in the refuge brochure.

KIRWIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, and snipe on designated areas of the refuge subject to the following conditions: We require approved nontoxic shot when hunting any game on the refuge. We prohibit the possession of lead shot in the field.

Hunting of rabbits and squirrels is permitted only during that portion of the State “small game season” that occurs during the State “upland game season.”

C. Big Game Hunting. Hunting of deer and turkey is permitted on designated areas of the refuge subject to the following condition: We prohibit hunting of deer and turkey consistent with State regulations and subject to refuge-specific regulations as posted.

D. Sport Fishing. Anglers may sportfish on designated areas of the refuge subject to the following conditions:
1. You may fish in accordance with the Kirwin National Wildlife Refuge Visitor’s Map and Guide.
2. You may use only approved nontoxic shot for all shotgun hunting.
3. You must remove decoys each day.
4. We prohibit discharge of firearms within 150 yards (135 m) of any residence or other occupied building.

MARIADES CYGNES NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, rails (Sora), coots, common snipe, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:
1. We restrict motor vehicles, including all-terrain vehicles (ATVs), to public roads and parking lots.
2. We restrict outboard motor use to the westernmost 5.5-mile (8.8 km) section of the Marais des Cygnes River. You may use non-motorized boats and electric trolling motors on all open portions of the refuge, including the eastern 4-mile (6.4 km) section of the Marais des Cygnes River. Property boundaries are at the center of the river. Where sections of the river border private property, only the half of the river adjacent to public property is open to public use.
3. You must remove decoys each day.
4. We prohibit discharge of firearms within 150 yards (135 m) of any residence or other occupied building.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge consistent with State regulations, and subject to refuge-specific regulations as posted.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge consistent with State regulations, and subject to refuge-specific regulations as posted.

D. Sport Fishing. Anglers may sportfish in accordance with State law and refuge-specific restrictions as posted.

QUIVIRA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, rails (Virginia and Sora only), mourning doves, and common snipe on designated areas of the refuge subject to the following conditions: We require approved nontoxic shot when hunting any game on the refuge. We prohibit the possession of lead shot in the field.
B. Upland Game Hunting. Hunting of pheasant, bobwhite quail, squirrel, and rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is closed to all hunting from March 1 through August 31.
2. Squirrels and rabbits may only be hunted during the portion of the Kansas seasons that fall outside the March 1 through August 31 closed period.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may sportfish on designated portions of the refuge subject to State regulations and any refuge specific regulations as listed in the refuge brochure.

§ 32.36 Kentucky.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CLARKS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, woodcock, snipe, and mourning doves on designated areas of the refuge subject to State regulations and the following conditions:

1. Hunting of waterfowl will cease at 2:00 p.m. each day of open season.
2. You may use only portable or temporary blinds.
3. You must remove portable or temporary blinds and decoys from the refuge following each day’s hunt.
4. You may possess only approved nontoxic shot while hunting waterfowl in the field.
5. The refuge is a day-use area only with the exception of legal hunting activities.
6. We prohibit the use of all-terrain vehicles on all refuge hunts.
7. We prohibit target practice on refuge property.
8. We prohibit mules and horses on refuge hunts.
9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
10. Each hunter must have in his/her possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while participating in refuge hunts.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, opossum, bobcat and coyote on designated areas of the refuge subject to State regulations and the following conditions:

1. We prohibit mules and horses on refuge hunts.
2. We prohibit all-terrain vehicles on all refuge hunts.
3. The refuge is a day-use area only with the exception of legal hunting activities.
4. We prohibit target practice on refuge property.
5. We limit shotguns to no larger than 10 gauge. All shotgun ammunition must meet legal shot-size requirements for each hunted species. We limit the use of rifles and pistols to rimfire only for upland game.
6. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
7. You must have in your possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while participating in refuge hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to State regulations and the following conditions:

1. We prohibit the use or construction of any permanent tree stand.
2. We allow portable stands and climbing stands, but you must remove them from the tree when they are not in use.
3. We require safety belts at all times with the use of tree stands.
4. The refuge is a day-use area only with the exception of legal hunting activities.
5. We prohibit the use of all-terrain vehicles on all refuge hunts.
6. We prohibit mules and horses on refuge hunts.
7. You may not hunt by organized deer drives of two or more hunters. The definition of drive is: the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animals more susceptible to harvest.
8. We prohibit target practice on refuge property.
9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
10. You must have in your possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while participating in refuge hunts.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to State regulations, any refuge-specific regulations listed in the Clarks River National Wildlife Refuge Hunting/Fishing Permit, and the following conditions:

1. The refuge is a day-use area only with the exception of legal fishing activities.
§ 32.37  You must have in your possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while fishing on the refuge.

Ohio Islands National Wildlife Refuge
Refer to §32.68 West Virginia for regulations.

Reelfoot National Wildlife Refuge
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. We allow hunting of squirrels and raccoons on designated areas of the refuge subject to the following conditions: Permits are required.
C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions: Permits are required.
D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted on the Long Point Unit (north of Upper Blue Basin) from March 15 through November 15 and on the Grassy Island Unit (south of the Upper Blue Basin) from February 1 through November 15.
2. Fishing is permitted only from sunrise to sunset.
3. Anglers may not enter the refuge, or use airboats, hovercraft, or jet skis (personal water-craft) on any waters within the refuge boundary.

§ 32.37 Louisiana.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Atchafalaya National Wildlife Refuge
A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, snipe, and woodcock on designated areas of the refuge subject to the following conditions:
1. Hunting must be in accordance with Sherburne Wildlife Management Area regulations.
2. For the Indian Bayou Area, we require an Army Corps of Engineer permit.
3. For the Shatters Bayou Unit, hunting must be in accordance with the Atakapas Wildlife Management Area rules and regulations.
B. Upland Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge subject to the following conditions:
1. Hunting must be in accordance with Sherburne Wildlife Management Area regulations.
2. For the Indian Bayou Area, we require an Army Corps of Engineer permit.
3. For the Shatters Bayou Unit, hunting must be in accordance with the Atakapas Wildlife Management Area rules and regulations.
C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge subject to the following conditions:
1. We require refuge permits for commercial shellfishing.
2. For the Indian Bayou and Shatters Bayou Unit, we require an Army Corps of Engineers permit for commercial shellfishing.

Bayou Cocodrie National Wildlife Refuge
A. Hunting of Migratory Game Birds. You may hunt ducks, coots, woodcock, and snipe on designated areas of the refuge subject to the following condition: We require a refuge permit.
B. Upland Game Hunting. We allow hunting of rabbit, squirrel, raccoon, beaver, feral hog, and coyote on designated areas of the refuge subject to the following condition: We require a refuge permit.
C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require refuge permits.
D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:
1. Anglers must possess a refuge permit.
2. We allow fishing during daylight hours only.
3. We allow fishing on the Cross Bayou Cut and all tributaries that fill with water from Cocodrie Bayou during high water stages.
4. We prohibit camping.
5. We allow only cotton limb lines.
6. You may not use trotlines, slat traps, or nets while fishing.

Bayou Sauvage National Wildlife Refuge
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
U.S. Fish and Wildlife Serv., Interior

§ 32.37

C. **Big Game Hunting.** (Reserved)

D. **Sport Fishing.** Finfishing and shellfishing are permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted during daylight hours only.
2. Sport fishing and shellfishing are permitted year round on all refuge lands south of the Intracoastal Waterway; from the banks of U.S. Highway 11; and within the banks of the borrow canal and borrow pits between U.S. Highway 11 and Interstate 10.
3. Only sport fishing with hand-held rod and reel or hand-held rod and line is permitted. Gait shrimp may be taken with cast nets 8 feet in diameter or less. Crawfish and crabs can be taken (up to 100 pounds per person) with wire nets up to 20 inches in diameter. All fishing, crabbing and crawfishing equipment must be attended at all times.
4. The use of trotlines, limelines, slat traps, gar sets, nets or alligator lines is prohibited on the refuge.
5. Only outboard motors 25 horsepower or less are permitted in waterways inside the hurricane protection levee.
6. Airboats, aircraft, motorized pirogues and go-devils are prohibited in refuge waters.

**Bayou Teche National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** We allow hunting of migratory game birds in designated areas of the refuge subject to the following conditions:
1. We require the use of either refuge-issued Self-clearing daily permits or Lottery permits.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge brochure.

B. **Upland Game Hunting.** We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:
1. We require refuge permits.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge brochure.
3. Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following conditions:
1. Hunters must possess a refuge permit.

D. **Sport Fishing.** Fishermen may fish in designated waters of the refuge subject to the following conditions:
1. Fishermen may fish during daylight hours only.
2. Fishermen must only use rods and reel or pole and lines while fishing.
3. Fishermen must not use trotlines, slat traps or nets while fishing.
4. Fishermen must not use boats with motors larger than 25 horsepower.
5. Fishermen must not use air-thrust boats, motorized pirogues, go-devils, or mud boats in refuge waters.

**Black Bayou Lake National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** We allow hunting of migratory game birds in designated areas of the refuge subject to the following conditions:
1. We require refuge permits.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge brochure.

B. **Upland Game Hunting.** We allow hunting of raccoon, opossum, squirrel, rabbit, quail, woodcock, coyote, and beaver on designated areas of the refuge subject to the following conditions:
1. We require refuge permits.

C. **Big Game Hunting.** We allow archery hunting of white-tailed deer on the refuge subject to the following conditions:
1. We require refugee permits.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

D. **Sport Fishing.** Anglers may fish on designated areas of the refuge subject to the following conditions:
1. Anglers may fish from sunrise to sunset.
2. Anglers may not leave boats or other personal equipment on the refuge overnight. Anglers may launch boats only at designated sites. Anglers may not use boat motors greater than 50 horsepower.
§ 32.37

50 CFR Ch. I (10–1–02 Edition)

3. Anglers may not use trotlines, limb lines, yo-yos, traps or nets.
4. Anglers may not take frogs, turtles and mollusks.

BOGUE CHITTO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, geese, coots, and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of squirrel, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer, turkey and feral hog is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted year-round.
   2. Camping is permitted in designated areas only.
   3. Only cotton limb lines are permitted.

BRITTON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and crab on designated areas of the refuge subject to the following conditions:
   1. Anglers may fish year-round.
   2. Crabbers must tend crabbing equipment at all times.
   3. Anglers may not use trotlines, slat traps, or nets.

CAMERON PRAIRIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds in designated areas of the refuge subject to the following conditions:
   1. We require refuge permits.
   2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the appropriate refuge brochure.

B. Upland Game Hunting. We allow upland game hunting in designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the appropriate refuge brochure.

C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:
   1. We require refuge permits.

D. Sport Fishing. We allow sport fishing in designated areas of the refuge subject to the following condition: We require refuge permits.

CAT ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, coots, woodcock, and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require refuge permits.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, beaver, nutria, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require refuge permits.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following conditions:
   1. We require refuge permits.
   2. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

CATAHOULA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following condition: We require refuge permits.

B. Upland Game Hunting. We allow hunting of raccoon, squirrel, rabbit, and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:
   1. We allow fishing from 1 hour before sunrise until 1/4-hour after sunset.
   2. We allow boat launching on all refuge waters as designated in the refuge brochure. We allow only nonmotorized boats or boats with motors of 10 horsepower or less, except on Bushley Creek, Big Bushley Creek, and Little Bushley Creek where there is no horsepower restriction.
U.S. Fish and Wildlife Serv., Interior § 32.37

3. Cowpen Bayou, the Highway 28 borrow pits, and Bushley Bayou Unit are open to fishing all year.
4. All other refuge waters on the Headquarters Unit, including Duck Lake, Muddy Bayou, Willow Lake, ditches, all outlet waters, and all flooded woodlands are open to fishing and boating from March 1 through October 31.
5. On the Headquarters Unit we allow only pole and line or rod and reel fishing. We prohibit snagging.
6. On the Bushley Bayou Unit we allow fishing and crawfishing subject to the following conditions:
   i. Anglers must reset trotlines when receding water levels expose them, and trotlines must consist of a length of cotton line that extends from the points of attachment into the water.
   ii. Anglers must attend yo-yos during daylight hours only.
   iii. We allow recreational gear (slat traps, wire nets, hoop nets) only by refuge permit and only in Bushley Creek, Big Bushley Creek, and Little Bushley Creek.
   iv. We prohibit commercial fishing and crawfishing.

D’ARBONNE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, coots, and woodcock on designated areas of the refuge subject to the following conditions: We require permits.
   B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following condition: We require permits.
   C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require permits.
   D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions: Permits are required.

DELAWARE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Permits are required.
   B. Upland Game Hunting. Hunting of rabbit is permitted on designated areas of the refuge subject to the following condition: Permits are required.
   C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing and crawfishing are permitted on designated areas of the refuge subject to the following conditions:
   1. Recreational fishing and crawfishing are permitted only from sunrise to sunset.
   2. The use of trotlines, limblines, slat traps, gar sets, nets or alligator lines is prohibited.
   3. Camping is permitted year-round on designated areas only.

GRAND COTE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
   B. Upland Game Hunting. [Reserved]
   C. Big Game Hunting. [Reserved]
   D. Sport Fishing. Fishermen may fish and take crawfish in designated waters of the refuge subject to the following conditions:
      1. Fishermen must have refuge permits to take crawfish.
      2. Any person entering, using, or occupying the refuge for fishing or crawfishing must abide by all terms and conditions in the refuge fishing brochure.

LACASSINE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. We allow hunting of geese, duck, gallinules, and coots on designated areas of the refuge subject to the following conditions: Permits are required.
   2. Any person entering, using, or occupying the refuge for waterfowl hunting must abide by all terms and conditions in the refuge hunting brochure.
   B. Upland Game Hunting. [Reserved]
   C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
      1. Permits are required.
      2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.
   D. Sport Fishing. Fishing and crawfishing are permitted on designated areas of the refuge subject to the following conditions: Any person entering, using, or occupying the refuge for fishing or crawfishing must abide by all terms and conditions in the refuge fishing brochure.

LAKE OPHelia NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, coots, woodcock, and snipe on designated areas of the refuge subject to the following conditions:
   1. We require a refuge permit.
   2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

207
§ 32.38

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, feral hog, beaver, nutria, and coyote on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

D. Sport Fishing. We allow fishing in designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Any person entering, using, or occupying the refuge for fishing must abide by all terms and conditions in the refuge fishing brochure.

MANDALAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds in designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

D. Sport Fishing. We allow fishing in designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for fishing must abide by all terms and conditions in the refuge fishing brochure.

SABINE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require refuge hunting permits.
2. Any person entering, using or occupying the refuge must abide by all the terms and conditions set forth in the hunting permit.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing, crabbing, and shrimp cast netting on designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge must abide by all terms and conditions set forth in the refuge fishing brochure.

TENSAS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, coots, woodcock and snipe is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of squirrel, rabbit and raccoon is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Sport fishing is permitted on designated areas of the refuge subject to the following condition: Permits are required.

UPPER OUACHITA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, mourning doves, and woodcock on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.
2. We allow only cotton limb lines.


§ 32.38 Maine.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

LAKE UMBAGOG NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, common snipe, sora, Virginia rail, common moorhen,

208
and woodcock on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.
2. Designated permanent blinds will be available by reservation. We allow no other permanent blinds. You must remove your temporary blinds, boats, and decoys from the refuge following each day’s hunt.
3. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material, except when hunting ducks or geese.
4. We allow pre-hunt scouting, however, we will not allow dogs during pre-hunt scouts.
5. We prohibit dog training.
6. You must unload all firearms outside of legal State hunting hours.
7. We prohibit the use of all-terrain vehicles (ATV’s).
8. The Refuge will be open to hunting during the hours stipulated under Maine hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.
9. We allow pre-hunt scouting, however, we will not allow dogs during pre-hunt scouts.
10. You must equip dogs used to hunt coyote or snowshoe hare with operational radiotelemetry collars. You must be in possession of a working radiotelemetry receiver that can detect and track the frequency(ies) emitted by each radio collar used.
11. We allow a maximum of four dogs per hunter.
12. Dogs may only be on the refuge when the hunter is present.
13. The refuge will be open to hunting during the hours stipulated under Maine hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, black bear, and wild turkey on designated areas of the refuge subject to the following conditions:

1. We allow bear hunting with dogs from October 20 to October 29.
2. You must equip dogs used to hunt bear with operational radiotelemetry collars. You must be in possession of a working radiotelemetry receiver that can detect and track the frequency(ies) emitted by each radio collar used.
3. We allow a maximum of four dogs per hunter.
4. Dogs may only be on the refuge when the hunter is present.
5. You must take the first bear you tree, except in the case of cubs or a sow with cubs.
6. You must report where you took the bear to the State of Maine.
7. We allow pre-hunt scouting, however, we will not allow dogs during pre-hunt scouts.
8. We prohibit dog training.
9. You may use only portable tree stands, and you must remove them from the refuge each day.
10. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material, except when hunting turkey.
11. You must unload all firearms outside of legal State hunting hours.
12. We prohibit the use of all-terrain vehicles (ATV’s).
13. The refuge will be open to hunting during the hours stipulated under Maine hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

D. Sport Fishing. [Reserved]

MOOSEHORN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions:

1. During firearms big game season hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm²) solid-colored hunter orange clothing or material.
2. Hunters harvesting a deer on the refuge must notify the refuge office within 24 hours and present the field-dressed deer for inspection by refuge personnel.
3. Hunters who wish to use portable tree stands or blinds must register at the refuge...
office prior to placement of the stand or blind.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow nonmotorized boats only on Bearce and Conic Lakes.

2. We allow fishing during daylight hours only.

PETITT MANAN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, woodcock, rails, gallinules, and snipe on designated areas of the refuge subject to the following conditions:

1. You may not erect permanent waterfowl blinds on the refuge.

2. You must remove all temporary blinds, concealment materials, boats, and decoys following each day’s hunt.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. We prohibit the use of pursuit or trailing dogs on the refuge.

3. We prohibit the hunting of crows on the refuge.

4. The refuge will be open to hunting of coyotes no earlier than November 1 and no later than March 31.

C. Big Game Hunting. We allow hunting of white-tailed deer and bear on designated areas of the refuge subject to the following conditions:

1. We prohibit the use of pursuit or trailing dogs on the refuge.

2. We allow black bear hunting only during the firearm deer season.

3. You must remove all tree stands by the last day of the white-tailed deer hunting season.

4. We close the refuge to all visitation from sunrise to sunset. However, during hunting season, we allow hunters to enter the refuge 1/2 hour prior to sunrise and remain on the refuge 1/2 hour after sunset.

D. Sport Fishing. [Reserved]

RACHEL CARSON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, geese, coots, woodcock and snipe on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.

2. Hunters must remove all personal property from the refuge after each day’s hunt.

3. Designated Youth Hunting Areas are open to individuals under 18 who possess a permit. An adult must accompany youths under 15 years of age. Accompanying adults possessing a permit may hunt.

B. Upland Game Hunting. Hunters may hunt pheasants on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.

2. Hunters during the firearm deer season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.

3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunters may hunt deer on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.

2. Designated youth hunting areas are open to individuals under 18 who possess a permit. An adult must accompany youths under 15 years of age. Accompanying adults who possess a permit may hunt.

3. Hunters may hunt fox and coyotes during the firearm deer season only.

4. Hunters during the firearm deer season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.

5. We allow only archery and shotgun hunting with appropriate buckshot or slug loads.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: We allow fishing from sunrise to sunset.

SUNKHAZE MEADOWS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge pursuant to State law.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: Shotgun hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer, moose, or bear is permitted on designated areas of the refuge subject to the following condition:

1. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

§ 32.39 Maryland

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BLACKWATER NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Handguns and breech-loading rifles are not permitted.
3. In the headquarters hunt area, hunters must remain within 30 feet of their stand, unless actively tracking or retrieving wounded deer.
4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
D. Sport Fishing. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:
1. Fishing and crabbing are permitted from April 1 through October 1 during daylight hours only.
2. All fish and crab lines must be attended.
3. Boat launching from refuge lands is not permitted.
4. The use of airboats is not permitted on refuge waters.

EASTERN NECK NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. Hunters may hunt deer and turkey on designated areas of the refuge subject to the following conditions:
1. Refuge permits required.
2. The refuge is open to limited turkey hunting during the state spring turkey season.
3. Hunters may only use archery, shotguns, and muzzleloaders for deer, and shotguns only for turkey.
4. Hunters may not possess loaded weapons in parking areas, blacktopped or gravelled roads.
5. Deer hunters must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid colored hunter orange clothing or material.
6. Turkey hunters must wear a hat or cap of hunter orange when moving to or from their blind or hunting position.
D. Sport Fishing. We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations and subject to the following conditions:
1. We allow fishing and crabbing from Eastern Neck Island bridge.
2. We allow fishing and crabbing from April 1—September 30 during daylight hours only at the Ingleside Recreation Area.
3. We allow fishing from the Boxes Point and Duck Inn Trails during daylight hours only.

PATUXENT RESEARCH REFUGE
A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following conditions:
1. Seasonal permit is required.
2. A fee is required for issuance of a seasonal permit.
3. The use of a retriever is mandatory on any impounded waters. Retrievers shall be of the traditional breeds, such as Chesapeake Bay, Golden, etc.
4. Dogs observed running loose or unattended in unauthorized areas shall be subject to seizure by law enforcement officers.
B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to the following conditions:
1. Seasonal permit is required.
2. A fee is required for issuance of a seasonal permit.
3. Hunting of upland game is suspended during the firearm deer season.
4. Hunters must wear in a conspicuous manner on head, chest and back, a minimum of 400 square inches of solid-colored hunter orange clothing or material.
5. Dogs observed running loose or unattended in unauthorized areas shall be subject to seizure by law enforcement officers.
6. Shotgun hunters may possess only approved nontoxic shot while in the field.
7. Possession of rifled slug or pumpkin ball is permitted only during the firearm deer season. Use of buckshot is strictly prohibited.
8. During the firearm deer season, the use of bow and arrow is prohibited.
9. Hunting of upland game is suspended during the firearm deer season.
§ 32.40 Massachusetts.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

10. Hunters must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material. Bow hunters must follow this requirement when moving to and from the deer stand, but are not required to wear hunter orange when positioned to hunt.

11. Only portable deer stands with safety belts are permitted. Safety belts must be worn while in the stand.

D. Sport Fishing. Fishermen may fish in designated waters of the refuge at designated times subject to the following conditions:

1. Fishermen may fish only in delineated areas as shown on a map available at the refuge.

2. Freshwater fishing and boating laws of the State of Maryland apply to include opening/closing of seasons and creel limits.

3. Fishermen may use hook and line tackle and baits permitted by Maryland law, with the exception of live minnows or other fish.

4. Special provisions: Cash Lake, a 54 acre lake located on the South Tract requires a federal permit to fish, and a limit of 25 daily permits will be issued. Persons may request a permit application by contacting: National Wildlife Visitor Center, Laurel, Maryland, during normal working hours. Each request must include the person’s name, address, and phone number, and the model, year and license number of the vehicle that will drive to the refuge. You may request a fishing date 1 week prior to when you plan to fish. One licensed angler or up to two children under the age of 16 may accompany the permit holder. Open season is June 15 through October 15. 6 a.m. to legal sunset daily. You may fish for the following species: Bass, pickerel, catfish, and sunfish. Daily creel limits: bass, catch and release only except you may keep one pickerel greater than 15 inches in length; sunfish and catfish, 15 per day total fish limit. Permittees may use boats subject to the following conditions: no gasoline motors permitted; You may not trailer boats to the water; boats other than canoes may not exceed 14 feet; you may not use sailboats or kayaks.

50 CFR Ch. I (10–1–02 Edition)

GREAT MEADOWS NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted in designated areas of the refuge subject to the following conditions:
1. Fishing is permitted along the main channel of the Sudbury River, Concord River and along designated banks of Heard Pond with the following exception: Fishing is not permitted within refuge impoundments.
2. Only foot access is permitted.

MONOMOY NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. We allow fishing in designated areas of the refuge subject to the following condition: In addition to daytime fishing, we allow fishing after sunset in accordance with State regulations.

NANTUCKET NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted on the ocean beach only.
2. A permit is required for the use of over-the-sand surf fishing vehicles.
3. In addition to daytime fishing, we allow fishing after sunset in accordance with State regulations.

OXBOW NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunting of woodcock and snipe is permitted on designated areas of the refuge subject to the following conditions:
1. Vehicles are restricted to the designated parking area that is accessible from the Still River Depot Road. Entry by routes other than Still River Depot Road is prohibited.
2. [Reserved]
B. Upland Game Hunting. We allow hunting of upland game birds, turkey, and small game on designated areas of the refuge subject to the following conditions:
1. Shotguns only are permitted.
2. Vehicles are restricted to the designated parking area that is accessible from the Still River Depot Road. Entry by routes other than Still River Depot Road is not permitted.
3. You may possess only approved nontoxic shot while in the field, except while hunting turkey.
§ 32.41 Michigan.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

HARBOR ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl and coots is permitted on designated areas of the refuge subject to the following conditions:
1. Hunters using Area B must set out a minimum of six waterfowl decoys and hunt within 50 yards of these decoys.
2. Anglers may fish along the banks of the Nashua River in accordance with State regulations.

KIRTLAND’S WARBLER WILDLIFE MANAGEMENT AREA

A. Hunting of Migratory Game Birds. Hunting is pursuant to State regulation.
B. Upland Game Hunting. Hunting is pursuant to State regulation.
C. Big Game Hunting. Hunting is pursuant to State regulation.
D. Sport Fishing. [Reserved.]
§ 32.42

following condition: Fishing is only permitted from boats; no bank fishing is allowed.


§ 32.42 Minnesota.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

AGASSIZ NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer and moose is permitted on designated areas of the refuge subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.

2. All stands must be removed from the refuge at the end of each day’s hunt.

D. Sport Fishing. [Reserved]

BIG STONE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. You may not hunt any migratory game birds on the refuge. You may retrieve waterfowl taken outside the refuge boundary up to 100 yards (90 m) inside the refuge.

B. Upland Game Hunting. You may hunt partridge, pheasant, wild turkey, gray and fox squirrel, cottontail and jack rabbit, red and gray fox, raccoon, and striped skunk on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while hunting for partridge or ring-necked pheasant.

2. You may hunt fox, raccoon, and striped skunk only during open seasons for other small game species. You may not use dogs while raccoon hunting.

3. You may hunt only turkey if you have a valid State turkey hunting permit in your possession.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.

2. All stands must be removed from the refuge at the end of each day’s hunt.

3. You may hunt only deer if you have a valid State permit in your possession.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Nonmotorized boats or boats with electric motors are permitted in the Minnesota River channel only.

2. Bank fishing only is permitted on refuge pools and open marshes.

3. Ice fishing shelters must be removed from the refuge following each day’s fishing activities.

FERGUS FALLS WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds throughout the district except that we allow no hunting on the Townsend, Headquarters, Mavis, and Gilmore Waterfowl Production Areas (WPA) in Otter Tail County, and Larson WPA in Douglas County.

B. Upland Game Hunting. We allow upland game hunting throughout the district except that we allow no hunting on the Townsend, Headquarters, Mavis, and Gilmore WPAs in Otter Tail County, and Larson WPA in Douglas County.

C. Big Game Hunting. We allow big game hunting throughout the district except that we allow no hunting on the Townsend, Headquarters, Mavis, and Gilmore WPAs in Otter Tail County, and Larson WPA in Douglas County.

D. Sport Fishing. We allow sport fishing throughout the district except that we allow no fishing on the Townsend, Headquarters, Mavis, and Gilmore WPAs in Otter Tail County, and Larson WPA in Douglas County.

LITCHFIELD WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds throughout the district except you may not hunt on the Phare Lake Waterfowl Production Area in Renville County. All hunting is subject to the following conditions:

1. You must remove boats, decoys, and other personal property following each day’s hunt.

2. You must remove any material brought onto the area for blind construction following each day’s hunt.

B. Upland Game Hunting. We allow upland game hunting throughout the district.

C. Big Game Hunting. We allow big game hunting throughout the district subject to the following conditions:

1. We do not allow construction or use of permanent blinds, stands, or platforms.

2. You must remove all temporary blinds, stands, or platforms following each day’s hunt.

D. Sport Fishing. We allow fishing throughout the district.

MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, and coots on designated areas of the refuge. Permits are required for special hunts.
A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted throughout the district subject to the following conditions:
1. Hunters may not hunt on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

B. Upland Game Hunting. Upland game hunting is permitted throughout the district subject to the following conditions:
1. Hunters may not hunt on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

C. Big Game Hunting. Big game hunting is permitted throughout the district subject to the following conditions:
1. Hunters may not hunt on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

D. Sport Fishing. Sport fishing is permitted throughout the district subject to the following conditions:
1. Anglers may not fish on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

RICK LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of woodcock and common snipe is permitted on designated areas of the refuge.
1. Shotgun hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunters may hunt ruffed grouse, spruce grouse, grey and fox squirrels, cottontail rabbit and snowshoe hare on designated areas of the refuge.
1. Shotgun hunters may possess only approved nontoxic shot while hunting upland game species.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
1. The construction or use of permanent blinds, platforms or ladders is not permitted.
2. All stands must be removed from the refuge at the end of each day’s hunt.
3. Permits are required for firearms hunting.
4. Hunting of deer on the Rice Lake Unit is by firearm and archery; hunting on the Sandstone Unit is by archery only.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Fishing from non-motorized boats or boats powered by electric motors is permitted only in designated areas.
2. Ice fishing is permitted on Mandy Lake when ice conditions are safe.
3. Ice fishing shelters must be removed from the refuge following each day’s fishing activity.

RYDELL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved.]

B. Upland Game Hunting. [Reserved.]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
1. Permits are required to hunt white-tailed deer in the Special Permit Area of the refuge.
2. Hunting in the Special Permit Area is permitted with firearms only.
3. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders. Hunters may use portable stands, but must remove them from the refuge at the end of each day’s hunt.
4. Hunters who harvest deer in the Special Permit Area must take their deer to the refuge check station.

D. Sport Fishing. We only allow fishing from the fishing pier on Tamarac Lake beginning May 1 through July 15 during refuge open hours.

SHERBURN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, rails, woodcock, and snipe is permitted on designated areas of the refuge subject to the following conditions:
§ 32.42  50 CFR Ch. I (10–1–02 Edition)

1. Field possession of migratory game birds is not permitted on refuge areas closed to migratory game bird hunting.
2. Only nonmotorized boats are permitted, and they must be launched at designated access sites.
3. Boats, decoys and blinds must be removed from the refuge following each day’s hunt except for blinds made entirely of marsh vegetation.
4. Entry to hunting areas is not allowed earlier than one and one-half hours before legal shooting hours.
5. Shotgun hunters may possess only approved nontoxic shot while in the field.

**B. Upland Game Hunting.** Hunting of ruffed grouse, ring-necked pheasant, gray and fox squirrel, snowshoe hare, cottontail rabbit and jackrabbit is permitted on designated areas of the refuge.

1. Shotgun hunters may possess only approved nontoxic shot while hunting for all upland game species.
2. Nonmotorized boats are permitted only on designated areas of St. Francis River and River only.
3. Boats, decoys and blinds must be removed from the refuge at the end of each day’s hunt.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.
2. All stands must be removed from the refuge at the end of each day’s hunt.

**D. Sport Fishing.** Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted on the St. Francis River only.
2. Nonmotorized boats are permitted only on designated areas of St. Francis River and must be launched from designated access points.

**TAMARAC NATIONAL WILDLIFE REFUGE**

**A. Hunting of Migratory Game Birds.** Hunting of geese, ducks, coots, woodcock and snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is in accordance with White Earth Reservation regulations on those portions of the Reservation that are a part of the refuge.
2. blinds must be removed from the refuge following each day’s hunt except for blinds made entirely of marsh vegetation.

**B. Upland Game Hunting.** Hunters may hunt ruffed grouse, red, gray and fox squirrel, cottontail rabbit, jackrabbit, snowshoe hare, red fox, raccoon, and striped skunk on designated areas of the refuge subject to the following conditions:

1. Hunting by tribal members is in accordance White Earth Indian Reservation regulations on those portions of the Reservation that are part of the refuge.
2. Red fox, raccoon, and striped skunk may be hunted only from one-half hour before sunrise until sunset during open seasons for other small game species. Dogs may not be used for fox or raccoon hunting.
3. Shotgun hunters may possess only approved nontoxic shot while hunting for all upland game species.
4. We require hunters to wear at least one article of blaze orange clothing visible above the waist.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is in accordance with White Earth Reservation regulations on those portions of the Reservation that are a part of the refuge.
2. The construction or use of permanent blinds, platforms or ladders is not permitted.
3. All stands must be removed from the refuge at the end of each day’s hunt.

**D. Sport Fishing.** Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted in North Tamarac Lake, Wauboose Lake, and Two Island Lake, all year in accordance with State and/or White Earth Reservation regulations.
2. Fishing is permitted in Blackbird Lake and Lost Lake from the first day of the State walleye season through Labor Day under State and/or White Earth Reservation regulations.
3. Bank fishing only is permitted in an area 50 yards on either side of the Ottertail River Bridges on County Roads #26 and #126 during State seasons.
4. Fishing is permitted in Pine Lake from December 1 until March 31.

**UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE**

Refer to §32.32 Illinois for regulations.

**WINDOM WETLAND MANAGEMENT DISTRICT**

**A. Hunting of Migratory Game Birds.** We allow hunting of migratory game birds throughout the district except that you may not hunt on the Worthington Waterfowl Production Area (WPA) in Nobles County, Headquarters WPA in Jackson County, or designated portions of the Wolf Lake WPA in Cottonwood County.

**B. Upland Game Hunting.** We allow hunting of upland game throughout the district except that you may not hunt on the Worthington WPA in Nobles County, Headquarters WPA in Jackson County, or designated portions of the Wolf Lake WPA in Cottonwood County.

**C. Big Game Hunting.** We allow hunting of big game throughout the district except that you may not hunt on the Worthington WPA in Nobles County, Headquarters WPA in Jackson County, or designated portions of the Wolf Lake WPA in Cottonwood County.
D. Sport Fishing. Fishermen may fish throughout the district.

§ 32.43 Mississippi.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Bogue Chitto National Wildlife Refuge

Refer to §32.37 Louisiana for regulations.

Dahomey National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, migratory waterfowl, coots, snipe, and woodcock on designated areas of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, beaver, raccoon, coyotes, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of deer, turkey, and feral hog on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following condition: We require permits.

Grand Bay National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and mourning doves on designated areas of the refuge subject to State regulations and the following conditions:

1. Hunting of waterfowl will cease at 2:00 p.m. each day of open season.
2. You may use only portable or temporary blinds.
3. You must remove portable or temporary blinds and decoys from the refuge following each day’s hunt.
4. You may possess only approved nontoxic shot while hunting waterfowl in the field.
5. The refuge is a day-use area only with the exception of legal hunting activities.
6. We prohibit the use of all-terrain vehicles on all refuge hunts.
7. We prohibit target practice on refuge property.
8. We prohibit mules and horses on refuge hunts.
9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
10. Each hunter must have in his/her possession a current, signed copy of the Grand Bay National Wildlife Refuge Hunting Permit while participating in refuge hunts.

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge subject to State regulations and the following conditions:

1. We prohibit mules and horses on refuge hunts.
2. We prohibit the use of all-terrain vehicles on all refuge hunts.
3. We require permits.
4. We prohibit target practice on refuge property.
5. We limit shotguns to no larger than 10 gauge. All shotgun ammunition must meet legal shot-size requirements.
6. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
7. Each hunter must have in his/her possession a current, signed copy of the Grand Bay National Wildlife Refuge Hunting Permit while participating in refuge hunts.
8. We prohibit mules and horses on refuge hunts.
9. We allow hunting of mourning doves, migratory waterfowl, coots, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

1. We require permits.
2. The refuge is a day-use area only with the exception of legal hunting activities.
3. We prohibit target practice on refuge property.
4. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
10. You must have in your possession a current, signed copy of the Grand Bay National Wildlife Refuge Hunting Permit while participating in refuge hunts.

D. Sport Fishing. [Reserved]
§ 32.43

HILLCIDE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, waterfowl, and coots on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing and frogging on designated portions of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. Hunters may hunt quail, squirrel, rabbit, beaver, raccoon and opossum on designated areas of the refuge subject to the following condition: Permits required.

C. Big Game Hunting. Hunters may hunt white-tailed deer and turkey on designated areas of the refuge subject to the following condition: Permits required.

D. Sport Fishing. Anglers may fish on designated areas of the refuge subject to the following condition: Permits required.

PANTHER SWAMP NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, waterfowl, and coots on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing and frogging in designated portions of the refuge subject to the following condition: We require a refuge permit.

ST. CATHERINE CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, and coots on designated areas of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, beaver, nutria, muskrat, feral hogs, raccoon, coyotes, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge subject to the following condition: We require permits.

TALLAHASSEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, migratory waterfowl, coots, snipe, and woodcock on designated areas of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, beaver, raccoon, coyotes, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of deer, turkey, and feral hogs on designated...
areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following condition: We require permits.

YAZOO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of waterfowl on designated areas of the refuge subject to the following condition: We require a refuge permit. Please consult the refuge brochure for species information.

B. Upland Game Hunting. We allow hunting of rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. [Reserved]

§ 32.44 Missouri.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BIG MUDDY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to posted regulations and the following conditions:

1. Hunters may use only approved nontoxic shot while in the field.
2. You must remove all your blinds, boats, and decoys from the refuge following each day's hunt except for blinds made entirely of marsh vegetation. You may not cut woody vegetation on the refuge for blinds.

B. Upland Game Hunting. We allow hunting of upland game animals on designated areas of the refuge subject to posted regulations and the following conditions:

1. You may use only approved nontoxic shot while hunting for upland game, except wild turkeys. You may use lead shot while hunting for wild turkey.

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge subject to posted regulations and the following conditions:

1. You may not use tree spikes to help you climb trees or hunt on the refuge.
2. You must remove tree stands from the refuge within 24 hours of the close of the deer hunting season.
3. You may not hunt over or place on the refuge any salt or other mineral blocks.

D. Sport Fishing. Fishermen may fish on designated areas of the refuge subject to posted regulations.

CLARENCE CANNON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to posted regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to posted regulations.

GREAT RIVER NATIONAL WILDLIFE REFUGE

Refer to §32.32 Illinois for regulations.

MIDDLE MISSISSIPPI RIVER NATIONAL WILDLIFE REFUGE

Refer to §32.32 Illinois for regulations.

MINGO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to posted regulations.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to posted regulations.

D. Sport Fishing. Fishermen may fish on designated areas of the refuge subject to posted regulations.

SQUAW CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.
2. Only historic weapon hunting is permitted.
3. Hunters are required to check in and out of the refuge.
4. Stands must be removed from the refuge each day.
5. Hunting is permitted only during the special hunt season established by the State for the refuge.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fish, amphibians, reptiles and crustaceans may only be taken with hand-held pole and line or rod and reel.
§ 32.45  Swan Lake National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of geese is permitted on designated areas of the refuge subject to the following conditions:
   1. Permits are required.
   2. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Permits are required.
   2. Only historic weapon hunting is permitted.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted from March 1 through October 15 during daylight hours only.
   2. Only nonmotorized boats are permitted on refuge waters with the exception that the use of motors of 10 horsepower or less is permitted on Silver Lake.

Two Rivers National Wildlife Refuge

Refer to § 32.32 Illinois for regulations.

Black Coulee National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions: Air-thrust boats and boats with motors greater than 10 horsepower are not permitted.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

50 CFR Ch. I (10–1–02 Edition)
HAILSTONE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds, but has no refuge-specific regulations as it follows guidelines set out in State law.
B. Upland Game Hunting. Hunters may hunt upland game birds on designated areas of the refuge subject to the following conditions:
   1. You may possess only approved nontoxic shot while in the field.
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

HALFBEAK LAKE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

HEWITT LAKE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Air-thrust boats and boats with greater than 10 horsepower motors are not permitted.
B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

LAKES MASON NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: The use of motorized boats is not permitted.
B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.
C. Big Game Hunting. Refuge open to big game hunting in accordance with State law.
D. Sport Fishing. [Reserved]

LEE METCALF NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, and coots from established blinds in designated areas of the refuge in accordance with State regulations and subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):
1. Hunting Access: We number blinds and assign them to a specific access point designated in the refuge hunting leaflet. Hunters must park at the appropriate access point and numbered parking space and walk to a blind along mowed trails designated on the hunting leaflet. We open access points to hunters who intend to immediately hunt on the refuge. We prohibit wildlife observation, scouting, and loitering at access points and parking areas.
2. Hunting Hours: We open the hunting area, defined by the refuge boundary fence, 2 hours before and require departure 2 hours after the waterfowl hunting hours, as defined by Montana Department of Fish, Wildlife and Parks.
3. Registration: Each hunter must record his or her name and Conservation License Number at the appropriate register before hunting, must set the appropriate blind selector before and after hunting, and must record hunting data at the appropriate register before departing the hunting area.
4. Blind selection is on a first-come, first-served basis with the exception of the opening weekend of waterfowl season. We will distribute blind permits for the opening weekend by a public drawing. We will announce the drawing time and place in local newspapers.
5. Hunters with a documented mobility disability may reserve an accessible blind in advance by contacting a refuge officer.
6. No more than four hunters may use a single blind at one time.
7. You may not possess more than 20 approved nontoxic shotshells per day.
8. You must conduct all hunting from within 10 feet (3 m) of a blind.
9. All hunters must have a visible means of retrieving waterfowl such as a float tube, chest-high waders, or a dog capable of retrieving.
10. Hunters must deploy a minimum of six decoys per blind in order to hunt from blinds 7, 8, 9, 10, 11, and 14.

LAMINERIA NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds but has no refuge-specific regulations as it follows guidelines set out in State law.
§ 32.45 50 CFR Ch. I (10–1–02 Edition)

LOST TRAIL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of turkey and mountain grouse in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We do not allow hunting in areas posted as “Closed to Hunting” around the refuge headquarters, maintenance buildings, and quarters.

2. We prohibit guiding and outfitting.

3. We allow use of riding or pack stock on access routes designated through the refuge to access off-refuge lands as designated in the public use leaflet.

4. You may not use dogs for hunting of any species.

5. You may possess only approved nontoxic shot while on the refuge.

6. We prohibit overnight camping.

7. We prohibit retrieval of game through areas closed to hunting without prior consent by the refuge manager.

8. We allow only portable or temporary blinds and tree stands.

9. We allow parking in designated areas only.

C. Big Game Hunting. We allow hunting of elk, white-tailed deer, and mule deer within designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We do not allow hunting in areas posted as “Closed to Hunting” around the refuge headquarters, maintenance buildings, and quarters.

2. We prohibit guiding and outfitting.

3. We allow use of riding or pack stock on access routes designated through the refuge to access off-refuge lands as designated in the public use leaflet.

4. You may not use dogs for hunting of any species.

5. You may possess only approved nontoxic shot while on the refuge.

6. We prohibit overnight camping.

7. We prohibit retrieval of game through areas closed to hunting without prior consent by the refuge manager.

8. We allow only portable or temporary blinds and tree stands.

9. We allow parking in designated areas only.

10. The first week of the archery and the first week of general elk and deer hunting season are open to youth-only (ages 12 and 13 only) hunting.

D. Sport Fishing. [Reserved]
NINE-PIPE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer, elk, moose and pronghorn antelope is permitted on designated areas of the refuge.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from the third week of June through the end of the general State season.

SWAN RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer, elk, moose and pronghorn antelope is permitted on designated areas of the refuge.

D. Sport Fishing. Refuge open to sport fishing in accordance with State law, and as specifically designated in refuge publications.

UL BEND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds but has no refuge-specific regulations as it follows guidelines set out in State law.

B. Upland Game Hunting. Refuge is open to upland game hunting in accordance with State laws, regulations and subject to the following condition:

1. Fishermen may hook and line fish during daylight hours with closely attended poles.

2. Fishermen may use only non-motorized vessels in the Chute, but must not leave vessels on the refuge overnight.

3. Fishermen must not use floating, limb, or trot lines on the refuge.

4. Fishermen must not use bow, crossbow, snagging devices, or spears while fishing.

5. Fishermen must not dig bait, net, frog, or collect mussels (clams).

§ 32.46 Nebraska.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BOYER CHUTE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Designated areas of the refuge are open in accordance with State fishing regulations and the special conditions that follow:

1. Coyote hunting allowed from the first day of antelope rifle season through March 1 annually.

2. Coyote hunting allowed from the first day of antelope rifle season through March 1 annually.

C. Big Game Hunting. Hunters may hunt big game subject to refuge-specific regulations as designated in refuge publications.

D. Sport Fishing. The refuge unit is open to sport fishing but has no refuge-specific regulations as it follows guidelines set out in State law.

WAR HORSE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds but has no refuge-specific regulations as it follows guidelines set out in State law.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. The refuge unit is open to big game hunting but has no refuge-specific regulations as it follows guidelines set out in State law.

D. Sport Fishing. Refuge open to sport fishing in accordance with State law, and as specifically designated in refuge publications.

§ 32.47

Crescent Lake National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. Hunting of ring-necked pheasant and sharp-tailed grouse is permitted on designated areas of the refuge.
C. Big Game Hunting. Hunters may hunt white-tailed deer and mule deer on designated areas of the refuge pursuant to State law.
D. Sport Fishing. Anglers may sport fish in accordance with state law and refuge restrictions as posted.

DeSoto National Wildlife Refuge

Refer to §32.34 Iowa for regulations.

Fort Niobrara National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish on designated portions of the refuge subject to state regulations and any specific regulations as listed in refuge publications.

North Platte National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Sport fishing is allowed on designated areas of the refuge pursuant to State law.

Valentine National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt migratory birds on designated areas of the refuge subject to refuge specific regulations.
B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to refuge specific regulations.
C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to refuge specific regulations.
D. Sport Fishing. Anglers may fish in designated portions of the refuge subject to refuge specific regulations.


§ 32.47 Nevada.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Ash Meadows National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, snipe, and doves in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following conditions:
1. We allow hunting only on designated days.
2. We allow only nonmotorized boats or boats with electric motors on the refuge hunting area during the migratory waterfowl hunting season.
B. Upland Game Hunting. We allow hunting of quail and rabbit in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following conditions:
1. We allow hunting of quail and rabbit only on designated days during the regular State season for quail.
2. We prohibit the discharging of rifles or handguns.
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

Desert National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. Hunting of bighorn sheep is permitted on designated areas of the range subject to the following conditions:
1. Bighorn sheep guides are required to obtain a Special Use Permit prior to taking clients onto the range.
2. Natural bighorn sheep mortality (pick-up heads) found on the range are government property and possession or removal of them from the range is not permitted.
D. Sport Fishing. [Reserved]

Pahranagat National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, snipe, and doves in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following conditions:
1. We allow hunting only on designated days.
2. We allow only nonmotorized boats or boats with electric motors on the refuge hunting area during the migratory waterfowl hunting season.
B. Upland Game Hunting. We allow hunting of quail and rabbit in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following condition: We allow hunting of quail and rabbit only on designated days during the regular State season for quail.
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. We allow fishing year round with exception of North Marsh, which we close October 1 to February 1.

50 CFR Ch. I (10–1–02 Edition)
2. Only non-motorized boats and boats with electric motors are permitted on Upper Lake, Middle Pond and Lower Lake.

3. The use of boats, rubber rafts or other flotation devices is not permitted on North Marsh.

RUBY LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of dark geese, ducks, coots, moorhens, and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. The refuge is open to the public from 1 hour before sunrise until 2 hours after sunset.

2. We do not allow permanent or pit blinds on the refuge. You must remove all blind materials and decoys following each day’s hunt.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow only bank fishing, fish by wading or use of boats with electric motors, float tubes or similar flotation devices in Big Springs Reservoir, Duferrena Ponds, and Catnip Reservoir.

2. We do not allow storage of boats of any kind on the refuge.

STILLWATER MANAGEMENT AREA

A. Hunting of Migratory Game Birds. Hunting is allowed as per State law.

B. Upland Game Hunting. Hunting is allowed as per State law.

C. Big Game Hunting. Hunting is allowed as per State law.

D. Sport Fishing. Sport fishing is allowed as per State law with certain restrictions as posted.

STILLWATER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting is allowed as per State law.

B. Upland Game Hunting. Hunting is allowed as per State law.

C. Big Game Hunting. Hunting is allowed as per State law.

D. Sport Fishing. Sport fishing is allowed as per State law with certain restrictions as posted.

GREAT BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, and coots on designated areas of the refuge in accordance with State law and subject to the following conditions:

1. Waterfowl hunting will not require a permit. We will allow hunting only from the immediate shoreline of the Bay.

2. Hunters may not use motorized boats.

B. Upland Game Hunting. We allow hunting of quail, grouse, and partridge on designated areas of the refuge.

C. Big Game Hunting. We allow hunting of deer, pronghorn, and bighorn sheep.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow only bank fishing, fish by wading or use of boats with electric motors, float tubes or similar flotation devices in designated areas of the refuge.

2. We do not allow storage of boats of any kind on the refuge.

NEW HAMPSHIRE.

We have opened the following refuge unit to hunting and/or fishing with applicable refuge-specific regulations:

GREAT BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. Waterfowl hunting will not require a permit. We will allow hunting only from the immediate shoreline of the Bay.
§ 32.48

2. We allow only portable blinds. You must remove all decoys, blinds, and boats after each day’s hunt.

3. Waterfowl hunters may access shorelines by boat only.

B. Upland Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions:

1. We require refuge permits for the deer hunt.

2. We require big game hunters to wear in a conspicuous manner on the head, chest, and back, a minimum of 400 square inches (2600 cm²) of solid-colored blaze-orange clothing or material.

3. We allow only shotguns and bows.

D. Sport Fishing. [Reserved]

LAKE UMBAGOG NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, common snipe, and woodcock on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. Designated permanent blinds will be available by reservation. We will allow no other permanent blinds. You must remove your temporary blinds, boats, and decoys from the refuge following each day’s hunt.

3. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material, except when hunting ducks or geese.

4. You must unload all firearms outside of legal State hunting hours.

5. We prohibit use of all-terrain vehicles (ATV’s).

6. We allow pre-hunt scouting, however, we do not permit dogs during pre-hunt scouts.

7. We prohibit dog training.

8. The refuge will be open to hunting during the hours stipulated under New Hampshire hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

B. Upland Game Hunting. We allow hunting of coyote, fisher, fox, raccoon, woodchuck, red squirrel, porcupine, skunk, weasel, American crow, mink, muskrat, snowshoe hare, ring-necked pheasant, ruffed grouse, and northern bobwhite in designated areas subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. You may only use pursuit or trailing dogs to hunt coyote or snowshoe hare.

3. We allow hunting of snowshoe hare from November 20 to January 1.

4. We allow hunting of coyote with dogs from October 20 to November 9.

5. We allow a maximum of four dogs per hunter.

6. Dogs may only be on the refuge when the hunter is present.

7. You must equip dogs used to hunt coyote with operational radiotransmitter collars. You must be in possession of a working radiotransmitter receiver that can detect and track the frequency(ies) emitted by each radio collar used.

8. We do not allow hunting for coyote and raccoon from ½ hour after sunset to ½ hour before sunrise.

9. We allow pre-hunt scouting, however, we will not allow dogs during pre-hunt scouts.

10. We prohibit dog training.

11. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.

12. You must unload all firearms outside of legal State hunting hours.

13. We prohibit the use of all-terrain vehicles (ATV’s).

14. The refuge will be open to hunting during the hours stipulated under New Hampshire hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, and black bear on designated areas of the refuge subject to the following conditions:

1. We allow hunting of bear with dogs from October 20 to November 9.

2. You must equip dogs used to hunt bear with operational radiotelemetry collars. You must be in possession of a working radiotelemetry receiver that can detect and track the frequency(ies) emitted by each radio collar used.
3. We allow a maximum of four dogs per hunter.

4. Dogs may only be on the refuge when the hunter is present.

5. You must take the first bear you see, except in the case of cubs or a sow with cubs.

6. You must report where you took the bear to the State of New Hampshire.

7. We allow pre-hunt scouting, however, we do not allow dogs during pre-hunt scouts.

8. We prohibit dog training.

9. You may use only portable tree stands, and you must remove them from the refuge each day.

10. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.

11. You must unload all firearms outside of legal State hunting hours.

12. We prohibit the use of all-terrain vehicles (ATV’s).

13. The refuge will be open to hunting during the hours stipulated under New Hampshire hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

D. Sport Fishing. [Reserved]

§ 32.49 New Jersey.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CAPE MAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl, coots, moorhens and rails, common snipe, and woodcock is permitted in designated areas of the refuge subject to the following special refuge conditions:

1. All persons while hunting migratory game birds, except waterfowl, must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

2. All hunting blind materials, boats, and decoys must be removed at the end of each hunting day. Permanent and pit blinds are not permitted.

3. The common snipe season on the refuge begins with the early woodcock south zone season. (The refuge common snipe season will continue through the end of the State-set common snipe season.)

4. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions: During the firearms big game season, hunters must wear, in a conspicuous manner on head, chest and back, a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. [Reserved]

EDWIN B. FORSYTHE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of waterfowl, coots, moorhens, and rails on designated areas of the refuge subject to the following conditions:

1. You must remove all your hunting blind materials, boats, and decoys at the end of each hunting day. We do not allow permanent and pit blinds.

2. We may restrict use of Hunting Unit 3 of the Brigantine Division to certified Young Waterfowl Program trainees for up to 30 days as posted.

3. You may not possess more than 25 shells per day in Hunting Units A, B, and C in the Barnegat Division. You may not possess more than 50 shells per day in Unit 1 of the Brigantine Division.

4. In Hunting Unit B of the Barnegat Division, we restrict hunting to designated sites, with each site limited to one party of hunters. We require a minimum of six decoys per site.

5. In Hunting Unit D of the Barnegat Division, we require a minimum of six decoys and do not allow jump shooting. Access is by boat only; we do not allow foot access.

6. Access is by boat only in all Units except the portion of Unit A that is south of West Creek Dock Road, in the Barnegat Division, and Unit 5 in the Brigantine Division. You may access these Units by foot or boat.

7. You may occupy no sites or Units before 4:00 a.m. Access is by boat only.

8. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. We require a State permit for the appropriate New Jersey Deer Management Zone. You must have this permit stamped and validated in person at the Refuge Headquarters.

2. Refuge hunting hours are consistent with State hunting hours. Hunters may enter the refuge no earlier than two hours before shooting time and leave no later than one hour after the end of shooting hours.

3. Hunters during firearms big game season must wear in a conspicuous manner on head,
§ 32.49

chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow saltwater fishing from the Holgate beach and Little Beach Island with the exception of those areas posted as closed. We may close the Holgate Unit and Little Beach Island to all public use during the migratory bird nesting season. We require a saltwater fishing permit to fish from Little Beach Island. You may obtain permits from the Refuge Headquarters.

2. Boat and bank fishing are permitted in and along Lily Lake. Boat ramp facilities are not available; only cartop launches will be permitted.

3. Fishing, clamming and crabbing are not permitted from land or on any waters within tract 122X locally known as the AT&T properties. This area is closed to all public use.

4. We allow bank fishing and crabbing at designated areas. Contact the Refuge Headquarters for locations.

GREAT SWAMP NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions: Hunters must comply with State laws governing special deer permit hunts.

D. Sport Fishing. [Reserved]

SUPAWNA MEADOWS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and wild turkeys on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in possession of refuge hunting permits at all times while hunting on the refuge.

2. Refuge hunting regulations, as listed in the hunting leaflet for Wallkill River National Wildlife Refuge, will be in effect.

3. Shotgun hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt white-tailed deer and wild turkeys on designated areas of the refuge subject to the following conditions:

1. Hunters must be in possession of signed refuge hunting permits at all times when hunting on the refuge.

2. Refuge hunting regulations, as listed in the hunting leaflet for Wallkill River National Wildlife Refuge, will be in effect.

3. Shotgun hunters may possess only approved nontoxic shot while in the field.

D. Sport Fishing. Anglers may sportfish on designated areas of the refuge subject to the following conditions:

1. Anglers may fish from canoes or cartop boats on the Wallkill River.

2. Anglers must park in designated parking areas if accessing the Wallkill River through refuge land.

3. Anglers may not take frogs and/or turtles.

50 CFR Ch. I (10–1–02 Edition)
§ 32.50  New Mexico.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BITTER LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, and sandhill cranes on designated areas of the refuge subject to the following conditions:
   1. You may hunt during seasons, dates, times, and areas posted by signs and/or indicated on refuge leaflets, special regulations, and maps available at the refuge office.
   2. You may possess only approved nontoxic shot while in the field.
   3. We do not allow pit or permanent blinds.
   4. Neither hunters nor dogs may enter closed areas to retrieve game.

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit on designated areas of the refuge subject to the following conditions:
   1. Only shotguns and bows and arrows are permitted.
   2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of mule deer and oryx on designated areas of the refuge subject to the following conditions:
   1. Refer to the refuge map for designated areas.
   2. Hunts are subject to State regulations and seasons.
   3. Oryx hunters should contact the refuge manager for special hunt dates.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted from April 1 through September 30.
   2. Fishing is permitted from 1 hour before sunrise until 1 hour after sunset.
   3. Frogging and the use of trotlines, spears, bows and arrows, boats and other flotation devices are not permitted.

LAS VEGAS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning doves and Canada geese is permitted on designated areas of the refuge subject to the following conditions:
   1. Permits and payment of a fee are required.
   2. You may possess only approved nontoxic shot while in the field.
   3. You may possess only nontoxic shot while in the field.
   4. We allow use of hunting dogs for bird retrieval.
   5. We do not allow hunters or dogs to retrieve dead or wounded birds in closed areas.
   6. Each hunter must successfully complete a New Mexico crane and snow goose hunter identification training course for hunting on State and Federal refuges in the Middle Rio Grande Valley.

B. Upland Game Hunting. Hunting of quail and cottontail rabbit is permitted on designated areas of the refuge subject to the following conditions:
   1. Only shotguns and bows and arrows are permitted.
   2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of mule deer and oryx on designated areas of the refuge subject to the following conditions:
   1. Refer to the refuge map for designated areas.
   2. Hunts are subject to State regulations and seasons.
   3. Oryx hunters should contact the refuge manager for special hunt dates.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted from April 1 through September 30.
   2. Fishing is permitted from 1 hour before sunrise until 1 hour after sunset.
   3. Frogging and the use of trotlines, spears, bows and arrows, boats and other flotation devices are not permitted.
§ 32.51

MAXWELL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted from noon March 1 through October 31.
2. Fishing is permitted only in Lakes 13 and 14.
3. Boats are permitted on Lakes 13 and 14 only during the fishing season.
4. Fishing is not permitted within 150 feet of headgates.

SAN ANDRES NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of oryx or gemsbok (Oryx gazella) on designated areas of the refuge subject to the following conditions:
1. We require hunters to check in and out of the hunt area.
2. We require hunters to attend unexploded ordnance (UXO) training prior to entering the hunt area.
3. We require State permits and payment of a hunt fee.

SEVILLETA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning and white-winged doves, geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:
1. Hunters or dogs may not enter closed areas to retrieve birds.
2. Permanent blinds are not permitted.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

50 CFR Ch. I (10–1–02 Edition)

§ 32.51 New York.
The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

AMAGANSETT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations.

ELIZABETH A. MORTON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted only on the beach and in areas not designated as closed.
2. Fishing is permitted only during daylight hours.

IROQUOIS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:
1. We require refuge permits.
2. Completion of the State waterfowl identification course is required.
3. Waterfowl hunters may not possess more than 20 shells per day.
4. Waterfowl hunters must provide and use a minimum of six decoys per hunter.
5. Waterfowl hunting is permitted from designated stands only, with a maximum of three hunters per stand.
6. Hunting must occur within 50 feet of a stand marker, unless actively pursuing crippled birds.
7. You may possess only approved nontoxic shot while in the field.
B. Hunting of Upland Game. Hunting of upland game birds, small game mammals, legally hunted furbearers and unprotected wildlife is permitted on designated areas of the refuge subject to the following conditions:
1. We require refuge permits.
2. Hunting is not permitted from March 1 through September 30.
3. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
4. Shotgun hunters may possess only approved nontoxic shot while in the field.
C. Big Game Hunting. We allow hunting of deer and turkeys on designated areas of the refuge subject to the following condition: We require refuge permits.
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted only during daylight hours.
2. Fishing is permitted from July 15 through September 30 and from December 1
through the end of February with the exception that fishing is permitted at all times in Feeder Canal and Oak Orchard Creek.

3. Ice fishing is permitted on Ringneck, Schoolhouse and Center Marshes only from December 15 through the last day of February when conditions are safe.

4. We do not allow the use of boats or other flotation devices with the exception that you may use nonmotorized boats on Oak Orchard Creek east of Route 63.

5. Boats, structures or other equipment must be removed from the refuge after the completion of the day’s fishing activities.

MONTEZUMA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl is permitted on designated areas of the refuge subject to the following conditions:

1. Permits/reservations are required.
2. Hunting is permitted only on Tuesdays, Thursdays and Saturdays during established refuge seasons set within the New York State western zone seasons.
3. Each hunter shall not have more than 15 steel shot shells in his/her possession.
4. Only motorless boats are permitted on the refuge hunting area.
5. Completion of the New York State Waterfowl Identification Course is required.
6. Hunting ends each day at 12 noon local time.

All hunters must check out at the Route 89 Check Station by 1:00 p.m. local time.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may access the Fishing Area. Anglers may either bank fish or boat fish, in accordance with state regulations.

OYSTER BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish in refuge-controlled waters of Oyster Bay. Anglers may also fish from designated areas on the refuge shoreline at Mill Pond during daylight hours. All fishing within the refuge is in accordance with state regulations.

SEATUCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish in refuge-controlled waters of Great South Bay from boats only. All fishing is in accordance with state regulations.

TARGET ROCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may fish in Hunt-ington Bay from the refuge shoreline when the refuge is open to visitors. All fishing is in accordance with state regulations.

WESTHEIM NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Shore and boat fishing is permitted on that portion of the Carmans River between Sunrise and Montauk Highways.
2. Only boat fishing is permitted from Montauk Highway south to the mouth of the Carmans River.
3. Fishing is permitted only during daylight hours.
4. Spearfishing and taking of baitfish and frogs is not permitted.

§ 32.52 North Carolina.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.
§ 32.52

ALLIGATOR RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of swans, geese, ducks, coots, common snipe, mourning doves, and woodcock on designated areas of the refuge subject to the following conditions:

1. We require possession of a refuge hunting permit.
2. You may possess only approved nontoxic shot in the field.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge subject to the following conditions:

1. We require possession of a refuge permit.
2. You may possess only approved nontoxic shot while on the refuge when hunting with a shotgun, except you may possess slugs and buckshot containing lead to hunt deer.
3. We require possession of a refuge Special Use Permit to hunt raccoon and opossum at night.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

1. You may fish year-round from ½ hour before sunrise to ½ hour after sunset. We require possession of a refuge Special Use Permit to fish at night.
2. You may use only a pole and line, rod and reel, hand line, dip net, or cast net for fishing.
3. You may take frogs only at night from April 1 through August 31. We require possession of a refuge Special Use Permit to take frogs.

CEDAR ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.
2. Only portable blinds are permitted.
3. Blinds must be removed from the refuge following each day’s hunt.
4. Ducks and coots may be taken only during the State waterfowl seasons occurring during November, December and January.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

CURRITUCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of swans, geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require permits.
2. Hunting must be from assigned blind location.
3. We allow hunting on Wednesdays and Saturdays during the North Carolina waterfowl season.
4. We allow hunting from ½ hour before sunrise to 1 p.m.
5. We allow access 1½ hours before legal shooting time, and all parties must be off the refuge by 3 p.m.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE

Refer to §32.66 Virginia for regulations.

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted only from sunrise to sunset from March 15 through October 15 with the exception that bank fishing is permitted in Coreys Ditch and the canal adjacent to the Knotts Island Causeway year-round.
2. All fishing lines must be attended.
3. Airboats are not permitted.

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of swans, geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require permits.
2. We allow taking of Canada geese only during the special September season for resident Canada geese.
3. Any person entering, using, or occupying the refuge for hunting must abide by all the terms and conditions in the refuge hunting brochure.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.
2. Any person entering, using, or occupying the refuge for hunting must abide by all the terms and conditions in the refuge hunting brochure.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

1. We allow fishing and crabbing from March 1 through November 1 from ½ hour
before sunrise to ½ hour after sunset or as posted.

2. We allow bank fishing and crabbing year-round along Highway 94 Causeway and in the immediate vicinity of the Lake Land-

ing water control structure, the Rose Bay water control structure, and the Outfall Canal water control structure. Other areas open to this activity are the Central Canal and East and West Main Canal as signed. We allow bank fishing and crabbing from ½ hour before sunrise to ½ hour after sunset except that the Highway 94 Causeway is open to fishing and crabbing 24 hours per day.

3. You may not dip herring (alewife).

4. You must attend all fish lines and crab-

ning equipment to 5 handlines and/or hand-activated traps per person. The catch/possession limit is 12 blue crabs per day per person.

5. We do not permit airboats, sailboats, wind surfers, and personal watercraft.

6. We prohibit bank fishing along the entrance road from Highway 94 to the Refuge Headquarters.

PEA ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. (Reserved)

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crab-

bing on designated areas of the refuge subject to the following conditions:

1. Hunters may hunt mourning doves on designated areas of the refuge.

2. We prohibit hunting of ducks, snow geese, swans, doves, woodcock, rails, and snipe on designated areas of the refuge subject to the following conditions:

3. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

4. We allow hunting during the State sea-

son except we will close opossum and rac-

coon hunting during the State bear season

including 5 days before and after that season.

5. You must wear 500 square inches (3250

cm²) of fluorescent orange material above the waist, visible from all directions.

6. We prohibit possession of buckshot or similar equipment on the refuge.

7. Fishermen may not possess or use of
trotlines, set hooks, gigs, yo-yo’s, jug-lines, limblines, nets, seines, fish traps, and other similar equipment on the refuge.

8. You may possess only approved nontoxic

shot while hunting with dogs.

9. You may use only approved nontoxic shot while in the field on designated areas of the refuge.

D. Sport Fishing. Fishermen may fish in designated waters of the refuge subject to the following conditions:

1. Fishermen may fish with a pole and line or rod and reel from March 15 to October 15 during daylight hours only.

2. Fishermen may use boats in Andrews Pond, Beaver Ponds, and Arrowhead Lake only.

3. Fishermen may only use electric motors in refuge waters.

4. Fishermen may not possess or use of
trotlines, set hooks, gigs, yo-yo’s, jug-lines, limblines, nets, seines, fish traps, and other similar equipment on the refuge.

5. Fishermen may not possess or use min-

nows as bait on the refuge.

6. Fishermen may not frog or turtle on the refuge.

7. The refuge may close certain fishing areas at anytime for management purposes.

POCOSIN LAKES NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, snow geese, swans, doves, woodcock, rails, and snipe on designated areas of the refuge subject to the following conditions:

1. We allow access 1½ hours before and after legal shooting time.

2. Firearms in transport by vehicle or boat under power must remain unloaded.

3. We allow only portable blinds and temporary blinds constructed of natural mate-

rials. We require removal of portable blinds following each day’s hunt.

4. We allow hunting during the State sea-

son.

5. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

B. Upland Game Hunting. We allow hunting of quail, squirrel, raccoon, opossum, rabbit, and fox on designated areas of the refuge subject to the following conditions:

1. We require permits for any night hunt-

ing.

2. We allow access 1½ hours before and after legal shooting time.

3. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

4. We allow hunting during the State sea-

son except we will close opossum and rac-

coon hunting during the State bear season including 5 days before and after that season.

5. You must wear 500 square inches (3250

cm²) of fluorescent orange material above the waist, visible from all directions.

6. We prohibit possession of buckshot or plugs while hunting with dogs.

7. You may use only shotguns and/or .22 caliber rim-fire rifles for upland game hunts.

8. You may possess only approved nontoxic shot while in the field on designated areas of the refuge.
C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:
1. You must wear 500 square inches (3250 cm²) of fluorescent orange material above the waist visible from all directions during the muzzle loading and gun seasons.
2. We allow only shotguns, muzzle-loaders, and bow and arrow for big game hunts.
3. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.
4. We allow access ¼ hours before and after legal shooting time.
5. We allow hunting during the State season.
6. We do not allow dogs.
7. You must remove all stands from the refuge following each day’s hunt. We prohibit the construction or use of permanent stands, blinds, platforms, or ladders.
8. We allow archery hunting on the Pungo Unit during the regular State archery season and from November 1 through 30. State bag limits apply.
9. We allow shotgun and muzzle-loaders on the Pungo Unit subject to the following conditions:
   a. We require permits and allow access 1 hour before and after legal shooting time.
   b. We allow hunting of ducks and coots on designated areas of the refuge subject to State regulations with refuge restrictions as posted.
   c. Blinds must be removed from the refuge following each day’s hunt.
   d. Only portable blinds are permitted.
   e. Blinds must be removed from the refuge following each day’s hunt.

D. Sport Fishing. Anglers may fish in designated areas of the refuge subject to the following conditions:
1. The refuge portion of New Lake and the Pungo Lake is open to fishing from March 1 to November 1. The public may not access refuge following each day’s hunt. We prohibit the construction or use of permanent stands, blinds, platforms, or ladders.
2. We allow access ¼ hours before and after legal shooting time.
3. We allow hunting of ducks and coots on designated areas of the refuge subject to State regulations with refuge restrictions as posted.
4. Ducks and coots may be taken only during the State waterfowl seasons occurring during November, December and January.


§ 32.53 North Dakota.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ARROWWOOD NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. Hunting of pheasant, sharp-tailed grouse, prairie chicken, rabbit and fox is permitted on designated areas of the refuge subject to the following conditions:
1. Hunting is permitted from December 1st through the end of the regular seasons.
2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer is permitted on designated areas subject to the following condition: Permits are required.

D. Sport Fishing. Anglers may sport fish in accordance with state law and refuge restrictions as posted.

AUDUBON NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. We allow hunting of ring-necked pheasant, gray partridge, and sharp-tailed grouse on designated areas of the refuge subject to State regulations with refuge restrictions as posted.
C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge subject to State regulations with refuge restrictions as posted.
D. Sport Fishing. We allow ice fishing on designated areas of the refuge subject to State regulations with refuge restrictions as posted.
A. Hunting of Migratory Game Birds. We allow hunting of geese, tundra swans, ducks, coots, and mourning doves on designated areas of the refuge as per State law with certain restrictions as posted.

B. Upland Game Hunting. We allow hunting of pheasant, prairie chicken, partridge, jackrabbit, snowshoe hare, and fox on designated areas of the refuge as posted.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge as posted.

LAKE ALICE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, tundra swans, ducks, coots, and mourning doves on designated areas of the refuge as per State law with certain restrictions as posted.

B. Upland Game Hunting. We allow hunting of pheasant, prairie chicken, partridge, jackrabbit, snowshoe hare, and fox on designated areas of the refuge as posted.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge as posted.

LAKE ILO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, tundra swans, ducks, coots, and mourning doves on designated areas of the refuge as per State law with certain restrictions as posted.

B. Upland Game Hunting. We allow hunting of pheasant, prairie chicken, partridge, jackrabbit, snowshoe hare, and fox on designated areas of the refuge as posted.

C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

LAKE NETTLE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, tundra swans, ducks, coots, and mourning doves on designated areas of the refuge as per State law with certain restrictions as posted.

B. Upland Game Hunting. We allow hunting of pheasant, prairie chicken, partridge, jackrabbit, snowshoe hare, and fox on designated areas of the refuge as posted.

C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

LAKE ZAHL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, tundra swans, ducks, coots, and mourning doves on designated areas of the refuge as per State law with certain restrictions as posted.

B. Upland Game Hunting. We allow hunting of pheasant, prairie chicken, partridge, jackrabbit, snowshoe hare, and fox on designated areas of the refuge as posted.

C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to State regulations with refuge restrictions as posted.
§ 32.53

3. Hunters may enter the refuge on foot only.

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions:
1. We allow archery hunting through the day before the opening of the State waterfowl season and allow it following the deer gun season.
2. We allow deer gun hunting concurrent with the State deer gun season.
3. Hunters may enter the refuge on foot only.

D. Sport Fishing. [Reserved]

LONG LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, sharp-tailed grouse, and gray partridge on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. The upland game bird season opens annually on the day following the close of the firearm deer season and runs through the close of the State season.

C. Big Game Hunting. We allow hunting of deer only on designated areas of the refuge subject to the following conditions:
1. Refuge and State permits are required for the first one and one half days of the State gun season.
2. Only persons with valid permits are permitted on the refuge during the first one and one half days of the season.
3. Archery hunting is permitted through the day before the opening of the State waterfowl season, and it is permitted following the deer gun season.

D. Sport Fishing. [Reserved]

ROCK LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of partridge and sharp-tailed grouse is permitted on designated areas of the refuge subject to the following conditions:
1. Hunting is not permitted on the portion of the refuge south of Highway 50 during the State deer gun season.
2. Hunting is permitted on the portion of the refuge north of Highway 50 only after the close of the State deer gun season.
3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer only is permitted on designated areas of the refuge subject to the following conditions:
1. Refuge and State permits are required for the first one and one half days of the State gun season.
2. Only persons with valid permits are permitted on the refuge during the first one and one half days of the season.
3. Archery hunting is permitted through the day before the opening of the State waterfowl season, and it is permitted following the deer gun season.

D. Sport Fishing. [Reserved]

SIBLEY LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
1. Permits are required.

D. Sport Fishing. [Reserved]

SLADE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions: Hunters may enter the refuge on foot only.

D. Sport Fishing. [Reserved]

STEWART LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions: Permits are required.

D. Sport Fishing. [Reserved]

TEWAUKON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasants on designated areas of the refuge as per State law with certain restrictions as posted.
§ 32.55 Oklahoma.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

DEEP FORK NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. You may hunt and/or fish on designated areas of the refuge subject to the following conditions:
1. Prohibited off-road vehicle use.
2. Hunters may not build permanent blinds.
3. Hunters may hunt only from one-half hour before sunrise until noon each day.
4. You must possess a refuge permit.
5. Hunters may hunt waterfowl (ducks) only during designated refuge seasons.
6. You must obtain a refuge permit.
B. Upland Game Hunting. Hunters may hunt squirrel, rabbit, turkey and raccoon on designated areas of the refuge subject to the following conditions:
1. Turkey hunters must obtain permits and pay fees.
2. Prohibited off-road vehicle use.
3. Hunters may hunt upland game only during designated refuge seasons.
§ 32.55

4. You may possess only approved nontoxic shot while in the field.
5. You must obtain a refuge permit.

C. Big Game Hunting. You may hunt deer and feral hog on designated areas of the refuge subject to the following conditions:
1. Deer hunters must obtain a refuge permit and pay fees.
2. Prohibited off-road vehicle use.
3. You may hunt feral hog during any established refuge hunting season. Refuge permits and legal weapons apply as for the current hunting season.
4. You must obtain a refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:
1. You may fish from sunrise to sunset.
2. You must possess a refuge permit.

**OPTIMA NATIONAL WILDLIFE REFUGE**

A. Hunting of Migratory Game Birds. Hunting of mourning doves is permitted on designated areas of the refuge.

B. Upland Game Hunting. Hunters may hunt pheasants, bobwhite and scaled quail, cottontail rabbit and jackrabbit on the refuge in accordance with State hunting regulations subject to the following conditions:
1. Only shotguns are permitted.
2. Closed during the State gun deer season.
3. Hunting ends at 4:30 p.m. daily.

C. Big Game Hunting. Hunters may hunt white-tailed deer, mule deer and turkey on the refuge in accordance with State hunting regulations subject to the following conditions:
1. Archery and shotguns are permitted during spring turkey season.
2. Only archery hunting is permitted during fall seasons.

D. Sport Fishing. (Reserved)

**SALT PLAINS NATIONAL WILDLIFE REFUGE**

A. Hunting of Migratory Game Birds. Hunting of ducks, geese, sandhill cranes and mourning doves is permitted on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. Hunters are required to check in and out of the refuge.
3. Hunting ends at noon.

B. Upland Game Hunting. Hunting of quail and pheasant is permitted on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. Hunters are required to check in and out of the refuge.
3. Hunting ends at noon.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
1. Permits and payment of a fee are required.
2. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Designated areas of the Great Salt Plains Reservoir are closed.
   2. Fishing is permitted from April 1 through October 15.
   3. Trotlines are not permitted within 500 feet of the shoreline of the Jet Recreation Area.
   4. Posts used to secure or anchor trotlines must reach a minimum of two feet above the water surface and must be marked so that they are clearly visible to boaters.
   5. Taking any type of bait from refuge lands or waters is not permitted.

**SEQUOYAH NATIONAL WILDLIFE REFUGE**

A. Hunting of Migratory Game Birds. Hunters may hunt waterfowl, dove, coots, rail, snipe and woodcock on designated areas of the refuge subject to the following conditions:
1. The Sequoyah National Wildlife Refuge is open during seasons, dates, and times as posted by signs and/or indicated on refuge leaflets, special regulations, permits, and maps.
2. You may possess only approved nontoxic shot while in the field.
3. Hunters may not build pits or permanent blinds.
4. Neither hunters nor dogs may enter closed areas to retrieve game.
5. Hunters may not hunt or shoot within 50 ft. (15.24 meters) of designated roads or parking areas.
6. Hunters may only hunt with shotguns and bows with arrows (excluding broadhead arrows).
7. Hunters must remove decoys, boats and other personal property from the refuge following each day's hunt.

B. Upland Game Hunting. Hunting of squirrel, quail, and rabbit is permitted on designated areas of the refuge subject to the following conditions:
1. The Sequoyah National Wildlife Refuge is open during seasons, dates, and times as posted by signs and/or indicated on refuge leaflets, special regulations, permits, and maps.
2. You may possess only approved nontoxic shot while in the field.
3. Neither hunters nor dogs may enter closed areas to retrieve game.
4. Hunters may not shoot or hunt within 50 ft. (15.24 meters) of designated roads or parking areas.
5. Hunters may only hunt with shotguns and bows with arrows (excluding broadhead arrows).

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following conditions:
§ 32.55

A. Hunting of Migratory Game Birds. Hunting of mourning doves and waterfowl is permitted on the Tishomingo Wildlife Management Unit of the refuge subject to the following conditions:
1. The Tishomingo Wildlife Management Unit is open during seasons, dates and times as posted by signs and/or indicated on refuge leaflets, special regulations, permits, maps, or as posted on signs.
2. Hunters are required to check in and out of the unit at designated areas.
3. You may possess only approved nontoxic shot while in the field.
4. Dove hunting is permitted from September 1 through September 30th only.

B. Upland Game Hunting. Hunters may hunt quail, squirrel, turkey and rabbits on the Tishomingo Wildlife Management Unit of the refuge subject to the following conditions:
1. Upland game hunting is not permitted during deer archery and dark goose seasons.
2. We allow only bows and arrows and shotguns using approved nontoxic shot.
3. Hunters are required to check in and out of the unit at designated areas.
4. Turkey hunters may only hunt during the statewide spring shotgun season and during the fall archery season.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following conditions:
1. Deer hunting on the Wildlife Management Unit is permitted only during the statewide deer archery season.
2. Refuge bonus deer gun hunts are by special permit only.
3. Hunters are required to check in and out of the unit at designated areas.
4. We prohibit baiting on the refuge and the Wildlife Management Unit.

D. Sport Fishing. Fishing with hook and line is permitted on designated areas of the refuge subject to the following conditions and exceptions:
1. Anglers may bank and wade fish with pole and line or rod and reel year-round in areas open for public fishing access.
2. Anglers may use boats from March 1 through September 30 in designated refuge waters and Wildlife Management Unit.
3. Anglers may use trotlines and other set tackle only in the Cumberland Pool and between the natural banks of the Washita River. Anglers must attach set tackle, used in Cumberland Pool, only to anchored floats.
4. Anglers may not use limblines, throwlines, juglines, and yo-yo’s.
5. Anglers may not use any containers (jugs, bottles) as floats.
6. Anglers must remove fishing tackle at the end of the boating season.
7. Anglers may no-wake boat fish during the boating season with line and pole or rod and reel in: (a) open areas south and west of the Cumberland Pool shallow water buoy line; (b) lakes south and west of the Washita River; and (c) the Wildlife Management Unit.
8. Anglers may night fish from boat (during boating season) in the Cumberland Pool, except not in the no-wake area south and west of the buoy line. Anglers may night fish at the headquarters area, including Sandy Creek Bridge, Murray 23, Nida Point, and the Wildlife Management Unit.
9. You may only take bait for personal use while fishing in the refuge in accordance with Oklahoma State law. We do not allow removal of bait from the refuge for commercial sales. You cannot release bait back into the water.
10. Anglers may bow fish only in the Wildlife Management Unit.
11. Anglers may not take fish by the use of hands (noodling) in any refuge waters.
12. Anglers may not take frogs, turtles, or mussels.

Washita National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of geese and sandhill cranes on designated areas of the refuge subject to the following conditions: We require permits and payment of a fee.

B. Upland Game Hunting. Hunters may hunt quail and rabbit on designated areas of the refuge in accordance with State hunting regulations subject to the following conditions:
1. We only allow shotguns.
2. Closed during the State gun deer season.
3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:
1. We allow hunting during the special refuge season in accordance with the refuge hunt information sheet.
2. You must obtain a refuge hunt permit and pay a fee (fee waived for Youth Hunt participants).
§ 32.56 Oregon.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

**Bandon Marsh National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** We allow hunting of geese, ducks, coots, snipe, doves, and pigeons on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. No hunting or public entry of any kind is permitted from November 1 to March 31.

**Bear Valley National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

**Cold Springs National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

**Wichita Mountains National Wildlife Refuge**

**A. Hunting of Migratory Game Birds.** [Reserved]

**B. Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions: Permits and payment of a fee are required.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge in accordance with State fishing regulations subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

§ 32.56 Oregon.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

**Bandon Marsh National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** We allow hunting of geese, ducks, coots, snipe, doves, and pigeons on designated areas of the refuge subject to the following condition: Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of deer only is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. No hunting or public entry of any kind is permitted from November 1 to March 31.

D. **Sport Fishing.** [Reserved]

**Bear Valley National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of deer only is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** [Reserved]

**Cold Springs National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

**Wichita Mountains National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

**Wichita Mountains National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

**Wichita Mountains National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

**Wichita Mountains National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

**Wichita Mountains National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

**Wichita Mountains National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

**Wichita Mountains National Wildlife Refuge**

A. **Hunting of Migratory Game Birds.** [Reserved]

B. **Upland Game Hunting.** [Reserved]

C. **Big Game Hunting.** Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
   1. Hunting opens concurrent with the State season and closes October 31.
   2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.

D. **Sport Fishing.** Anglers may fish in designated areas of the refuge subject to the following conditions:
   1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.
   2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.
   3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.
3. You may possess only approved nontoxic shot while in the field.

4. Hunters may not possess more than 25 shells while in the field.

5. We do not allow hunting of upland game birds until noon of each hunt day.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Use of non-motorized boats and boats with electric motors is permitted from March 1 through September 30.
2. Bank fishing only is permitted from October 1 through the last day of February from the west inlet canal across the face of the dam.
3. Fishing is permitted only with hook and line.
4. The refuge is open from 5 a.m. to 1 1/2 hours after sunset.

DEER FLAT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of doves, geese, ducks, coots and common snipe is permitted on the Snake River sector subject to the following conditions:
1. Only portable blinds and temporary blinds constructed of natural materials are permitted.
2. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of upland game is permitted on the Snake River Sector subject to the following conditions:
1. Hunting is not permitted from February 1 through May 31.
2. Pheasant, quail, and partridge hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Hunting of deer, antelope and bighorn sheep is permitted on designated areas of the refuge.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only in Rock Creek, Guano Creek and Warner Pond.

JULIA BUTLER HANSEN REFUGE FOR THE COLUMBIAN WHITE-TAILED DEER

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and common snipe on the Wallace Island Unit subject to the following condition: You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing along the shoreline of the Wallace Island Unit in accordance with State regulations.

KLAMATH MARSH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
1. The use of air-thrust and inboard water-thrust boats is not permitted.
2. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Bank fishing is permitted in the borrow ditches adjacent to the Silver Lake Highway and along the shoreline of Wocus Bay.
2. The use of boats is not permitted.

LEWIS AND CLARK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots and common snipe on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. We do not allow hunting on all exposed lands on Miller Sands Island and its partially enclosed lagoon, as posted. We do not allow hunting inside the diked portion of Karlson Island, as posted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing along the shoreline of the refuge islands in accordance with State regulations.

LOWER Klamath National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
1. Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.
2. Decoys may not be set in retrieving zones.
3. The use of air-thrust and inboard water-thrust boats is not permitted.
4. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:
1. Only unloaded firearms may be taken through posted retrieving zones when traveling to and from hunting areas.
2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. (Reserved)

D. Sport Fishing. (Reserved)

MALHEUR NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of doves, geese, ducks, coots, common snipe and pigeons is permitted on designated areas of the refuge subject to the following conditions:
1. We allow only nonmotorized boats or boats with electric motors.
2. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of pheasant, quail, partridge, coyote and rabbit is permitted on designated areas of the refuge subject to the following conditions:
1. Hunters may hunt pheasant, quail, partridge, and rabbit from the third Saturday in November to the end of the pheasant season in designated areas of the Blitzen Valley east of Highway 205, and on designated areas open to waterfowl hunting.
2. Hunters may hunt all upland game species during authorized State seasons on the refuge area west of Highway 205 and south of Foster Flat Road.
3. You may possess only approved nontoxic shot while in the field on designated areas east of Highway 205.

C. Big Game Hunting. We allow hunting of deer and pronghorn during authorized State seasons only on the refuge area west of Highway 205 and south of Foster Flat Road.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Anglers may fish year-round in the Blitzen River, East Canal, and Mud Creek upstream from and including Bridge Creek. Anglers may fish in Krumbo Reservoir during the State season from the fourth Saturday in April to the end of October.
2. Boats are not permitted, except nonmotorized boats and boats with electric motors are permitted on Krumbo Reservoir.

MCKAY CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.
2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.
3. Waterfowl hunters are required to space themselves a minimum of 200 yards apart.
4. Hunters may not possess more than 25 shells while in the field.
5. Permits are required for the opening weekend of the season when it coincides with the season opening for upland game birds.
6. The use of boats is prohibited.
7. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. We allow hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:
1. The refuge is open from 5 a.m. to one and one-half hours after sunset.
2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year’s Day.
3. You may possess only approved nontoxic shot while in the field.
4. Hunters may not possess more than 25 shells while in the field.
5. Permits are required for the opening weekend of the season.
6. The use of boats is prohibited.
7. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. (Reserved)

D. Sport Fishing. (Reserved)

MCNARY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of doves on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow shotgun and archery hunting only.

D. Sport Fishing. (Reserved)

SHELDON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. (Reserved)
§ 32.57

**B. Upland Game Hunting.** Hunting of quail, grouse, and partridge is permitted on designated areas of the refuge.

**C. Big Game Hunting.** Hunting of deer and antelope is permitted on designated areas of the refuge.

**D. Sport Fishing.** [Reserved]

**UMATILLA NATIONAL WILDLIFE REFUGE**

**A. Hunting of Migratory Game Birds.** We allow hunting of geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5:00 a.m. to 1:00 p.m. hours after sunset except for the Hunter Check Station parking lot at the McCormack Unit, which is open each morning 2 hours prior to State shooting hours for waterfowl. We do not allow decoys, boats, and other personal property on the refuge following each day’s hunt.

2. In the McCormack Unit, we allow hunting only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year’s Day.

3. We require waterfowl hunting parties in the Boardman Unit to space themselves a minimum of 200 yards (180 m) apart.

4. You may possess no more than 25 shells while in the field.

5. We require permits for hunting on the McCormack Unit.

6. You may possess only approved nontoxic shot while in the field.

**B. Upland Game Hunting.** We allow hunting of pheasant, chukar, Hungarian partridge, and quail on designated areas of the refuge subject to the following conditions:

1. We do not allow hunting of upland game birds until noon of each hunt day.

2. In the McCormack Unit, we allow hunting only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year’s Day.

3. You may possess only approved nontoxic shot while in the field.

4. You may possess no more than 25 shells while in the field.

5. We require permits for hunting on the McCormack Unit.

**C. Big Game Hunting.** We allow hunting of deer on designated areas of the refuge subject to the following conditions: Hunting is by permit only.

**D. Sport Fishing.** We allow fishing on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5:00 a.m. to 1:00 p.m. hours after sunset.

2. We allow fishing on refuge impoundments and ponds from February 1 through September 30. We open other refuge waters (Columbia River and its backwaters) in accordance with State regulations.

3. We allow only nonmotorized boats and boats with electric motors on refuge impoundments and ponds.

4. We only allow fishing with hook and line.

**UPPER KLAMATH NATIONAL WILDLIFE REFUGE**

**A. Hunting of Migratory Game Birds.** Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. The use of air-thrust and inboard water-thrust boats is not permitted.

2. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

**B. Upland Game Hunting.** [Reserved]

**C. Big Game Hunting.** [Reserved]

**D. Sport Fishing.** Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted in Pelican Bay, Recreation Creek, Crystal Creek, Odessa Creek, Pelican Cut and that portion of Upper Klamath Lake located on the east side of the refuge.

2. Motorized boats shall not exceed 10 miles per hour in any stream, creek or canal and on that portion of Pelican Bay west of a line beginning at designated points on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to the opposite shore of the lake.

**WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE**

**A. Hunting of Migratory Game Birds.** [Reserved]

**B. Upland Game Hunting.** [Reserved]

**C. Big Game Hunting.** Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Only shotgun and archery hunting are permitted.


**D. Sport Fishing.** Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted on Muddy Creek from the beginning of the State trout season in April through October 31.

2. The use of boats is not permitted.

§ 32.58 Erie National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:
1. Hunting is permitted on the refuge from September 1 through the end of February.
2. Only motorless boats are permitted for waterfowl hunting. Boats and decoys must be removed from the refuge at the end of each day’s hunt.
3. No dog training.

B. Upland Game Hunting. Hunters may hunt grouse, squirrel, rabbit, woodchuck, pheasant, quail, raccoon, fox, skunk, opossum and coyote on designated areas of the refuge subject to the following conditions:
1. We require refuge permits for hunting fox, raccoon, and coyote.
2. Hunting is not permitted from March 1 through August 31.
3. Upland game hunters must wear on head, chest and back, a minimum of 400 square inches of blaze orange material.
4. Pheasant hunting is not permitted on the Sugar Lake Division.
5. Dog trainers must obtain permits.

C. Big Game Hunting. We allow hunting of deer, bear, and turkey on designated areas of the refuge subject to the following conditions:
1. Hunters may hunt only from September 1 through February 28 except for spring turkey season.
2. Hunters must remove blinds, platforms, scaffolds, and/or tree stands from the refuge daily.
3. All deer hunters must wear on head, chest and back, a minimum of 400 square inches of blaze orange material during antlered, antlerless and muzzleloader seasons.
4. We prohibit organized deer drives by three or more persons in hunt area B of the refuge. We define a “drive” as three or more individuals involved in the act of chasing, pursuing, disturbing, or otherwise directing game as to make the animals more susceptible to harvest.
5. We require a refuge Special Use Permit for hunting of bear.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Fishing is permitted only during daylight hours.
2. Boats without motors are permitted 3,000 feet (to the buoyline) above the Pool 9 dike from the second Saturday in June through September 15.
3. Ice Fishing is permitted on Pools K and 9 when conditions are safe.
4. Only minnows may be taken as bait from refuge lands and waters and a special use permit is required for taking minnows.
5. A permit is required to take turtles.
6. The taking of frogs is not permitted.

§ 32.58 Puerto Rico. [Reserved]

§ 32.59 Rhode Island.

The following refuge units have been opened for hunting and/or fishing and are listed in alphabetical order with applicable refuge-specific regulations.

Block Island National Wildlife Refuge
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations.

Ninigret National Wildlife Refuge
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations.

Pettawaquammucott Cove National Wildlife Refuge
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. (Reserved)

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline in accordance with state regulations.

SACHUSET NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. (Reserved)

B. Upland Game Hunting. (Reserved)

C. Big Game Hunting. (Reserved)

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations. Additionally, anglers may night-fish after sunset in accordance with state regulations.

TRUSTOM POND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt Canada geese and mourning doves on designated areas of the refuge subject to the following conditions: State permits required.

B. Upland Game Hunting. (Reserved)

C. Big Game Hunting. (Reserved)

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline from September 16 to March 31 in accordance with state and refuge regulations. Additionally, anglers may night-fish after sunset in accordance with state regulations.

§ 32.60 South Carolina.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ACE BASIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, geese, and coots on designated areas of the refuge subject to the following condition: Refuge hunting permits required.

B. Upland Game Hunting. (Reserved)

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: Refuge hunting permits required.

D. Sport Fishing. Anglers may hunt Canada geese and mourning doves on designated areas of the refuge subject to the following condition: We require refuge permits.

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of marsh hens/rails only on designated areas of the refuge subject to the following conditions: We require a refuge hunt permit.

B. Upland Game Hunting. We allow hunting of raccoon on designated areas of the refuge subject to the following condition: We require a refuge hunt permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge hunt permit.

D. Sport Fishing. We allow fishing, crabbing, and shell fishing on designated areas of the refuge subject to State regulations and the following condition: Marsh Island, White Banks, and Bird Island are open from September 15 through February 15. We close them the rest of the year to protect nesting birds.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning doves and woodcock is permitted in designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of quail, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hogs on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow fishing on all areas of the refuge, except Martins Lake and those areas marked by signs as closed to the public for fishing, subject to the following conditions:

1. We allow fishing from ½ hour before sunrise to ½ hour before sunset.
2. We allow nonmotorized boats and boats with electric motors. You must hand load and unload boats except at designated boat ramps.
3. We do not allow fish baskets, net, set hooks, and trotlines.

PINCKNEY ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. (Reserved)

B. Upland Game Hunting. (Reserved)

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted year-round.
2. Fishing is only permitted from boats, into the estuarine waters adjacent to the refuge.

SANTIEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves on designated areas of the refuge subject to the following condition: We require a refuge permit.
§ 32.61

B. Upland Game Hunting. We allow hunting on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted on inland ponds only from sunrise to sunset or as posted.
   2. Fishing is permitted in Cantey Bay, Black Bottom, Savannah Branch and refuge ponds and impoundments from March 1 through October 31.

SAVANNAH NATIONAL WILDLIFE REFUGE
Refer to § 32.29 Georgia for regulations.

§ 32.62

Tennessee.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CHICKASAW NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunters may hunt ducks, coots, mourning doves, woodcock, and snipe on designated areas of the refuge subject to the following condition: Permits required.
B. Upland Game Hunting. Hunting of ring-necked pheasant and sharp-tailed grouse is permitted on designated areas of the refuge subject to the following condition: Permits required.
C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits required.
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted with pole and line or rod and reel only.
   2. Anglers may fish only from sunrise to sunset.
   3. Anglers may not frog or turtle on the refuge.

CROSS CREEKS NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
   1. Fishing is permitted with pole and line or rod and reel only.
   2. Anglers may fish only from sunrise to sunset.
   3. Anglers may not frog or turtle on the refuge.

SAND LAKE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunting of waterfowl is permitted on designated areas of the refuge.
B. Upland Game Hunting. We allow hunting of sharp-tailed grouse, Hungarian partridge, and pheasant on designated areas of the refuge.
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.
D. Sport Fishing. We allow sport fishing in accordance with State law and as specifically designated in refuge publications.

WAUBY NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.
D. Sport Fishing. Anglers may fish on the refuge in accordance with state law, and as specifically designated in refuge publications.

SAND LAKE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. Hunting of waterfowl is permitted on designated areas of the refuge.
B. Upland Game Hunting. Hunting of pheasant, Hungarian partridge, and quail is permitted on designated areas of the refuge.
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.
D. Sport Fishing. Anglers may fish on the refuge in accordance with State law.

LACREEK NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. We allow waterfowl hunting on designated areas of the refuge subject to the following condition: Permits required.
B. Upland Game Hunting. Hunting of ring-necked pheasant and sharp-tailed grouse is permitted on designated areas of the refuge subject to the following condition: Permits required.
C. Big Game Hunting. Hunting of white-tailed deer and mule deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.
D. Sport Fishing. We allow fishing in areas posted as open in accordance with State law.

POCASSE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, and Hungarian partridge on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.
D. Sport Fishing. [Reserved]
§ 32.62

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge subject to the following conditions: Permits required.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: Permits required.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from March 15 through October 31 only from sunrise to sunset.
2. Only boats with motors of 10 horsepower or less are permitted.
3. Fishing with bow and arrow is not permitted.

LOWER HATCHIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, coots, mourning doves, woodcock, and snipe on designated areas of the refuge subject to the following condition: Permits required.

B. Upland Game Hunting. Hunting of squirrel, rabbit, quail, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunters may hunt white-tailed deer with archery equipment on designated areas of the refuge subject to the following condition: Refuge permits required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from March 15 through October 15 only from sunrise to sunset.
2. Only boats with motors of 10 horsepower or less are permitted.
3. Fishing with bow and arrow is not permitted.

REELFOOT NATIONAL WILDLIFE REFUGE

Refer to §32.36 Kentucky for regulations.

TENNESSEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. (Reserved)

B. Upland Game Hunting. We allow hunting of squirrels and raccoons on designated areas of the refuge subject to the following conditions: Permits are required.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

1. We require annual refuge hunting permits.
2. You must unload and encase or dismantle firearms transported in motor vehicles.
3. We do not allow bows and arrows, trolines, limblines, jugs, and slat baskets in refuge pools and reservoirs.
4. We do not allow taking of frogs.
5. Anglers may only use non-motorized boats and boats with electric motors on Sunk Lake Public Use Natural Area.

LAKE ISOM NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. (Reserved)

B. Upland Game Hunting. Hunting of quail, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits required.

C. Big Game Hunting. Hunters may hunt white-tailed deer with archery equipment on designated areas of the refuge subject to the following condition: Refuge permits required.
§ 32.63 Texas.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

**ANAHUAC NATIONAL WILDLIFE REFUGE**

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following conditions:
1. We require a permit to hunt on all hunting units of the refuge, and hunters must have this permit in their possession while hunting. The annually issued waterfowl hunting permit contains all refuge-specific waterfowl hunting regulations. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the waterfowl hunting permit.
2. We require payment of a fee to hunt on portions of the refuge.
3. You may hunt only on designated days of the week and on designated areas during the general waterfowl hunting season. You may hunt on designated areas during all days of the September teal season. We annually issue notice of hunting days and maps depicting areas open to hunting in the refuge hunting permit.
4. Hunters must use and be in possession of Federally-approved non-toxic shot only.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

1. Anglers must launch boats from designated access points only. We restrict boats to ‘slow speed/minimum wake’ on all refuge impoundments open to fishing.
2. Anglers may not leave boats on the refuge overnight.
3. Hunters must obtain a refuge permit and pay a fee.
4. You may not use dogs to trail game.
5. You may not possess alcoholic beverages while on the refuge.
6. The use of trotlines, setlines, bows and arrows, gags, or spears is not permitted in inland waters.
7. We allow archery hunting in October within the deer season for the county on specified days listed in the refuge hunting brochure.
8. We allow firearm hunting in November within the deer season for the county on specified days listed in the refuge hunting brochure.
9. You must unload and encase all firearms while in a vehicle.
10. You may not use crab traps in any refuge marshes, including Matagorda Island.
11. You may hunt white-tailed deer and feral hog on designated areas of Matagorda Island in accordance with the State permit system as administered by Texas Parks and Wildlife Department.

**ARANSAS NATIONAL WILDLIFE REFUGE**

A. Hunting of Migratory Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:
1. We may immediately close the entire refuge or any portion thereof to hunting in the event of the appearance of whooping cranes in the hunt area.
2. You must obtain a refuge permit and pay a fee.
3. You may not use dogs to trail game.
4. You may not possess alcoholic beverages while on the refuge.
5. We will annually designate bag limits in the refuge hunting brochure.
6. We allow archery hunting in October within the deer season for the county on specified days listed in the refuge hunting brochure.
7. We allow firearm hunting in November within the deer season for the county on specified days listed in the refuge hunting brochure.
8. Firearm hunters must wear a total of 400 square inches (936 cm²) of head gear. Some hunter orange must appear on head gear.
9. You must unload and encase all firearms while in a vehicle.
10. You may not hunt on or across any part of the refuge road system, or hunt from a vehicle on any refuge road or road right-of-way.
11. You may hunt white-tailed deer and feral hog on designated areas of Matagorda Island in accordance with the State permit system as administered by Texas Parks and Wildlife Department.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Boats and other flotation devices are not permitted on inland waters. Boats may be launched into East Bay at designated ramps.
2. Fishing is permitted only with pole and line, rod and reel or hand-held line.
3. The use of trotlines, setlines, bows and arrows, gags, or spears is not permitted in inland waters.

1. Boats and other flotation devices are not permitted on inland waters. Boats may be launched into East Bay at designated ramps.
2. Fishing is permitted only with pole and line, rod and reel or hand-held line.
3. The use of trotlines, setlines, bows and arrows, gags, or spears is not permitted in inland waters.
4. Anglers may not leave boats on the refuge overnight.
5. Anglers must launch boats from designated access points only. We restrict boats to ‘slow speed/minimum wake’ on all refuge impoundments open to fishing.
6. You may not use dogs to trail game.
7. You may not possess alcoholic beverages while on the refuge.
8. The use of trotlines, setlines, bows and arrows, gags, or spears is not permitted in inland waters.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Boats and other flotation devices are not permitted on inland waters. Boats may be launched into East Bay at designated ramps.
2. Fishing is permitted only with pole and line, rod and reel or hand-held line.
3. The use of trotlines, setlines, bows and arrows, gags, or spears is not permitted in inland waters.
4. Anglers may not leave boats on the refuge overnight.
5. Anglers must launch boats from designated access points only. We restrict boats to ‘slow speed/minimum wake’ on all refuge impoundments open to fishing.
6. You may not use dogs to trail game.
7. You may not possess alcoholic beverages while on the refuge.
8. The use of trotlines, setlines, bows and arrows, gags, or spears is not permitted in inland waters.

1. Boats and other flotation devices are not permitted on inland waters. Boats may be launched into East Bay at designated ramps.
2. Fishing is permitted only with pole and line, rod and reel or hand-held line.
3. The use of trotlines, setlines, bows and arrows, gags, or spears is not permitted in inland waters.
§ 32.63

BALCONES CANYONLANDS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning, white-wing, rock, and Eurasian-collared doves on designated areas of the refuge subject to the following conditions:
1. The length of the hunting season will be concurrent with the State season in September and October.
2. We allow hunting in designated areas, from noon to sunset, Saturdays and Sundays.
3. You may possess only approved nontoxic shot while in the field.
4. We require refuge permits and payment of a hunt fee by all hunters.
5. We allow dogs to retrieve game birds during the hunt, but the dogs must be under control of the handler at all times and not allowed to roam free.
6. All hunters must be 10 years old or older. An adult 21 years of age or older must supervise hunters ages 10-17 (inclusive).
7. We require use or possession of alcohol.
8. We may immediately close the entire refuge or any portion thereof to hunting for the protection of resources, as determined by the refuge manager.

B. Upland Game Hunting. We allow hunting of turkey on designated areas of the refuge subject to the following conditions:
1. We allow hunting in November, December, and/or January.
2. We require hunters to check in and out of a hunt area.
3. We allow bows and arrows, shotguns, and rifles.
4. We may immediately close the entire refuge or any portion thereof to hunting for the protection of resources, as determined by the refuge manager.
5. Hunters must be at least 12 years of age. An adult 21 years of age or older must supervise hunters between the ages of 12 and 17 (inclusive).
6. The refuge will set bag limits.
7. We require hunters to wear 400 square inches (2,600 cm²) of hunter orange on the outermost layer of the head, chest, and back, which must include a hunter orange hat or cap.
8. We require refuge permits and the payment of a hunt fee.
9. You may not use dogs for hunting.
10. You may not camp.
11. You may only use vehicles on designated roads and parking areas.

D. Sport Fishing. [Reserved]

BIG BOOGY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions: Pits and permanent blinds are not permitted.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

BRAZORIA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:
1. Pits and permanent blinds are not permitted.
2. Permits are required to hunt on certain portions of the hunting area.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions: Fishing is permitted only on Nick’s Lake, Salt Lake and Lost Lake and along the Salt Lake Weir Dike and the Bastrop Bayou Public Fishing Areas.

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:
1. Permits and payment of a fee are required.
2. Hunters may hunt only one day each year.
3. You may possess only approved nontoxic shot while in the field.
4. Hunting is limited to five days, opening on Saturday in accordance with the opening of the State of Texas hunting season, and the subsequent Monday, Wednesday, Friday and Sunday.

249
§32.63

HAGERMAN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves in the month of September on designated areas of the refuge, subject to the following conditions:
1. We require you to check in and out of the hunt area.
2. We allow only shotguns.
3. You may possess no shot larger than #4 on the hunting area.

B. Upland Game Hunting. We allow hunting of quail in the month of February and squirrel and rabbit in the months of February and September on designated areas of the refuge subject to the following conditions:
1. We require you to check in and out of the hunt area.
2. We allow only shotguns.
3. You may possess no shot larger than #4 on the hunting area.
4. You must plug shotguns to hold no more than three shells during the September dove season.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following conditions:
1. You may archery hunt as listed in the refuge hunt information sheet.
2. We allow only shotguns.
3. You may possess no shot larger than #4 on the hunting area.
4. You must plug shotguns to hold no more than three shells during the September dove season.

D. Sport Fishing. We allow fishing in ponds and stock tanks from April 1 through September 30.
3. Fishermen may string trotlines between anchored floats only. We do not allow lines attached to rubber bands, sticks, poles, trees, or other fixed objects in refuge ponds or impoundments.
4. We do not allow fishing from bridges or roadways.
5. We do not allow boats and other flotation devices on the waters of Lake Texoma from October 1 through March 31, or at any time on refuge ponds and impoundments.

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following conditions:
1. Permits and payment of a fee are required.
2. Archery hunting and firearms hunting are permitted in December on specific days listed in the refuge hunt information sheet.
3. Bag limits for white-tailed deer will be determined annually.
4. There is no limit on feral hogs.
5. Firearm hunters must wear a total of 400 sq. in. of hunter orange, including 144 sq. in. visible in front and 144 sq. in. visible in rear. Some hunter orange must appear on headgear.
6. Hunters shall be at least 12 years of age. Hunters between the ages of, and including, 12 and 17 must hunt under supervision of an adult 18 years of age or older.

D. Sport Fishing. Sport fishing and crabbing are permitted on designated areas subject to the following conditions: Fishing and crabbing are permitted only within Adolph Thomae, Jr. County Park.

LOWER RIO GRANDE VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning, white-winged, and white-tipped doves in the months of September, October, and November on designated areas of the refuge, subject to the following conditions:
1. We require a refuge permit and payment of a fee.
2. We limit hunting to the months of September, October, and November in accordance with the State hunting season.
3. We allow only shotguns.
4. You may possess only approved nontoxic shot while in the field.
5. All hunters must be 12 years of age or older. An adult 21 years old or older must accompany hunters 12-17 years of age.
6. You may park at designated locations only.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hogs, and nilgai antelope on designated areas of the refuge subject to the following conditions:
1. We require a refuge permit and payment of a fee.
2. We will offer hunting during portions of the State hunting season.
3. We enforce a two-deer (one buck only) limit on white-tailed deer and no limit on feral hogs and nilgai antelope.
4. All hunters must be 12 years of age or older. An adult 21 years old or older must accompany hunters 12–17 years of age.

5. We will determine location and method of hunt each year.

6. You may park at designated locations only.

7. We prohibit the use of dogs and baiting for hunting.

8. You may hunt only on designated days of the week and on designated areas during the general waterfowl hunting season. You may hunt on designated areas during all days of the September teal season. We annually issue notice of hunting days and maps depicting areas open to hunting in the refuge permit.

9. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require a permit to hunt on all hunting units of the refuge, and hunters must have this permit in their possession while hunting. The annually issued waterfowl hunting permit contains all refuge-specific waterfowl hunting regulations. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the waterfowl hunting permit.

2. We require payment of a fee to hunt on portions of the refuge.

3. You may hunt only on designated days of the week and on designated areas during the general waterfowl hunting season. You may hunt on designated areas during all days of the September teal season. We annually issue notice of hunting days and maps depicting areas open to hunting in the refuge permit.

4. Hunters must use and be in possession of Federally-approved non-toxic shot only.

5. We allow retrievers, but they must be under control of the owner.

6. We allow only temporary blinds. Hunters must remove blinds and decoys daily.

7. Youth hunters, 17 years of age and under, must be under direct supervision of an adult, 18 years of age or older.

8. You must unload and encase all shotguns while in transit through the refuge.

9. You may possess only approved nontoxic shot.

10. The minimum distance we allow between hunt parties is 150 yards (135 m).
§ 32.64 Utah.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BEAR RIVER MIGRATORY BIRD REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, coots, and tundra swans on designated areas of the refuge subject to the following conditions:
1. Hunters may not shoot or hunt within 100 yards (30.48 meters) of principal refuge roads (the tour route).
2. You may possess only approved nontoxic shot while in the field.
3. Hunters may not use pits or permanent blinds.
4. Airboats are permitted only in Unit 9 and in Block C of the Refuge.
5. Refuge closes two (2) hours after sunset (end of shooting hours), including parking sites. Decoys, boats, vehicles, and other personal property may not be left on the refuge overnight.
6. Hunters may only park in designated parking sites.
7. Hunters who take or attempt to take tundra swans must possess a Utah State Swan Permit and may not possess or use more than 10 shells per day while hunting swans.
8. Any person entering, using or occupying the refuge for waterfowl hunting must abide by all the terms and conditions in the Refuge Hunting Brochure.
9. When hunters are in their vehicles, at parking lots, or traveling on Refuge roads, all firearms must be completely unloaded (including the magazine) and cased or dismantled.
10. Beginning November 1st through the end of swan season, the northwest section of Unit 2 (as designated on the map in the Refuge hunting brochure and posted in the field) is restricted to only hunters who possess a Utah State Swan permit, and they may not possess or use more than ten (10) shells per day.

B. Upland Game Hunting. Hunters may hunt pheasants on designated areas of the refuge subject to the following conditions:
1. You may possess only approved nontoxic shot while in the field.
2. Pheasants may not be taken with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishermen may fish on designated areas of the refuge subject to the following conditions:
1. Fishermen may fish year-round in designated areas of the Refuge.

FISH SPRINGS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks and coots on designated areas of the refuge in accordance with State regulations and the following conditions:
1. All hunters must register individually at the visitor information station before entering the open hunting area and prior to exiting the refuge.
2. We do not allow hunters or dogs to enter closed areas to retrieve birds.
3. You may only possess firearms legally used to hunt waterfowl unless you case or break them down.
4. You may construct nonpermanent blinds. You must remove all blinds constructed out of materials other than vegetation at the end of a hunt day.
5. We allow use of small boats (15′ or less). We do not allow gasoline motors and air boats.
6. You may enter the refuge 2 hours prior to sunrise and must exit the refuge by 1½ hours after sunset. You may not leave decoys, boats, vehicles, and other personal property on the refuge overnight.
7. We have a Special Blind Area for use by the disabled. We prohibit trespass for any reason by any individual not registered to utilize that area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]
§ 32.65 Vermont.  

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

MISSISSOUI NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:
1. We require refuge permits to hunt in the Long Marsh Channel—Metcalfe Island Controlled Hunting Area, the Junior Waterfowl Hunting Area, and the Saxe’s Pothole-Creek and Shad Island Pothole Hunting Area.
2. You may not possess more than 25 shells per day on the Long Marsh Channel—Metcalfe Island Controlled Hunting Area, the Junior Waterfowl Hunting Area, and the Saxe’s Pothole-Creek and Shad Island Pothole Hunting Area.
3. Boats are required for access to the permit areas.
4. Within any controlled hunting area, you must hunt within 100 feet (30 m) of the blind or blind stake for the area except to retrieve crippled birds.
5. You must hunt with one retriever per hunting party of up to two hunters per party within the Saxe’s Pothole-Creek and Shad Island Pothole Hunting Area, the Long Marsh Channel—Metcalfe Island Controlled Hunting Area, and the Maquam Swamp Hunting Area.
6. No permanent blind construction or blind staking is allowed in the Delta Lakeshore Hunting Area, the Saxe’s Pothole-Creek and Shad Island Pothole Hunting Area, and the Maquam Swamp Hunting Area.
B. Upland Game Hunting. Hunters may hunt rabbits, ruffed grouse and squirrels on designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Only shotguns 20 gauge or larger, loaded with buckshot and/or rifled slugs, and bow and arrow, are permitted.
3. Dogs are not permitted.
4. Possession of loaded firearms or nocked arrows is not permitted on refuge roads or proclamation waters.
5. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
6. All hunters must register at Refuge Headquarters prior to hunting on the refuge.

§ 32.66 Virginia.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BACK BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. (Reserved)
B. Upland Game Hunting. (Reserved)
C. Big Game Hunting. Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Only shotguns 20 gauge or larger, loaded with buckshot and/or rifled slugs, and bow and arrow, are permitted.
3. Dogs are not permitted.
4. Possession of loaded firearms or nocked arrows is not permitted on refuge roads or proclamation waters.
5. Hunters during firearms big game season must wear in a conspicuous manner on head,
§ 32.66

CHEINOTTEAGUE NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. We allow hunting of migratory waterfowl and rails on designated areas of the refuge subject to the following conditions:
1. We require a refuge permit to hunt in designated public hunting areas.
2. We allow guided hunting in designated areas of Wildcat Marsh with refuge-designated commercial guides.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of white-tailed and sika deer in designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Only shotguns, 20 gauge or larger, loaded with buckshot and/or rifled slugs, and bows and arrows, are permitted.
3. Dogs are not permitted.
4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
5. Hunters are required to sign in and out on each hunt day.
6. Hunters may not possess a loaded firearm (ammunition in the chamber, magazine, or clip), or loaded bow on or within 50 feet of a refuge road, including roads closed to vehicles.
7. Hunters may not shoot onto or across a refuge road, including roads closed to vehicles.
8. Hunters may not possess alcoholic beverages.
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Boat fishing is permitted in Lake Drummond and in the Feeder Ditch on the east side of the lake during daylight hours only.
2. Bank fishing is not permitted.
3. All fishing lines must be attended.
4. A permit is required for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond from April 1 through June 15.
EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. Hunters may hunt deer and bear on designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Only shotguns, 20 gauge or larger, loaded with buckshot and/or rifled slugs, and bows and arrows, are permitted.
3. Dogs are not permitted.
4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
5. Hunters are required to sign in and out on each hunt day.
6. Hunters may not possess a loaded firearm (ammunition in the chamber, magazine, or clip), or loaded bow on or within 50 feet of a refuge road, including roads closed to vehicles.
7. Hunters may not shoot onto or across a refuge road, including roads closed to vehicles.
8. Hunters may not possess alcoholic beverages.
D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:
1. Boat fishing is permitted in Lake Drummond and in the Feeder Ditch on the east side of the lake during daylight hours only.
2. Bank fishing is not permitted.
3. All fishing lines must be attended.
4. A permit is required for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond from April 1 through June 15.

JAMES RIVER NATIONAL WILDLIFE REFUGE
A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:
1. Hunters must carry a refuge permit at all times on the refuge.
2. You may not discharge a firearm or archery equipment across or within any refuge road, as designated on the refuge hunt maps.
3. We close the refuge to all hunting from December 1 until the end of the State hunting season to protect roosting and nesting bald eagles.
4. Hunters in the field shall retrieve and maintain in their custody all crippled and killed game, if possible.
5. You may not transport a loaded firearm in any vehicle on the refuge.
§ 32.66

U.S. Fish and Wildlife Serv., Interior

6. On the refuge deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees.
7. We allow only portable tree stands on the refuge, and hunters must remove them at the end of the day.
8. We prohibit hunting with dogs.
9. We prohibit camping on refuge lands.
10. We prohibit the use of open fires.

D. Sport Fishing. [Reserved]

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following condition: We require refuge permits.
D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:
1. We allow fishing only from sunrise to sunset from March 15 through October 15.
2. You must attend all fishing lines.
3. We do not allow airboats.

MASON NECK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Only shotguns 20 gauge or larger loaded with buckshot are permitted.
3. Dogs are not permitted.
4. Only portable tree stands may be used and must be removed at the end of each hunting day.
5. Shotgun hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
D. Sport Fishing. [Reserved]

OCCOQUAN BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge in accordance with State regulations and subject to the following conditions:
1. We require a refuge permit.
2. Hunters must have in their possession at all times a copy of the refuge permit containing the refuge regulations, their hunting license, and, if issued, their State-issued deer management assistance program (DMAP) tag.
3. We will select specific hunting dates within the State seasons. Consult the refuge office for information on specific hunt dates.
4. You may not transport a loaded firearm in any vehicle on any refuge road or right of way.
5. Hunters must wear in a conspicuous manner on chest and back a minimum of 400 square inches (2,600 cm²) of solid hunter orange clothing or material and a hunter orange cap or hat.
D. Sport Fishing. [Reserved]

PLUM TREE ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

PRESQUILE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:
1. Hunters must carry a refuge permit at all times on the refuge.
2. You may not discharge a firearm or archery equipment across or within any refuge road, as designated on the refuge hunt maps.
3. We close the refuge to all hunting from December 1 until the end of the State hunting season to protect roosting and nesting bald eagles.
4. Hunters in the field shall retrieve and maintain in their custody all crippled and killed game, if possible.
5. You may not transport a loaded firearm in any vehicle on the refuge.
6. On the refuge deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees.
7. We allow only portable tree stands on the refuge, and hunters must remove them at the end of the day.
8. We prohibit hunting with dogs.
9. We prohibit camping on refuge lands.
10. We prohibit the use of open fires.
D. Sport Fishing. [Reserved]

RAPPAHANNOCK RIVER VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
§ 32.67 Washington.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

COLUMBIA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following conditions:
1. We allow hunting of doves, geese, ducks, and common snipe on designated areas of the refuge subject to the following conditions:
2. We allow hunting only on Wednesdays, Saturdays, Sundays, and Federal holidays.
3. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.
4. We allow hunting only on Wednesdays, Saturdays, Sundays, and Federal holidays.
5. We allow hunting of doves, geese, ducks, and common snipe on designated areas of the refuge subject to the following conditions:
6. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.
7. We allow hunting only on Wednesdays, Saturdays, Sundays, and Federal holidays.
8. We allow hunting of doves, geese, ducks, and common snipe on designated areas of the refuge subject to the following conditions:
9. We allow hunting only on Wednesdays, Saturdays, Sundays, and Federal holidays.
10. We prohibit the use of open fires.
D. Sport Fishing. [Reserved]

WALLOPS ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [ Reserved]
C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:
1. We require a refuge permit.
2. We do not allow dogs.
3. We allow only portable tree stands on the refuge, and hunters must remove them at the end of each hunt day.
4. We prohibit hunting with guns.
5. We prohibit hunting with guns.
6. We prohibit hunting with guns.
7. We prohibit hunting with guns.
8. We prohibit hunting with guns.
9. We prohibit hunting with guns.
10. We prohibit the use of open fires.
D. Sport Fishing. [Reserved]

CONBOY LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of doves, geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following conditions:
1. We require a refuge permit.
2. We do not allow dogs.
3. We allow only portable tree stands on the refuge, and hunters must remove them at the end of each hunt day.
4. Hunters must comply with refuge check-in and check-out procedures as specified on the hunt permit.
5. During firearms big game season, including scouting days, hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.
6. We prohibit hunting.
7. We prohibit hunting.
8. We prohibit hunting.
9. We prohibit hunting.
10. We prohibit the use of open fires.
D. Sport Fishing. [Reserved]

§ 32.67 Washington.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.
C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

DUNGENESS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may salt water fish in designated areas of the refuge.

HANFORD REACH NATIONAL MONUMENT/SAFETY MOUNTAIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, and common snipe on the Wahluke Unit and designated Columbia River islands (those islands downstream of the Bonneville Powerline crossing, between River Mile 331 and 341) of the Monument/Refuge in accordance with State regulations and subject to the following conditions:
1. You may possess only approved nontoxic shot while on the refuge.
2. We allow access from 2 hours before sunrise to 2 hours after sunset. We do not allow overnight camping and/or parking.
3. We close the furthest downstream island (Columbia River Mile 341) to hunting.
4. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along public rights of way.
5. We do not allow hunters or dogs to enter closed areas to retrieve game.
6. We allow hunting of geese, ducks, coots, and common snipe on the Wahluke Unit and designated Columbia River islands of the Monument/Refuge (those islands downstream of the Bonneville Powerline crossing, between River Mile 351 and 341) in accordance with State regulations and subject to the following conditions:
1. We allow access to the islands from July 1 to September 30, except for Islands 18 and 19 (downstream of Johnson Island), where we allow access from July 31 to September 30.
2. We allow access from 2 hours before sunrise to 2 hours after sunset. We prohibit overnight camping and/or parking.
3. We allow nonmotorized boats and boats with electric motors on the WB-10 Ponds, with walk-in access only.

JULIA BUTLER HANSEN REFUGE FOR THE COLUMBIAN WHITE-TAILED DEER

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and common snipe on the Hunting Island Unit subject to the following condition: You may possess only approved nontoxic shot while in the field.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. We allow bank fishing from the Mainland Unit shoreline adjoining the Elochoman and Columbia Rivers as well as Steamboat and Brooks Sloughs, in accordance with State fishing regulations. We also allow bank fishing in the pond adjacent to the diking district pumping station by Brooks Slough. We close all other interior water of the Mainland Unit to fishing.

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge.
B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge.
C. Big Game Hunting. Hunting of big game is permitted on designated areas of the refuge.
D. Sport Fishing. Sport fishing is permitted on designated areas of the refuge.
§ 32.67

MCNARY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, doves, and common snipe on designated areas of the refuge subject to the following conditions:

1. You may possess no more than 25 approved nontoxic shotshells while in the field.
2. You may not leave decoys and other personal property on the refuge overnight.
3. On the McNary Division, we allow hunting by refuge permit only. This area is open to hunting from 5:00 a.m. to one-half hours after sunset.
4. On the Wallula and Two Rivers Units, we allow waterfowl hunting 7 days a week during State waterfowl seasons. We allow dove hunting in accordance with State regulations.
5. On the Wallula Unit, we close the Walla Walla Delta to hunting from February 1 to September 30.
6. On the Peninsula Unit we allow dove hunting in accordance with State regulations. We allow waterfowl hunting subject to the following conditions:
   i. We allow duck hunting Wednesdays through Sundays only.
   ii. We allow goose hunting Wednesdays, Saturdays, and Sundays only.
   iii. On Wednesdays we allow waterfowl hunting only from the goose pits.
   iv. Hunting on the east side of the Peninsula and in the goose pits is by assigned blinds on a first-come, first-served basis.
B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:
1. Except on the Peninsula Unit, you may possess no more than 25 approved nontoxic shotshells while in the field.
2. You may possess only approved nontoxic shotshells while in the field.
3. Hunters in the marked hunt site areas must hunt within fifty (50) feet of designated blinds except when shooting to retrieve crippled birds.
4. Snipe hunters may possess only approved nontoxic shot while in the field.

RIDGEFIELD NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, and coots on designated areas of the refuge subject to the following condition:
1. Hunting is by permit only.
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may salt water fish in designated areas of the refuge.

NISQUALLY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. [Reserved]

TOPPENISH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and snipe is permitted on designated areas of the refuge subject to the following conditions:
1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.
2. Hunters may not possess more than 25 shells while in the field.
3. Hunters in the marked hunt site areas must hunt within fifty (50) feet of designated blinds except when shooting to retrieve crippled birds.

50 CFR Ch. I (10–1–02 Edition)
§ 32.67

Umatilla National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and snipe on designated areas of Riekkola, Lewis, Tarlatt Slough, and Leadbetter Units in accordance with State hunting regulations and subject to the following conditions:

1. Prior to entering the hunt area at the Riekkola and Tarlatt Slough Units, we require you to obtain a refuge permit, pay a recreation user fee, and obtain a blind assignment.

2. At the Riekkola and Tarlatt Slough Units, you may take ducks and coots only coincidental to hunting geese.

3. We allow hunting on Wednesday and Saturday in the Riekkola and Tarlatt Slough Units only from established blinds.

4. At the Lewis Unit, we prohibit hunting from the outer dike that separates the bay from the freshwater wetlands.

5. At the Riekkola and Tarlatt Slough Units, you may possess no more than 25 approved nontoxic shells per day while in the field.

6. At the Leadbetter Unit, you may possess only approved nontoxic shot.

B. Upland Game Hunting. We allow hunting of blue and ruffed grouse on Long Island, subject to the following conditions:

1. We require you to obtain and carry a refuge permit and report game taken, as specified with the permit.

2. We allow only archery hunting.

3. We do not allow firearms on Long Island at any time.

4. We do not allow dogs on Long Island.

C. Big Game Hunting. We allow hunting of deer, elk, and bear on Long Island and on designated areas of the Bear River Unit, in accordance with State hunting regulations and subject to the following conditions:

1. At Long Island you must possess a valid refuge permit and report game taken, as specified with the permit.

2. At Long Island we allow only archery hunting and prohibit firearms.

3. At Bear River we do not allow bear hunting.

4. We prohibit dogs.

D. Sport Fishing. We allow sport fishing along the shoreline of Willapa Bay and Bear River on refuge-owned lands in accordance with State regulations.

§ 32.68 West Virginia.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CANAAN VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following conditions:
1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.
2. Shotgun hunters may possess only approved nontoxic shot while hunting on the refuge.

B. Upland Game Hunting. Hunters may hunt upland (small) game on designated areas of the refuge subject to the following conditions:
1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.
2. Shotgun hunters may possess only approved nontoxic shot while hunting on the refuge.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to the following conditions:
1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.
2. We allow shotgun and muzzle-loader hunting only with the possession of approved nontoxic shot size #4 or smaller for hunting of wild turkey. We prohibit rifle hunting.

D. Sport Fishing. [Reserved]

OHIO RIVER ISLANDS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Migratory game bird hunting is permitted on designated areas of the refuge subject to the following condition: Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Regulations Leaflet while participating in a refuge hunt.

B. Upland Game Hunting. The hunting of rabbit and squirrel is permitted on designated areas of the refuge subject to the following conditions:
1. The use of dogs for pursuit while rabbit hunting is prohibited.
2. The take of squirrel and rabbit is restricted to shotgun only.
3. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Hunting Regulations Leaflet while participating in a refuge hunt.
4. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. The hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:
1. Only archery hunting is permitted.
2. Organized deer drives by two or more hunters are prohibited. A drive is hereby defined as the act of chasing, pursuing, disturbing or otherwise directing deer so as to make the animals more susceptible to harvest.
3. Baiting for deer on refuge lands is prohibited.
4. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Regulations Leaflet while participating in a refuge hunt.

D. Sport fishing. Sport fishing is permitted on designated areas of the refuge under West Virginia’s State regulations and guidelines, unless otherwise posted on the refuge.


§ 32.69 Wisconsin.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

FOX RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:
1. We require refuge permits during designated time periods.
2. We do not allow the construction or use of blinds, platforms, or ladders.
3. We allow hunting only during the State firearms season and during a designated time period of the archery season.

D. Sport Fishing. [Reserved]

HORICON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks and coots on designated areas of the refuge subject to the following conditions:
1. We require permits.
2. We allow only participants in the Young Wildfowlers and Special Programs to hunt.

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, gray partridge, squirrel, and cottontail rabbit on designated areas of the refuge from the opening of the respective State seasons through the State deer firearms season, and subject to the following conditions:
1. Shotgun hunters may possess only approved nontoxic shot while hunting upland game species.
2. Hunting in the youth/novice pheasant hunt area (Area F) is for youth who are 12-19 years of age, and by permit.
C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:
1. We allow hunting only during the early archery and State firearms season.
2. We do not allow the construction and use of permanent blinds, platforms, or ladders.
3. You must remove all stands from the refuge following each day's hunt.
4. Hunting in the area surrounding the office/visitor center (Area E) is by permit only.
5. Hunting in the auto-touching trail complex (Area D) is open only during the State firearms deer season.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: We allow only bank fishing.

LEOPOLD WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds throughout the District except that hunters may not hunt on designated portions of the Blue-wing Waterfowl Production Area in Ozaukee County or the Wilcox Waterfowl Production Area in Waushara County.

B. Upland Game Hunting. Hunters may hunt upland game throughout the district except that hunters may not hunt on designated portions of the Blue-wing Waterfowl Production Area in Ozaukee County or the Wilcox Waterfowl Production Area in Waushara County.

C. Big Game Hunting. Hunters may hunt big game throughout the District except that hunters may not hunt on designated portions of the Blue-wing Waterfowl Production Area in Ozaukee County or the Wilcox Waterfowl Production Area in Waushara County.

D. Sport Fishing. [Reserved]

NECEDAH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds only on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of wild turkey, ruffed grouse, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, and raccoon only on designated areas of the refuge subject to the following conditions:
1. You may possess only unloaded guns in the retrieval zone of Refuge Area 7 during the State waterfowl hunting season, except while hunting deer during the gun deer season.
2. During the spring turkey season, we allow unarmed hunters who have an unexpired spring turkey permit in their possession to scout the hunt area. We allow this scouting beginning on the Saturday immediately prior to the opening date listed on their State turkey hunting permit.
3. Refuge Area 3 is open to hunting after the State deer gun season through the end of the respective State seasons or until February 28, whichever occurs first.
4. You may use dogs only when hunting small game and waterfowl.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:
1. You may not possess a loaded firearm or a nocked arrow on a bow within 50 feet (15 m) of the centerline of all public roads. Also, during the gun deer season, you may not possess a loaded firearm within 50 feet (15 m) of the center of refuge trails, nor may you discharge a gun from across, down, or alongside these trails.
2. You may not construct or use permanent blinds, stands, or ladders.
3. You may use portable elevated devices but must lower them to ground level at the close of shooting hours each day. You must remove all blinds, stands, platforms, and ladders from the refuge at the end of the hunting season.
4. Refuge Areas 1, 2, 4, 5, 6, and 7 are open to deer hunting.
5. Refuge Area 3 is open to deer hunting during the State gun, muzzleloader, and late archery seasons. Unarmed deer hunters may enter Area 3 to scout beginning the Saturday prior to the gun deer season.
6. We do not allow target or practice shooting.
7. We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

D. Sport Fishing. We allow fishing in designated waters of the refuge at designated times subject to the following conditions: We allow use of nonmotorized boats in Sprague-Goose Pools only when these pools are open to fishing. We allow motorized boats in Suk Cerney Pool.

ST. CROIX WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds throughout the district except that you may not hunt on designated portions posted as closed of the St. Croix Prairie Waterfowl Production Area (WPA) in St. Croix County.

B. Upland Game Hunting. We allow hunting of upland game throughout the district except that you may not hunt on designated portions posted as closed of the St. Croix Prairie WPA in St. Croix County.

C. Big Game Hunting. We allow hunting of big game throughout the district except that you may not hunt on designated portions of the St. Croix Prairie Waterfowl Production Area in St. Croix County.

D. Sport Fishing. [Reserved]

TREMPLEAUX NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the
following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:
1. We allow only hand-powered boats or boats with electric motors on the refuge.
2. You must remove ice fishing shelters from the refuge following each day’s hunt.
3. We prohibit possessing archery or spearing equipment on refuge pools at any time. We allow taking rough fish by bow and arrow or spear only along the refuge boundary in the backwaters of the Trempealeau River, in accordance with State regulations.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Refer to 32.32 Illinois for regulations.

WHITTLESEY CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:
1. We allow only the use of portable or temporary blinds.
2. You must remove portable or temporary blinds and any material brought on to the refuge for blind construction at the end of each day’s hunt.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt elk and bison on designated areas of the refuge subject to the following conditions:
1. Permits are required.
2. Hunters may not be let out of vehicles on refuge roads.
3. Shooting from or across refuge roads and parking areas is not permitted.
4. The use of citizen band (CB) radios in the hunt area is not permitted.

D. Sport Fishing. Anglers may sport fish on the refuge in accordance with state law, as specifically designated in refuge publications.

PATHFINDER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of sage grouse and cottontail rabbit on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of pronghorn antelope and deer is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

SEEDSKADEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, coots, dark geese, common snipe, rails, and mourning doves on designated areas of the refuge in accordance with State regulations and the following conditions:
1. Waterfowl hunters may enter the refuge 1 hour before legal shooting hours to set up decoys and blinds.
2. You may use only portable blinds or blinds constructed from dead or downed wood. We prohibit digging pit blinds.
3. You must unload and encase or dismantle all firearms when transporting them in a vehicle or boat under power.
4. You may possess only approved nontoxic shot.

B. Upland Game Hunting. We allow hunting of sage grouse, cottontail rabbit, red fox, jackrabbit, raccoon, and skunk on designated areas of the refuge in accordance with State regulations and the following conditions:
1. You must unload and encase or dismantle all firearms when transporting them in a vehicle or boat under power.
2. You may possess only approved nontoxic shot.
3. We prohibit the shooting of prairie dogs, coyotes, and other species not listed above.

C. Big Game Hunting. We allow hunting of pronghorn, mule deer, and moose on designated areas of the refuge in accordance with State regulations and the following condition: You must unload and encase or
U.S. Fish and Wildlife Serv., Interior

§ 34.2 Authority.

(a) The Act of October 17, 1978, Pub. L. 95–469, amended the Act of June 15, 1935, as amended by the Act of August 30, 1964 (78 Stat. 701; 16 U.S.C. 715a), by revising the formula and extending the revenue sharing provisions to all fee and reserve areas that are administered by the Secretary through the U.S. Fish and Wildlife Service. Payments under this Act

1. Anglers may be on the refuge from 8:30 a.m. until 5:00 p.m. daily, except Thanksgiving, Christmas, and New Year’s Day.
2. We prohibit overnight camping on the refuge.
3. You may not possess surround or gill nets on the refuge.
4. We prohibit the collection of corals, giant clams (Tridacna and Hippopus spp.), and coconut crabs (Birgus latro) on the refuge.
5. We prohibit use of Self Contained Underwater Breathing Apparatus (SCUBA) to take fish or invertebrates.
6. We prohibit anchoring boats on the refuge.
7. We prohibit sailboards or motorized personal watercraft on the refuge.

§ 34.1 Purpose.

The purpose of the regulations contained in this part is to prescribe the procedures for making payments in lieu of taxes to counties for areas administered by the Secretary through the U.S. Fish and Wildlife Service in accordance with the Revenue Sharing Act.

§ 34.2 Authority.

AUTHORITY: 16 U.S.C. 715s, as amended.

SOURCE: 44 FR 33073, June 8, 1979, unless otherwise noted.
may be used for any governmental purpose.

(b) Pursuant to title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d), and the regulations issued pursuant thereto, which are contained in 43 CFR part 17, counties must file an assurance with the Department, comply with the terms of the assurances, and comply with regulations contained in 43 CFR part 17 in order to continue to receive this Federal financial assistance.

§ 34.3 Definitions.

(a) The term fee area means any area which was acquired in fee by the United States and is administered, either solely or primarily, by the Secretary through the Service.

(b) The term reserve area means any area of land withdrawn from the public domain and administered, either solely or primarily, by the Secretary through the Service. For the purpose of these regulations, reserve areas also include lands in Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, which were initially administered by the United States through Act of Congress, Executive Order, Public Land Order or Proclamation of the President and administered, either solely or primarily, by the Secretary through the Service.

(c) The term county means any county, parish, organized or unorganized borough, township or municipality, or other unit of local government that is the primary collector for general purpose real property taxes where fee areas and/or reserve areas are located. For the purpose of sharing revenues, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall each be treated as a county.

(d) The term fund means the revenues received by the Service from (1) the sale or disposition of animals, salmonoid carcasses and eggs, products of the soil (including, but not limited to, timber, hay, and grass), minerals, shells, sand, and gravel; (2) leases for public accommodations or facilities incidental to, but not in conflict with, the basic purpose of such areas; and (3) other privileges, including industrial leases at Crab Orchard National Wildlife Refuge, Illinois, as authorized by Section 8 of Pub. L. 95–616, approved October 27, 1978. The Service may pay from such fund any necessary expenses incurred in connection with the revenue producing and revenue sharing activity. The fund shall also include any appropriations authorized by the Act to make up any difference between the total amount of receipts after payments of expenses and the total amount of payments due the counties.

(e) The term net receipts means the amount of revenue collected by the Service from an area (including fee land and/or reserve land) after the deduction of necessary expenses incurred in producing the particular revenues.

(f) The term fair market value means the amount in terms of money for which in all probability a property would be sold if exposed for sale in the open market by a seller who is willing but not obligated to sell, allowing a reasonable time to find a buyer who is willing but not obligated to buy, both parties having full knowledge of all the uses to which the property is adapted, and for which it is capable of being used.

§ 34.4 Eligibility of areas.

In order to receive payments under the Act, a county must qualify under the definition in §34.3(c) of this part and there must be located within the county, areas of land owned in fee title by the United States and administered by the Secretary of the Interior through the Fish and Wildlife Service, including wildlife refuges, waterfowl production areas, wildlife ranges, wildlife management areas, fish hatcheries, research centers or stations, and administrative sites, and these areas must be solely or primarily administered by the Service. In addition to this Act, reserve areas administered solely or primarily by the Service are entitlement lands under section 6(a) of the Act of October 29, 1976 (Pub. L. 94–565, 31 U.S.C. 1601–1607), for which regulations are published in title 43, part 1880, Code of Federal Regulations.

§ 34.5 Distribution of revenues.

The Act provides that the Secretary, at the end of each fiscal year, shall pay to each county out of the fund:
(a) For reserve areas, an amount equal to 25 per centum of the net receipts, collected by the Secretary in connection with the operation and management of such area, provided that when any such area is situated in more than one county, the distributive share to each from the aforesaid receipts shall be proportional to its acreage of such reserve area.

(b) For fee areas, whichever of the following is greater:

1. An amount equal to 75¢ per acre for the total acreage of the fee area located within such county.

2. An amount equal to three-fourths of one per centum of the fair market value, as determined by the Secretary, of that portion of the fee area (excluding any improvements thereto made after the date of Federal acquisition) which is located within such county. For those areas of fee land within the National Wildlife Refuge System as of September 30, 1977, the amount of payment based on fair market value will not be less than the amount paid on the adjusted cost basis as in effect at that time. Actual cost, or appraised value in case of donation, will be used for lands acquired during fiscal year 1978. For those areas of fee lands added to lands administered by the Service after September 30, 1978, by purchase, donation, or otherwise, fair market value shall be determined by appraisal as of the date said areas are administered by the Service.

3. An amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such fee area during such fiscal year; but if a fee area is located in two or more counties, the amount each such county is entitled to shall be the amount which bears to such 25 per centum, the same ratio as that portion of the fee area acreage which is within such county bears to the total acreage of such fee area.

(c) In accordance with section 5(A) of the act, each county which receives a payment under paragraphs (a) and (b) of this section, with respect to any fee area or reserve area, shall distribute that payment to those units of local government which have incurred the loss or reduction of real property tax revenues because of the existence of such area in accordance with the following guidelines.

The local units of government entitled to this distribution will be those such as, but not limited to, cities, towns, townships, school districts, and the county itself in appropriate cases, which levy and collect real property taxes separately from the county or other primary taxing authority or those for which a tax is separately stated on a consolidated tax bill of the primary taxing authority in areas wherein eligible lands are located. The amount of distribution or passthrough to which each unit of local government shall be entitled shall be in the same proportion as its current tax loss bears to the current whole tax loss.

This proportion may be determined; from representative tax bills for the area; by construction by using assessments and millage rates; or by other suitable methods to achieve an equitable result. An example using the representative tax bill method is:

**Typical Tax Bill for the Area**

<table>
<thead>
<tr>
<th>County</th>
<th>$80 or 80%</th>
</tr>
</thead>
<tbody>
<tr>
<td>School District</td>
<td>20 or 20%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$100 or 100%</td>
</tr>
</tbody>
</table>

The county would receive the total payment, keep 80 percent and pass through 20 percent to the school district. An example using the construction method is:

**For a Typical Acre**

<table>
<thead>
<tr>
<th>Assessed value—</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$100=80 mills County</td>
<td>$8 80%</td>
</tr>
<tr>
<td>$100=20 mills School District</td>
<td>$2 20%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$10 100%</td>
</tr>
</tbody>
</table>

Here again, the county would receive the total payment, keep 80 percent and pass through 20 percent to the school district.

Counties shall distribute the payment to eligible local units of government within 90 days from receipt of the payment. In the event a county cannot make the required distribution for reasons of State or local law, or otherwise, the Service will make the payments directly to local units of government upon return of the check and information upon which to make the payments.

(d) Each county which receives a payment under these regulations shall maintain a record for a period of three
years as to how the payment was distributed to units of local government under paragraph (c) of this section. The record shall be available for inspection by the regional director, should a dispute arise as to the distribution of payments. See §29.21–2(c) for a listing of the regional directors of the Service.

§ 34.6 Schedule of appraisals.

The Secretary shall make fair market value appraisals of areas administered by the Service within five years after October 17, 1978, beginning with areas established earliest. All areas for which payments were not authorized prior to fiscal year 1979 (i.e.; fish hatcheries, administrative sites, and research stations) shall be included in the areas appraised during the first fiscal year. Once appraised, areas shall be reappraised on a schedule of at least once every five years. Until areas are appraised, the fair market value for the purposes of this regulation shall be the adjusted cost as of September 30, 1978, except that fee lands added to such areas after that date shall be on the basis of fair market value.

§ 34.7 Fair market value appraisals.

Fee areas administered by the Service will be appraised in accordance with standard appraisal procedures in order to estimate the fair market value of each area as a whole. The evaluation will be premised on an appropriate determination of highest and best use in accordance with existing or potential zoning, the present condition of the land and the general economic situation in the vicinity. Standard appraisal techniques will involve a market data comparison of these areas with similar properties which have sold recently in the local market. These techniques may also include consideration of potential income and development of the cost approach for special use properties having limited marketability. An appropriate evaluation of these areas will also take into consideration a discount for size as recognized by the market for large properties where applicable. The appraisals will be accomplished by the regional director, using Service staff appraisers or private appraisers contracted by the Service.

The Act requires that improvements placed upon the land after the date of Federal Acquisition be excluded from the fair market value. The only structures that will be included in the appraisal are those that were present at the time of Federal acquisition and have not been the subject of substantial renovation or modification with Federal funds. Evaluation of improvements will be based on their contributory value to the area as determined by the highest and best use study. Lands occupied by improvements not subject to appraisal will be valued as though unimproved.

The appraisals will be reviewed by the Service’s review appraisers and the determination of the regional director as to fair market value shall be final and conclusive and shall be the basis for computation of revenue sharing payments.

§ 34.8 Appropriations authorized.

The Act authorizes appropriations to the fund for any fiscal year when the aggregate amount of payments required to be made exceeds the net receipts in the fund.

§ 34.9 Protests.

(a) Computation of payments shall be based on Federal records concerning land, real property improvements, and accounting of net receipts from areas administered solely or primarily by the Service.

(b) Any affected county may protest the results of the computations of its payments to the regional director in charge of the State and county affected. See §29.21–2(c) for a listing of the regional directors of the Service.

(c) Any protesting county shall submit sufficient evidence to show error in the computation or the data from which the computations are made.

(d) All protests to the regional director shall be filed within 90 days from the date of receipt of the payment.

(e) The regional director shall consult with the affected county to resolve conflicts in the computations and/or data. The regional director shall make a determination as to the correct payment, which determination shall be final and conclusive.
PART 35—WILDERNESS PRESERVATION AND MANAGEMENT

Subpart A—General Rules

Sec. 35.1 Definitions.
35.2 Objectives.
35.3 General regulations.
35.4 Appropriations and personnel.
35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.
35.6 Public use.
35.7 Control of wildfires, insects, pest plants, and disease.
35.8 Forest management.
35.9 Livestock grazing.
35.10 Controlled burning.
35.11 Scientific uses.
35.12 Water rights.
35.13 Access to State and private lands.
35.14 Special regulations.

Subpart B—Special Regulations for Specific National Wildlife Refuge Wilderness


Source: 36 FR 25426, Dec. 31, 1971, unless otherwise noted.

Subpart A—General Rules

§ 35.1 Definitions.

As used in the rules and regulations in this subchapter:

National Wildlife Refuge System means all lands, waters, and interests therein administered by the U.S. Fish and Wildlife Service as national wildlife refuges, wildlife ranges, game ranges, wildlife management areas, waterfowl production areas, and areas for the protection and conservation of fish and wildlife which are threatened with extinction.

National Wilderness Preservation System means the units designated as wilderness by the Congress under the provisions of the Wilderness Act (supra).

Wilderness Units shall mean areas in the National Wildlife Refuge System that have been designated by Act of Congress as units of the National Wilderness Preservation System.

Secretary means the Secretary of the Interior.

Director means the Director of the U.S. Fish and Wildlife Service.

§ 35.2 Objectives.

(a) Units of the National Wildlife Refuge System have been established by divers legal means and are administered for a variety of wildlife program purposes. The establishment of each wilderness unit is within and supplemental to the purposes for which a specific unit of the National Wildlife Refuge System was established and is administered. Each wilderness shall be administered for such other purposes for which the national wildlife refuge was established and shall be also administered to preserve its wilderness character.

(b) Except as otherwise provided by law, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use and shall be administered in such a manner as will leave them unimpaired for future use and enjoyment as wilderness.

§ 35.3 General regulations.

Rules and regulations governing administration of the National Wildlife Refuge System will apply to wilderness units where said rules and regulations do not conflict with provisions of the Wilderness Act or Act of Congress which establishes the wilderness unit.

§ 35.4 Appropriations and personnel.

No appropriation shall be made available for the payment of expenses or salaries for the administration of a wilderness unit as a separate entity nor shall any appropriation be made available for additional personnel solely for the purpose of managing or administering areas because they are included within the National Wilderness Preservation System.

§ 35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.

Except as specifically provided and subject to existing private rights, there shall be no commercial enterprise and no permanent road within a wilderness unit, and except as necessary to meet
§ 35.6 Public use.

Public uses of a wilderness unit will be in accordance with the purposes for which the individual national wildlife refuge was established and is administered and laws and regulations governing public uses within the National Wildlife Refuge System.

(a) When public uses are authorized within a wilderness unit, the Refuge Manager may regulate such use. Regulating will include limiting the numbers of persons allowed in the wilderness at a given time, imposing restrictions on time, seasons, kinds and location of public uses, requiring a permit or reservation to visit the area, and similar actions.

(b) All persons entering a wilderness unit will be required to remove such materials as they carry in.

(c) Informational signs for the convenience of visitors will not be permitted in a wilderness unit; however, rustic directional signs for visitor safety may be installed in locations appropriate to a wilderness setting.

(d) Limited public use facilities and improvements may be provided as necessary for the protection of the refuge and wilderness and for public safety. Facilities and improvements will not be provided for the comfort and convenience of wilderness visitors.

(e) Public services and temporary structures generally offered by packers, outfitters, and guides for realizing the recreational or other wilderness purposes of a wilderness may be permitted. Temporary installations and structures which existed for these subsistence purposes under valid special use permit or easement when the wilderness was established may be continued if their use is necessary to administer the refuge for the purposes for which it was established and for wilderness purposes. The number, nature, and extent of such temporary structures and services will be controlled through regulations and special use permits issued by the Refuge Manager so as to provide maximum protection of wilderness resources and values.

(f) Hunting and fishing in a refuge wilderness will be in accordance with Federal and State regulations including special regulations for the specific wildlife refuge. Hunting or fishing which requires motorized equipment will not be permitted except as provided in §35.5(a) and (b).

§ 35.7 Control of wildfires, insects, pest plants, and disease.

To the extent necessary, the Director shall prescribe measures to control wildfires, insects, pest plants, and disease to prevent unacceptable loss of wilderness resources and values, loss of life, and damage to property.

§ 35.8 Forest management.

Forest management activities in a wilderness unit will be directed toward
allowing natural ecological processes to operate freely. Commercial harvesting of timber shall not be permitted except where necessary to control attacks of insects or disease as prescribed in §35.7.

§ 35.9 Livestock grazing.
(a) The grazing of livestock, where established prior to the date of legislation which designates a wilderness unit, may be permitted to continue subject to part 29 of this subchapter and in accordance with special provisions which may be prescribed for individual units. Numbers of permitted livestock will not be more liberal than those utilizing a wilderness prior to establishment and may be more restrictive.
(b) The Director may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction or relocation of only those livestock management improvements and structures which existed within a wilderness unit when it was incorporated into the National Wilderness Preservation System.

§ 35.10 Controlled burning.
Controlled burning will be permitted on wilderness units when such burning will contribute to the maintenance of the wilderness resource and values in the unit; however, any fire in a wilderness area that poses a threat to resources or facilities outside the unit will be controlled and extinguished.


§ 35.11 Scientific uses.
Recognizing the scientific value of wilderness, research data gathering and similar scientific uses will be encouraged providing that wilderness values are not impaired. The person or agency involved in scientific investigation must be willing to accept reasonable limitations on activities and location and size of the area to be used for research purposes. A special use permit authorizing scientific uses shall be required.

§ 35.12 Water rights.
Nothing in the regulations in this part constitutes an expressed or implied claim or denial on the part of the Department of the Interior as to exemption from State water laws.

§ 35.13 Access to State and private lands.
Rights of States or persons and their successors in interest, whose land is surrounded by a wilderness unit, will be recognized to assure adequate access to that land. Adequate access is defined as the combination of modes and routes of travel which will best preserve the wilderness character of the landscape. Mode of travel designated shall be reasonable and consistent with accepted, conventional, contemporary modes of travel in said vicinity. Use will be consistent with reasonable purposes for which such land is held. The Director will issue such permits as are necessary for access, designating the means and route of travel for ingress and egress so as to preserve the wilderness character of the area.


§ 35.14 Special regulations.
(a) Special regulations will be issued by the Director for individual wilderness units within the National Wildlife Refuge System as established by Public Law. These special regulations will supplement the provisions of this part.
(b) Special regulations may contain administrative and public uses as recognized in the:
(1) Legislative Record of the establishing Act.
(2) Committee Reports of the Congress.
(3) Departmental and Executive Reports to the Congress.
(4) Other provisions.
(c) Such special regulations shall be published in subpart B of this part after a wilderness has been established by Public Law and shall become effective upon publication in the Federal Register (12–31–71).

Subpart B—Special Regulations for Specific National Wildlife Refuge Wilderness [Reserved]
PART 36—ALASKA NATIONAL WILDLIFE RefUGES

Subpart A—Introduction and General Provisions

Sec. 36.1 How do the regulations in this part apply to me and what do they cover?

(a) The regulations contained in this part are prescribed for the proper use and management of all Alaska National Wildlife Refuges and supplement the general National Wildlife Refuge System regulations found in title 50 CFR chapter I, subchapter C. The general National Wildlife Refuge System regulations are automatically applicable in their entirety to the Alaska National Wildlife Refuges except as supplemented or modified by these regulations or amended by ANILCA.

(b) Except as provided in paragraph (c) of this section, the regulations contained in this part are applicable only on federally-owned lands within the boundaries of any Alaska National Wildlife Refuge. For purposes of this part, “federally-owned lands” means land interests held or retained by the United States, but does not include those land interests:

1. Tentatively approved, legislatively conveyed, or patented to the State of Alaska; or
2. Interim conveyed or patented to a Native Corporation or person.

(c) The regulations found in 50 CFR, parts 25, 26, 27, and 28, and §§32.2(d) and 32.5(c), except as supplemented or modified by this part or amended by ANILCA, along with the regulations found in 50 CFR 36.35(d), also are applicable to administrative and visitor facility sites of the Fish and Wildlife Service in Alaska which we may hold in fee or less than fee title and are either inside or outside the approved boundaries of any Alaska National Wildlife Refuge. Less than fee title lands do not include easements under Section 17(b) of the Alaska Native Claims Settlement Act (85 Stat. 688), but although not limited to, they include sites administered by a national wildlife refuge under the terms of a memorandum of understanding or lease agreement.

[46 FR 31827, June 17, 1981, as amended at 64 FR 14151, Mar. 24, 1999]
§ 36.2 What do these terms mean?

The following definitions shall apply to the regulations contained in this part.

Adequate and feasible access means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

Adequate snow cover means snow of sufficient depth to protect the underlying vegetation and soil.

Administrative and visitor facility sites means any facility or site administered by the U.S. Fish and Wildlife Service for public entry or other administrative purposes including, but not limited to, refuge staff offices, visitor centers, public access and parking sites, and campgrounds.

Aircraft means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including but not limited to, airplanes, helicopters and gliders.


Downed aircraft means an aircraft that as a result of mechanical failure or accident cannot take off.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, non-migratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or dead body or part thereof.

Off-road vehicle means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, wetland, or other natural terrain, except snowmobiles as defined in this section. It includes, but is not limited to, four-wheel drive or low-pressure-tire vehicles, motorcycles and related two-, three-, or four-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, air-thrust boats, recreation vehicle campers, and any other means of transportation deriving motive power from any source other than muscle or wind.

Person means any individual, firm, corporation, society, association, partnership, or other private or public body.

Public lands means lands situated in Alaska which are federally owned lands, except:

(1) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Refuge Manager means any Fish and Wildlife Service official in charge of an Alaska National Wildlife Refuge, the Alaska Regional Director of the Fish and Wildlife Service, or an authorized representative of either.

Snowmachine or snowmobile means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources.
for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and, for customary trade. For purpose of this paragraph, the term:

(1) **Family** means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) **Barter** means the exchange of fish or wildlife or their parts taken for subsistence uses:

(i) For other fish or game of their parts; or

(ii) For other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature; and

(3) **Customary trade** shall be limited to the exchange of furs for cash, and such other activities, if any, as may be designated in special rules for Alaska National Wildlife Refuges.

**Take** or **taking**, as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm or attempt to engage in any such conduct.

**Temporary** means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

§ 36.3 Information collection.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. et seq. and assigned clearance number 1018–0014. The collected information will assist the Service in administering these programs and, particularly, in the issuance of permits and the granting of statutory or administrative benefits. The information requested in the application form is required to obtain a benefit. The public reporting burden for this collection of information is estimated to average 1.5 hours each for 150 non-competitively awarded permits and 31.66 hours each for 60 competitively awarded permits including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. The estimated annual number of respondents is 210, yielding a total annual reporting and record keeping burden of 2125 hours. Comments and suggestions on the burden estimate or any other aspect of the form should be sent directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Interior Desk Officer; Washington, DC 20533; and a copy of the comments should be sent to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 224–ARLSQ; 1849 C Street, NW., Washington, DC 20240.


**Subpart B—Subsistence Uses**

§ 36.11 Purpose and policy.

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each Alaska National Wildlife refuge was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles and the conservation of healthy populations of fish and wildlife, the utilization of Alaska National Wildlife Refuges is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within Alaska National Wildlife Refuge areas.

(d) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within Alaska National Wildlife Refuges to the extent...
such regulation is consistent with applicable Federal Law, including but not limited to ANILCA.

(e) Nothing in this subpart shall be construed as permitting the level of subsistence uses of fish and wildlife within Alaska National Wildlife Refuges to be inconsistent with the conservation of healthy populations of fish and wildlife.

§ 36.12 Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents in subsistence uses.

(a) Notwithstanding any other provision of subchapter C of title 50 CFR the use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within Alaska National Wildlife Refuges except at those times and in those areas restricted or closed by the Refuge Manager.

(b) The Refuge Manager may restrict or close a route or area to the use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the Refuge Manager determines that such use is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or other purposes and values for which the refuge was established.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefore shall be published in at least one newspaper if available, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions and closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge and the post office or postal authority of every affected community within or near the refuge area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents may use snowmobiles, motorboats, dog teams and other means of surface transportation in accordance with subpart C of this part.

§ 36.13 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in compliance with applicable State and Federal law. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 36.14 Subsistence hunting and trapping.

Local rural residents may hunt and trap wildlife for subsistence uses in Alaska National Wildlife Refuges in compliance with applicable State and Federal laws. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of wildlife which are now or will
§ 36.15 Subsistence uses of timber and plant material.

(a) Notwithstanding any other provision of this part, the noncommercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in Alaska National Wildlife Refuges as follows:

(1) For live standing timber greater than six inches diameter at breast height (4½ feet above ground level), the Refuge Manager may allow cutting in accordance with the specifications of a special use permit if such cutting is determined to be compatible with the purposes for which the refuge was established;

(2) For live standing timber between three and six inches diameter at breast height, cutting is allowed on the Arctic National Wildlife Refuge south of latitude 68 degrees North and on the Innoko, Koyukuk, Nowitna, Selawik, Tetlin, and Yukon Flats National Wildlife Refuges unless restricted by the Refuge Manager, except that no more than 20 trees may be cut annually by an individual without a special use permit, no cutting may be done within 50 feet of a stream, lake, or river and no more than one tree in five (20%) may be cut in any specific stand; on the remainder of the Arctic National Wildlife Refuge and on all other Alaska National Wildlife Refuges, the Refuge Manager may allow cutting in accordance with the specifications of a special use permit if such cutting is determined to be compatible with the purposes for which the refuge was established;

(3) For live standing timber less than three inches diameter at breast height, cutting is allowed unless restricted by the Refuge Manager.

(b) The noncommercial gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommercial gathering of dead or downed timber for firewood, shall be allowed without a permit.

(c)(1) Notwithstanding any other provision of this part, the Refuge Manager, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of an Alaska National Wildlife Refuge to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For purposes of this section, the term “temporary” shall mean only as long as reasonably necessary to achieve the purpose of the closure.

(2) If the Refuge Manager determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Refuge Manager may immediately close all or any portion of an Alaska National Wildlife Refuge to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and reasons therefor also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge and the post office or postal authority of every affected community within or near the refuge, or by the posting of signs in the vicinity of the restrictions, or both.


§ 36.16 Closure to subsistence uses of fish and wildlife.

(a) Notwithstanding any other provision of this part, the Refuge Manager, after consultation with the State and
adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of an Alaska National Wildlife Refuge to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term “temporarily” shall mean only so long as reasonably necessary to achieve the purpose of the closure.

(b) If the Refuge Manager determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, he may immediately close all or any portion of a refuge to the subsistence uses of such population. Such emergency closure shall be effective when made, shall not exceed sixty (60) days, and may not subsequently be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section and the reasons justifying such actions shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and justifying reasons shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge area and the post office or postal authority of every affected community within or near the refuge area, or by the posting of signs in the vicinity of the closures, or both.

Subpart D—Other Refuge Uses

§ 36.31 Recreational activities.

(a) Public recreational activities within the Alaska National Wildlife Refuges are authorized as long as such activities are conducted in a manner compatible with the purposes for which the areas were established. Such recreational activities include, but are not limited to, sightseeing, nature observation and photography, sport hunting, sport fishing, boating, camping, hiking, picnicking and other related activities. Any existing special regulations now in force and effect shall continue to apply to the applicable refuge lands in Alaska National Wildlife Refuges.

(b) Surface collection, by hand (including handheld gold pans) and for personal recreational use only, of rocks and minerals is authorized: Provided however, That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of ground surface, such as the use of shovels, pickaxes, sluice boxes and dredges, are prohibited. The recreation activities specified in paragraphs (a) and (b) of this section may be prohibited or otherwise restricted in accordance with the provisions of §36.42.

§ 36.32 Taking of fish and wildlife.

(a) The taking of fish and wildlife for sport hunting, trapping and sport fishing is authorized in accordance with applicable State and Federal law and such laws are hereby adopted and made a part of these regulations; Provided however, That the Refuge Manager, pursuant to §36.42, may designate areas where, and establish periods when, no taking of a particular population of fish or wildlife shall be permitted.

(b) The exercise of valid commercial fishing rights or privileges obtained pursuant to existing law, including any use of refuge areas for campsites, cabins, motorized vehicles and aircraft landing directly incident to the exercise of such rights or privileges, is authorized; Provided, however, That the Refuge Manager may restrict or prohibit the exercise of these rights or
§ 36.33 What do I need to know about using cabins and related structures on Alaska National Wildlife Refuges?

(a) Definitions. As used in this section, the term:

Administrative cabin shall mean any cabin only used by refuge or other authorized personnel for the administration of the refuge.

Cabin shall mean a small, usually single-story, three or more sided structure that is permanently and completely enclosed with a roof and walls. The roof and walls are not fabric, cannot be easily disassembled, and are not removed seasonally.

Commercial cabin shall mean any cabin which is used in association with a commercial operation including but not limited to commercial fishing activities and recreational guiding services.

Existing cabin shall mean any cabin situated on Federal lands before December 2, 1980. A cabin legally situated on lands that subsequently become refuge will also be considered an “existing” cabin providing the applicant meets the appropriate application deadlines.

Family shall include the spouse (including what is known as a common-law relationship), children by birth or adoption, and other blood relatives within the second degree of kindred.

Guest shall mean a person who occasionally visits the permittee in the cabin. This term does not include clients using commercial cabins.

Immediate family shall include the spouse and children, either by birth or adoption, of the claimant residing in the cabin or structure.

New cabin shall mean any permitted cabin constructed on refuge lands after December 2, 1980. This may also include a cabin whose claimant failed to meet the applicable requirements of other fish and wildlife conservation statutes such as the Airborne Hunting Act or those provisions of subchapter C of title 50 CFR regarding the taking of depredating wildlife. Animal control programs shall only be conducted in accordance with a special use permit issued by the Refuge Manager.

§ 36.33

the application deadline for existing cabins but is otherwise a permitted cabin.

Other related structures shall mean those structures or devices essential to the activities for which the cabin special use permit is issued. This includes but is not limited to outdoor toilets, food caches, storage sheds, and fish drying racks.

Private recreational use shall mean a use associated with leisure activities, not including bona fide subsistence uses or authorized commercial uses.

Public use cabin shall mean a cabin owned and administered by the Fish and Wildlife Service and available for use by the public.

(b) All cabins. The regulations in this paragraph (b) shall apply to all cabins, claimants, occupants, and guests. The regulations in this paragraph (b) do not apply to temporary facilities: any structure or man-made improvement which can readily be completely dismantled and removed from the site when the period of authorized use is terminated.

(1) A special use permit is required to construct, use and/or occupy a cabin on Fish and Wildlife Service lands within the refuge. The permit may also authorize the use of related structures and other necessary appurtenances.

(2) After adequate public notice has been given, unclaimed cabins become the property of the Federal Government. Adequate public notice shall include: Posting notices of trespass on unclaimed cabins; publication of notices of trespass in Anchorage and Fairbanks newspapers and in at least one local newspaper if available; and posting notices of trespass at appropriate community post offices. A Government-owned cabin may be used for refuge administration, used for emergency purposes by the public, permitted to another applicant, designated a public use cabin, or destroyed. Disposal of excess cabins and structures will be according to regulations pursuant to title 41, chapter 114 of the Code of Federal Regulations.

(3) Willful noncompliance with the conditions and stipulations of a special use permit shall be considered grounds to invoke the administrative process leading to notice and hearing, and possible revocation of the permit. The refuge manager will attempt to resolve problems of noncompliance with the permittee as soon as possible after the situation becomes known. If this effort fails, the refuge manager shall provide written notice to the permittee within 30 days of that date, informing the permittee of noncompliance, giving specific instructions for compliance and providing appropriate time for the permittee to comply.

(4) No special use permit will be issued for the construction of a cabin for private recreational use or for the private recreational use of an existing cabin.

(5) Guests are allowed to occupy a cabin only during the activity period identified on the special use permit. Guests occupying a cabin during the absence of the permittee shall obtain a letter of authorization from the permittee. The guest must have a copy of the letter in his/her possession. In commercial cabins, the permittee or another person listed on the permit must be present when the cabin is occupied by guests or clients.

(6) A person whose permit application (new or renewal) for a cabin has been denied or whose cabin permit has been revoked by the refuge manager may appeal to the Regional Director as described in §36.41(b).

(c) Existing cabins. In addition to paragraph (b) of this section, the regulations in this paragraph (c) shall apply to all existing cabins, claimants, occupants, and guests.

(1) Where a valid cabin permit or lease was in effect on December 2, 1980, or at the time the land was subsequently added to the refuge, the refuge manager shall provide for the continuation of the permit or lease under the same conditions. The new permit shall be nontransferable and renewable every five years unless the continuation would directly threaten or significantly impair the purposes for which the refuge was established. The cabin and related structures are the personal property of the claimant and can be removed by him/her upon non-renewal or revocation. The owner of a cabin may sell his/her interest in the cabin to another person; however, the new owner
§ 36.33  

does not automatically qualify for a permit and must apply for a new one.

(2) To obtain a special use permit for a cabin that was not under permit or lease before December 2, 1980, or at the time the land was subsequently added to the refuge, a claimant should submit to the refuge manager an application that includes the following:

(i) Reasonable proof of possessory interest or right to occupy the cabin as shown by affidavit, bill of sale, or other document.

(ii) Date of construction or acquisition.

(iii) A sketch or photograph that accurately depicts the cabin and related structures.

(iv) The dimensions of the cabin and related structures.

(v) A U.S. Geological Survey topographic map that shows the geographic location of the cabin and related structures.

(vi) The claimant’s agreement to vacate and remove all personal property from the cabin and related structures within one year from receipt of a nonrenewal or revocation notice.

(vii) The claimant’s acknowledgment that he/she has no legal interest in the real property on which the cabin and related structures are located.

(viii) A list of family members residing with the claimant in the cabin being applied for. It need only include those immediate family members who may be eligible to renew a permit for continued use and occupancy upon the original claimant’s death (this is not applicable to cabins used for commercial purposes).

(3) Applications for permits for existing cabins, which are not currently under valid permits, will only be accepted for a period of one year following the effective date of these regulations. However, cabins that were legally located on lands that subsequently become refuge will also be considered “existing” cabins. The owners will have two years following the date the lands become refuge to apply for a permit. Following those dates, all applications for cabins will be for “new” cabins only, no matter when the cabin was built or first used. If ownership is not established within three years after the land becomes refuge, the cabin may be considered abandoned, and it will become Federal property in accordance with Federal regulations.

(4) The occupancy of a noncommercial cabin is limited to the permittee and his/her family, bona fide partners, and guests.

(5) Major modification or rehabilitation of an existing cabin must be approved by the refuge manager before construction begins. The modifications will be done by the permittee or designated agent and will remain the property of the permittee. Major additions (e.g., larger than the original cabin) may fall under the ownership provisions for new cabins. Although cabins destroyed by accidents, vandalism or natural causes may be reconstructed, they must be approved by the refuge manager before construction and must meet the construction guidelines for new cabins, even though remaining the property of the claimant.

(d) New cabins. In addition to paragraph (b) of this section, the regulations in this paragraph (d) shall apply to all new cabins, claimants, occupants, and guests.

(1) A nontransferable, five year special use permit shall only be issued upon a determination that the proposed construction, use and maintenance of the cabin is compatible with refuge purposes and that the cabin use is either directly related to refuge administration or is needed for continuation of an ongoing activity or use otherwise allowed within the refuge where the applicant lacks a reasonable off-refuge site. In addition, these activities must have historically been supported by the construction and use of cabins in the geographic area. In general, new cabin permits will be given only to local residents to pursue a legitimate subsistence activity. In determining whether to permit the construction, use, and occupancy of cabins or other structures, the refuge manager shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activities authorized pursuant to a
permit are compatible with the purposes for which the refuge was established.

(2) To obtain a special use permit for a new cabin, an applicant should submit to the refuge manager an application that includes the following:

(i) A sketch that accurately depicts the proposed cabin and related structures.

(ii) The dimensions of the proposed cabin and related structures.

(iii) A U.S. Geological Survey topographic map that shows the geographic location of the proposed cabin and related structures.

(iv) The applicant's agreement to vacate and remove all personal property from the cabin and related structures within one year from receipt of a nonrenewal or revocation notice.

(v) The applicant's acknowledgment that he/she has no legal interest in the cabin and related structures or in the real property on which the cabin and related structures are located.

(vi) A list of family members residing with the applicant in the cabin being applied for. It need only include those immediate family members who may be eligible to renew a permit for continued use and occupancy upon the original claimant's death.

(3) The permitting instrument shall be a nontransferable renewable five year special use permit. It shall be renewed every five years (upon request) until the death of the original claimant's last immediate family member unless the special use permit has been revoked or the cabin has been abandoned.

(4) No new cabins will be constructed in designated wilderness areas unless they are built specifically for the administration of the area, for public safety, or for trapping where trapping has been a traditional and customary use.

(5) New trapping cabins in wilderness will be available for public use to ensure public health and safety.

(6) The occupancy of a noncommercial cabin is limited to the permittee, and his/her family, bona fide partners, and guests.

(e) Commercial cabins. In addition to paragraph (b) of this section, the regulations in this paragraph (e) shall apply to all commercial cabins, permittees, clients, guests, and occupants.

(1) A special use permit is required for all cabins used for commercial purposes. Refuge managers may also issue special use permits that authorize additional commercial use of an existing cabin used for guiding, etc. The use of a new cabin shall be limited to the type of use specified in the original permit. The refuge manager may permit the use of an existing cabin on non-wilderness refuge lands for the exercise of valid commercial fishing rights. Such a permit may be denied if, after conducting a public hearing in the affected locality, it is found that the use is inconsistent with refuge purposes and is a significant expansion of commercial fishing activities within the unit beyond 1979 levels.

(2) When the commercial fishing or guiding rights associated with a permittee’s existing cabin are acquired by a new party, the privilege of using the cabin cannot be sold and the new party does not necessarily qualify for a cabin permit. He/she must apply for a permit and meet the criteria described in this paragraph (e) before issuance of a special use permit by the refuge manager. He/she may not occupy the cabin before issuance of a permit.

(3) No new commercial cabins will be permitted in wilderness areas.

(4) Commercial cabins may be occupied only by persons legitimately involved in the commercial enterprise, assistants, employees, their families, guests and clients and only during the time that the authorized activity is occurring. The names of those individuals, excluding guests and clients, will be listed on the permit. The permittee or another individual listed on the permit must be present when the cabin is occupied.

(5) Special use permits for commercial cabins may be renewed annually in conjunction with the special use permit renewal for the commercial activity itself. The cabin permit may be issued for periods of up to five years and is a separate permit from one issued for the commercial activity.

(f) Administrative and government-owned public use cabins. In addition to paragraph (a) of this section, the regulations in this paragraph (f) apply to
§ 36.34 Firearms.

The possession, use and transporting of firearms is authorized for hunting and personal protection in accordance with State and Federal laws unless prohibited or otherwise restricted by the Refuge Manager in accordance with the provisions of §36.42.

§ 36.35 Unattended property.

(a) Leaving any snowmachine, vessel, off-road vehicle or other personal property unattended for longer than 12 months without the prior permission of the Refuge Manager is prohibited, and any property so left may be impounded by the Refuge Manager.

(b) The Refuge Manager may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount and type of personal property that may be left unattended, (3) prescribe the manner in which personal property may be left unattended or (4) establish limits on the length of time personal property may be left unattended.

(c) Such designations and restrictions arising under paragraph (b) of this section shall be (1) published in at least one newspaper of general circulation within the State, posted at community post offices within the affected vicinity, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected community, and designated in a map which shall be available for public inspection at the office of the Refuge Manager, or (2) designated by the posting of appropriate signs or (3) both.

(d) In the event unattended property interferes with the safe and orderly management of a refuge area or causes damage to refuge resources, it may be impounded by the Refuge Manager at any time.

§ 36.36 Sled dogs and household pets.

The general trespass provisions of 50 CFR 26.21 shall not apply to household pets and sled, work, or pack dogs under the direct control of their owners or handlers, but such activities may be prohibited or otherwise restricted pursuant to the provisions of §36.42.

§ 36.37 Revenue producing visitor services.

(a) Applicability. (1) Except as otherwise provided for in this paragraph, the regulations contained in this section apply to new visitor services provided within all National Wildlife Refuge areas in Alaska.

(2) The rights granted by this section to historical operators, preferred operators, and Cook Inlet Region, Incorporated, are not exclusive. The Refuge Manager may authorize other persons to provide visitor services on refuge lands. Nothing in this section shall require the Refuge Manager to issue a visitor services permit if not otherwise mandated by statute to do so. Nothing in this section shall authorize the Refuge Manager to issue a visitor services permit to a person who is not capable
of carrying out its terms and conditions in a satisfactory manner.

(3) This section does not apply to the guiding of sport hunting or sport fishing.

(b) Definitions. The following definitions shall apply to this section:

(1) Best offer means a responsive offer that best meets, as determined by the Refuge Manager, the selection criteria contained in a competitive solicitation for a visitor services permit.

(2) Controlling interest, in the case of a corporation means an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business, so as to permit exercise of final managerial authority over the actions and operations of the corporation, or election of a majority of the Board of Directors of the corporation.

(3) Controlling interest in the case of a partnership, limited partnership, joint venture or individual entrepreneurship means a beneficial ownership of or interest in the entity so as to permit the exercise of final managerial authority over the actions and operations of the entity.

(4) Controlling interest in other circumstances means any arrangement under which a third party has the ability to exercise general management authority over the actions or operations of the business.

(5) Historical operator means any person who:

(i) On or before January 1, 1979, was lawfully engaged in adequately providing any type of visitor service in a refuge within the scope of paragraph (c) of this section;

(ii) Has continued to lawfully provide that visitor service; and

(iii) Is otherwise determined by the Refuge Manager to have a right to continue to provide such services or similar services pursuant to paragraph (c) of this section.

(6) Local area means that area in Alaska within 100 miles of the location within a refuge where any of the visitor service is authorized.

(7) Local resident means:

(i) For individuals. Those individuals that have maintained their primary, permanent residence and business within the local area for the past twelve (12) consecutive months and whenever absent from this primary, permanent residence, have the intention of returning to it. Factors demonstrating the location of an individual’s primary, permanent residence and business may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska, tax returns, and voter registrations.

(ii) For corporations. A corporation in which the controlling interest is held by an individual or individuals who qualify as “local resident(s)” within the meaning of this section. For non-profit corporations a majority of the board members and a majority of the officers must qualify as “local residents.”

(8) Native Corporation means the same as defined in section 102(6) of ANILCA.

(9) Preferred operator means a local resident or Native Corporation which is entitled to a preference under this section in the award of a permit, and as otherwise provided under section 1307(b) of ANILCA.

(10) A responsive offer means one which is timely made and meets the terms and conditions of the solicitation document.

(11) Similar visitor service means that visitor service authorized by the Refuge Manager to be provided on a refuge and determined by the Refuge Manager, on a case by case basis, to be similar to an established service being provided by a historical operator.

(12) Visitor service means any service or activity made available for a fee, commission, brokerage, or other compensation to persons who visit a refuge, including such services as providing food, accommodations, transportation, tours, and guides excepting the guiding of sport hunting and fishing. This also includes any activity where one participant/member or group of participants pays more in fees than the other participants (non-member fees, etc.), or fees are paid to the organization which are in excess of the bona fide expenses of the trip.

(13) Right of first refusal means, as it relates to section 1307(a) of ANILCA, a reasonable opportunity for a historical operator to review a description of the new similar service and the terms and
§ 36.37

conditions upon which it is to be provided to determine if the historical visitor service operator wishes to provide the service. As it relates to section 1307(c) of ANILCA, it refers to the opportunity for Cook Inlet Region, Incorporated to have the first opportunity to provide new visitor services on the Kenai National Wildlife Refuge in the Cook Inlet Region.

(c) Visitor services existing on or before January 1, 1979, “historical operators”.

(1) A historical operator shall have a right to continue to provide visitor services or similar services within such area, under appropriate terms and conditions, so long as such services are determined by the Refuge Manager to be consistent with the purposes for which the refuge was established. A historical operator must obtain a permit from the refuge manager to conduct the visitor services. The permit shall be for a fixed term and specified area, and shall contain such terms and conditions as are in the public interest. Failure to comply with the terms and conditions of the permit may result in cancellation of the authorization and consequent loss of historical operator rights under this section. Nothing in this section shall prohibit the Refuge Manager from permitting persons, in addition to historical operators, to provide visitor services in the refuge at the Refuge Manager’s discretion so long as historical operators are permitted to conduct a scope or level of visitor services equal to or greater than those provided prior to January 1, 1979, under terms and conditions consistent with this section. A historical operator may be permitted by the Refuge Manager, under separate authority, to increase the scope or level of visitor services provided prior to January 1, 1979, but no historical operating rights shall be obtained in such increase.

(2) A historical operator may also apply to the Refuge Manager for a permit or amended permit to provide similar types of visitor services. Granting the request will not result in an increase in the scope or level of service in excess of those provided as of January 1, 1979, by the requesting historical operator. The Refuge Manager shall grant the request if such visitor services are determined by the Refuge Manager to be:

(i) Consistent with the management of refuge resources and the purposes for which the refuge area was established;

(ii) Similar to the visitor services provided by the historical operator prior to January 1, 1979; and

(iii) Consistent with the legal rights of any other person.

(3) When a historical operator permit has expired, and if the visitor services permitted by it were adequately provided and consistent with the purposes of the refuge as determined by the Refuge Manager, the Refuge Manager shall renew the permit for a fixed term consistent with such new terms and conditions as are in the public interest. Should a historical operator decline to accept an offer of renewal, its rights as a historical operator shall be considered as terminated.

(4) If the Refuge Manager determines that permitted visitor services must be curtailed or reduced in scope or season to protect refuge resources, or for other purposes, the Refuge Manager shall require the historical operator to make such changes in visitor services. If more than one historical operator providing the same type of visitor services is required to have those services curtailed, the Refuge Manager shall establish a proportionate reduction of visitor services among all such historical operators, taking into account historical operating levels and other appropriate factors, so as to achieve a fair curtailment of visitor services among the historical operators. If the level of visitor services must be so curtailed that only one historical operator feasibly may continue to provide the visitor services, the Refuge Manager shall select one historical operator to continue to provide the curtailed visitor services through a competitive selection process.

(5) The rights of a historical operator shall terminate if the historical operator fails to provide the visitor services under the terms and conditions of a permit issued by the Refuge Manager or fails to provide the visitor services for a period of more than twenty four (24) consecutive months.

(6) The rights of a historical operator under this section shall terminate upon
a change, after January 1, 1979, in the controlling interest of the historical operator through sale, assignment, devise, transfer or otherwise.

(7) The Refuge Manager may authorize other persons to provide visitor services in a refuge in addition to historical operators, as long as such other persons conduct the services in a manner compatible with the purposes of the refuge.

(d) Visitor services initially authorized after January 1, 1979, “preferred operators”. (1) In selecting persons to provide, and in permitting any type of visitor service, excepting guided hunting or fishing, the Refuge Manager will give a preference to preferred operators determined qualified to provide such visitor services. Preferences for most directly affected Native Corporation(s) and local residents are equal and are not additive.

(2) In selecting persons to provide any type of visitor service for refuges subject to a preferred operator preference under this section, the Refuge Manager will publicly solicit competitive offers for persons to apply for a permit, or the renewal of a permit, to provide such visitor service pursuant to Service procedures. Preferred operators must submit a responsive offer to such solicitation in order to effect their preference. If, as a result of the solicitation, an offer from a person other than a preferred operator is determined to be the best offer and that offeror is determined to be capable of carrying out the terms of the permit, the preferred operator which submitted the most responsive offer shall be given an opportunity to substantially equal the best offer received by amending its offer. If the amended offer of the preferred operator is considered by the Refuge Manager as being substantially equal to the terms of the best offer, the preferred operator, if determined to be capable of carrying out the terms of the permit, shall be awarded the visitor service permit. If the preferred operator fails to meet these requirements, the Refuge Manager shall award the permit to the person who submitted the best offer in response to the solicitation. The Native Corporation(s) determined to be “most directly affected” under this section and local residents have equal preference.

(3) Nothing in this section shall prohibit the Refuge Manager from authorizing persons other than preferred operators to provide visitor services in refuge areas so long as the procedures described in this section have been followed with respect to preferred operators. Preferred operators are not entitled by this section to provide all visitor services in a qualified refuge.

(4) An offer from a Native Corporation or a local corporation under this section must document its controlling interest in the entity or in the case of a joint venture, all partners, making the offer.

(5) The preferences described in this section may not be sold, assigned, transferred, or devised, directly or indirectly.

(e) Preference to Cook Inlet Region, Incorporated (CIRI). (1) Cook Inlet Region, Incorporated, in cooperation with village corporations within Cook Inlet Region when appropriate, shall have a right of first refusal to provide new visitor services within that portion of the Kenai National Moose Range (Kenai National Wildlife Refuge) within the boundaries of Cook Inlet Region. The CIRI shall have ninety (90) days from receipt of a prospectus in which to exercise its right.

(2) In order to exercise this right of first refusal, CIRI must submit an offer responsive to the terms of a visitor services solicitation. If CIRI makes such an offer and is determined by the Refuge Manager to be capable of carrying out the terms of the special use permit, it shall be awarded the permit. If it does not, the permit may be awarded to another person pursuant to a showing that such other person can carry out the conditions of the special use permit in a manner compatible with the purposes of the refuge. An offer being made by CIRI under this section must document controlling interest by CIRI when made in cooperation with village corporations within the Cook Inlet Region. The CIRI right of first refusal shall have precedence over the rights of preferred operators.
284

§ 36.39  Public use.

(3) The right of first refusal described in this section may not be sold, transferred, devised, or assigned, directly or indirectly.

(f) Most directly affected Native Corporation determination. (1) Prior to the issuance of a solicitation document for any new visitor service in a refuge, the Refuge Manager shall provide an opportunity for any Native Corporation interested in providing visitor services within that refuge to submit an application to the Refuge Manager to be determined “most directly affected” Native Corporation. The application shall include but not be limited to, the following information:

(i) The name, address, and telephone number of the Native Corporation, the date of incorporation, its articles of incorporation and structure, and the name of the applicable refuge area;

(ii) The location of the corporation’s population center or centers;

(iii) An assessment of the socio-economic impacts, including historical and traditional use, and their effects on the Native Corporation as a result of the expansion or establishment of the refuge; and

(iv) Any other information the Native Corporation believes is relevant.

(2) Upon receipt of all applications from interested Native Corporations, the Refuge Manager will determine the “most directly affected” Native Corporation based on, but not limited to, the following criteria:

(i) The number of acres of surface land within and adjoining the refuge that the Native Corporation owns, or which has been selected under the Alaska Native Claims Settlement Act, unless such selection is determined to be invalid or is relinquished;

(ii) The distance and accessibility from the Native Corporation's population center and/or business address to the applicable refuge; and

(iii) The socio-economic impacts, including historic and traditional use, and their effects as a result of the expansion or establishment of the refuge.

(3) In the event that more than one Native Corporation is determined to be equally affected, each such Native Corporation shall be considered as a preferred operator under this section.

(4) The Refuge Manager’s “most directly affected” Native Corporation determination or when requested, the Regional Director’s appeal decision for a refuge is applicable for all new visitor services in that refuge.

(5) Any Native Corporation that has not applied for a most directly affected Native Corporation determination may apply for a determination upon issuance of a future solicitation for a new visitor service. A corporation determined to be most directly affected for a refuge will maintain that status for all future visitor service solicitations.

(g) Appeal procedures. Any person(s) who believe that they have been improperly denied rights with respect to providing visitor services under this section may appeal the denial to the Regional Director. Such an appeal must be submitted in writing within forty-five (45) days of receipt of the denial from which an appeal is sought. The appeals process as defined in 50 CFR subpart P, 36.41(b) will apply with the exception of the period of time allowed to file an appeal.


Subpart E—Refuge Specific Regulations

§ 36.39  Public use.

(a) General. Public use of Alaska National Wildlife Refuges (NWR) is permitted subject to all other parts of 50 CFR part 36, those sections of 50 CFR subchapter C not supplemented by part 36, and the following refuge-specific requirements:

(b) Alaska Maritime National Wildlife Refuge. (1) Amchitka Island—closed to all public access, occupancy and use, unless specifically authorized by a special use permit issued jointly by the Refuge Manager and the U.S. Navy (Commanding Officer, Fleet Surveillance Support Command, Chesapeake, Virginia).

(c) Alaska Peninsula/Becharof National Wildlife Refuge Complex. (1) The Alaska Peninsula/Becharof National Wildlife Refuge (Complex) includes the Chignik and Ugashik Units of the Alaska Peninsula National Wildlife Refuge.
§ 36.39

and the Seal Cape Area of the Alaska Maritime National Wildlife Refuge.

(2) Off-road vehicles are permitted on the refuge complex under § 36.12(a), § 36.39(c)(2)(ii) or § 36.39(c)(2)(iii) and must meet the following conditions:

(i) Vehicles are limited to three or four-wheeled vehicles with a maximum gross weight of 650 pounds as listed by the manufacturer.

(ii) ORV’s are permitted on the following trails only: Yantarni Bay Airstrip; Yantarni Bay Airstrip to beach trail; and Yantarni Bay Airstrip to oil well site trail. Maps of the above areas are available from the Refuge Manager.

(iii) Subject to the weight and size restrictions listed in (i) above, subsistence use of off-road vehicles, as authorized by 50 CFR 36.12(a) is allowed throughout the Alaska Peninsula/Becharof National Wildlife Refuge Complex.

(3) Camping is permitted on the Refuge Complex subject to the following restrictions:

(i) These camping limits do not apply to subsistence users except at Big Creek where they apply to all refuge complex users.

(ii) No permanent improvements may be made to campsites without a special use permit. All materials brought on to the refuge complex must be removed upon cessation of camping unless authorized by a special use permit.

(iii) Other than reserved sites authorized by special use permits, camping at one location is limited to seven consecutive nights from August 1 through November 15 within ¼ mile of the following waters: Becharof Lake in the Severson Peninsula area (Island Arm); Becharof Lake Outlet; Ugashik Narrows; Big Creek; Gertrude Lake; and Gertrude Creek between Gertrude Lake and the King Salmon River. Maps of the above areas are available from the Refuge Manager.

(iv) Tent camps must be moved a minimum of one mile following each seven-night camping stay during the periods specified above.

(4) Temporary facilities may be authorized on the Alaska Peninsula/Becharof National Wildlife Refuge Complex by special use permit only, subject to the following conditions:

(i) Except for administrative or subsistence purposes, new temporary facilities are prohibited within ¼ mile of the Becharof Lake shoreline.

(ii) Except for administrative purposes, new temporary facilities are prohibited in the following areas: within ¼ mile of the shorelines of Gertrude Lake and Long Lake; within ¼ mile of the airstrip on the south side of the King Salmon River approximately ½ mile above the confluence of Gertrude Creek and the King Salmon River; within ¼ mile of the shoreline of Upper and Lower Ugashik Lakes; within ¼ mile of the shoreline of Becharof Lake outlet; and within ¼ mile of the shoreline of Big Creek. Maps of the above areas are available from the Refuge Manager.

(5) Aircraft. (i) The operation of aircraft on the Kenai NWR, except in an emergency, is permitted only as authorized in designated areas as described below. These areas are also depicted on a map available from the Refuge Manager.

(A) Within the Canoe Lakes, Andy Simmons, and Mystery Creek units of the Kenai Wilderness, only the following lakes are designated for airplane operations:

**CANOE LAKES UNIT**
- Bedlam Lake
- Bird Lake
- Cook Lake
- Grouse Lake
- King Lake
- Mull Lake
- Nekutak Lake
- Norak Lake
- Sandpiper Lake
- Scenic Lake
- Shoepac Lake
- Snowshoe Lake
- Taiga Lake
- Tangerra Lake
- Vogel Lake
- Wilderness Lake
- Pepper, Gene, and Swanson Lakes are only open for sport ice fishing.

**ANDY SIMONS UNIT**
- Emerald Lake
- Green Lake
- Harvey Lake
- High Lake
- Iceberg Lake
- Kolomin Lakes
- Lower Russian Lake
- Martin Lake
§ 36.39

Pothole Lake
Twin Lakes
Upper Russian Lake
Windy Lake
Dinglestadt Glacier terminus lake
Wusneseki Glacier terminus lake
Tustumena Lake and all wilderness lakes within one mile of the shoreline of Tustumena Lake.
All unnamed lakes in sections 1 & 2, T. 1 S., R. 10 W., and sections 4, 5, 8, & 9, T. 1 S., R. 9 W., S.M., AK.

MYSTERY CREEK UNIT
An unnamed lake in section 11, T. 6 N., R. 5 W., S.M., AK.

(B) Airplanes may operate on all lakes outside the Kenai Wilderness, except those lakes with recreational developments, including, but not limited to, campgrounds, campsites, and public hiking trails connected to road waysides. The non-wilderness lakes closed to aircraft operations are as follows:

NORTH OF STERLING HIGHWAY
Afonasi Lake
Anertz Lake
Breeze Lake
Cashka Lake
Dabbler Lake
Dolly Varden Lake
Forest Lake
Imeri Lake
Lili Lake
Mosquito Lake
Rainbow Lake
Silver Lake
Upper Jean Lake
Watson Lake
Weed Lake
West Lake
All lakes in the Skilak Loop Area (South of Sterling Highway and North of Skilak Lake) are closed to aircraft except that airplanes may land on Bottenintnin Lake, which is open year-around and Hidden Lake, which is only open for sport ice fishing.

SOUTH OF STERLING HIGHWAY
Headquarters Lake is restricted to administrative use only.

(ii) Notwithstanding any other provision of these regulations, the operation of aircraft is prohibited between May 1 and September 30, inclusive, on any lake where nesting trumpeter swans and/or their broods are present, except Windy and Lonesome Lakes where the closure is between May 1 and September 10 inclusive.

(iii) The operation of wheeled aircraft, at the pilot's own risk, is only authorized on the unmaintained Big Indian Creek Airstrip, on gravel areas within ½ mile of Wusneseki Glacier terminus lake, and within the SE1/4, section 16 and SW1/4, section 15, T. 4 S., R. 8 W., Seward Meridian.

(iv) Unlicensed aircraft are permitted to operate on the refuge only as authorized by a special use permit from the Refuge Manager.

(v) Airplanes may operate only within designated areas on the Chickaloon Flats, as depicted on a map available from the Refuge Manager.

(vi) Airplane operation is permitted on the Kasilof River, the Chickaloon River outlet, and the Kenai River below Skilak Lake from June 15 through March 14. All other rivers on the refuge are closed to aircraft.

(2) Motorboats. Motorboats are authorized on all waters of the refuge except under the following conditions and within the following areas:

(i) Motorboats are not authorized on lakes within the Canoe Lakes Unit of the Kenai Wilderness, except those lakes designated for airplane operations as described on a map available from the Refuge Manager. Boat motor use is not authorized on those portions of the Moose and Swanson Rivers within the Canoe Lakes Unit of the Kenai Wilderness.

(ii) That section of the Kenai River from the outlet of Skilak Lake downstream for three miles is closed to motorboat use between March 15 and June 14, inclusive. However, any boat having a motor attached may drift or row through this section provided the motor is not operating.

(iii) That section of the Kenai River from the powerline crossing located approximately one mile below the confluence of the Russian and Kenai Rivers downstream to Skilak Lake is closed to motorboats. However, any boat having a motor attached may drift or row through this section provided the motor is not operating.

(iv) Motors in excess of 10 horsepower are not authorized on the Moose, Swanson, Funny, Chickaloon (upstream of river mile 7.5), Killey, and Fox Rivers.

(v) A "no-wake" restriction applies to Engineer, Upper and Lower Ohmer,
§ 36.39  

Bottonintnin, Upper and Lower Jean, Kelly, Petersen, Watson, Imeri, Afonasi, Dolly Varden, and Rainbow Lakes.

(vi) Notwithstanding any other provision of these regulations, operation of a motorboat is prohibited between May 1 and September 30, inclusive, on any lake where nesting trumpeter swans and/or their broods are present, except Windy and Lonesome Lakes where the closure is between May 1 and September 10, inclusive.

(3) Off-Road Vehicles. (i) The use of air cushion, airboat, or other motorized watercraft, except motorboats, is not allowed on the Kenai NWR, except as authorized by a special use permit from the Refuge Manager.

(ii) Off-road vehicle use, including operation on lake and river ice, is not permitted. Licensed highway vehicles are permitted on Hidden, Engineer, Kelly, Petersen, and Watson Lakes for ice fishing purposes only, and must enter and exit lakes via existing boat ramps.

(4) Snowmobiles. Operation of snowmobiles is authorized on the Kenai NWR subject to the following conditions and exceptions:

(i) Snowmobiles are permitted between December 1 and April 30 only when the Refuge Manager determines that there is adequate snowcover to protect underlying vegetation and soils. During this time, the Refuge Manager will authorize, through public notice, the use of snowmobiles less than 46 inches in width and less than 1,000 pounds (450 kg) in weight. Designated snowmobile areas are described on a map available from the Refuge Manager.

(ii) All areas above timberline, except Caribou Hills, are closed to snowmobile use.

(iii) The area within sections 5, 6, 7, and 8, T. 4 N., R. 10 W., S.M., AK., east of the Sterling Highway right-of-way, including the refuge headquarters complex, the environmental education/cross-country ski trails, Headquarters and Nordic lakes, and the area north of the east fork of Slikok Creek and northwest of a prominent seismic trail to Funny River Road, is closed to snowmobile use.

(iv) An area, including the Swanson River Canoe Route and portages, beginning at the Paddle Lake parking area, then west and north along the Canoe Lakes wilderness boundary to the Swanson River, continuing northeast along the river to Wild Lake Creek, then east to the west shore of Shoepac Lake, south to the east shore of Antler Lake, and west to the beginning point near Paddle Lake, is closed to snowmobile use.

(v) An area, including the Swan Lake Canoe Route, and several road-connected public recreational lakes, bounded on the west by the Swanson River Road, on the north by the Swan Lake Road, on the east from a point at the east end of Swan Lake Road south to the west bank of the Moose River, and on the south by the refuge boundary, is closed to snowmobile use.

(vi) Within the Skilak Loop Special Management Area, snowmobiles are prohibited, except on Hidden, Kelly, Petersen and Engineer lakes for ice fishing access only. Upper and Lower Skilak Lake campground boat launches may be used as access points for snowmobile use on Skilak Lake.

(vii) Snowmobiles may not be used on maintained roads within the refuge. Snowmobiles may cross a maintained road after stopping and when traffic on the roadway allows safe snowmobile crossing.

(viii) Snowmobiles may not be used for racing or for the harassment of wildlife.

(5) Hunting and Trapping. (i) Firearms may not be discharged within 1/4 mile of designated public campgrounds, trailheads, waysides, buildings or the Sterling Highway from the east refuge boundary to the east junction of the Skilak Loop Road.

(ii) A special use permit, available from the Refuge Manager, is required prior to baiting black bears.

(iii) Hunting with the aid or use of a dog for taking big game is permitted only for black bear, and then only under the terms of a special use permit from the Refuge Manager.

(iv) Hunting and trapping within sections 5, 6, 7, and 8, T. 4 N., R. 10 W., S.M., AK., encompassing the Kenai NWR headquarters/visitor center and associated environmental education...
trails, are prohibited. The boundary of these administrative and environmental education areas is depicted on a map available from the Refuge Manager.

(6) **Fishing.** Fishing is prohibited June 1 to August 15, on the south bank of the Kenai River from the Kenai-Russian River Ferry dock to a point 100 feet downstream.

(7) **What do I need to know about other public uses on Kenai National Wildlife Refuge?**

(i) **What are the camping restrictions?** We allow camping subject to the following restrictions:

(A) Camping may not exceed 14 days in any 30-day period anywhere on the refuge.

(B) Campers may not spend more than two consecutive days at the Kenai-Russian River access area, more than seven consecutive days at Hidden Lake Campground, or more than seven consecutive days in refuge shelters.

(C) Within developed campgrounds, camp only in designated areas and use open fires only in portable, self-contained, metal fire grills, or fire grates provided by us.

(D) Do not camp within ¼ mile of the Sterling Highway, Ski Hill, or Skilak Loop roads except in designated campgrounds.

(E) Campers may cut only dead and down timber for campfire use.

(F) Pets must be on a leash no longer than nine feet in developed campgrounds.

(ii) **May I cut and remove timber?** You may remove timber, including the cutting of firewood for home use, only if you have obtained a special use permit from the Refuge Manager.

(iii) **May I leave personal property on the refuge?** You may remove personal property, including the cutting of firewood for home use, only if you have obtained a special use permit from the Refuge Manager.

(iv) **May I find research marking devices, what do I do?** Turn in all radio transmitters, neck and leg bands, ear tags, or other research marking devices recovered from wildlife to the Refuge Manager or the Alaska Department of Fish and Game within five days after recovery.

(v) **May I use non-motorized wheeled vehicles on the refuge?** Yes, but only on refuge roads designated and open for public vehicular access.

(vi) **May I use motorized equipment on the refuge?** You may not use motorized equipment, including but not limited to chainsaws, generators, and auxiliary power units, within the Kenai Wilderness, except snowmobiles, airplanes and motorboats in designated areas.

(vii) **Must I register to canoe on the refuge?** Only canoeists on the Swanson River and Swan Lake Canoe Routes must register at entrance points. Maximum group size is 15 persons.

(viii) **Are any areas of the refuge closed to public use?** (A) We close rock outcrop islands in Skilak Lake used by nesting cormorants and gulls and the adjacent waters within 100 yards to public entry and use from March 15 to September 30. You may obtain maps showing these areas from the Refuge Manager.

(B) From July 1 to August 15 the public may not use or access any portion of the 25-foot wide public easements along both banks of the Kenai River within the Moose Range Meadows area; or along the Homer Electric Association Right-of-Way from Funny River Road and Keystone Drive to the downstream limits of the streamside easements. You may obtain maps showing these closed areas from the Refuge Manager by referring to Sections 1, 2, and 3 of Township 4 North, Range 10 West, Seward Meridian.

(j) **Kodiak National Wildlife Refuge—Seasonal public use closure of the O’Malley River Area.** That area within the Kodiak National Wildlife Refuge described in this paragraph (j)(1) is closed to all public access, occupancy and use from June 25 through September 30. The area subject to seasonal closure consists of lands and waters located within Township 33 South, Range 30 West, Seward Meridian, Alaska, consisting of approximately 2,560 acres, and more particularly described as follows: Township 33 South, Range 30 West, Seward Meridian, Alaska, all of Section 25; all of Section 26, excluding U.S. Survey 10875 and the adjacent riparian ownership (Koniag Inc.) fronting the survey and extending to the center of Karluk Lake; and all of Sections 35 and 36, excluding U.S. Survey 10876 and the adjacent riparian ownership (Koniag Inc.) fronting the survey and
extending to the center of Karluk Lake. Maps of the closure area are available from the Refuge.

(2) Access easement provision. Notwithstanding any other provision of this paragraph (j), there exists a twenty-five foot wide access easement on an existing trail within the Koniag Inc. Regional Native Corporation lands within properties described in paragraph (j)(1) of this section in favor of the United States of America.


Subpart F—Permits and Public Participation and Closure Procedures

§ 36.41 Permits.

(a) Applicability. The regulations contained in this section apply to the issuance and administration of competitively and noncompetitively issued permits for economic and/or other privileged uses on all national wildlife refuges in Alaska. Nothing in this section requires the refuge manager to issue a special use permit if not otherwise mandated by statute to do so. Supplemental procedures for granting historical use, Native Corporation, and local preferences in the selection of commercial operators to hold permits to provide visitor services, other than hunting and fishing guiding on refuges in Alaska, are addressed in §36.37, Revenue producing visitor services.

(b) Definitions. As used in this section, the term or terms:

Commercial visitor service means any service or activity made available for a fee, commission, brokerage or other compensation to persons who visit a refuge, including such services as providing food, accommodations, transportation, tours, and guides. Included is any activity where one participant/member or group of participants pays more than the other participants (non-member fees, etc.), or fees are paid to the organization which are in excess of the bona fide expenses of the trip;

Entire business means all assets including, but not limited to, equipment, facilities, and other holdings directly associated with the permittee’s type of commercial visitor service authorized by permit. This term also includes assets held under the name of separate business entities, which provide the same specific type of commercial visitor services authorized by permit, that the permittee has a financial interest in. The term does not include related enterprises owned by the permittee such as taxidermy and travel services;

Immediate family means the spouse and children, either by birth or adoption, of the permittee.

Operations plan means a narrative description of the commercial operations which contains all required information identified in the prospectus;

Permit means a special use permit issued by the refuge manager which authorizes a commercial visitor service or other activity restricted by law or regulation on a national wildlife refuge;

Prospectus means the document that the Service uses in soliciting competition to award commercial visitor services on a refuge;

Subcontracting means any activity in which the permittee provides financial or other remuneration to anyone other than employees to conduct the specific commercial services authorized by the Service. The permittee’s primary authorized activities must be conducted in a genuine employer/employee relationship where the source of all remuneration for services provided to clients is from the permittee. Subcontracting does not apply to booking services or authorized secondary services provided to clients in support of the permittee’s primary authorized activities (e.g., a guide paying a marine or air taxi operator to transport clients);

Subletting means any activity in which the permittee receives financial or other remuneration in return for allowing another commercial operator to conduct any of the permittee’s authorized activities in the permittee’s use area; and

Use area means the designated area where commercial services may be conducted by the permittee.

(c) General provisions. In all cases where a permit is required, the permittee must abide by the conditions
§ 36.41

under which the permit was issued. Refuge managers will provide written notice to the permittee in all cases where documentation of noncompliance is prepared for use in any administrative proceeding involving the permittee.

(d) Application. (1) This section and other regulations in this part 36, generally applicable to the National Wildlife Refuge System, require that permits be obtained from the refuge manager. For activities on the following refuges, request permits from the respective refuge manager in the following locations:

<table>
<thead>
<tr>
<th>Refuge</th>
<th>Office location</th>
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</thead>
<tbody>
<tr>
<td>Alaska Peninsula National Wildlife Refuge</td>
<td>King Salmon</td>
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<tr>
<td>Alaska Maritime National Wildlife Refuge</td>
<td>Homer</td>
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<tr>
<td>Aleutian Islands Unit, Alaska Maritime NWR</td>
<td>Homer</td>
</tr>
<tr>
<td>Arctic National Wildlife Refuge</td>
<td>Fairbanks</td>
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<tr>
<td>Becharof National Wildlife Refuge</td>
<td>King Salmon</td>
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<tr>
<td>Innoko National Wildlife Refuge</td>
<td>McGrath</td>
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<tr>
<td>Izembek National Wildlife Refuge</td>
<td>Cold Bay</td>
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<td>Kanuti National Wildlife Refuge</td>
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<td>Kenai National Wildlife Refuge</td>
<td>Soldotna</td>
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<td>Kodiak National Wildlife Refuge</td>
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<td>Koyukuk National Wildlife Refuge</td>
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<td>Nenana National Wildlife Refuge</td>
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<td>Selawik National Wildlife Refuge</td>
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<td>Topok National Wildlife Refuge</td>
<td>Dillingham</td>
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<tr>
<td>Yukon Delta National Wildlife Refuge</td>
<td>Bethel</td>
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<tr>
<td>Yukon Flats National Wildlife Refuge</td>
<td>Fairbanks</td>
</tr>
</tbody>
</table>

(2) For noncompetitively issued permits, the applicant may present the application verbally if he/she is unable to prepare a written application. The refuge manager will keep a written record of such verbal application. For competitively issued permits, the applicant must submit a written application in the format delineated in the prospectus or other designated format of the Service.

(3) The refuge manager will grant or deny applications for noncompetitively issued permits in writing within 45 days, except for good cause. For competitively issued permits, the refuge manager will grant or deny applications in accordance with the time frame established in the prospectus, except for good cause.

(4) Refuge managers may establish application period deadlines for individual refuges for both competitively and noncompetitively issued permits. The refuge manager will send notification of availability for commercial opportunities and application deadlines to existing and/or the previous year’s permittees. He/she will publish the notice in at least one newspaper of general circulation in the State and in at least one local newspaper if available, and will make available for broadcast on local radio stations in a manner reasonably calculated to inform local prospective applicants.

(5) The Service may limit the number of applications that an individual may submit for competitively awarded offerings.

(e) Competitively awarded permits. (1) Where the number of available permits is limited, refuge managers will award permits competitively. A prospectus with invitation to bid system will be the primary competitive method used for selecting commercial visitor services. Where justified, other selection methods, including but not limited to lotteries, may be used. Such circumstances may include, but not be limited to, the timely refilling of use areas that have become vacant during regularly scheduled terms to prevent commercial visitor service opportunities from going unused, and initiating trial programs on individual refuges. The refuge manager has discretionary authority to issue noncompetitive permits on a one-time, short-term basis to accredited educational institutions and other nonprofit organizations to conduct primarily environmental education-related activities that also may be recreational in nature in use areas where permits for that type of guided recreational activity are otherwise limited to competitive award.

(2) Where numbers of permits have been limited for an activity prior to the promulgation of these regulations and a prospectus with invitation to bid system has not yet been developed, refuge managers may issue noncompetitive five-year permits consistent with the terms set forth in paragraph (e)(16) of this section on a one-time basis to existing permittees.

(3) The Service will publish notice of all solicitations for competition in accordance with paragraph (d)(4) of this section and include reasonable application periods of not less than 60 days.
When competitively selecting permittees for an activity in a use area where permits for that activity were not previously competitively awarded, the Service will publish notice of the upcoming opportunity a minimum of 18 months prior to the effective date of the permit term.

(4) All prospectuses will identify the selection criteria that the Service will use to evaluate the proposals. All prospectuses involving commercial visitor services must include experience and performance in providing the same or similar services as a criterion. In evaluating the experience of an applicant, the Service will specifically consider knowledge of the specific area covered by the prospectus and the nature of the technical skills required to provide quality service to the public.

(5) A panel of Service employees who use a scoring process based on the selection criteria will evaluate and rank applications received in response to a prospectus.

(6) The Service has discretionary authority to not evaluate or consider proposals that are incomplete or improperly submitted.

(7) The Service may establish minimum scores to qualify for the award of permits. If established, these minimum scores will be identified in the prospectus.

(8) The Service may establish limits on the number of use areas within an individual refuge, or on refuges statewide, in which a permittee is authorized to operate. This limit applies to different corporations in which the same individual has any ownership interests.

(9) When vacancies occur in competitively filled use areas, the procedure for reissuing the permits will depend on how long it has been since the permit originally was issued. The Service will award the permit to the next highest ranking interested applicant in the original solicitation, if a vacancy occurs within the first 12 months of the permit’s effective date. Resolicited competition for the area will occur as soon as practicable if:

(i) A vacancy occurs after 12 months of the permit’s effective date; and

(ii) At least 24 months of the original permit term is available for a new permittee after completion of the solicitation, application, evaluation and awards period. If less than 24 months of the term of the permit is available, the Service has the discretion to solicit competition during the regularly scheduled solicitation period. The Service may annually issue non-competitive permits for vacant areas, where there has not been significant permittee interest, until competition can be solicited in conjunction with other solicitations for vacant areas.

(10) Terms of permits awarded under the prospectus with invitation method are valid for 5 years except in those instances where the Service issues permits to fill vacancies occurring during a scheduled award cycle. In these instances, the permit duration is limited to the expiration date of the original award period. Permits awarded under the prospectus by invitation method must be renewed noncompetitively by the refuge manager for a period of 5 additional years upon application and a showing of permittee compliance with all applicable permit terms and conditions and a satisfactory record of performance. After one renewal, the Service shall not extend or noncompetitively renew another permit.

(11) Permit privileges may be transferred to other qualified entities that demonstrate the ability to meet Service standards, as outlined in the prospectus upon which the existing permittee was authorized to operate. This limit applies to different corporations in which the same individual has any ownership interests.

(i) The transfer is part of the sale or disposition of the current permittee’s entire business as earlier defined;

(ii) The current permittee was either conducting the commercial operation in the refuge under authorization of a
permit for a minimum of 12 years or owns significant real property in the area, the value of which is dependent on holding a refuge permit. Consideration of the last element will include, but is not limited to:

(A) The relationship of the real property to permitted refuge activities as documented in the operations plan;

(B) The percentage that the authorized refuge activities comprise of the total commercial use associated with the real property; and

(C) The appraised value of the real property.

(iii) The transferee must be independently qualified to hold the permit under the standards of the prospectus of the original existing permit.

(iv) The transferee has an acceptable history of compliance with State and Federal fish and wildlife and related permit regulations during the past 5 years. An individual with any felony conviction is an ineligible transferee. Transfer approval to an individual having any violations, convictions, or pleas of nolo contendere for fish and wildlife related federal misdemeanors or State violations will be discretionary. Denial is based on, but not limited to, whether the individual committed any violation in which the case disposition resulted in any of the following:

(A) Any jail time served or probation;

(B) Any criminal fine of $250 or greater;

(C) Forfeiture of equipment or harvested animal (or parts thereof) valued at $250 or greater;

(D) Suspension of privileges or revocation of any fish and wildlife related license/permits;

(E) Other alternative sentencing that indicates the penalty is of equal severity to the foregoing elements; or

(F) Any multiple convictions or pleas of nolo contendere for fish and wildlife-related Federal misdemeanors or State fish and wildlife-related violations or misdemeanors irrespective of the amount of the fine.

(12) The transferee must follow the operations plan of the original permittee. The transferee may modify the operations plan with the written consent of the refuge manager as long as the change does not result in increased adverse impacts to refuge resources or other refuge users.

(13) Upon timely approval of the transfer, the Service will issue the new permittee a permit for the remaining portion of the original permit term. The refuge manager retains the right to restrict, suspend, revoke, or not renew the permit for failure to comply with its terms and conditions.

(14) Permit privileges issued under this paragraph (e) may be transferred, subject to refuge manager approval, to a former spouse when a court awards permit-associated business assets in a divorce settlement agreement to that person. The recipient must independently qualify to hold the originally issued permit under the minimum standards identified by the Service, and the permittee must have an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section.

(15) Permit privileges issued under this paragraph (e) may be transferred in the case of death or disability of the permittee, subject to refuge manager approval, as provided in this paragraph (e). In these cases, the permit privileges may pass to a spouse who can demonstrate he/she is capable of providing the authorized services and who has an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section. A spouse who lacks any required license(s) but otherwise qualifies may hire an employee, who holds the required license(s) and who has an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section, to assist in the operation. Permit privileges may also pass to another member of the immediate family or a person who was a business partner at the time of original permit issuance. This person must be independently qualified under the minimum standards identified by the Service at the time of original permit issuance and have an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section.

(16) Upon September 26, 1997, refuge managers will amend existing competitively-awarded permits through the prospectus method to make the terms...
fully consistent with this section, including eligibility for a 5-year non-competitive renewal.

(f) Fees. Permittees must pay fees formally established by regional and/or nation-wide Service policy. The refuge manager must document any fee exemption.

(g) Subletting and subcontracting. A permittee may not sublet any part of an authorized use area. Subcontracting any service authorized by the permit requires written approval from the refuge manager unless the subcontracted service is specifically identified in the permittee’s approved operations plan.

(h) Restriction, suspension and revocation of permits. The refuge manager may suspend, revoke, or reasonably restrict the terms of a permit for noncompliance with the terms and conditions of the regulations in this subchapter C; for nonuse of the permit; for violations/convictions (including pleas of nolo contendere) of any law or regulation pertaining to the same type of activity authorized by the permit, whether or not the activity occurred on or off the refuge; to protect public health or safety; or if the refuge manager determines the use to be incompatible with refuge purposes or is inconsistent with the Service’s obligations under Title VIII of the Alaska National Interest Lands Conservation Act. All actions pertaining to this paragraph are subject to the appeal process as set forth in paragraph (i) of this section.

(i) Appeals. (1) Any person adversely affected by a refuge manager’s decision or order relating to the person’s permit, or application for a permit, has the right to have the decision or order reviewed by the regional director. This section does not apply to permits or applications for rights-of-way. See 50 CFR 29.22 for the hearing and appeals procedure on rights-of-way.

(2) Prior to making any adverse decision or order on any permit or an application for a noncompetitively issued permit, the refuge manager will notify the permittee or applicant, verbally or in writing, of the proposed action and its effective date. A permittee or applicant of noncompetitively issued permits, shall have 45 calendar days after notification in which to present to the refuge manager, orally or in writing, a statement in opposition to the proposed action or effective date. Notification in writing to a valid permit holder shall occur within 10 calendar days after receipt of the statement in opposition to the refuge manager’s final decision or order. An applicant for a noncompetitively issued permit shall be notified in writing within 30 calendar days after receipt of the statement in opposition, of the refuge manager’s final decision or order. An applicant for a competitively issued permit who is not selected will not receive advance notice of the award decision. Such applicants, who wish to appeal the decision must appeal directly to the regional director within the time period provided for in paragraph (i)(3) of this section.

(3) The permittee or applicant shall have 45 calendar days from the postmarked date of the refuge manager’s final decision or order in which to file a written appeal to the regional director. In appeals involving applicants who were not selected during a competitive selection process, the selected applicant concurrently will have the opportunity to provide information to the regional director prior to the final decision. Selected applicants who choose to take advantage of this opportunity, will retain their right of appeal should the appeal of the unsuccessful applicant result in reversal or revision of the original decision. For purposes of reconsideration, appellants shall present the following information:

(i) Any statement or documentation, in addition to that included in the initial application, permit or competitive prospectus, which demonstrates that the appellant satisfies the criteria set forth in the document under which the permit application/award was made;

(ii) The basis for the permit applicant’s disagreement with the decision or order being appealed; and

(iii) Whether or not the permit applicant requests an informal hearing before the regional director.

(4) The regional director will provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, and within a reasonable time, the regional director shall affirm, reverse, or modify the refuge manager’s decision or order and

293
§ 36.42 Public participation and closure procedures.

(a) Authority. The Refuge Manager may close an area or restrict an activity on an emergency, temporary, or permanent basis.

(b) Criteria. In determining whether to close an area or restrict an activity otherwise allowed, the Refuge Manager shall be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the Alaska National Wildlife Refuge area was established.

(c) Emergency closures or restrictions. (1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or non-motorized surface transportation shall be made after notice and hearing;
(2) Emergency closures or restrictions relating to the taking of fish and wildlife shall be accompanied by notice with a subsequent hearing;
(3) Other emergency closures or restrictions shall become effective upon notice as prescribed in §36.42(f);
(4) No emergency closure or restriction shall be for a period exceeding 30 days.

(d) Temporary closures or restrictions. (1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or non-motorized surface transportation, or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) affected by such closures or restriction, and other locations as appropriate;
(2) Other temporary closures shall be effective upon notice as prescribed in §36.42(f);
(3) Temporary closures or restrictions shall extend only for so long as necessary to achieve their purposes, and in no case may exceed 12 months or be extended beyond that time.

(e) Permanent closures or restrictions. Permanent closures or restrictions shall be made only after notice and public hearings in the affected vicinity and other locations as appropriate, and after publication in the Federal Register.

(f) Notice. Emergency, temporary or permanent closures or restrictions shall be: (1) Published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Refuge Manager and other places convenient to the public; or
(2) Designated by the posting of appropriate signs; or
(3) Both.

(g) Openings. In determining whether to open an area to public use or activity otherwise prohibited, the Refuge Manager shall provide notice in the
Federal Register and shall, upon request, hold a hearing in the affected vicinity and other location, as appropriate prior to making a final determination.

(h) Except as otherwise specifically permitted under the provision of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

Table I to Part 36—Summary Listing

1. Alaska Maritime, including:
   - Aleutian Island*
   - Bering Sea*
   - Bogoslof*
   - Chamisso*
   - Forrester Island*
   - Hazy Islands*
   - Pribilof*
   - Saint Lazaria*
   - Semidi*
   - Simeonof*
   - Tuxedni*

2. Alaska Peninsula
3. Arctic, including: William O. Douglas*
4. Becharof**
5. Inioko
6. Izmek*
7. Kanuti
8. Kenai*
9. Kodiak*
10. Koyukuk
11. Nowitna
12. Selawik
13. Tetlin
14. Togiak, including: Cape Newenham*
15. Yukon Delta, including: Clarence Rhode*
   - Hazen Bay*
   - Nunivak*
16. Yukon Flats*

PART 37—Geological and Geophysical Exploration of the Coastal Plain, Arctic National Wildlife Refuge, Alaska

Subpart A—General Provisions

Sec.
37.1 Purpose.

*These indicated units were previously existing refuges before the Alaska Lands Act of December 2, 1980, and are now part of the 16 National Wildlife Refuges established by the Alaska Lands Act.

37.2 Definitions.
37.3 Other applicable laws.
37.4 Disclaimer and disqualification.

Subpart B—General Requirements

37.11 General standards for exploratory activities.
37.12 Responsibilities of permittee.
37.13 Group participation.
37.14 Bonding.

Subpart C—Exploration Plans

37.21 Application requirements.
37.22 Approval of exploration plan.
37.23 Special use permit.
37.24 Plan of operation.
37.25 Revision.

Subpart D—Environmental Protection

37.31 Environmental protection.
37.32 Special areas.
37.33 Environmental briefing.

Subpart E—General Administration

37.41 Responsibilities of the Regional Director.
37.42 Inspection and monitoring.
37.43 Suspension and modification.
37.44 Revocation and relinquishment.
37.45 Exploration by the U.S. Geological Survey.
37.46 Cost reimbursement.
37.47 Civil penalties.

Subpart F—Reporting and Data Management

37.51 Operational reports.
37.52 Records.
37.53 Submission of data and information.
37.54 Disclosure.

Appendix I to Part 37—Legal Description of the Coastal Plain, Arctic National Wildlife Refuge, Alaska


Source: 48 FR 16858, Apr. 19, 1983, unless otherwise noted.

Note: The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq., because there are fewer than 10 respondents annually.
§ 37.1 Purpose.

These regulations implement the requirement of section 1002(d) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2450, as amended, 16 U.S.C. 3142(d), that the Secretary establish guidelines governing surface geological and geophysical exploration for oil and gas within the coastal plain of the Arctic National Wildlife Refuge. Section 1002 mandates an oil and gas exploration program for the refuge’s coastal plain. The program shall culminate in a report to Congress which contains, among other things, the identification of those areas within the coastal plain that have oil and gas production potential, an estimate of the volume of oil and gas concerned, the description of the wildlife, its habitat, and other resources that are within the areas identified, and an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the refuge’s resources. It is the objective of this program to ascertain the best possible data and information concerning the probable existence, location, volume, and potential for further exploration, development, and production of oil and gas within the coastal plain without significantly adversely affecting the wildlife, its habitat, or the environment and without unnecessary duplication of exploratory activities. These regulations prescribe the requirements and procedures for obtaining authorization for and the conduct of such exploratory activities, and for submitting to the Department the resulting data and information. These regulations also describe other matters relating to the administration of the program.

§ 37.2 Definitions.

The following definitions are applicable to the sections of this part.


(b) Adequate protective cover means snow or a frostline, or both, sufficient to protect the vegetation and soil from significant adverse effects due to the operation of surface equipment, as determined by the Regional Director.

(c) Coastal lagoons means the waters and submerged lands between the mainland and the offshore barrier islands that lie between Brownlow Point and the Aichilik River within the coastal plain.

(d) Coastal plain means that area shown on the map entitled “Arctic National Wildlife Refuge,” dated August 1980, and legally described in appendix I of this part.

(e) Cultural resource means any district, site, building, structure, or object significant in American history, architecture, archeology, engineering or culture, as determined in accordance with 36 CFR 60.6.

(f) Department means the Department of the Interior and any of its component bureaus and offices.

(g) Director means the Director of the U.S. Fish and Wildlife Service of his authorized representative.

(h) Exploration plan means the way in which a program of exploratory activities is proposed to be arranged and carried out.

(i) Exploratory activities means surface geological exploration or seismic exploration or both of the coastal plain and all related activities and logistics required for either or both, and any other type of geophysical exploration of the coastal plain which involves or is a component of an exploration program for the coastal plain involving surface use of refuge lands and all related activities and logistics required for such exploration.

(j) Harass means to pursue, hunt, take, capture, molest, harm, shoot or kill or attempt to engage in any of the preceding by either intentional or negligent act or omission.

(k) Hazardous substances means petroleum, petroleum products, toxic materials, chemical effluent, explosives, or other materials which are likely to cause significant adverse effects to the refuge’s wildlife, its habitat, the environment, or humans.

(l) Permittee means the person authorized by a special use permit issued pursuant to this part to conduct exploratory activities on the coastal plain;
any official, employee, contractor, subcontractor or agent of the permittee or of the permittee’s designee; and any participant to the permittee’s permit.

(m) Person means any individual, partnership, firm, corporation, association, organization, or agency.

(n) Plan of operation means detailed procedures, covering a period not to exceed 12 months, proposed for executing an exploration plan.

(o) Processed, analyzed and interpreted data or information means any data or information which results from any subsequent modification, processing, analysis, or interpretation of raw data and information by human or electronic means, on or off the refuge.

(p) Raw data and information means all original observations and recordings in written or electronic form and samples obtained during field operations.

(q) Refuge means the Arctic National Wildlife Refuge.

(r) Regional Director means the Regional Director, Region 7 of the U.S. Fish and Wildlife Service, or his authorized representative.

(s) Rehabilitation means the act of returning the landform and vegetation to as near its original shape and condition as practicable, as determined by the Regional Director.

(t) Secretary means the Secretary of the Interior or his authorized representative.

(u) Service means the U.S. Fish and Wildlife Service.

(v) Solicitor means the Solicitor of the Department of the Interior or his authorized representative.

(w) Special use permit means a revocable, nonpossessory privilege issued in writing by the Regional Director and authorizing the permittee to enter and use the refuge for a specified period to conduct exploratory activities, and other activities necessary thereto.

(x) Support facilities means facilities on or near the refuge used to provide logistical support for the field exploratory activities.

(y) Third party means any person other than a representative of the permittee or the United States government.

(z) Waste means all material for discard from exploratory activities. It includes, but is not limited to, human waste, trash, garbage, refuse, fuel drums, shot wire, survey stakes, explosives boxes, ashes, and functional and nonfunctional equipment.

(aa) Wildlife means fish or wildlife or both.

§ 37.3 Other applicable laws.

(a) Nothing in this part shall be construed to relieve a permittee or any person from complying with any applicable federal laws or any applicable state and local laws, the requirements of which are not inconsistent with this part.

(b) Until the litigation between the United States and the State of Alaska over title to the submerged lands of the coastal lagoons, “United States v. Alaska”, Sup. Ct., No. 84, Orig. (1979), is resolved, the permittee shall satisfy both federal and state requirements for conducting oil and gas exploration in the coastal lagoons. In the event of an inconsistency between such requirements the permittee shall satisfy that requirement which provides the greatest environmental protection.

§ 37.4 Disclaimer and disqualification.

(a) Authorization granted under this part to conduct exploratory activities shall not confer a right to any discovered oil, gas, or other mineral in any manner.

(b) Any person who obtains access pursuant to §37.54 to data and information obtained as a result of carrying out exploratory activities shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain. Any person who obtains access to data and information obtained as a result of carrying out exploratory activities from any person other than the permittee who obtained such data and information shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain.
§ 37.11

Subpart B—General Requirements

§ 37.11 General standards for exploratory activities.

(a) No exploratory activities shall be conducted without a special use permit. Requirements and procedures for obtaining a special use permit are prescribed in §§ 37.21 through 37.23.

(b) Exploratory activities shall be conducted so that they do not:

1. Significantly adversely affect the refuge’s wildlife, its habitat, or the environment;

2. Unnecessarily duplicate exploratory activities of the permittee or another permittee; and

3. Unreasonably or significantly interfere with another permittee’s activities.

(c) Reexamination of an area may be permitted by the Regional Director if necessary to correct data deficiencies or to refine or improve data or information already gathered.

(d) Drilling of exploratory wells is prohibited.

§ 37.12 Responsibilities of permittee.

(a) The permittee shall comply and shall be responsible for the compliance of its officials, employees, contractors, subcontractors and agents with the regulations of this part, the terms and conditions of its special use permit, the provisions of its approved exploration plan and plan or operation, and all reasonable stipulations, demands and orders issued by the Regional Director. All actions by the permittee inconsistent with this part are prohibited.

(b) The permittee shall designate a general representative who shall be the person primarily accountable for managing the permittee’s authorized activities, and a field representative who shall be the person primarily accountable for supervising the permittee’s field operations, and their alternates. The Regional Director shall be informed of the names, addresses, and telephone numbers of the persons designated pursuant to this paragraph and of the procedures for contacting them on a 24-hour basis, including the radio frequency for field operations, at the time the permittee submits its first plan of operation pursuant to § 37.24. The permittee shall notify the Regional Director promptly of any changes in such personnel or the procedures for contacting them.

(c) Field operations shall be conducted by the permittee or a designee approved by the Regional Director. Assignment of a designee shall be in a manner and form acceptable to the Regional Director. The Regional Director shall approve or disapprove a permittee’s designee within 30 days following the receipt of such information as the Regional Director may require from the permittee and designee in order to reach his decision. Acceptance of a designee to act for the permittee in matters relating to the conduct of exploratory activities does not relieve the permittee of responsibility for compliance with applicable laws, its special use permit, exploration plan, plan of operation, and all reasonable stipulations, demands and orders of the Regional Director. The designee will be considered the agent of the permittee and will be responsible for complying fully with the obligations of the permittee. The serving of stipulations, demands, orders, and notices on the permittee’s designee, when delivered personally or by radio or mail, will be deemed to be service upon the permittee. The permittee shall notify the Regional Director in writing when assignment of a designee has been cancelled. A designee cannot reassign its designation to another party. The permittee or designee shall notify the Regional Director 10 working days in advance of its intention to commence field operations for each season that it conducts exploratory activities.

(d) The permittee shall submit to the Regional Director 30 days prior to the commencement of field operations for each year covered by its exploration plan an updated list of the names and addresses of all persons participating in the exploratory activities covered thereby or sharing in the data and information resulting therefrom through a cost-sharing or any other arrangement.

(e) The permittee shall perform operations and maintain equipment in a safe and workmanlike manner. The permittee shall take all reasonable precautions necessary to provide adequate protection for the health and safety of
life and the protection of property and to comply with any health and safety requirements prescribed by the Regional Director.

§ 37.13 Group participation.
(a) To avoid unnecessary duplication of exploratory activities, the permittee shall, if ordered by the Regional Director, afford all interested persons, through a signed agreement, an opportunity to participate in its exploratory activities. Within 60 days following such order, the permittee shall provide evidence satisfactory to the Regional Director of its compliance therewith. The permittee shall provide the Regional Director with the names and addresses of all additional participants, as they join.
(b) If, with the approval of the Regional Director, the permittee at any time changes any provisions of its approved exploration plan relating to areal extent, intensity of exploratory activities, or logistical support, and the Regional Director determines such changes to be significant, the Regional Director may require the permittee to afford all interested persons another opportunity to participate in the permitted exploratory activities in accordance with paragraph (a) of this section.
(c) The requirements of this section do not preclude the permittee from initiating field operations as authorized under its special use permit.

§ 37.14 Bonding.
(a) Before the issuance of its special use permit, any applicant whose exploration plan has been approved under §37.22 shall furnish to the Service a surety bond of not less than $100,000, or other security satisfactory to the Service, to secure performance of its exploration plan and plan(s) of operation and any reasonable stipulations, demands and orders issued by the Regional Director.

§ 37.21 Application requirements.
(a) Prior to submitting an exploration plan, applicants may meet with the Regional Director to discuss their proposed plans and exploratory activities and the requirements of this part.
§ 37.21  
(b) Any person wanting to conduct exploratory activities may apply for a special use permit by submitting for approval one or more written exploration plans, in triplicate, to the Regional Director, Region 7, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. To be considered, exploration plans covering the period from the inception of the program through May 31, 1986, or any portions thereof, must be received by the Regional Director during normal business hours on May 20, 1983; exploration plans covering exploratory activities other than seismic exploration for the period from June 1, 1984, through May 31, 1986, or any portions thereof, must be received by the Regional Director during normal business hours on April 2, 1984; and exploration plans covering, but not limited to, seismic exploration for the period from October 1, 1984, through May 31, 1986, or any portions thereof, must be received by the Regional Director during normal business hours on June 4, 1984.

(c) In addition to containing the information required in paragraph (d) of this section, any exploration plan submitted shall describe the applicant’s plan for carrying out an integrated program of exploratory activities in such a manner as will satisfy the objective and limitations stated in §37.1. If an applicant submits an exploration plan on May 20, 1983 with the intention of submitting another exploration plan on March 1, 1984, the applicant shall describe in its initial plan how its future exploratory activities will be integrated with those proposed under its initial plan. Any applicant submitting an exploration plan on May 20, 1983 which incorporates preliminary field investigations and/or surface geological exploration proposed to commence before August 1, 1983 may submit a written request to the Regional Director for an expedited review and approval of that portion of the exploration plan covering such preliminary investigations and/or exploration. Each exploration plan submitted must be published and be the subject of a public hearing in accordance with requirements of §37.22(b).

(d) An exploration plan shall set forth in general terms such information as is required by this part and by the Regional Director in determining whether the plan is consistent with this part, including, but not limited to:

1. The name and address of any person who will conduct the proposed exploratory activities, i.e., the applicant/permittee, and, if that person is an agency, firm, corporation, organization, or association, the names and addresses of the responsible officials, or, if a partnership, the names and addresses of all partners;

2. The names and addresses of all persons planning at the time of plan submittal to participate in the proposed exploratory activities or share in the data and information resulting therefrom through a cost-sharing or any other arrangement;

3. Evidence of the applicant’s technical and financial ability to conduct integrated and well designed exploratory activities in an arctic or subarctic environment and of the applicant’s responsibility in complying with any exploration permits previously held by it;

4. A map at a scale of 1:250,000 of the geographic areas in which exploratory activities are proposed and of the approximate locations of the applicant’s proposed geophysical survey lines, travel routes to and within the refuge, fuel caches, and major support facilities;

5. A general description of the type of exploratory activities planned, including alternate exploratory methods and techniques if proposed, and the manner and sequence in which such activities will be conducted;

6. A description of how various exploratory methods and techniques will be utilized in an integrated fashion to avoid unnecessary duplication of the applicant’s own work;

7. A schedule for the exploratory activities proposed, including the approximate dates on which the various types of exploratory activities are proposed to be commenced and completed;

8. A description of the applicant’s proposed communication techniques;

9. A description of the equipment, support facilities, methods of access and personnel that will be used in carrying out exploratory activities;
§ 37.22 Approval of exploration plan.

(a) An exploration plan shall be approved by the Regional Director if he determines that it satisfies the requirements of §37.21 (c) and (d) and is otherwise consistent with the Act and the regulations of this part. In order to meet the objective and limitations stated in §37.1, enforce the standards stated in §37.11(b), or minimize adverse impacts on subsistence uses, the Regional Director may approve or disapprove any exploration plan in whole or in part or may require, as a condition of approval, an applicant to conduct its exploratory activities in an assigned area or jointly with other applicants or to make such modification in its exploration plan as he considers necessary and appropriate to make it consistent with this part. No plan shall be approved if the applicant submitting it does not demonstrate to the reasonable satisfaction of the Regional Director its adequate technical and financial ability to conduct integrated and well designed exploratory activities in an arctic or subarctic environment, and a history of responsible compliance with any exploration permits that it or its responsible officials or partners may have previously held.

(b) Upon receipt of an exploration plan submitted in accordance with §37.21(b), the Regional Director shall promptly publish notice of the application and text of the plan in the FEDERAL REGISTER and newspapers of general circulation in the State of Alaska. The Regional Director shall determine within 90 days after the plan is submitted whether the plan is consistent with this part. The Regional Director may extend this 90-day period for up to 30 additional days upon written notice to the applicant. Before making his determination, the Regional Director shall hold at least one public hearing in the State for the purpose of receiving public comments on the plan and may confer with the applicant whenever he deems it necessary. The Regional Director shall give the applicant written notice of his determination.

(c) Whenever the Regional Director disapproves an exploration plan in whole or in part, he shall notify the applicant in writing of the reasons for his disapproval. The applicant may request the Director to consider that which was disapproved by the Regional Director by filing a written request with the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, within 30 days from the date of disapproval. Such a request shall not operate to stay the Regional Director’s disapproval. The request shall:

1. State fully the basis for the applicant’s disagreement with the Regional Director’s determination;
2. Include any statement or documentation, in addition to that already submitted by the applicant with its application, which demonstrates that the applicant’s exploration plan is consistent with this part; and
3. Indicate whether or not the applicant requests an informal hearing before the Director.
§ 37.23 The Director shall provide an informal hearing if requested by the applicant. Within 30 days of the receipt of the applicant’s request for reconsideration or of the applicant’s hearing, if any, whichever is later, the Director shall affirm, reverse, or modify the Regional Director’s determination. Written notice of the Director’s decision and the reasons therefor shall be provided promptly to the applicant. The Director’s decision shall constitute the final administrative decision of the Secretary in the matter. Nothing in this part shall be construed to deprive the Secretary or the Assistant Secretary for Fish and Wildlife and Parks of the authority to take jurisdiction at any stage of any appeal or request for reconsideration and render the final decision in the matter after holding any informal hearing that may be required, to review any decision of the Regional Director or Director, or to direct the Regional Director or Director to reconsider a decision.

(d) The Regional Director, as a condition of approval of any exploration plan under this section, shall:

(1) Require that all data and information (including processed, analyzed and interpreted information) obtained as a result of carrying out the plan shall be submitted to the Regional Director, as provided in §37.53;

(2) Make such data and information available to the public, except that any processed, analyzed and interpreted data or information shall be held confidential by the Department for a period of not less than 10 years following the submission of such data or information to the Regional Director or 2 years following any lease sale including the area within the refuge from which the information was obtained, whichever period is longer, as provided in §37.54; and

(3) Require that all raw data and information obtained as a result of carrying out the plan shall be made available by the permittee to any person at fair cost.

(e) In the course of evaluating an exploration plan, the Regional Director shall also evaluate the effect of the proposed exploratory activities on subsistence uses and needs, the availability for exploration of alternate areas within the coastal plain, and alternatives to the proposed activities which would reduce or eliminate the use of areas within the coastal plain needed for subsistence purposes. If the Regional Director finds that the exploration plan, if approved, would significantly restrict subsistence uses, he shall satisfy the requirement to hold a hearing on this issue by incorporating it in any hearing held pursuant to paragraph (b) of this section and shall otherwise satisfy the procedural requirements of section 810(a) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2427, 16 U.S.C. 3120, before approving the plan.

§ 37.23 Special use permit.

(a) Within 45 days, or sooner if practicable, of approving an exploration plan, or portion thereof, the Regional Director shall, unless prohibited by law, issue a special use permit to authorize the permittee to proceed with those exploratory activities described and approved in its exploration plan, or portion thereof, provided that the requirements of §37.14(a) have been satisfied. The special use permit may contain such terms and conditions and may be amended from time to time as the Regional Director deems necessary and appropriate to carry out the Act and this part.

(b) Before issuing a special use permit to authorize exploration of lands within the coastal plain allotted pursuant to the Act of May 17, 1906, 34 Stat. 197, as amended by the Act of August 2, 1956, 70 Stat. 954, or on lands within the coastal plain the surface estate in which has been selected by or conveyed to the Kaktovik Inupiat Corporation pursuant to Sections 12 and 14 of the Alaska Native Claims Settlement Act, 85 Stat. 701 and 702, 43 U.S.C. 1611 and 1613, the Regional Director shall seek the views of the holder of such approved native allotment or the Corporation for the purpose of developing permit conditions designed to mitigate the effects of such exploration on its interests.

§ 37.24 Plan of operation.

Each approved exploration plan shall be supplemented by a written plan of
operation for each fiscal year, or portions thereof, covered by the exploration plan. Each plan of operation shall specify the field operations for implementing that exploration plan during the year, or portions thereof, covered by the plan of operation. Each plan of operation shall be submitted to the Regional Director at least 30 days before field operations are to be commenced thereunder, except that any plan of operation supplementing a portion of an exploration plan that received expedited review and approval pursuant to §37.21(c) shall be submitted 10 days before field operations are to be commenced thereunder. A plan of operation shall set forth such specific information as is required by the Regional Director in determining whether the plan is consistent with the exploration plan to which it pertains and with this part. The permittee shall make such modifications in its plan of operation as are deemed at any time by the Regional Director to be necessary and appropriate to ensure such consistency.

Reconsideration of the Regional Director’s actions under this section may be obtained by employing the procedures described in §37.22(c).

§37.25 Revision.

(a) A permittee may request the Regional Director for permission to revise its approved exploration plan. Until the Regional Director grants the permittee’s request, no revision of its exploration plan shall be implemented. Such request shall be deemed to be granted on the 10th working day following its receipt unless the Regional Director denies the request; advises the permittee that the proposed revision is major and, therefore, must satisfy the publication and hearing requirements of §37.22(b) before it can be acted upon; by timely written notice extends the period for considering the request; conditionally approves the proposed revision with such modifications as he stipulates are necessary and appropriate; or, unconditionally approves the proposed revision within a shorter period. No revision of an exploration plan shall be approved that is inconsistent with the Act or this part. Approval of any revision is subject to the conditions stated in §37.22(d) to the extent that they are pertinent.

(b) Upon 10 working days advance notice to the Regional Director of its proposed revision, or within such lesser period as may be concurred in by the Regional Director, a permittee may implement a revision of its plan of operation, provided that such revision is consistent with the exploration plan to which the plan of operation pertains and this part. The Regional Director may require the permittee to defer, modify, or rescind such revision whenever he determines that such action is necessary and appropriate to ensure such consistency.

(c) Reconsideration of the Regional Director’s actions under this section may be obtained by employing the procedures described in §37.22(c). A request for reconsideration shall not operate to stay the Regional Director’s actions unless such stay is granted in writing by the Director.

Subpart D—Environmental Protection

§37.31 Environmental protection.

(a) The permittee shall conduct operations in a manner which avoids significant adverse effects on the refuge’s wildlife, its habitat, and environment. The Regional Director may impose stipulations to supplement the permittee’s special use permit and issue other orders as needed to ensure that the permittee’s activities are conducted in a manner consistent with this part. If, after 30 days, or in emergencies such shorter periods as shall not be unreasonable, following a demand by the Regional Director, the permittee shall fail or refuse to perform any action required by this part, its exploration plan, plan of operation, special use permit, or a stipulation or order of the Refuge Manager, the department shall have the right, but not the obligation, to perform any or all such actions at the sole expense of the permittee. Prior to making such demand, the Regional Director shall confer with the permittee, if practicable to do so, regarding the required action or actions included in the demand. Reconsideration of the Regional Director’s demands under this section may be obtained by
§ 37.31

employing the procedures described in § 37.22(c). A request for reconsideration shall not operate to stay the Regional Director’s demands or the Department’s performance pursuant to this section unless such stay is granted in writing by the Director.

(b) Terrestrial environment. (1) Vehicles shall be operated in a manner such that the vegetative mat or soil is not significantly damaged or displaced. Blading of snow on trails or campsites shall be limited so as to maintain an adequate protective cover.

(2) Ground vehicles shall be of the type causing the least practicable harm to the surface, such as Nodwell FN–110 or FN–60 or Bombardier track vehicles, mobile camps on flexible tracks or skids, vibrator units on flexible tracks or wheels, D–7 Caterpillar tractors, or their equivalent. They shall be operated only in the winter and where there is adequate protective cover. Vehicle operation shall cease in the spring when the Regional Director determines that the protective cover is no longer adequate. Operation of ground vehicles in the summer is prohibited.

(3) Movement of equipment through riparian willow stands shall be avoided, except when approved by the Regional Director.

(4) Above ground explosive charges shall be utilized in a manner to minimize damage to the vegetative mat.

(5) Campsites may be located on lakes which are frozen throughout, including bottom sediments, on durable ground, and on lagoons which are frozen to sufficient depth to ensure safety of personnel, but shall not be located on river ice. Durable ground can include gravel or sand bars or vegetated ground with adequate protective cover.

(6) Campsites and trails shall be kept clean of waste.

(7) Gray water may be discharged to the surface provided it is filtered, disinfected, and not discharged directly into lakes and rivers.

(8) The permittee shall take all precautionary measures necessary to prevent and suppress man-caused tundra fires and shall notify the Regional Director of the occurrence of any tundra fires immediately or as soon as communication can be established.

(9) Rehabilitation of disturbed surface areas shall be accomplished by the permittee in accordance with schedules and a plan required and approved by the Regional Director. Revegetation shall be accomplished exclusively with endemic species.

(10) The permittee shall not harass wildlife in any manner, including, but not limited to, close approach by surface vehicles or aircraft. Aircraft should maintain an altitude of at least 1500 feet above ground level whenever practicable.

(11) No explosives shall be detonated within ½ miles of any known denning brown or polar bear or any muskoxen or caribou herd.

(12) The permittee shall operate in such a manner as not to impede or restrict the free passage and movement of large mammals, including caribou, muskoxen, moose, polar bear, and brown bear.

(13) Feeding of wildlife is prohibited. This includes the leaving of garbage or edibles in a place which would attract wildlife. Garbage shall be kept in covered animal-proof containers while awaiting incineration.

(14) Hunting, fishing, and trapping by the permittee within the refuge are prohibited during the conduct of exploratory activities. Employing firearms in defense of life and property is allowed.

(c) Aquatic environment. (1) The permittee shall not significantly alter the banks of streams, rivers, or lakes while conducting exploratory activities. Crossings of stream, river, or lake banks shall utilize a low angle approach or, if appropriate, snow bridges. If snow bridges are utilized for bank protection they shall be free of dirt and debris and shall be removed after use or prior to breakup each year, whichever occurs first.

(2) No water shall be removed from any subsurface source. Removal of water or snow cover from or compaction of snow cover on streams, rivers or lakes identified by the Regional Director as inhabited by fish shall be prohibited during the winter.

(3) To protect fish and other aquatic fauna, high explosives shall not be detonated within, beneath, on or in close proximity to fish-bearing waters unless
prior drilling indicates that the water body, including its substrate, is solidly frozen. The minimum acceptable offset from fishing-bearing waters for various size charges is:

- 1 pound charge—50 feet
- 2 pound charge—75 feet
- 5 pound charge—125 feet
- 10 pound charge—150 feet
- 25 pound charge—250 feet
- 100 pound charge—500 feet

Use of a charge in excess of 100 pounds shall be approved by the Regional Director and shall be in a manner prescribed or approved by him.

(4) All operations shall be conducted in a manner that will not impede the passage of fish, disrupt fish spawning, overwintering or nursery areas identified by the Regional Director or block or change the character or course of, or cause significant siltation or pollution of any stream, river, pond, pothole, lake, lagoon, or drainage system.

(5) Ground vehicles shall not cross active spring areas.

(d) Cultural resources. (1) Prior to implementing any plan of operation, the permittee shall obtain from the Regional Director copies of the cultural resource reconnaissance reports, maps and other available documents which identify all known cultural resource sites and areas of predicted high probability of containing cultural resources. The Regional Director may reasonably restrict or prohibit exploratory activities in these areas and, in accordance with 36 CFR part 800, thereby mitigate, minimize or avoid any adverse effects thereon.

(2) Unless otherwise specified by the Regional Director, the following prohibitions shall be in effect:

(i) No vehicle of any type shall pass over or through a known cultural resource site with standing structures; and

(ii) No seismic train shall camp on a known cultural resource site.

(3) If any exploratory activities require entry into areas known to contain historic or archeological resources, high probability areas, or areas previously unsurveyed for cultural resources, prior to the initiation of such activities, the permittee shall, if ordered by the Regional Director, locate, identify and evaluate properties eligible for listing on the National Register of Historic Places, recover for the Department historic and archeological data contained in such properties, and take other measures, as directed by the Regional Director, designed to mitigate, minimize or avoid to the extent practicable any significant adverse effects on them. Such efforts shall be done in a manner prescribed or approved by the Regional Director in accordance with a programmatic memorandum of agreement among the Service, the State Historic Preservation Officer and the Advisory Council on Historic Preservation, and without expense or liability to the Department.

(e) General. (1) All spills or leakages of any hazardous substances, fires, fatalities, and any other conditions which threaten the refuge’s resources, the environment, or human safety, shall be reported by the permittee to the Regional Director immediately or as soon as communication can be established. Other notifications shall be made by the permittee as required by applicable laws.

(2) All combustible solid waste shall be incinerated or returned to the permittee’s base of operations for disposal in accordance with applicable federal, state and local standards. All non-combustible solid waste, including, but not limited to, fuel drums and shot wire, shall be returned to the permittee’s base of operations for disposal in accordance with applicable federal, state and local standards.

(3) No discharge of petroleum, petroleum products, or toxic materials shall be made within the refuge. All hazardous substances utilized and/or generated in conducting exploratory activities shall be contained, controlled, and cleaned up in accordance with the permittee’s approved hazardous substances control and contingency plan. Such measures shall take precedence over all other matters except human safety.

(4) Unless exigencies warrant, in any field operations employing surface geological exploration, the equipment, facilities, and personnel used within the coastal plain shall not exceed that necessary to support a maximum of 6 simultaneously operating surface geological survey crews, and in any field
§ 37.32 Special areas.

(a) Caribou calving and post-calving special areas. The Regional Director shall designate within the coastal plain specific caribou calving and post-calving special areas which shall be closed to all exploratory activities for such periods between May 10 and July 15 of each year as those areas are determined by the Regional Director to be used for caribou calving and post-calving activities. The Regional Director shall ensure that exploratory activities do not significantly adversely affect calving and post-calving caribou. No exploratory activities shall be conducted in such designated areas during such periods.

(b) Muskoxen calving special areas. Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect calving muskoxen, the Regional Director shall designate within the following areas specific areas which shall be closed to all exploratory activities for such periods between April 15 and June 5 of each year as those areas are determined by the Regional Director to be used for muskoxen calving. No exploratory activities shall be conducted in such designated areas during such periods.

1. One generally encompassing the Tamayariak uplands bordered on the east by the Tamayariak River, on the northwest by the Canning River, on the east by a north-south line intersecting the benchmark “Can”, and on the south by an east-west line approximately six miles inland from the coastline.

2. One generally encompassing the Carter Creek uplands, bordered on the east by the Sadlerochit River, on the north by the mainland coastline, on the west by Carter Creek, and on the south by an east-west line approximately six miles inland from the coastline.

3. One generally encompassing the Niguanak hills, bordered on the east by the Angun River, on the north by the mainland coastline, on the west by a line parallel to and two miles west of the Niguanak River, crossing portions of the Okerokovik River, and extending south to the southern boundary of the coastal plain, and on the south by the southern boundary of the coastal plain.

(c) Brown bear and polar bear denning special areas. Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect denning bears, the Regional Director shall designate within the coastal plain brown bear and polar bear denning sites within 1½ miles of which all exploratory activities shall be prohibited for such periods between October 1 of one year and April 30 of the following year as are prescribed by the Regional Director.
§ 37.42 Inspection and monitoring.

The Regional Director may designate field representatives, hereinafter known as Field Monitors, to monitor the exploratory activities in the field. A Field Monitor may exercise such authority of the Regional Director as is provided by delegation, except that a Field Monitor may not revoke a permittee’s special use permit, and provided that any order issued by a Field Monitor which suspends all of a permittee’s field activities shall, except in emergencies, require the concurrence of the Regional Director. The Regional Director shall have a continuing right of access to any part of the exploratory activities at any time for inspection or monitoring and for any other purpose that is consistent with this part. A permittee, upon request by the Regional Director, shall furnish lodging, food,
§ 37.43 Suspension and modification.
If at any time while exploratory activities are being carried out under an approved exploration plan and special use permit, the Regional Director, on the basis of information available to him, determines that continuation of further activities under the plan or permit will significantly adversely affect the refuge’s wildlife, its habitat, or the environment, or significantly restrict subsistence uses, or that the permittee has failed to comply with its approved exploration plan, plan of operation, special use permit, any reasonable stipulation, demand or order of the Regional Director, or any regulation of this part, the Regional Director may, without any expense or liability to the Department, suspend activities under the plan and/or permit for such time, or make such modifications to the plan and/or permit, or both suspend and so modify, as he determines necessary and appropriate. Such suspensions shall state the reasons therefore and be effective immediately upon receipt of the notice. Suspensions issued orally shall be followed by a written notice confirming the action within 3 days, and all written notices will be sent by messenger or registered mail, return receipt requested. A suspension shall remain in effect until the basis for the suspension has been corrected to the satisfaction of the Regional Director. For good cause, the Regional Director may also grant at the permittee’s request, a written waiver of any provision of its special use permit, so long as such waiver will not be likely to result in significant adverse effects on the refuge’s resources. Reconsideration of the Regional Director’s actions under this section may be obtained by employing the procedures described in §37.22(c). A request for reconsideration shall not operate to stay the Regional Director’s actions unless such stay is granted in writing by the Director.

§ 37.44 Revocation and relinquishment.
For nonuse, for failure to comply with §37.14, or for any action of the permittee not consistent with this part, the Regional Director may revoke or a permittee may relinquish a special use permit to conduct exploratory activities at any time by sending to the other a written notice of revocation or relinquishment. Such notice shall state the reasons for the revocation or relinquishment and shall be sent by registered mail, return receipt requested, at least 30 days in advance of the date that the revocation or relinquishment will be effective. Revocation or relinquishment of a permit to conduct exploratory activities shall not relieve the permittee of the obligation to comply with all other obligations specified in this part and in its special use permit, approved exploration plan and plan of operation. Reconsideration of the Regional Director’s actions under this section may be obtained by employing the procedures described in §37.22(c). A request for reconsideration shall not operate to stay the Regional Director actions unless such stay is granted in writing by the Director.

§ 37.45 Exploration by the U.S. Geological Survey.
Notwithstanding the requirement found in §37.21(b) on when exploration plans shall be submitted, the U.S. Geological Survey may at any time apply for a special use permit to conduct exploratory activities by submitting for approval one or more exploration plans in accordance with the requirements of this part and the Act. No plan submitted by the Survey will be approved unless (1) no other person has submitted a plan for the area involved which satisfies the regulations of this part and (2) the information which would be obtained from the Survey is needed to make an adequate report to Congress pursuant to the Act. Sections 37.13, 37.14, 37.22(d)(3), 37.46, 37.47, and
§ 37.46 Cost reimbursement.

(a) Each applicant for or holder of a special use permit issued under this part shall reimburse the Department for its actual costs incurred, including, but not limited to, its direct costs and indirect costs as established by the indirect cost rate of the charging bureau or office, in publishing, reviewing (which includes, but is not limited to, conducting any public hearings thereon), modifying, and approving or disapproving the applicant’s or permittee’s exploration plan(s); reviewing evidence of the permittee’s compliance with any order given by the Regional Director under §37.13; preparing and issuing the special use permit; reviewing and acting on the permittee’s plan(s) of operation; inspecting, monitoring, and enforcing the permittee’s compliance with its approved exploration plan(s), plan(s) or operation, special use permit and this part; performing the permittee’s obligations pursuant to §37.31(a); and identifying, evaluating and preserving historic, archeological and cultural resources in areas to be explored by the permittee; as further delineated by the Regional Director.

(b) Each applicant shall submit with each exploration plan submitted a payment, the amount of which shall be an estimate made by the Regional Director of the costs which will be incurred by the Department in publishing, reviewing, modifying and approving or disapproving the applicant’s exploration plan.

(c) Upon issuance of a special use permit, the permittee shall make an initial advance payment covering that current fiscal year quarter and quarterly payments thereafter to cover the
§ 37.47 Civil penalties.

(a) This section prescribes the procedures for assessing a civil penalty for the violation of any provision of an approved exploration plan, any term or condition of the special use permit issued under §37.23, or any prohibition contained in this part. The civil penalty remedy afforded by this section is in addition to all other remedies available to the Secretary.

(b) Notice of violation. (1) The notice of violation shall be issued by the Solicitor and served personally or by registered mail upon the person named in the notice (hereinafter the respondent) or his authorized representative. The notice shall contain:

(i) A summary of the facts believed to show a violation by the respondent;

(ii) A specific reference to the provision, term, condition or prohibition allegedly violated; and

(iii) The amount of the penalty proposed to be assessed. The notice may also contain an initial proposal for compromise or settlement of the action.

(2) The notice of violation shall also advise respondent of his right to:

(i) Respond to the notice within 45 calendar days from the date of its issuance by: (A) Undertaking informal

§ 37.47 actual costs incurred by the Department in administering the permittee’s permit for its duration. Such costs shall include, but are not limited to, those direct costs and indirect costs, as established by the indirect costs rate of the charging bureau or office, incurred in reviewing and acting on permittee’s plan(s) of operation; reviewing evidence of the permittee’s compliance with any order given by the Regional Director under §37.13; preparing and issuing the permittee’s special use permit; inspecting, monitoring, and enforcing the permittee’s compliance with its approved exploration plan, plan(s) of operation, special use permit and this part; performing the permittee’s obligations pursuant to §37.31(a); and identifying, evaluating and preserving historic, archeological and cultural resources in areas to be explored by the permittee. Each quarterly payment will be paid at the outset of the quarter and will cover the estimated cost of that quarter as adjusted by the Regional Director by reason of any adjustment warranted by paragraph (b) of this section or by overpayments or underpayments in previous quarters for which adjustment has not already been made. Upon termination of the permittee’s special use permit, reimbursement or refundment of any outstanding amounts due the Department or the permittee shall be made within 180 days.

(d) Estimates required by this section shall be made by the Regional Director on the basis of the best available cost information. However, reimbursement shall not be limited to the Regional Director’s estimate if actual costs exceed projected estimates.

(e) All payments required by this section shall be made payable to the Service. No applicant or permittee shall set off or otherwise deduct any debt due to or any sum claimed to be owed to it by the United States from any payment required by this section. Overpayments shall be credited or refunded to the person making them.

(f) When through partnership, joint venture or other business arrangement more than one person applies for or participates in a special use permit, each shall be jointly and severally liable for reimbursing the Department’s cost under this section.

(g) Any lodging, food, communication, and transportation provided by a permittee under §37.42 shall be deemed to be costs paid to the Department in kind for services rendered in inspecting and monitoring the permittee’s exploratory activities. At the end of each quarter, the permittee shall furnish the Regional Director with a report, in a format approved or prescribed by him, on the goods and services provided during that quarter, and the names of the individuals to whom they were provided.

(h) Any dispute between an applicant or permittee and the Regional Director as to costs actually incurred by the Department and charged to the applicant or permittee shall be finally decided for the Secretary by the Director, using the procedures described in §37.22(c).
§ 37.47

discussions with the Solicitor; (B) Accepting the proposed penalty or the compromise, if any, offered in the notice; or (C) Filing a petition for relief in accordance with paragraph (c) of this section; or

(ii) Take no action and await the Solicitor’s notice of assessment. Such response must be received by the Solicitor on or before the 45th day during normal business hours at the address stated in the notice.

(3) Any notice of violation may be amended, but any nontechnical amendment will extend the running of the respondent’s 45 day period for response from the date of the notice to the date of the amendment.

(4) Acceptance of the proposed penalty or the compromise, if any, stated in the notice of violation shall be deemed to be a waiver of the notice of assessment required in paragraph (d) of this section and of the respondent’s right to an opportunity for a hearing described in paragraph (e) of this section.

(c) Petition for relief. If the respondent chooses, he may ask that no penalty be assessed or that the amount be reduced and he may admit or contest the legal sufficiency of the Solicitor’s charges and allegations of facts, by filing a petition for relief at the address specified in the notice within 45 calendar days from the date thereof. Such petition must be received by the Solicitor on or before the 45th day during normal business hours. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, partnership, association or agency, the petition must be signed by an officer or official authorized to sign such document. It must set forth in full the legal or other reasons for the relief requested.

(d) Notice of assessment. (1) After 45 calendar days from the date of the notice of violation or any amendment thereof, the Solicitor may proceed to determine whether the respondent committed the violation alleged and to determine the amount of civil penalty to be assessed, taking into consideration the information available and such showing as may have been made by the respondent. The Solicitor shall notify the respondent of his determinations by a written notice of assessment, which shall also set forth the basis for his determinations. The notice of assessment shall be served on the respondent personally or by registered mail.

(2) The notice of assessment shall also advise the respondent of his right to request a hearing on the matter in accordance with paragraph (e) of this section.

(e) Request for a hearing. Within 45 calendar days from the date of the issuance of the notice of assessment, the respondent may request a hearing to be conducted on the matter in accordance with 5 U.S.C. 554 through 557 by filing a dated, written request for hearing with the Hearings Division, Office of Hearings and Appeals, Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. Such request must be received at this address on or before the 45th day during normal business hours. The respondent shall state the respondent’s preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and the notice of assessment. A copy of the request shall be served upon the Solicitor personally or by mail at the address specified in the notice of assessment.

(f) Finality of decision. If no request for a hearing is filed in accordance with this section, the assessment stated in the notice of assessment shall be effective and constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment. If the request for hearing is timely filed in accordance with this section, the date of the final administrative decision in the matter shall be as provided in paragraph (g) or (h) of this section. When a civil penalty assessed under this section becomes final, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in the Office of the Solicitor during normal business hours on or before the 20th day.

(g) Hearing. (1) Upon receipt of a request for a hearing, the Hearings Division will assign an administrative law
§ 37.47

judge who shall have all the powers accorded by law and necessary to preside over the parties and the hearing and to make decisions in accordance with 5 U.S.C. 554 through 557. Notice of such assignment shall be given promptly to the respondent and to the Solicitor at the address stated in the notice of assessment. Upon notice of the assignment of an administrative law judge to the case, the Solicitor shall file all correspondence and petitions exchanged between the Solicitor and the respondent which shall become a part of the hearing record.

(2) The hearing shall be conducted in accordance with 5 U.S.C. 554 through 557 and with 43 CFR part 4 to the extent that it is not inconsistent with this part. Subject to 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel. The hearing shall be held in a location established by the administrative law judge, giving due regard to the convenience of the parties, their representatives and witnesses. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the decision on the record made at the hearing. The judge shall render a written decision on the record, which shall set forth his findings of facts and conclusions of law and the reasons therefore, and an assessment of a civil penalty if he determines that the respondent committed the violation charged.

(3) Discovery shall be obtained by employing the procedures described 43 CFR 4.1130 through 4.1141. In addition, discovery of facts known and opinions held by experts, otherwise discoverable under 43 CFR 4.1132(a) and acquired and developed in anticipation of administrative adjudication or litigation, may be obtained only as follows:

(i) (A) A party through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(B) Upon motion, the administrative law judge may order further discovery by other means, subject to such restrictions as to scope and such provisions under paragraph (g)(3)(ii) of this section concerning fees and expenses, as the administrative law judge may deem appropriate.

(ii) A party may discover facts known or opinions held by an expert, who has been retained or employed by another party in anticipation of administrative adjudication or litigation or preparation therefore and who is not expected to be called as a witness, only upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(iii) Unless manifest injustice would result, (A) the administrative law judge shall require the party seeking discovery to pay the expert, or the Department if the expert is an employee of the United States, a reasonable fee for time spent in responding to paragraphs (g)(3)(i)(B) and (g)(3)(ii) of this section; and (B) with respect to discovery under paragraph (g)(3)(i)(B) of this section the administrative law judge may require and with respect to discovery under paragraph (g)(3)(ii) of this section the administrative law judge shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

(4) Unless the notice of appeal is filed in accordance with paragraph (h) of this section, the administrative law judge’s decision shall constitute the final administrative decision of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

(h) Appeal. (1) Either the respondent or the Solicitor may seek an appeal from the decision of an administrative law judge as to the respondent’s violation or penalty or both by the filing of a notice of appeal with the Director, Office of Hearings and Appeals, United States Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 calendar days of the date of the administrative law judge’s decision. Such notice shall be accompanied by proof of service on the
(2) Upon receipt of such a request, the Director, Office of Hearings and Appeals, shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of 43 CFR part 4, subpart G shall apply to appeal proceedings under this paragraph. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the matter on the date it is rendered, unless otherwise specified therein.

(i) Amount of penalty. The amount of any civil penalty assessed under this section shall not exceed $10,000 for each violation. Each day of a continuing violation shall, however, constitute a separate offense. In determining the amount of such penalty, the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the respondent, his history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require shall be considered.

(j) Petition for remission. The Solicitor may modify or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this paragraph unless the matter is pending in court for judicial review or for recovery of the civil penalty assessed. A petition for remission may be filed by the respondent with the Solicitor at any time from the date of final administrative decision assessing a civil penalty. The petition must set forth in full the legal and other reasons for the relief requested. Any petition that is not timely filed will not receive consideration. The Solicitor’s decision shall be the final administrative decision for the Secretary on the petition.

§ 37.52 Records.  The permittee shall keep accurate and complete records relating to its exploratory activities and to all data and information, including, but not limited to, raw, processed, reprocessed, analyzed and interpreted data and information, obtained as a result thereof. Until September 2, 1989, the Secretary...
§ 37.53 Submission of data and information.

(a) The permittee shall submit to the Regional Director free of charge all data and information obtained as a result of carrying out exploratory activities. Such data and information include copies of all raw data and information and all processed, analyzed and interpreted data or information. The permittee shall, unless directed otherwise by the Regional Director, submit such data and information within 30 days after the end of the annual quarter during which they become available to it at every level of data gathering or utilization, i.e., acquisition, processing, reprocessing, analysis, and interpretation.

(b) Each submission of geophysical data or information shall contain, unless otherwise specified by the Regional Director, the following:

(1) An accurate and complete record of each geophysical survey conducted under the permittee's permit, including digital navigational data, if obtained, and final location maps of all survey stations; and,

(2) All seismic data developed under the permit, presented in a format prescribed or approved by the Regional Director and of a quality suitable for processing.

(c) Processed geophysical information shall be submitted with extraneous signals and interference removed as much as possible, and presented in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques.

(d) Processed, analyzed and interpreted data or information required to be submitted by the Act and this section shall include, but not be limited to, seismic record sections, and interpretations thereof; geologic maps, cross sections, and interpretations thereof; maps of gravitational and magnetic fields and interpretations thereof; and chemical or other analyses of rock samples collected on the refuge and interpretations thereof.

(e) Any permittee or other person submitting processed, analyzed and interpreted data or information to the Regional Director shall clearly identify them by marking the top of each page bearing such data or information with the words “PROCESSED, ANALYZED AND INTERPRETED DATA OR INFORMATION”. All pages so marked shall be physically separated by the person submitting them from those not so marked, unless doing so will destroy the value or integrity of the data or information presented. In that event or in the event that an item is submitted which is not susceptible to marking by page, the document or item submitted will be accompanied by a summary identifying the location of all processed, analyzed and interpreted data or information which are not segregated or marked by page, and explaining the reasons therefore. All pages not marked with this legend, all other data and information not identified as bearing such data or information, and all other data and information incorrectly identified as constituting processed, analyzed and interpreted data or information shall be treated as raw data and information and shall be made available to the public upon request in accordance with §37.54(a). The Department reserves the right to determine whether any page or item is correctly identified as constituting processed, analyzed and interpreted data or information.

(f) If the permittee proposes to transfer any data or information covered by this section to a third party or the third party proposes to transfer such data or information to another third party, the transferor shall notify the Regional Director at least 10 days in advance and shall require the receiving third party, in writing, to abide by the obligations of the permittee as specified in this section as a condition precedent to the transfer of such data or information.

(g) Upon request by the Department, a permittee shall identify each person to whom the permittee has provided data and information pursuant to
§ 37.22(d)(3) and provide a description of the area to which such data and information pertain.

§ 37.54 Disclosure.

(a) The Department shall make raw data and information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party available to the public upon submittal to the Congress of the report required by subsection (h) of the Act in accordance with subsection (e)(2)(C) of the Act, this section, and the procedural requirements of the Freedom of Information Act, 5 U.S.C. 552, and 43 CFR part 2. The Department shall withhold from the public all processed, analyzed and interpreted data or information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party, if they have been properly marked and correctly identified in accordance with § 37.53(e), until 10 years after the submission of such data or information to the Regional Director or until 2 years after any lease sale including the area within the refuge from which such data or information were obtained, whichever period is longer, by invoking subsection (e)(2)(C) of the Act and exemption 3 to the Freedom of Information Act, 5 U.S.C. 552(b)(3). Thereafter, the Department shall treat such data or information as raw data and information. The Department shall make all other records, except exploration plans which must be published in accordance with § 37.22(b), submitted by a permittee or a third party relating to the activities covered by the Act and this part available to the public in accordance with the Freedom of Information Act, 5 U.S.C. 552, and 43 CFR part 2.

(b) The Department reserves the right to disclose any data and information obtained as a result of carrying out exploratory activities and disclosed pursuant to this section is prohibited. No person shall obtain access from the Department, pursuant to paragraph (a) of this section, to any data or information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party until such person provides the Department with a statement certifying that person's awareness of the prohibition contained in this paragraph and the disqualification stated in the first sentence of § 37.4(b).

APPENDIX I TO PART 37—LEGAL DESCRIPTION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

Beginning at the meander corner of section 35 on the First Standard Parallel North on the line of mean high water on the left bank of the Canning River, T. 3 N., R. 23 E., Umiat Meridian;

Thence easterly, along the First Standard Parallel North, approximately 40 ⅔ miles to the closing corner of T. 4 N., R. 30 and 31 E., Umiat Meridian;
Thence southerly, between Rs. 30 and 31 E., approximately 6 miles to the corner of Tps. 3 and 4 N., Rs. 33 and 34 E., Umiat Meridian; 
Thence easterly, between Tps. 3 and 4 N., approximately 18 miles to the corner of Tps. 3 and 4 N., Rs. 33 and 34 E., Umiat Meridian; 
Thence southerly, between Rs. 33 and 34 E., approximately 6 miles to the corner of Tps. 2 and 3 N., Rs. 33 and 34 E., Umiat Meridian; 
Thence easterly, between Tps. 2 and 3 N., approximately 21 miles to the meander corner of sections 4 and 33, on the line of mean high water on the left bank of the Aichilik River, Tps. 2 and 3 N., R. 37 E., Umiat Meridian; 
Thence northeasterly, along the line of mean high water on the left bank of the Aichilik River, approximately 32 miles to a point at the line of mean high tide of the Beaufort Lagoon, located in section 28, T. 6 N., R. 40 E., Umiat Meridian; 
Thence on an approximate forward bearing of N. 65 degrees E., approximately 7,600 feet to a point on the northerly boundary of the Arctic National Wildlife Refuge located in section 22, T. 6 N., R. 40 E., Umiat Meridian at the line of extreme low tide; 
Thence northerly, along the northerly boundary of the Arctic National Wildlife Refuge at the line of extreme low tide on the seaward side of all offshore bars, reefs and islands, approximately 28 miles, to a point in section 53, T. 9 N., R. 36 E., that is due north of the corner of T. 8 N., Rs. 36 and 37 E., Umiat Meridian; 
Thence due South, approximately ¼ mile to the corner of T. 8 N., Rs. 36 and 37 E., Umiat Meridian; 
Thence southerly between Rs. 36 and 37 E., approximately 3 miles to the corner of sections 13, 14, 19, and 24, T. 8 N., Rs. 36 and 37 E., Umiat Meridian; 
Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 36 E., Umiat Meridian; 
Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 8 N., R. 36 E., Umiat Meridian; 
Thence westerly, between sections 11 and 14, 19 and 15, 9 and 16, 8 and 17, approximately 4 miles to the corner of sections 7, 8, 17 and 18, T. 8 N., R. 36 E., Umiat Meridian; 
Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30 to the corner of sections 29, 30, 31 and 32, T. 8 N., R. 36 E., Umiat Meridian; 
Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 8 N., Rs. 35 and 36 E., Umiat Meridian; 
Thence southerly, between sections 31 and 36, approximately 1 mile to the corner of Tps. 7 and 8 N., Rs. 35 and 36 E., Umiat Meridian; 
Thence westerly, between Tps. 7 and 8 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 7 and 8 N., R. 35 E., Umiat Meridian; 
Thence northerly, between sections 35 and 36 and 25, 26, 23 and 24, approximately 3 miles to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 35 E., Umiat Meridian; 
Thence westerly, between sections 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, approximately 10 miles to the corner of sections 17, 18, 19 and 20, T. 8 N., R. 34 E., Umiat Meridian; 
Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 8 N., R. 34 E., Umiat Meridian; 
Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 8 N., Rs. 33 and 34 E., Umiat Meridian; 
Thence southerly, between Rs. 33 and 34 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 8 N., Rs. 33 and 34 E., Umiat Meridian; 
Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 8 N., R. 33 E., Umiat Meridian; 
Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 8 N., R. 33 E., Umiat Meridian; 
Thence westerly, between sections 21 and 28, approximately one mile to the corner of sections 20, 21, 28 and 29, T. 8 N., R. 33 E., Umiat Meridian; 
Thence southerly, between sections 28 and 33, 29 and 32, approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 N., R. 33 E., Umiat Meridian; 
Thence westerly, between Tps. 7 and 8 N., approximately 2 miles to the corner of Tps. 7 and 8 N., Rs. 32 and 33 E., Umiat Meridian; 
Thence southerly, between section 1 and 6 approximately 1 mile to the corner of sections 1, 6, 7, and 12, T. 7 N., Rs. 32 and 33 E., Umiat Meridian; 
Thence westerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 7 N., R. 32 E., Umiat Meridian; 
Thence northerly, between sections 1 and 2, 33 and 36, approximately 2 miles to the corner of sections 25, 26, 35 and 36, T. 8 N., R. 32 E., Umiat Meridian; 
Thence westerly, between sections 26 and 27, 34 and 35, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 8 N., R. 32 E., Umiat Meridian; 
Thence southerly, between sections 33 and 34, approximately one mile to the corner of sections 3, 4, 33 and 34, Tps. 7 and 8 N., R. 32 E., Umiat Meridian;
Thence westerly, between Tps. 7 and 8 N., approximately 3 miles to the corner of Tps. 7 and 8 N., Rs. 31 and 32 E., Umiat Meridian; Thence northerly, between ranges 31 and 32 E., approximately 3 1⁄2 miles to a point on the northerly boundary of the Arctic National Wildlife Refuge at the line of extreme low tide located between sections 13 and 18, T. 8 N., Rs. 31 and 32 E., Umiat Meridian; Thence westerly, along the northerly boundary of the Arctic National Wildlife Refuge approximately 57 miles along the line of extreme low water of the Arctic Ocean, including all offshore bars, reefs, and islands, to the most westerly tip of the most northwesterly island, westerly of Brownlow Point, section 6, T. 9 N., R. 25 E., Umiat Meridian; Thence on an approximate forward bearing of S. 56 1⁄2 degree W. approximately 3 1⁄4 miles to the mean high water line of the extreme west bank of the Canning River in section 15, T. 9 N., R. 24 E., Umiat Meridian; Thence southerly, along the mean high water line of the west bank of the Canning River approximately 32 miles to the meander corner on the First Standard Parallel North at a point on the southerly boundary of section 35, T. 5 N., R. 23 E., Umiat Meridian, the point of beginning.

[48 FR 16858, Apr. 19, 1983; 49 FR 7570, Mar. 1, 1984]

PART 38—MIDWAY ATOLL NATIONAL WILDLIFE REFUGE

Subpart A—General

Sec.
38.1 Applicability.
38.2 Scope.

Subpart B—Executive Authority; Authorized Powers; Emergency Authority

38.3 Executive authority; duration.
38.4 Authorized functions, powers, and duties.
38.5 Emergency authority.

Subpart C—Prohibitions

38.6 General.
38.7 Adopted offenses.
38.8 Consistency with Federal law.
38.9 Breach of the peace.
38.10 Trespass.
38.11 Prostitution and lewd behavior.
38.12 Alcoholic beverages.
38.13 Speed limits.
38.14 Miscellaneous prohibitions.
38.15 Attempt.
38.16 Penalties.

Subpart D—Civil Administration

38.17 General.


SOURCE: 63 FR 11626, Mar. 10, 1998, unless otherwise noted.

§ 38.3

Subpart A—General

§ 38.1 Applicability.

(a) The regulations of this part apply to the Midway Atoll National Wildlife Refuge. For the purpose of this part, the Midway Atoll National Wildlife Refuge includes the Midway Islands, Hawaiian Group, between the parallels of 28 deg. 5′ and 28 deg. 25′ North latitude, and their territorial seas located approximately between the meridians of 177 deg. 10′ and 177 deg. 30′ West longitude, as were placed under the jurisdiction and control of the Interior Department by the provisions of Executive Order No. 13022 of October 31, 1996 (3 CFR, 1996 Comp., p. 224).

(b) Administration of Midway Atoll National Wildlife Refuge is governed by the regulations of this part and parts 25–32 of title 50, Code of Federal Regulations; the general principles of common law; the provisions of the criminal laws of the United States in their entirety including the provisions of 18 U.S.C. 13 and those provisions that were not specifically applied to unincorporated possessions; the laws applicable under the special maritime jurisdiction contained in 48 U.S.C. 644a; and the provisions of the criminal laws of the State of Hawaii to the extent the criminal laws of the State of Hawaii do not conflict with the criminal laws of the United States.

§ 38.2 Scope.

The provisions of this part are in addition to the regulations of 50 CFR parts 25–32 which also apply to Midway Atoll National Wildlife Refuge.

Subpart B—Executive Authority; Authorized Powers; Emergency Authority

§ 38.3 Executive authority; duration.

The executive authority of the Secretary of the Interior over the Midway Islands will be exercised by the Service
Regional Director. The executive authority of the Service Regional Director may be redelegated to the Refuge Manager, Midway Atoll National Wildlife Refuge.

§ 38.4 Authorized functions, powers, and duties.

The executive authority of the Regional Director concerning the Midway Islands includes:

(a) Issuance of citations for violations of this part and 50 CFR parts 25–32;

(b) Abatement of any public nuisance upon the failure of the person concerned to comply with a removal notice;

(c) Seizure of evidence;

(d) Investigation of accidents and offenses;

(e) Custody and disposal of lost or abandoned property;

(f) Regulation of aircraft and boat traffic and safety;

(g) Imposition of quarantines;

(h) Evacuation of hazardous areas;

(i) Lawful restraint, detention, confinement, and care of persons prior to their prompt transfer to the custody of the United States District Court for the District of Hawaii;

(j) Lawful removal of person from the Midway Atoll National Wildlife Refuge for cause;

(k) Regulation of vehicle traffic and safety;

(l) Performance of other lawful acts necessary for protecting the health and safety of persons and property on Midway Atoll National Wildlife Refuge; and

(m) Issuance of lawful notices and orders necessary to the exercise of executive authority under this section.

§ 38.5 Emergency authority.

During the imminence and duration of any emergency, the Regional Director may perform any lawful acts necessary to protect life and property on Midway Atoll National Wildlife Refuge.

Subpart C—Prohibitions

§ 38.6 General.

In addition to any act prohibited by this part or 50 CFR part 27, any act committed on the Midway Atoll National Wildlife Refuge that would be a violation of the criminal laws of the United States or of the State of Hawaii as specified in subpart A of this part, as they now appear or as they may be amended or recodified; or any act committed on the Midway Atoll National Wildlife Refuge that would be criminal if committed on board a merchant vessel or other vessel belonging to the United States pursuant to the provisions of 48 U.S.C. 644a, is prohibited and punishable, in accordance with the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd, the criminal laws of the United States or the State of Hawaii as specified in subpart A of this part, as they now appear or as they may be amended or recodified; or according to the laws applicable on board United States vessels on the high seas pursuant to the provisions of 48 U.S.C. 644a.

§ 38.7 Adopted offenses.

Any person who commits any act or omission on Midway Atoll National Wildlife Refuge which, although not made punishable by an enactment of Congress, would be punishable if committed within the United States under the United States criminal code at the time of such act or omission, including any provisions of the United States criminal code that are not specifically applied to unincorporated possessions of the United States, will be guilty of a like offense and subject to like punishment. Any person who commits any act or omission on Midway Atoll National Wildlife Refuge which, although not made punishable by an enactment of Congress, would be punishable if committed within the State of Hawaii by the laws thereof at the time of such act or omission, will be guilty of a like offense and subject to like punishment to the extent the laws of the State of Hawaii do not conflict with the criminal laws of the United States.

§ 38.8 Consistency with Federal law.

Any provisions of the laws of the State of Hawaii, as they now appear or as they may be amended or recodified, which are adopted by this part will apply only to the extent that they are not in conflict with any applicable Federal law or regulation.
§ 38.9 Breach of the peace.

No person on Midway Atoll National Wildlife Refuge will:

(a) With intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, engage in fighting, threatening, or other violent or tumultuous behavior; or make unreasonable noise or offensively coarse utterances, gestures, or displays, or address abusive language to any person present; or create a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit;

(b) Having no legal privilege to do so, knowingly or recklessly obstruct any roadway, alley, runway, private driveway, or public passage, or interfere with or unreasonably delay any emergency vehicle or equipment or authorized vehicle, boat, vessel, or plane, or any peace officer, fireman, or other public official engaged in or attempting to discharge any lawful duty or office, whether alone or with others.

"Obstruction" as used in this paragraph means rendering impassable without unreasonable inconvenience or hazard;

(c) When in a gathering, refuse to obey a reasonable request or order by a peace officer, fireman, or other public official:

(1) To prevent an obstruction of any public road or passage;

(2) To maintain public safety by dispersing those gathered in dangerous proximity to a public hazard; or

(d) With intent to arouse or gratify sexual desire of any other person, expose one’s genitals under circumstances in which one’s conduct is likely to cause affront or alarm.

§ 38.10 Trespass.

No person on Midway Atoll National Wildlife Refuge will:

(a) Loiter, prowl, or wander upon or near the assigned living quarters and adjacent property of another without lawful purpose, or permit any person to do so;

(b) Enter upon any assigned residential quarters or areas immediately adjacent thereto, without permission of the assigned occupant;

(c) Enter or remain in, without lawful purpose, any office building, warehouse, plant, theater, club, school, or other building after normal operating hours for that building; or

(d) Enter or remain in any area or building designated and posted as “restricted” unless authorized by proper authority to be there.

§ 38.11 Prostitution and lewd behavior.

No person on Midway Atoll National Wildlife Refuge will:

(a) Engage in prostitution.

"Prostitution" means the giving or receiving of the body for sexual intercourse for hire; or

(b) Commit any lewd act in a public place which is likely to be observed by others who would be affronted or alarmed.

§ 38.12 Alcoholic beverages.

No person on Midway Atoll National Wildlife Refuge will:

(a) Sell any alcoholic beverages to any person who, because of age, would be prohibited from purchasing that beverage in a civilian establishment in Hawaii.

(b) Present or have in possession any fraudulent evidence of age for the purpose of obtaining alcoholic beverages in violation of this section.

(c) Be substantially intoxicated on any street, road, beach, theater, club, or other public place from the voluntary use of intoxicating liquor, drugs or other substance. As used in this paragraph, “substantially intoxicated” is defined as an actual impairment of mental or physical capacities.

§ 38.13 Speed limits.

No person on Midway Atoll National Wildlife Refuge will exceed the speed limit for automobiles, trucks, bicycles, motorcycles, or other vehicles. Unless otherwise posted, the speed limit throughout the Midway Atoll National Wildlife Refuge is 15 miles per hour.

§ 38.14 Miscellaneous prohibitions.

No person on Midway Atoll National Wildlife Refuge will:

(a) Smoke or ignite any fire in any designated and posted “No Smoking”
§ 38.15

area, or in the immediate proximity of any aircraft, fueling pit, or hazardous material storage area;

(b) Knowingly report or cause to be reported to any public official, or willfully activate or cause to be activated, any alarm, that an emergency exists, knowing that such report or alarm is false. “Emergency,” as used in subpart B of this part, includes any condition which results, or could result, in the response of a public official in an emergency vehicle, or any condition which jeopardizes, or could jeopardize, public lives or safety, or results or could result in the evacuation of an area, building, structure, vehicle, aircraft, or boat or other vessel, or any other place by its occupants; or

(c) Intentionally report to any public official authorized to issue a warrant of arrest or make an arrest, that a crime has been committed, or make any oral or written statement to any of the above officials concerning a crime or alleged crime or other matter, knowing such report or statement to be false.

§ 38.15 Attempt.

No person on Midway Atoll National Wildlife Refuge will attempt to commit any offense prohibited by this part.

§ 38.16 Penalties.

Any person who violates any provision of this part will be fined or imprisoned in accordance with 16 U.S.C. 668dd(e) and Title 18, U.S. Code.

Subpart D—Civil Administration

§ 38.17 General.

Civil administration of Midway Atoll National Wildlife Refuge shall be governed by the provisions of this part, 50 CFR parts 25–32, and the general principles of common law.

SUBCHAPTER D [Reserved]
PART 70—NATIONAL FISH HATCHERIES

§ 70.1 Purpose.
All national fish hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife.

§ 70.2 Administrative provisions.
The provisions and regulations set forth in part 25 of this chapter are equally applicable to national fish hatchery areas.

§ 70.3 State cooperation in national fish hatchery area management.
State cooperation may be enlisted in management programs including public hunting, fishing, and recreation. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for that purpose. Persons entering upon a national fish hatchery area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

§ 70.4 Prohibited acts.
(a) The prohibited acts enumerated in part 27 of this chapter are equally applicable to national fish hatchery areas.
(b) Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any national fish hatchery area is prohibited except as may be authorized under the provisions of part 71 of this chapter.
(c) Hunting, killing, capturing, taking, or attempting to hunt, kill, capture, or take any animal on any national fish hatchery area is prohibited except as may be authorized in the provisions of part 71 of this chapter.
(d) Disturbing spawning fish or fish preparing to spawn in ponds, raceways, streams, lakes, traps, and below traps, ladders, fish screens, fishways and racks is prohibited.

§ 70.5 Enforcement, penalty, and procedural requirements for violations of parts 25, 26, and 27.
The enforcement, penalty, and procedural requirement provisions set forth in part 28 of this chapter are equally applicable to national fish hatchery areas.

§ 70.6 Public entry and use.
The public entry and use provisions set forth in part 26 of this chapter are equally applicable to national fish hatchery areas.

§ 70.7 Land-use management.
The land-use management provisions set forth in part 29 of this chapter are equally applicable to national fish hatchery areas.

§ 70.8 Range and feral animal management.
The range and feral animal management provisions set forth in part 30 of this chapter are equally applicable to national fish hatchery areas.
§ 70.9 Wildlife species management.

The wildlife species management provisions set forth in part 31 of this chapter are equally applicable to national fish hatchery areas, except §31.15 relating to hunting and fishing, which are treated separately in this part.

PART 71—HUNTING AND FISHING ON NATIONAL FISH HATCHERY AREAS

Subpart A—Hunting

Sec.
71.1 Opening of national fish hatchery areas to hunting.
71.2 General provisions.

Subpart B—Fishing

71.11 Opening of national fish hatchery areas to fishing.
71.12 General provisions.


Source: 31 FR 16033, Dec. 15, 1966, unless otherwise noted.

Subpart A—Hunting

§ 71.1 Opening of national fish hatchery areas to hunting.

National fish hatchery areas may be opened to hunting wildlife when such activity is not detrimental to the propagation and distribution of fish or other aquatic wildlife.

§ 71.2 General provisions.

The following provisions shall apply to public hunting on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.

(c) Each person shall comply with the applicable provisions of Federal laws and regulations including this subchapter and the current Federal Migratory Bird regulations.

(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any hatchery is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(f) Each person shall comply with the provisions of any special notices governing hunting on the national fish hatchery area. Such special notices will be posted throughout the area and be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after the announcement of applicable annual State and Federal hunting regulations.

(2) Special notices may contain the following items:

(i) Wildlife species which may be hunted;

(ii) Seasons;

(iii) Bag limits;

(iv) Methods of hunting;

(v) Description of areas open to hunting;

(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

Subpart B—Fishing

§ 71.11 Opening of national fish hatchery areas to fishing.

National fish hatchery areas may be opened to sport fishing when such activity is not detrimental to the propagation and distribution of fish or other aquatic animal life.

§ 71.12 General provisions.

The following provisions shall apply to public sport fishing on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.
(d) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(e) Each person shall comply with the provisions of any special notices governing fishing on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after announcement of the applicable annual State fishing regulation.

(2) Special notices may contain the following items:
   (i) Species of fish which may be taken;
   (ii) Seasons;
   (iii) Creel limits;
   (iv) Method of fishing;
   (v) Description of areas open to fishing;
   (vi) Other provisions as required.
(3) Special notices will not liberalize existing State law or regulations.
(4) Special notices may be amended as needed to meet management responsibilities for the area.
(b) **State.** Any State of the United States; the territorial areas of Guam, the Virgin Islands, and American Samoa; the Commonwealth of Puerto Rico, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

(c) **State fish and wildlife agency.** The agency or official of a State designated under State law or regulation to carry out the laws of the State in relation to the management of fish and wildlife resources of the State. Such an agency or official which is also designated to exercise collateral responsibilities, e.g., State Department of Natural Resources, shall be considered the State fish and wildlife agency only when exercising the responsibilities specific to the management of the fish and wildlife resources of the State.

(d) **Secretary.** The Secretary of the Interior or his designated representative.

(e) **Director.** The Director of the U.S. Fish and Wildlife Service, or his designated representative. The Director serves as the Secretary’s representative in matters relating to the administration and execution of the Federal Aid Acts.

(f) **Regional Director.** The Regional director of the U.S. Fish and Wildlife Service, or his designated representative.

(g) **Federal Aid Manual.** The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Acts.

(h) **Project.** A program of related undertakings necessary to fulfill a defined need which is consistent with the purposes of the Act.

(i) **Comprehensive fish and wildlife management plan.** A document describing the State’s plan for meeting the long-range needs of the public for fish and wildlife resources, and the system for managing the plan.

(j) **Federal Aid Funds.** Funds provided under Federal Aid Acts.

(k) **Resident angler.** A resident angler is one who fishes within the same State where legal residence is maintained.
§ 80.4 Diversion of license fees.

Revenues from license fees paid by hunters and fishermen shall not be diverted to purposes other than administration of the State fish and wildlife agency.

(a) Revenues from license fees paid by hunters and fishermen are any revenues the State receives from the sale of licenses issued by the State conveying to a person the privilege to pursue or take wildlife or fish. For the purpose of this rule, revenue with respect to license sales by vendors, is considered to be the net income to the State after deducting reasonable vendor fees or similar amounts retained by sales agents.

License revenues include income from:

(1) General or special licenses, permits, stamps, tags, access and recreation fees or other charges imposed by the State to hunt or fish for sport or recreation.

(2) Sale, lease, rental, or other granting of rights of real or personal property acquired or produced with license revenues. Real property includes, but is not limited to, lands, building, minerals, energy resources, timber, grazing, and animal products. Personal property includes, but is not limited to, equipment, vehicles, machine, tools, and annual crops.

(3) Interest, dividends, or other income earned on license revenues.

(4) Federal Aid project reimbursements to the States to the extent that license revenues originally funded the project for which the reimbursement is being made.

(b) For purposes of this rule, administration of the State fish and wildlife agency include only those functions required to manage the fish and wildlife-oriented resources of the State for which the agency has authority under State law.

(c) A diversion of license fee revenues occurs when any portion of license revenue is used for any purpose other than the administration of the State fish and wildlife agency.

(d) If a diversion of license revenues occurs, the State becomes ineligible to participate under the pertinent Act from the date the diversion is declared by the Director until:

(1) Adequate legislative prohibitions are in place to prevent diversion of license revenue, and

(2) All license revenues or assets acquired with license revenues are restored, or an amount equal to license revenue diverted or current market value of assets diverted (whichever is greater) is returned and properly available for use for the administration of the State fish and wildlife agency.
§ 80.5 Eligible undertakings.

The following are eligible for funding under the Acts:

(a) Federal Aid in Wildlife Restoration Act.
   (1) Projects having as their purpose the restoration, conservation, management, and enhancement of wild birds and wild mammals, and the provision for public use of and benefits from these resources.
   (2) Projects having as their purpose the education of hunters and archers in the skills, knowledges, and attitudes necessary to be a responsible hunter or archer.

(b) Federal Aid in Sport Fish Restoration Act.
   (1) Projects having as their purpose the restoration, conservation, management, and enhancement of sport fish, and the provision for public use and benefits from these resources. Sport fish are limited to aquatic, gill-breathing, vertebrate animals, bearing paired fins, and having material value for sport or recreation.
   (2) Additional funds resulting from expansion of the Sport Fish Restoration Program must be added to existing State fishery program funds available from traditional sources and not as a substitute therefor.

§ 80.6 Prohibited activities.

The following are not eligible for funding under the Acts, except when necessary for the accomplishment of project purposes as approved by the regional director:

(a) Law enforcement activities conducted by the State to enforce the fish and game regulations.
(b) Public relations activities conducted to promote the State fish and wildlife agency.

§ 80.7 Appeals.

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determination rests with the Secretary.

§ 80.8 Availability of funds.

Funds are available to a State for obligation or expenditure during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement is signed by the regional director.

§ 80.9 Notice of desire to participate.

Any State fish and wildlife agency desiring to avail itself of the benefits of the Acts shall notify the Secretary within 60 days after it has received a certificate of apportionment of funds available to the State. Notification to the Secretary may be accomplished by either of the following methods. In either method, the document must be signed by a State official authorized to commit the State to participation under the Act(s).

(a) Submitting to the regional director within the 60-day period a letter stating the desire of the State to participate in the Act(s); or,
(b) Having an approved Application for Federal Assistance which contains plans for the use of Federal Aid funds during the period of the apportionment.

§ 80.10 Hunting and fishing license certification.

(a) Information concerning the number of persons holding paid licenses to hunt and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished upon request of the Director by the fish and wildlife agency of each State on forms furnished by the Fish and Wildlife Service.
(b) This information shall be certified as accurate by the director of the State fish and wildlife agency. When requested by the Director, evidence used in determining accuracy of the certification shall also be furnished.
(c) License holders shall be counted over a period of 12 months; the calendar year, fiscal year, or other licensing period may be used provided it is consistent from year to year in each State. In determining licenses which are eligible for inclusion, the following guidelines shall be observed.

1. Trapping licenses, commercial licenses, and other licenses which are not for the express purpose of permitting the holder to hunt or fish for sport or recreation shall not be included.

2. Licenses which do not return net revenue to the State shall not be included. To qualify as a paid license, the fee must produce revenue for the State. Net revenue is any amount returned to the State after deducting agent or seller fees and the cost for printing, distribution, control or other costs directly associated with the issuance of each license.

3. Licenses valid for more than one year, either a specific or indeterminate number of years, may be counted in each of the years for which they are valid; provided that:
   (i) The net revenue from each license is commensurate with the period for which hunting or fishing privileges are granted, and
   (ii) Sampling or other techniques are used to determine whether the licensee remains a license holder in the year of certification.

4. Combination fishing and hunting licenses (a single license which permits the holder both to hunt and fish) shall be included in the determination of both the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation.

5. Some licensing systems require or permit an individual to hold more than one license to hunt or to fish in a State. Such an individual shall not be counted more than once as a hunting or fishing license holder. The State fish and wildlife director, in certifying license information to the Director, is responsible for eliminating duplication or multiple counting of single individuals in the figures which he certifies. Sampling and other statistical techniques may be utilized by the certifying officer for this purpose.

(Approved by the Office of Management and Budget under control number 1018–0007)

§ 80.11 Submission of proposals.

A State may make application for use of funds apportioned under the Acts by submitting to the regional director either a comprehensive fish and wildlife management plan or project proposal.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with Acts, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Each application and amendments of scope shall be submitted to the State Clearinghouse as required by Office of Management and Budget (OMB) Circular A–95 and by State Clearinghouse requirements.

(c) Applications must be signed by the director of the State fish and wildlife agency or the official(s) delegated to exercise the authority and responsibilities of the State’s director in committing the State to participation under the Acts. The director of each State fish and wildlife agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents, and any changes in such authorizations.

§ 80.12 Cost sharing.

Federal participation is limited to 75 percent of eligible costs incurred in the completion of approved work or the Federal share specified in the project agreement, whichever is less, except that the non-Federal cost sharing for the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa shall not exceed 25 percent and may be waived at the discretion of the regional director.

(a) A minimum Federal participation of 10 percent of the estimated costs is required as a condition of approval.

(b) The non-Federal share of project costs may be in the form of cash or in-kind contributions. The allowability and evaluation of in-kind contributions
§ 80.13 Substantiality in character and design.

All projects proposed for funding under the Acts must be substantial in character and design. A substantial project (for fish and wildlife purposes) is one which:

(a) Identifies and describes a need within the purposes of the relevant Act to be utilized;

(b) Identifies the objectives to be accomplished based on the stated need;

(c) Utilizes accepted fish and wildlife conservation and management principles, sound design, and appropriate procedures; and

(d) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

§ 80.14 Application of Federal aid funds.

(a) Federal Aid funds shall be applied only to activities or purposes approved by the regional director. If otherwise applied, such funds must be replaced or the State becomes ineligible to participate.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed.

(1) When such property passes from management control of the fish and wildlife agency, the control must be fully restored to the State fish and wildlife agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal benefits as the original property. The State may have a reasonable time, up to three years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

(3) When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property shall be used or disposed of as provided by Attachment N of OMB Circular A–102.

(c) Federal Aid funds shall not be used for the purpose of producing income. However, income producing activities incidental to accomplishment of approved purposes are allowable. Income derived from such activities shall be accounted for in the project records and disposed of as directed by the Director.

§ 80.15 Allowable costs.

(a) What are allowable costs? Allowable costs are costs that are necessary and reasonable for accomplishment of approved project purposes and are in accordance with the cost principles of OMB Circular A–87 (For availability, see 5 CFR 1310.3.).

(b) What is required to determine the allowability of costs? Source documents or other records as necessary must support all costs to substantiate the application of funds. Such documentation and records are subject to review by the Service and, if necessary, the Secretary to determine the allowability of costs.

(c) Are costs allowable if they are incurred prior to the date of the grant agreement? Costs incurred prior to the effective date of the grant agreement are allowable only when specifically provided for in the grant agreement.

(d) How are costs allocated in multipurpose projects or facilities? Projects or facilities designed to include purposes other than those eligible under either the Sport Fish Restoration or Wildlife Restoration Acts must provide for the allocation of costs among the various purposes. The method used to allocate costs must produce an equitable distribution of costs based on the relative uses or benefits provided.

(e) What is the limit on administrative costs for State central services? Administrative costs in the form of overhead or indirect costs for State central services outside of the State fish and wildlife agency must be in accord with an approved cost allocation plan and cannot
exceed in any one fiscal year three per centum of the annual apportionment to that State. Each State has a State Wide Cost Allocation Plan that describes approved allocations of indirect costs to agencies and programs within the State.

(f) How much money may be obligated for aquatic education and outreach and communications? (1) Each of the 50 States may spend no more than 15 percent of the annual amount apportioned to it under provisions of the Federal Aid in Sport Fish Restoration Act for an aquatic education and outreach and communications program for the purpose of increasing public understanding of the Nation’s water resources and associated aquatic life forms.

(2) The Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa are not limited to the 15-percent cap imposed on the 50 States. Each of these entities may spend more for these purposes with the approval of the appropriate Regional Director.

[66 FR 18212, Apr. 6, 2001]

§ 80.16 Federal aid payments.

Payments shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official designated by the State fish and wildlife agency and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on audit. Any overpayments made to the State shall be recovered as directed by the regional director.

(d) The regional director may withhold payments pending receipt of all required reports or documentation for the project.

§ 80.17 Maintenance.

The State is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. Costs for such maintenance are allowable when provided for in approved projects. The maintenance of improvements acquired or constructed with non-Federal Aid funds are allowable costs when such improvements are necessary to accomplishment of project purposes as approved by the regional director, and when such costs are otherwise allowable by law.

§ 80.18 Responsibilities.

In the conduct of activities funded under the Acts, the State is responsible for:

(a) The supervision of each project to assure it is conducted as provided in the project documents, including:

(1) Proper and effective use of funds.

(2) Maintenance of project records.

(3) Timely submission of reports.

(4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

(1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion.

(2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are being achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purpose for which acquired throughout their useful life.

(d) The compliance with all applicable Federal, State, and local laws.

(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

§ 80.19 Records.

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A–102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of three years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the
§ 80.20 Land control.
The State must control lands or waters on which capital improvements are made with Federal Aid funds. Controls may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 80.21 Assurances.
The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Acts. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend those projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

§ 80.22 Audits.
The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

§ 80.23 Allocation of funds between marine and freshwater fishery projects.
(a) Each coastal State, to the extent practicable, shall equitably allocate those funds specified by the Secretary, in the apportionment of Federal Aid in Sport Fish Restoration funds, between projects having recreational benefits for marine fisheries and projects having recreational benefits for freshwater fisheries.

(1) Coastal States are: Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, Washington, Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) The allocation and subsequent obligation of funds between projects that benefit marine and freshwater interests will be in the same proportion as the estimated number of resident marine anglers and resident freshwater anglers, respectively, bears to the estimated number of total resident anglers in the State. The number of marine and freshwater anglers shall be based on a statistically reliable method for determining the relative distribution of resident anglers in the State between those that fish in saltwater and those that fish in freshwater.

(3) To the extent practicable means that the amounts allocated of each year’s apportionment may not necessarily result in an equitable allocation for each year. However, the amounts allocated over a period, not to exceed 3 years, must result in an equitable allocation between marine and freshwater fisheries projects. Ongoing marine project costs can be applied toward the State’s saltwater allocation.

(4) Failure to provide for an equitable allocation may result in the State’s becoming ineligible to participate in the use of those funds specified, until such time as the State demonstrates to the satisfaction of the Director that funds will be allocated equitably.

§ 80.24 Recreational boating access facilities.
The State shall allocate at least 10 percentum of each annual apportionment under Federal Aid in Sport Fish.
§ 80.26 Restoration Act for recreational boating access facilities. All facilities constructed, acquired, developed, renovated, or maintained (including those existing structures for which maintenance is provided) must be for the purpose of providing additional, improved, or safer access of public waters for boating recreation as part of the State’s effort for the restoration, management, and public use of sport fish. Though a broad range of access facilities and associated amenities can qualify for funding under the 10 percent provision, power boats with common horsepower ratings must be accommodated, and, in addition, the State must make reasonable efforts to accommodate boats with larger horsepower ratings if they would not conflict with aquatic resources management. Any portion of the 10 percent set aside for the above purposes that remains unexpended or unobligated after two years shall revert to FWS.

(50 FR 21448, May 24, 1985)

§ 80.25 Multiyear financing under the Federal Aid in Sport Fish Restoration Program.

(a) States may finance the acquisition of lands or interests in lands including water rights and the construction of structures and facilities utilizing multiyear funding as authorized by the Federal Aid in Sport Fish Restoration Act in two ways:

(1) States may finance the entire cost of the acquisition or construction from a non-Federal funding source and claim Federal Aid reimbursement in succeeding apportionment years according to a scheduled reimbursement plan.

(2) States may negotiate an installment purchase or contract whereby periodic and specified amounts are paid to the seller or contractor and Federal Aid reimbursements are allowed for each payment from any apportionment year current at the time of payment.

(b) Multiyear financing is subject to the following conditions:

(1) Projects must provide for prospective use of funds and be approved by the Regional Director in advance of the State’s obligation or commitment to purchase property or contract for structures or facilities.

(2) States must agree to complete the project even if Federal funds are not available. In the event the project is not completed, those Federal funds expended but not resulting in commensurate sport fishery benefits must be recovered by the State and reallocated to approved State sport fish projects.

(3) Project proposals must include a complete schedule of payments to complete the project.

(4) No costs for interest or financing shall be claimed for reimbursement.

(50 FR 21448, May 24, 1985)

§ 80.26 Symbols.

Distinctive symbols are prescribed to identify projects funded by the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act and to identify items on which taxes and duties have been collected to support the respective Acts.

(a) All recipients identified in §80.2 of this part are authorized to display the appropriate symbol(s) on areas, such as wildlife management areas and fishing access facilities, acquired, developed, operated or maintained by these grants, or on printed material or other visual representations relating to project accomplishments. Recipients may require sub-recipients to display the symbol(s) and may authorize use by others, or for purposes other than as stated above, only with approval of the Director, U.S. Fish and Wildlife Service.

(b) Other persons or organizations may use the symbol(s) for purposes related to the Federal Aid programs as authorized by the Director, U.S. Fish and Wildlife Service. Authorization for the use of the symbol(s) shall be by written agreement executed by the Service and the user. To obtain authorization a written request stating the specific use and items to which the symbol(s) will be applied must be submitted to Director, U.S. Fish and Wildlife Service, Washington, DC 20240.

(c) The use of the symbol(s) shall indemnify and defend the United States and hold it harmless from any claims, suits, losses and damages arising out of any allegedly unauthorized use of any patent, process, idea, method or device by the user in connection with its use of the symbol(s), or any other alleged
§ 80.27 Information collection requirements.

(a) Information gathering requirements include filling out forms to apply for certain benefits offered by the Federal Government. Information gathered under this part is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777–7771) and

...
the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669–669i). The Service may not conduct or sponsor, and applicants or grantees are not required to respond to, a collection of information unless the request displays a currently valid OMB control number. Our requests for information will be used to apportion funds and to review and make decisions on grant applications and reimbursement payment requests submitted to the Federal Aid Program.

(b) OMB Circular A–102 requires the use of several Standard Forms: SF–424, SF–424A and SF–424B, SF–424C, SF–424D, SF–269A and SF–269B, SF–270, SF–271 and SF–272 (For availability, see 5 CFR 1310.3.). Combined, as many as 12,000 of these forms are used annually by grant applicants. The individual burden is approximately 1 hour to compile information and complete each form; the total burden is approximately 12,000 hours (approximately 3,500 grants are awarded/renewed each year, but not all forms are used for all grants). These forms are needed to document grant applications and requests for reimbursement.

(c) Part I Certification (Service Form 3–154A, OMB Control No. 1018–0007) and Part II Summary of Hunting and Sport Fishing Licenses Issued (Service Form 3–154B, OMB Control No. 1018–0007) require approximately one-half hour from each of 56 respondent States and territories for a total burden of 28 hours. The information is routinely collected by the States and territories and easily transferred to these forms and certified. This information is used in a statutory formula to apportion funds among the grant recipients.

(d) The Grant Agreement, (Service Form 3–1592, OMB Control No. 1018–0049) and Amendment to Grant Agreement, (Service Form 3–1591, OMB Control No. 1018–0049) require approximately 1 hour to gather relevant information, review, type, and sign. This information is compiled in the normal agency planning processes and transferred to these forms. Recipients nationwide complete approximately 3,500 Grant Agreement forms and 1,750 Amendment to Grant Agreement forms during any fiscal year for a total burden of 5,250 hours. This information is used to document financial awards made to grant recipients and amendments to these awards.

(e) The Federal Aid Grant Application Booklet (OMB Control No. 1018–0109) contains narrative instruction for applying for grants. It requires approximately 80 hours to collect information and prepare a grant application package. Applicants prepare and submit about 5,250 of these grant application packages annually for a total burden of 263,500 hours. This information is used to determine if the work, cost, and future benefits of a grant application meet the needs of the Federal Aid in Sport Fish and Wildlife Restoration programs.

(f) The public is invited to submit comments on the accuracy of the estimated average burden hours needed for completing Part I—Certification, Part II—Summary of Hunting and Sport Fishing Licenses Issued, Grant Agreement, Amendment to Grant Agreement, or The Federal Aid Grant Application Booklet and to suggest ways in which the burden may be reduced. Comments may be submitted to: U.S. Fish and Wildlife Service, Information Collection Clearance Officer, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203.

[66 FR 18212, Apr. 6, 2001]

PART 81—CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE, AND PLANTS—COOPERATION WITH THE STATES

Sec. 81.1 Definitions.
81.2 Cooperation with the States.
81.3 Cooperative Agreement.
81.4 Allocation of funds.
81.5 Information for the Secretary.
81.6 Project Agreement.
81.7 Availability of funds.
81.8 Payments.
81.9 Assurances.
81.10 Submission of documents.
81.11 Divergent opinions over project merits.
81.12 Contracts.
81.13 Inspection.
81.14 Comprehensive plan alternative.
81.15 Audits.

§ 81.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) Agreements. Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and §81.2 of this part.

(2) A Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) Conserve, conserving, and conservation. The use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) Endangered species. Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) Fish or wildlife. Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(e) Plant. Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) Program. A State-developed set of goals, objectives, strategies, action, and funding necessary to be taken to promote the conservation and management of resident endangered or threatened species.

(g) Secretary. The Secretary of the Interior or his authorized representative.

(h) Species. This term includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.

(i) State. Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) State agency. The State agency or agencies, or other governmental entity or entities which are responsible for the management and conservation of fish or wildlife resources within a State.

(k) Plan. A course of action under which immediate attention will be given to a State’s resident species determined to be endangered or threatened.

(l) Threatened species. Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(m) Project. A plan undertaken to conserve the various species of fish and wildlife or plants facing extinction.


(o) Project segment. An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(p) Resident species. For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31580, May 31, 1979; 49 FR 30074, July 26, 1984]
§ 81.2 Cooperation with the States.

The Secretary is authorized by the act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of various endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that under the State program, either:

(a) Authority resides in the State agency to conserve resident species of fish and wildlife or plants determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the act, for all residents species of fish and wildlife or plants in the State which are deemed by the Secretary to be endangered or threatened; and has furnished a copy of such program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife or plants;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife or plants as endangered or threatened, or that under the State program: (1) The requirements set forth in paragraphs (c), (d), and (e) of this section are complied with concerning fish and wildlife and in paragraphs (c) and (e) of this section concerning plants, and plans are included under which immediate attention will be given to those resident species of fish and wildlife or plants which are determined by the Secretary or the State agency to be endangered or threatened and which the Secretary and the State agency agree are most urgently in need of conservation programs; except that a cooperative agreement entered into with a State whose program is deemed adequate and active pursuant to this paragraph shall not affect the applicability of prohibitions set forth in or authorized pursuant to section 4(d) or section 9(a)(1) of the Endangered Species Act of 1973 with respect to the taking of any resident endangered or threatened species.

[41 FR 15016, Apr. 9, 1976, as amended at 44 FR 31580, May 31, 1979]

§ 81.3 Cooperative Agreement.

Upon determination by the Secretary that a State program is adequate and active and complies with §81.2, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Project Agreement can be approved for endangered or threatened species projects. A cooperative agreement under §81.2 must be reconfirmed annually to reflect new laws, species lists, rules and regulations, and programs, and to demonstrate that the program is still active and adequate. The Secretary, in determining which species are most urgently in need of a conservation program as provided for in §81.2(e), shall apply the following criteria: (1) The degree of threat to the continued existence of the species; (2) the recovery potential of the species; (3) the taxonomic status, e.g., giving full species priority over subspecies or populations; and (4) such other relevant biological factors as determined appropriate.

[41 FR 15016, Apr. 9, 1976, as amended at 44 FR 31580, May 31, 1979]

§ 81.4 Allocation of funds.

The Secretary shall semi-annually allocate funds, appropriated for the purpose of carrying out Section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;

(c) The number of endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and
§ 81.5  
(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.  
[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31580, May 31, 1979]

§ 81.5  Information for the Secretary.  
Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement with the Secretary pursuant to section 6(c) of the Act.

§ 81.6  Project Agreement.  
(a) Subsequent to the establishment of a Cooperative Agreement pursuant to §81.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Project Agreement. Such agreements’ continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in §81.3 of this part.  
(b) The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs. All of a State’s activities proposed for this Federal grant support will be incorporated in one or more project applications.  
(c) To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that is has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A–55 (as revised).  
(d) The Project Agreement will follow approval of the Application for Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.  
(e) The form and content for both the Application for Federal Assistance and the Project Agreement are provided in the Federal Aid Manual.  
[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979]

§ 81.7  Availability of funds.  
Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 81.8  Payments.  
The payment of the Federal share of costs incurred in the conduct of activities included under a Project Agreement shall be in accordance with Treasury Circular 1075.  
(a) Federal payments under the Act shall not exceed 75 percent of the program costs as stated in the agreement; except, the Federal share may be increased to 90 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.  
(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Office of Management and Budget Circular A–102.  
(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State agencies. Payments shall be made only to the State office or official designated by the State agency and authorized under
§ 81.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Office of Management and Budget Circular A–102.

(40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979)

§ 81.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service.

(40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979)

§ 81.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 81.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Office of Management and Budget Circular A–102. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

(40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979)

§ 81.13 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

§ 81.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Application for Federal Assistance will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

§ 81.15 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A–102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

(49 FR 30074, July 26, 1984)

PART 82—ADMINISTRATIVE PROCEDURES FOR GRANTS-IN-AID (MARINE MAMMAL PROTECTION ACT OF 1972)

Subpart A—Introduction

Sec.
82.1 Scope of regulations.
82.2 Purpose of regulations.
82.3 Supplementary information and procedures.
82.4 Authority.
82.5 Definitions.

Subpart B—Application for Grants

82.6 Submission of proposals.
82.7 Coordination with States.

Subpart C—Administration

82.8 Prosecution of work.
82.9 General information for the Secretary.
82.10 Payments to grantee.
82.11 Forms of vouchers.
82.12 Permit requirements.
82.13 Ownership of property.
§ 82.1 Scope of regulations.

The regulations in this part are issued, pursuant to the authority of the Secretary in section 1380 of the Marine Mammal Protection Act, 16 U.S.C. 1361–1407 (Supp. II 1972), to provide procedures for the submission and review of applications and the award and administration of research grants, or other forms of financial assistance, to Federal or state agencies, public or private institutions, or other persons including any foreign governments for research relevant to the protection and conservation of marine mammals.

§ 82.2 Purpose of regulations.

The Marine Mammal Protection Act of 1972 (Pub. L. 92–552) authorizes appropriations, and confers authority upon the Secretary, subject to such terms and conditions as he deems necessary, and after review by the Marine Mammal Commission, to make grants, or provide other forms of financial assistance, for the purpose of undertaking research relevant to the protection and conservation of marine mammals. Research initiated pursuant to this authorization is to be directed toward increasing the available knowledge of the ecology and population dynamics of marine mammals and of the factors which bear upon their ability to reproduce themselves successfully, which information may be used for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat.

§ 82.3 Supplementary information and procedures.

The regulations in this part are intended to provide for the maximum flexibility and simplicity in the application and award of grants or other financial assistance and the minimum amount of Federal control in the conduct of the research and supervision of Federal funds, consistent with the anticipated level of appropriated funds and demand for such funds. With respect to grants to state or local governments these regulations are intended to implement and be read as consistent with Federal Management Circular 74–7, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," (FMC 74–7) 34 CFR part 256, 39 FR 35787–35796, October 4, 1974, unless specifically noted otherwise. The standards and procedures set forth therein, and other referenced Federal management circulars, will, to the extent practical, govern other forms of financial assistance to state and local governments, public and private institutions and persons as well as grants to such institutions and persons. Other Federal regulations and sources of guidance potential applicants may find worthwhile to consult for information which may be helpful in applying and implementing research grants or other financial assistance under these regulations include: 34 CFR part 211, Cost Sharing on Federal Research (FMC 73–3); 34 CFR part 251, Audit of Federal Operations and Programs by Executive Branch Agencies, superseding OMB Circular No. A–73, dated August 4, 1965; 34 CFR part 252, Coordinating Indirect Cost Rates and Audit at Educational Institutions, (FMC 73–6); 34 CFR part 253, Administration of College and University Grants (FMC 73–7); 34 CFR part 254, Cost Principles for Educational Institutions (FMC 73–8); FMC 74–4, Cost Principles under Grants to State and Local Governments.

§ 82.4 Authority.

The Secretary of the Interior has delegated to the Director, Fish and Wildlife Service, his authority under the Marine Mammal Protection Act to
enter into grants or other forms of financial assistance for research relevant to the protection and conservation of marine mammals covered by the Act excluding the order Cetacea and members, other than walruses, of the order Pinnipedia.

§ 82.5 Definitions.
As used in this part, terms shall have the meanings ascribed in this section.
(b) Cooperative Agreement means the properly signed documentation, including the Application for Federal Assistance, which describes the project goals, the time schedule for achieving them, the estimated expenses to be incurred and the terms and conditions under which the research will be conducted, the totality of which constitutes the legally binding instrument between the Secretary and the grantee.
(c) Grantee means (1) any private person or entity, or (2) any officer, employee, agent, department, or instrumentality of the Federal Government, or any state or political subdivision thereof or any foreign government, participating in a cooperative agreement with the Secretary.
(d) Marine Mammal means any specimen of the following species, whether alive or dead, or any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ursus maritimus</td>
<td>Polar bear</td>
</tr>
<tr>
<td>Enhydra lutris</td>
<td>Sea Otter</td>
</tr>
<tr>
<td>Odobenus rosmarus</td>
<td>Walrus</td>
</tr>
<tr>
<td>Dugong dugong</td>
<td>Dugong</td>
</tr>
<tr>
<td>Trichechus inunquis</td>
<td>West Indian manatee</td>
</tr>
<tr>
<td>Trichechus manatus</td>
<td>West African manatee</td>
</tr>
<tr>
<td>Trichechus senegalensis</td>
<td>Amazonian manatee</td>
</tr>
</tbody>
</table>

NOTE: Common names given may be at variance with local usage; they are not required to be provided by the Act, and they have no legal significance.
(e) Non-Federal interest means any organization, association, institution, business, school, individual or group of individuals, state agency, municipality, or others outside the Federal Government which desires to participate within the terms of the Act.
(f) Project means any program for which an Application for Federal Assistance and a cooperative agreement have been approved and which provides for research in subjects which are relevant to the protection and conservation of marine mammals.

(g) Secretary means the Secretary of the Interior or his delegated representative.
(h) State means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.
(i) State agency means any department(s), commission(s), or official(s), of a state empowered under its laws to administer the state program for marine mammals.

Subpart B—Application for Grants
§ 82.6 Submission of proposals.
(a) Preapplication forms may be submitted by any potential grantee in order to (1) establish communication between the Fish and Wildlife Service and the applicant; (2) to determine the applicant’s eligibility; (3) determine how well the project can compete with applications from others; and (4) eliminate any proposals which have little or no chance for Federal funding before the applicant incurs significant expenditures for preparing an application. A notice of review action will be sent to the applicant within 45 days of the receipt of the preapplication form informing the applicant of the results of the review of the preapplication form. If the review cannot be completed within 45 days, the applicant will be informed by letter as to when the review will be completed.

(b) An Application for Federal Assistance for non-construction shall be submitted by all applicants for grants, however, an Application for Federal Assistance—Short Form may be utilized for single purpose and one-time grant applications for less than $10,000 not requiring clearing house approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

(c) Copies of the applications described in paragraphs (a) and (b) of this section may be obtained from the Federal Aid Coordinator, State Fish and Game Agency, and the Director, U.S.
§ 82.7 Coordination with States.

If the proposed project is to be conducted within the territorial limits of a state, the Secretary shall not enter into an agreement with a non-Federal interest other than a State without first consulting with the State agency.

Subpart C—Administration

§ 82.8 Prosecution of work.

(a) The grantee shall pursue the agreed-upon objectives expeditiously, adhering to the procedures set forth in the Cooperative Agreement. Failure to do so or failure to provide timely and adequate reports shall be cause for the Secretary to withhold further reimbursements to the grantee until project commitments are satisfactorily met. All further disbursement of funds under the cooperative agreement may be terminated upon determination by the Secretary that satisfactory progress has not been maintained.

(b) All work shall be performed in accordance with applicable Federal, state, and local laws, including safety, health and sanitation laws, except that when state and local laws are in conflict with Federal laws or regulations, such Federal laws or regulations shall prevail.

§ 82.9 General information for the Secretary.

Before any Federal funds may be obligated for any project the grantee shall furnish to the Director such information regarding the authority of the grantee to participate in the benefits of the Act, such information of the type described in FMC 74-7 Attachment G, concerning the system to be used by the grantee for the financial management of grant funds, the state laws affecting marine mammals, and such other information as the Director may request.

(a) Document signature. The Application for Federal Assistance and the Cooperative Agreement must bear the signature of an official who is legally authorized to commit the prospective grantee to expenditure of funds. The Secretary may, from time to time, request, and grantee shall furnish, information relating to the administration and maintenance of any project established under the Act.

(b) [Reserved]

§ 82.10 Payments to grantee.

Payments may be requested by the grantee at intervals of not less than 30 days as work described in the cooperative agreement progresses.

§ 82.11 Forms of vouchers.

Vouchers, on forms provided by the Secretary, showing amounts expended on each project, and the Federal portion claimed to be due on account thereof, shall be certified and submitted to the Director by the grantee.

§ 82.12 Permit requirements.

No work shall commence on a proposal funded under the provisions of 16 U.S.C. 1380 until all appropriate State and Federal permits have been applied for and issued.

§ 82.13 Ownership of property.

When property is acquired pursuant to the provisions of the Act, title to such property or interests therein shall be vested in the grantee as long as the property is used for the authorized purpose. When the property is no longer needed for such purpose, the Director and the grantee shall mutually agree regarding the assignment of title and any compensations consistent with the terms of Federal Management Circular 74-7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.
§ 82.14 Inspection and audit.

(a) Supervision of each project shall be as specified in the initial cooperative agreement and shall include adequate and continuous inspection by the grantee. The project will be subject at all reasonable times to Federal inspection. The Director and the Comptroller General of the United States, or their duly authorized representatives, shall be given access by the grantee during regular business hours to any books, documents, papers, and records of the grantee which are pertinent to the project for the purposes of making audit, examination, excerpts, and transcripts.

(b) The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A–102. Failure to conduct audits as required may result in withholding of grant payments of such other sanctions as the Secretary may deem appropriate.

[40 FR 23281, May 29, 1975, as amended at 49 FR 30074, July 26, 1984]

§ 82.15 Record retention.

All records of accounts, and reports, with supporting documentation there-to, will be maintained by the grantee for a period of three years after submission of the final expenditure report, with the qualifications stated in FMC 74–7, Attachment C, paragraph 1.

§ 82.16 Reporting.

Performance reports and other specified reports shall be submitted to the Secretary by the grantee in accordance with requirements prescribed by FMC 74–7 or other appropriate referenced Federal Management Circulars cited in §82.3 of this part.

§ 82.17 Procurement.

Grantees may use their own procurement regulations which reflect applicable State and local laws, rules, and regulations, provided that procurements made with funds under the Act adhere to the standards set forth in FMC 74–7 or other appropriate referenced Federal Management Circulars cited in §82.3 of this part.

§ 82.18 Officials not to benefit.

No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or any part of an agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to an agreement made with a corporation for its general benefit.

§ 82.19 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the “Government Patent Policy,” President’s Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of government patent policy as printed in 36 FR 16889.

§ 82.20 Civil rights.

Each cooperative agreement shall be supported by a statement of assurance executed by the grantee providing that the project will be carried out in accordance with title VI, non-discrimination in federally assisted programs, of the Civil Rights Act of 1964, 42 U.S.C. 2000d–2000d–4, and with the Secretary’s regulations promulgated thereunder, 43 CFR part 17.

§ 82.21 Copyrights.

Where research conducted under a grant issued pursuant to this part results in a book or other copyrightable material, the author or grantee, subject to the terms of the Cooperative Agreement, is encouraged to publish the work, but the Department of the Interior reserves a royalty free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes. Any publication by the grantee must bear in an appropriate place an acknowledgment of grant support under the Marine Mammal Act from the Department of the Interior. In addition, any publication must include a statement that the findings, conclusions, etc., do not necessarily represent the views of the Department of the Interior. At least two copies of any printed publications must
be furnished to the U.S. Fish and Wildlife Service.

PART 83—RULES IMPLEMENTING THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

Sec.
83.1 Definitions.
83.2 Participant eligibility.
83.3 Allocation of funds.
83.4 Eligible undertakings.
83.5 Limitations.
83.6 Appeals.
83.7 Availability of funds.
83.8 Submission of proposals for funding.
83.9 Conservation plans.
83.10 Cost sharing.
83.11 Cooperation between States.
83.12 Project requirements.
83.13 Application of funds provided under the Act.
83.14 Allowable costs.
83.15 Payments.
83.16 Maintenance.
83.17 Responsibilities.
83.18 Records.
83.19 Land control.
83.20 Assurances.
83.21 Audits.


SOURCE: 47 FR 51142, Nov. 12, 1982, unless otherwise noted.

NOTE: The information collection requirement contained in this part has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned control number 1018–0048.

§ 83.1 Definitions.

As used in this part, the following terms mean:


(b) Conservation plan. A plan for the conservation of fish and wildlife within a State which meets the requirements set forth in this part.

(c) Designated State agency or State agency. The Commission, department, division or other agency of a State which has the primary legal authority for the conservation of fish and wildlife. If more than one agency is designated by the State to exercise such authority, the term means each such agency acting with respect to its assigned responsibilities.

(d) Director. The Director of the U.S. Fish and Wildlife Service or his/her designee.

(e) Federal Aid Manual. The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Act.

(f) Fish and Wildlife. Wild vertebrate animals that are in an unconfined state.

(g) Nongame fish and wildlife. Fish and wildlife that:

(1) Are not ordinarily taken for sport, fur, food, or commerce within the State except that any species legally taken for sport, fur, food, or commerce in some but not all parts of a State may be deemed nongame within any area where such taking is prohibited; and

(2) Are not listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543); and

(3) Are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)); and

(4) Are not domesticated species that have reverted to a feral existence.

(h) Plan species. Any species or subspecies or ecologic association of species and subspecies which is designated to be addressed through actions set forth in an approved conservation plan.

(i) Project. A definitive proposal submitted by a State and approved by the regional director for funding under this Act.

(j) Regional Director. The regional director of the U.S. Fish and Wildlife Service or his/her designee.

(k) Secretary. The Secretary of the Interior or his/her designee.

(l) State. Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 83.2 Participant eligibility.

Participation is limited to designated State agencies. If a State places primary legal authority for the conservation of fish and wildlife in more than one agency, the governor or
chief executive of that State shall designate the State agency which will serve to coordinate the State actions under this Act. The director of each designated State agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents and of any changes in such authorizations.

§ 83.3 Allocation of funds.
In accordance with the provisions of the Act, the allocation of funds to the States shall take into account the area and population of each State.
(a) Area of the land and water of each State shall be as determined by the Department of Commerce and shall include the area of coastal and Great Lakes waters within each State.
(b) Population of each State shall be the most recent population estimates, as determined by the Department of Commerce.

§ 83.4 Eligible undertakings.
Funding under this Act may be approved by the regional director to carry out projects which meet the standards of substantiality as defined in §83.12 and which conform to one of the following:
(a) A proposal to implement a nongame action in lieu of an approved conservation plan. Upon a showing of need, a State may request funding under this Act before a conservation plan is approved. Such a proposal must:
(1) Be for the purpose of conserving, restoring, or otherwise benefitting nongame fish and wildlife, its habitats or its users;
(2) Comply with standards contained in the Federal Aid Manual; and
(3) Consist of work to be accomplished before October 1, 1986.
(b) A proposal to develop or maintain a conservation plan. The designated State agency may apply for funding of a project for developing a conservation plan, coordinating or consolidating a conservation plan with other plans, or maintaining a previously approved conservation plan. State costs incurred later than September 30, 1991, for the development of a conservation plan cannot be approved for funding.
(c) A proposal to implement actions described in an approved conservation plan. Such a proposal specifies and requests funding to cover one or more of the nongame actions described in the approved conservation plan.

§ 83.5 Limitations.
The following limitations shall apply to the eligibility of projects for funding under the Act:
(a) Of the total estimated costs for any project proposed under this Act, not less than 80 percent shall be for work or activities for the principal benefit of nongame fish and wildlife resources or of the public use of these resources.
(b) Upon approval of a conservation plan, all projects must be limited to actions required for implementing or revising the plan or for coordinating or consolidating the plan with other plans.
(c) Not more than 10 percent of the costs of any project which is carried out in lieu of an approved conservation plan, or which is carried out under an approved conservation plan covering only nongame fish and wildlife resources, may be derived from the sale of hunting, fishing, and trapping licenses and from penalties (including forfeitures) for violations of hunting, fishing, and trapping laws of the State.
(d) Not more than 10 percent of the estimated costs for projects to be funded shall be for law enforcement activities.
(e) Not more than 10 percent of the cost of implementing any project under this Act shall be funded by in-kind contributions from third parties.

§ 83.6 Appeals.
Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determinations rest with the Secretary.

§ 83.7 Availability of funds.
Funds allocated to a State under the Act are available for obligation and expenditure during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a
§ 83.8 Submission of proposals for funding.

To make application for funds allocated under this Act, the State shall submit to the regional director an Application for Federal Assistance.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with the Act, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Applications must be signed by the director of the designated State agency or the official(s) delegated to exercise the authority and responsibilities of such director in committing the State to participation under the Act.

§ 83.9 Conservation plans.

A conservation plan submitted to the regional director for approval shall meet the requirements for substantiability set forth in §83.12(a) and the standards prescribed in the Federal Aid Manual, and shall:

(a) Identify the species of nongame fish and wildlife, and other fish and wildlife deemed appropriate by the designated State agency which are within the State and are valued for ecological, educational, aesthetic, cultural, recreational, economic, or scientific benefits by the public;

(b) Provide for inventory(ies) of the identified species (plan species) to determine:

(1) Their population size, distribution, and range; and

(2) The extent, condition, and location of their significant habitats.

(c) Identify the significant problems which may adversely affect the plan species;

(d) Determine actions which should be taken to conserve the plan species and their significant habitats. Actions proposed will seek to optimize population levels, population distributions, and human benefits while taking fully into account the effects on non-target species and user groups. The actions will utilize methods and procedures which will, to the maximum extent practicable, ensure the well-being and enhancement of the plan species;

(e) Establish priorities for implementing the actions proposed in (d);

(f) Provide for regular monitoring of the plan species and the effectiveness of the actions implemented;

(g) Provide for the review of the plan and revision, if appropriate, at intervals of not more than 3 years;

(h) Describe procedures by which inputs have been solicited from the public during plan development and by which inputs will be solicited during revision and implementation of the plan;

(i) Indicate State and Federal agencies which were consulted during plan development and which will be consulted during plan implementation. If plan implementation will entail substantive cooperation with other agencies, an agreement describing the intended cooperation and signed by the involved parties must be executed before funding is authorized.

§ 83.10 Cost sharing.

Federal and State participation in the costs incurred in completion of approved work funded by this Act shall be limited as follows:

(a) The Federal share may not exceed:

(1) Ninety percent of the costs for development of conservation plans, except after September 30, 1984, the Federal share may not exceed 75 percent of the cost for development of conservation plans, and after September 30, 1991, no reimbursement may be paid under this Act for development of a conservation plan;

(2) Seventy-five percent of the costs for implementing and revising an approved conservation plan, except the Federal share may be increased to 90 percent if two or more States have mutually agreed to cooperate in implementation projects, provided, however, that after September 30, 1991, the Federal share may not exceed 50 percent if the conservation plan covers only nongame species;

(3) Seventy-five percent of the costs incurred prior to October 1, 1986, for projects which are not covered by an approved conservation plan, except the Federal share may be increased to 90
§ 83.13 Application of funds provided under the Act.

(a) Funds provided under this Act shall be applied only to activities or purposes approved by the regional director or contained in a conservation plan approved by the regional director. If otherwise applied, such funds must be replaced by the State to maintain eligibility.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed:

(1) When such property passes from management control of the designated State agency, either the control must be fully restored to the designated State agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal or commensurate nongame fish and wildlife benefits as the original property. The State may
§ 83.14 Allowable costs.

Allowable costs are limited to those which are necessary and reasonable for accomplishment of the approved project or action and are in accordance with the cost principles of OMB Circular A–87.

(a) All costs must be supported by source documents or other records as necessary to substantiate the application of funds. Such documentation and records are subject to review by the Secretary to determine the allowability of costs.

(b) Costs incurred prior to the effective date of the project agreement are allowable only when specifically provided for in the project agreement.

(c) Projects or facilities designated to include purposes other than those eligible under the Act shall provide for the allocation of costs among the various purposes. The method uses to allocate costs shall produce an equitable distribution of costs based on the relative used or benefits provided.

§ 83.15 Payments.

Payments to the State shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official specified by the designated State agency and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on audit. Any overpayments made to the State shall be recovered as directed by the regional director.

§ 83.16 Maintenance.

The State is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. Costs for such maintenance are allowable when provided for in approved projects. The maintenance of improvements acquired or constructed with non-Federal Aid funds are allowable costs when such improvements are necessary to accomplishment of project purposes as approved by the regional director, and when such costs are otherwise allowable by law.

§ 83.17 Responsibilities.

In the conduct of activities funded under the Act, the State is responsible for:

(a) The supervision of each project to assure that it is conducted consistent with the project documents and that it provides:

(1) Proper and effective use of funds;

(2) Maintenance of project records;

(3) Timely submission of reports;

(4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

(1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion;

(2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purposes for which acquired throughout their useful life.
(d) The compliance with all applicable Federal, State, and local laws.
(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

§ 83.18 Records.

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A–102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of 3 years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the 3-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of 3 years following final disposition of the property.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the State.

§ 83.19 Land control.

The State must control lands or waters on which capital improvements are made with Federal Aid funds. Control may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 83.20 Assurances.

The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Act. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend any actions or projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

§ 83.21 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A–102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

[49 FR 30074, July 26, 1984]

PART 84—NATIONAL COASTAL WETLANDS CONSERVATION GRANT PROGRAM

Subpart A—General Background

Sec.
84.10 What is the purpose and scope of this rule?
84.11 How does the Service define the terms used in this rule?
84.12 What are the information collection, record keeping, and reporting requirements?

Subpart B—Applying for Grants

84.20 What are the grant eligibility requirements?
84.21 How do I apply for a National Coastal Wetlands Conservation Grant?
84.22 What needs to be included in grant proposals?

Subpart C—Project Selection

84.30 How are projects selected for grants?
84.31 An overview of the ranking criteria.
84.32 What are the ranking criteria?

Subpart D—Conditions on Acceptance/Use of Federal Money

84.40 What conditions must I follow to accept Federal grant money?
84.41 Who prepares a grant agreement? What needs to be included?
84.42 What if a grant agreement is not signed?
84.43 How do States get the grant monies?
84.44 What is the timetable for the use of grant money?
84.45 How do I amend a proposal?
84.46 What are the cost-sharing requirements?
84.47 What are allowable costs?
84.48 What are the procedures for acquiring, maintaining, and disposing of real property?
84.49 What if the project costs more or less than originally expected?
§ 84.10 How does a State certify compliance with Federal laws, regulations, and policies?


SOURCE: 67 FR 49267, July 30, 2002, unless otherwise noted.

Subpart A—General Background

§ 84.10 What is the purpose and scope of this rule?

The regulations in this part establish the requirements for coastal State participation in the National Coastal Wetlands Conservation Grant Program authorized by Section 305 of the Coastal Wetlands Planning, Protection and Restoration Act (Pub L. 101–646, title III; 16 U.S.C. 3954). The primary goal of the National Coastal Wetlands Conservation Grant Program is the long-term conservation of coastal wetlands ecosystems. It accomplishes this by helping States protect, restore, and enhance their coastal habitats through a competitive grants program. Results are measured in acres protected, restored, and enhanced.

§ 84.11 How does the Service define the terms used in this rule?

Terms used have the following meaning in this part:

Coastal barrier. A depositional geologic feature that is subject to wave, tidal, and wind energies; protects landward aquatic habitats from direct wave attack; and includes all associated aquatic habitats such as adjacent wetlands, marshes, estuaries, inlets, and nearshore waters. These can include islands; spits of land connected to a mainland at one end; sand bars that connect two headlands and enclose aquatic habitat; broad, sandy, dune beaches; or fringing mangroves. Coastal barriers are found on coastlines including major embayments and the Great Lakes of the United States and its territories.

Coastal Barrier Resources System. A defined set of undeveloped coastal areas, designated by the Coastal Barrier Resources Act of 1982 (Pub. L. 97–348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101–591). Within these defined units of the System, Federal expenditures are restricted to discourage development of coastal barriers.
Cyclical maintenance is major maintenance fully functional. Cy-}

clical maintenance to keep facilities or habi-

tat improvements from recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is nonroutine cyclical maintenance to keep facilities or habitat improvements fully functional. Cy-

clical maintenance is major mainte-
along the coast. Although this community type originally occurred in virtually continuous strips along the Atlantic and Gulf Coasts, residential developments and infrastructure encroachments have severely fragmented most occurrences.

§ 84.12 What are the information collection, record keeping, and reporting requirements?

(a) Information collection requirements include:

(1) An Application for Federal Assistance (Standard Form 424);

(2) A proposal, following the guidance of OMB Circular A-102 and the Federal Aid Grant Application Booklet (OMB Control Number 1018–0109), that includes statements of need and objective(s); a description of expected results or benefits; the approach to be used, such as procedures, schedules, key personnel and cooperators, location of the proposed action, and estimated costs to accomplish the objective(s); identification of any other actions that may relate to the grant; and a description of public involvement and interagency coordination;

(3) Discussion of ranking criteria, including a completed summary information form (USFWS Form 3–2179);

(4) Assurances of compliance with all applicable Federal laws, regulations, and policies (SF 424B or SF 424D); and

(5) Documents, as appropriate, supporting the proposal; for example, environmental assessments (including the NEPA compliance checklist, USFWS Form 3–2185) and evaluations of effects on threatened and endangered species.

(b) Record-keeping requirements include the tracking of costs and accomplishments related to the grant as required by 43 CFR 12.60, monitoring and reporting program performance (43 CFR 12.80), and financial reporting (43 CFR 12.81). The project report should include information about the acres conserved, with a breakdown by conservation method (for example, acquired, restored, or both) and type of habitat (list habitat types and include the acreage of each). Are the results of the project being monitored? Is there evidence that the resources targeted in the proposal (for example, anadromous

§ 84.12 What are the information collection, record keeping, and reporting requirements?

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(3) Discussion of ranking criteria, including a completed summary information form (USFWS Form 3–2179);

(4) Assurances of compliance with all applicable Federal laws, regulations, and policies (SF 424B or SF 424D); and

(5) Documents, as appropriate, supporting the proposal; for example, environmental assessments (including the NEPA compliance checklist, USFWS Form 3–2185) and evaluations of effects on threatened and endangered species.

(b) Record-keeping requirements include the tracking of costs and accomplishments related to the grant as required by 43 CFR 12.60, monitoring and reporting program performance (43 CFR 12.80), and financial reporting (43 CFR 12.81). The project report should include information about the acres conserved, with a breakdown by conservation method (for example, acquired, restored, or both) and type of habitat (list habitat types and include the acreage of each). Are the results of the project being monitored? Is there evidence that the resources targeted in the proposal (for example, anadromous
fish, threatened and endangered species, and migratory birds) have benefited?

(c) Reporting requirements include retention and access requirements as specified in 43 CFR 12.82 and authorized by OMB through the Federal Aid Grant Application Booklet (OMB Control Number 1018–0109).

Subpart B—Applying for Grants

§ 84.20 What are the grant eligibility requirements?

(a) Eligible grant activities include:

(1) Acquisition of a real property interest in coastal lands or waters from willing sellers or partners (coastal wetlands ecosystems), providing that the terms and conditions will ensure the real property will be administered for long-term conservation.

(2) The restoration, enhancement, or management of coastal wetlands ecosystems, providing restoration, enhancement, or management will be administered for long-term conservation.

(b) Ineligible activities include but are not limited to:

(1) Projects that primarily benefit navigation, irrigation, flood control, or mariculture;

(2) Acquisition, restoration, enhancement, or management of lands to mitigate recent or pending habitat losses resulting from the actions of agencies, organizations, companies, or individuals;

(3) Creation of wetlands by humans where wetlands did not previously exist;

(4) Enforcement of fish and wildlife laws and regulations, except when necessary for the accomplishment of approved project purposes;

(5) Research;

(6) Planning as a primary project focus (planning is allowable as a minimal component of project plan development);

(7) Operations and maintenance;

(8) Acquiring and/or restoring upper portions of watersheds where benefits to the coastal wetlands ecosystem are not significant and direct; and

(9) Projects providing less than 20 years of conservation benefits.

§ 84.21 How do I apply for a National Coastal Wetlands Conservation Grant?

(a) Eligible applicants should submit their proposals to the appropriate Regional Director of the U.S. Fish and Wildlife Service. Proposals must be complete upon submission, and must include the information outlined in §84.22 to be complete.

(1) Service Regional Federal Aid Offices’ responsibilities for administration of this grant program include: Notifying the States of the program, its requirements, and any changes that occur; determining the State agencies designated by the Governor as eligible applicants; ensuring that only eligible applicants apply for grants; coordinating with various Service programs to ensure that sound and consistent guidance is communicated to the States; determining proposal eligibility and substantiality; and determining 75 percent match eligibility and notifying the States of approved and disapproved proposals.

(2) Service Divisions of Ecological Services in the regions and field and Fisheries and Habitat Conservation in the national office provide technical assistance and work with Federal Aid to encourage State participation in this process.

(3) Send your proposals to the appropriate Regional Offices, as follows:

<table>
<thead>
<tr>
<th>Coastal states by service regions</th>
<th>Regional contact information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas (Region 2)</td>
<td>Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue, SW, Albuquerque, New Mexico 87103, (505) 248–7450.</td>
</tr>
</tbody>
</table>
§ 84.22 What needs to be included in grant proposals?

Proposals must include the following:

(a) Application for Federal Assistance (Standard Form 424);

(b) A Statement of Assurances of compliance with applicable Federal laws, regulations, and policies (either Standard Form 424B or 424D); and

(c) A project statement that identifies and describes:

1. The need within the purposes of the Act;

2. Discrete, quantifiable, and verifiable objective(s) to be accomplished during a specified time period;

3. Expected results or benefits, in terms of coastal lands and waters, the hydrology, water quality, or fish and wildlife dependent on the wetlands;

4. The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, and cooperators;

5. A project location, including two maps: A map of the State showing the general location of the proposal, and a map of the project site;

6. Estimated costs to attain the objective(s) (the various activities or components of each project should be broken down by cost and by cooperators);

7. If the request is more than $100,000 (Federal share), the applicant must submit a Form DI–2010, certifying that the grant money will not be used for lobbying activities;

8. A concise statement, with documentation, of how the proposal addresses each of the 13 numeric criteria including a summary using FWS Form No. 3–2179 (see §84.32);

9. A description of the State trust fund that supports a request for a 75% match.
percent Federal share in sufficient detail for the Service to make an eligibility determination, or a statement that eligibility has been previously approved and no change has occurred in the fund;

(10) A list of other current coastal acquisition, restoration, enhancement, and management actions; agency(ies) involved; relationship to the proposed grant; and how the proposal fits into comprehensive natural resource plans for the area, if any; and

(11) Public involvement or interagency coordination on coastal wetlands conservation projects that has occurred or is planned that relates to this proposal (Specify the organizations or agencies involved and dates of involvement.).

Subpart C—Project Selection

§84.30 How are projects selected for grants?

Project selection is a three-step process: proposal acceptance, proposal ranking, and proposal selection.

(a) Proposal acceptance. (1) The Regional Federal Aid Offices decide whether a proposal should be accepted for consideration by determining if the proposal is complete, substantial, and contains activities that are eligible. Proposals that do not qualify are immediately returned to the State. Revision and resubmission of returned proposals is allowable during this period, which is in June (check with your Regional Office for the exact dates each year). If any of the factors of completeness, substantiality, or eligibility are not met, the Regions should not forward the proposal to the Washington Office.

(2) To be considered for acceptance, the proposal must be substantial in character and design. A substantial proposal is one that:

(i) Identifies and describes a need within the purposes of the Act;
(ii) Identifies the objective to be accomplished based on the stated need;
(iii) Uses accepted principles, sound design, and appropriate procedures;
(iv) Provides public conservation benefits that are cost effective and long-term, i.e., at least 20 years; and
(v) Identifies obtainable, quantified performance measures (acres enhanced, restored, or protected) that help achieve the management goals and objectives of the National Coastal Wetlands Conservation Grant Program. Through this program, the States’ efforts and leadership will help the Service meet its Long-Term and Annual Performance Goals as expressed in the Service’s Annual Performance Plan.1

(3) The grant limit is $1 million. Proposals requesting Program awards that exceed $1 million will be returned to the appropriate State. Similarly, individual projects that have clearly been divided into multiple proposals for submission in one grant cycle to avoid this limit will be returned to the appropriate State. The State can revise and resubmit the proposal so that the request does not exceed the $1 million limit.

(b) Proposal ranking. Once a proposal is accepted by the Region, the Regional Federal Aid Office sends the proposal to the National Federal Aid Office, which works with the National Office of the Fish and Wildlife Management and Habitat Restoration Program for distribution to a Review Panel. The Review Panel includes representation from our coastal Regions and from other Service Programs, for example, the Endangered Species Program. The Fisheries and Habitat Conservation Program is responsible for coordinating the review and ranking of proposals according to the established criteria, a process that usually involves a national meeting.

(c) Proposal selection. The Review Panel’s recommendations are forwarded to the Director of the Service for a final review and project selection. The Director announces the selection by October 1.

§84.31 An overview of the ranking criteria.

(a) The primary objective of the proposal will be to acquire, restore, enhance, or manage coastal wetlands to

1The Service’s Annual Performance Plan can be found on the Service’s homepage at http://www.fws.goc/r9gpra. For more information you might also contact the Budget Office at 202–208–4596 or the Planning and Evaluation Staff at 202–208–2549.
§ 84.32 What are the ranking criteria?

(a) The U.S. Fish and Wildlife Service will rank proposals using the 13 criteria listed below. In the following list, a description of each criterion is followed by examples and the points they would receive for that criterion.

1. Wetlands conservation. Will the project reverse coastal wetland loss or habitat degradation in decreasing or stable coastal wetland types? Will it conserve wetlands to prevent losses of decreasing or stable wetland types? (Maximum: 7 points)

   (i) The majority of the project area (over 50 percent) is nationally decreasing coastal wetland types, or the majority is regionally decreasing wetland types in which the case for regionally decreasing is well-documented (Up to 7 points). The nationally decreasing types are estuarine intertidal emergent; estuarine intertidal forested; estuarine intertidal scrub-shrub; marine intertidal; palustrine emergent; palustrine forested; and palustrine scrub-shrub. Describe the wetlands using terms listed above. Include a breakdown showing the percentage of the proposal’s total and wetland acreage in decreasing types. Provide National Wetlands Inventory codes/information if available. Information about these can be found on the National Wetland Inventory’s web site at http://wetlands.fws.gov.

   (ii) The majority of the project area (over 50 percent) is nationally stable coastal wetland types (Up to 5 points). The nationally stable types are estuarine intertidal non-vegetated and estuarine subtidal. Describe the wetlands using the terms listed above. Include a breakdown showing the percentage of the proposal’s total and wetland acreage in stable types. Provide National Wetlands Inventory codes/information if available.

   (iii) Wetlands benefited are less than 50 percent of the project area. (Up to 3 points)

   (iv) If the project would benefit wetlands in the upper portion of the coastal watershed, but does not demonstrate significant and direct benefits to coastal wetlands, the proposal will not receive any points. (0 points)

   (v) We will award a full 7 points to proposals that document that over 50 percent of the project area is nationally decreasing coastal wetland types, or the majority is regionally decreasing wetland types in which the case for regionally decreasing is well-documented. (Up to 7 points)

(b) Proposal ranking factors. (1) Ranking criteria. As explained in §84.32, we will evaluate proposals according to 13 ranking criteria. These criteria have varying point values. Proposals must address each of these 13 criteria.

(2) Additional considerations. Even though the criteria provide the primary evaluation of proposals, we may factor additional considerations into the ranking decision at the national level. In case of a tie, we will use these additional considerations to rank proposals having identical scores.

(c) The criteria in §84.32 are not listed in priority order.

(d) Points are assigned on the basis of a completed project, rather than current conditions, e.g., count 50 acres of estuarine emergent wetlands if 50 acres of that habitat type will be restored when the project is completed.

(e) A range of points rather than a set point value allows the reviewer to distinguish between, for example, a proposal that provides some foraging habitat for a threatened species versus one that provides critical nesting habitat of several endangered species. Scoring guidance is included with the individual criteria.

(f) A total of 64 points is possible under the scoring system.

(g) If a grant proposal is not selected, the State may resubmit it for reconsideration in subsequent fiscal years. Resubmission of a grant proposal is the responsibility of the applicant.
percent of their project area would be, upon project completion, decreasing coastal wetland types. A combination of decreasing and stable types that is over 50 percent of the project area could receive an intermediate score of 4, 5, or 6 points, depending on the balance between decreasing and stable types. If wetlands are 50 percent or less of the project area, use the following guide for allocating points: 25 to 50 percent of the project area is decreasing or stable wetlands, 2, 3, or 4 points; 5 to 24 percent, 1 or 2 points; and less than 5 percent, 0 points.

(2) Maritime forests on coastal barriers. Will the proposal significantly benefit maritime forests on coastal barriers? The coastal barrier does not need to be a unit of the Coastal Barrier Resources System. (Maximum: 7 points)

(i) The proposal documents significant benefit to maritime forests on a coastal barrier. Describe the forest in sufficient detail so reviewers can determine whether it meets the definition of “maritime forest.” (Up to 7 points)

(ii) The proposal does not benefit maritime forests on a coastal barrier. (0 points)

(iii) For this criterion most scores should be either 0 or 7. If questions arise about the significance of the benefit or whether the forests meet the strict definition, an intermediate score could be given.

(3) Long-term conservation. Does the project ensure long-term conservation of coastal wetland functions? The project must provide at least 20 years of conservation benefits to be eligible. (Maximum: 7 points)

(i) Once the project is complete, the project will provide continuing coastal wetlands benefits in perpetuity (100 years or longer). (7 points)

(ii) Once the project is complete, the project will provide continuing coastal wetland benefits for 50–99 years. (3 to 6 points)

(iii) Once the project is complete, the proposal will provide continuing coastal wetlands benefits for 20–49 years. (1 to 3 points)

(iv) The proposal should show how the project will be maintained and the benefits sustained over time. Proposals must include adequate documentation of long-term conservation of coastal wetland values, such as a 25-year easement, to receive points for this criterion. If part of the project’s benefits will be perpetual (owned in fee title, for example) and part is estimated to last 20 years, reviewers should weigh the different elements of the project and give an intermediate score.

(4) Coastal watershed management. Would the completed project help accomplish the natural resource goals and objectives of one or more formal, ongoing coastal ecosystem or coastal watershed management plan(s) or effort(s)? Describe the management plan or effort(s). (Maximum: 3 points)

(i) The project supports the natural resource goals of identified formal, ongoing coastal ecosystem or coastal watershed management plans or efforts. Describe the management plan(s) and/or effort(s) and explain how this project relates to its objectives. A plan that very specifically identifies the site will receive more points than a plan containing many generic references. (Up to 3 points)

(ii) The project does not support the natural resource goals and objectives of a formal, ongoing coastal ecosystem or coastal watershed management effort. If the proposal benefits the upper portions of coastal watersheds, but provides no significant and direct benefits to the coastal wetlands ecosystems, the proposal will not receive points. (0 points)

(5) Conservation of threatened and endangered species. Will the project benefit any federally listed endangered or threatened species, species proposed for Federal listing, recently delisted species, or designated or proposed critical habitat in coastal wetlands? Will it benefit State-listed threatened and endangered species? (Maximum: 5 points)

(i) The project will provide, restore, or enhance important habitat (e.g., nesting, breeding, feeding, nursery areas) for federally listed or proposed endangered or threatened species that use the coastal area project site for at least part of their life cycle. The project will benefit recently delisted species and habitat conservation plans developed under the auspices of the Endangered Species Act. List the species and their status (e.g., threatened or endangered) and provide documentation
§ 84.32

(breeding, staging, foraging, wintering/summering habitat) benefits for at least part of the life cycle of coastal dependent or migratory birds. List the species and habitat types, and describe the benefits to each. (Up to 5 points)

(iii) We will give maximum points to projects that benefit coastal-dependent species identified in the North American Waterfowl Plan or listed as species of management concern.3 Proposals should also include information that demonstrates how the project will contribute to the regional goals developed under the U.S. Shorebird Conservation Plan, the North American Waterbird Conservation Plan, Partners in Flight, the North American Waterfowl Management Plan, or other bird conservation initiatives. Proposals that fail to do so will not receive maximum points. Indicate if the proposed area has been specifically identified by any program or agency for its migratory bird values.

(8) Prevent or reduce contamination. Will the project prevent or reduce input of contaminants to the coastal wetlands and associated coastal waters, or restore coastal wetlands and other associated coastal waters that are already contaminated? (Maximum: 5 points)

(i) The project will prevent significant inputs of contaminants or will provide significant improvements to the quality of the coastal wetland and associated waters through protection from contaminants or restoration, including assimilation of nutrients and nonpersistent toxic substances. Describe how contaminant inputs or residues will be prevented, reduced, or eliminated. Preventing contaminants by precluding residential development through acquisition will not normally warrant full

3For more information about species of management concern, visit the website migratorybirds.fws.gov or contact the Division of Migratory Bird Management at 703-358-1714.
points unless the applicant can be shown that significant contamination would have occurred otherwise. (Up to 5 points)

(ii) The proposal will not significantly prevent impairment or improve the quality of the coastal wetland and associated coastal waters. If the proposal provides positive water quality benefits in the upper portions of watersheds, but provides no significant and direct positive water quality benefits to coastal wetland ecosystems, the proposal will not receive points. (0 points)

(iii) Show direct links between contamination and wildlife and aquatic habitats. To receive full points, you should provide documentation of the linkage. Reviewers may consider the extent of contaminants prevention/reduction when assigning points. Proposals having the potential to produce an attractive nuisance (e.g., acquiring and/or restoring a wetland that will be attractive to wildlife and that also has the potential to accumulate high levels of persistent toxic metals or hydrocarbon compounds) will not receive points.

(9) **Catalyst for future conservation.** Is the project proposal designed to leverage other ongoing coastal wetlands protection projects in the area, such as acquisition of areas to add to already acquired coastal lands, or provide impetus for additional restoration? (Maximum: 4 points)

(i) The project will be essential (e.g., key to completion or implementation of a greater conservation plan) to further advance or promote other coastal projects under way. Explain why. (Up to 4 points)

(ii) The project proposal does not demonstrate a positive impact on other coastal projects. (0 points)

(iii) To receive the maximum number of points, the proposal should be essential to the initiation or completion of a larger project. Examples may include acquisition of key in-holdings within a larger protected area, funds necessary to acquire fee simple interest in properties where a conservation easement has already been secured, and funds necessary to complete restoration activities to a protected area.

(10) **Partners in conservation.** Will the proposal receive financial support, including in-kind match, from private, local, or other Federal interests? (Maximum: 4 points)

(i) The proposal includes the State applicant plus one or more non-State financial partners. (Up to 4 points)

(ii) The proposal includes only financial support from the State applicant. (0 points)

(iii) A written description of commitment of funds or in-kind match from the partners must accompany the proposal. (This requirement is in addition to signing the Assurances Form.) The purpose of this criterion is to promote partnerships with private, local, or other Federal agencies rather than to increase the dollar amount of the matching share. Therefore, no specific minimum amount is indicated here. At least two partners, in addition to the State applicant, should have committed money to the project to receive maximum points.

(11) **Federal share reduced.** Does the proposal significantly reduce the Federal share by providing more than the required match amount? In the case of a Territory or Commonwealth that does not require match funds, does the proposal include financial support from sources other than the Territory or Commonwealth? (Maximum: 5 points)

(i) The State, territory, or commonwealth applicant must have a non-Federal funding source (in-kind match does not count for this criterion) that reduces the Federal share. (Up to 5 points)

(ii) The maximum Federal share is requested by the proposal. (0 points)

(iii) The purpose of this criterion is to increase the amount of money from non-Federal sources. This increase decreases the need for Federal match dollars, so that Federal dollars can help more projects. Documentation of each partner’s financial commitment must accompany the proposal to receive points. If the State itself provides the excess match, the State should receive credit for reducing the Federal share. Each 5 percent above the required State match would be approximately equal to 1 point. The following two examples, using both a 50 and 75 percent Federal match share, define a 10 percent increase in a State’s match amount.
§ 84.32  

(A) Example 1—50—Percent Federal Match

If the total project costs are $100,000, then the required State match share is $50,000.

If the State or a partner provides an additional cash contribution equal to 10 percent of the $50,000, $5,000. This is defined as a 10 percent increase in the State match.4

(B) Example 2—75—Percent Federal Match

If the total project costs are $100,000, then the required State match share is $25,000.

If the State or a partner provides an additional cash contribution equal to 10 percent of the $25,000, $2,500. This is defined as a 10 percent increase in the State match.4

(12) Education/outreach program or wildlife-oriented recreation. Is the project designed to increase environmental awareness and develop support for coastal wetlands conservation? Does it provide recreational opportunities that are consistent with the conservation goals of the site? (Maximum: 3 points)

(i) The proposal includes a site-specific, substantive education/outreach or wildlife-oriented recreation program. (Up to 3 points)

(ii) The proposal does not include a substantive education/outreach or wildlife-oriented recreation program. (0 points)

(iii) The proposal must describe what makes this program substantive and link it closely with the specific site to receive full points. Programs supported by activities or funds from partners should be encouraged over use of project dollars. Project proposals may include substantive education/outreach components necessary for the completion of the project. However, these should be activities that complement or support the primary goal of the project.

(13) Other factors. Do any other factors, not covered in the previous criteria, make this project or site particularly unique and valuable? Does the project offer important benefits that are not reflected in the other criteria? The following list includes examples of projects that provide benefits not reflected in other criteria. (Maximum: 4 points)

(i) The project might provide significant benefits to, for example: rare or threatened habitat types; biodiverse habitats; rare and declining species; and the local community.

(ii) The project would be particularly cost-effective, providing very significant resource benefits for the cost.

(iii) The project would assist in the prevention or control of invasive species.

(iv) The project would provide important cultural or historical resource benefits.

(v) The project would provide other benefits.

(vi) Reviewers should not assign points to resource values covered by other criteria. The proposal should provide a short narrative to support claims to Other Factors points.

(b) Additional considerations. We will factor the following considerations into the ranking process if two or more proposals have the same point totals. The tie-breaking factors are as follows:

(1) The project would prevent the destruction or degradation of habitat from pending sale of property, from adverse effects of current activities such as draining of wetlands, or from natural processes such as erosion at excessive rates;

(2) The project would protect unique and significant biological diversity;

(3) The project has lower costs per acre conserved; and

(4) In the project proposal the State or third party provides lands as opposed to using lands already owned by the State or third party as part of the State matching share.

(c) All proposals must include the information described in paragraphs (b) (1)–(4) of this section. If a tie occurs between two or more proposals, the reviewers need to have this information available immediately to decide which proposal or proposals should be recommended for selection.

4From sources other than Federal agencies. Natural Resource Damage Assessment funds may in some cases be defined as "non-Federal." See discussion under §84.46 on What are the cost-sharing requirements?
§ 84.40 What conditions must I follow to accept Federal grant money?

(a) The audit requirements for State and local governments (43 CFR part 12), and

(b) The uniform administrative requirements for grants and cooperative agreements with State and local governments (43 CFR part 12).

§ 84.41 Who prepares a grant agreement? What needs to be included?

The coastal State and the Fish and Wildlife Service work together to develop a Grant Agreement (Form 3–1552) upon completion of the review by the Regional Director to determine compliance with applicable Federal laws and regulations. The Grant Agreement includes the grant title, the grant cost distribution, the agreement period, other grant provisions, and special grant conditions. If a Coastal Barrier Unit is affected, the Service must conduct internal consultations pursuant to Section 6 of the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act, prior to providing any grant monies to that State.

§ 84.42 What if a grant agreement is not signed?

Monies that have been allocated for a grant will be held until December 31 of the following year. If a grant agreement has not been signed by the State and the Service and, therefore, the money has not been obligated for the approved grant by that date, the funds automatically are returned to the Program account in Washington.

§ 84.43 How do States get the grant monies?

Funding to States is provided on a reimbursable basis. See §84.47 for information on what costs can be reimbursed. The Service may reimburse the State for projects completed, or make payments as the project progresses. For construction work and labor, the Service and the State may jointly determine, on a case-by-case basis, that payments may be made in advance. We will minimize the time elapsing between the transfer to the State and the State’s need for the funds, and the time period will be subject to a specific determined need for the funds in advance. Except for extenuating circumstances, a reasonable time period to advance funds to a State is up to 3 days. OMB Circular A–102, Parts II and III, 43 CFR part 12, and 31 CFR part 205 provide specific information on methods and procedures for transferring funds.

§ 84.44 What is the timetable for the use of grant money?

Once money is granted to the coastal States, the money is available to those States for the time designated in the grant agreement. If a State needs more time, the State must apply for an extension of time by amending the grant agreement. If the Service does not extend the time, the unobligated monies return to the Service for expenditure on future grants. Also, if a State cannot spend the money on the approved project, the State must notify the appropriate Regional Director as soon as possible so that the money can revert back to the Service for future grants.

§ 84.45 How do I amend a proposal?

Following procedures in 43 CFR 12.70, you must submit a signed original and two copies of the revised SF 424, the revised portion of the project statement if appropriate, and an explanation of the reason for the revision to the Regional Director (Federal Aid).

§ 84.46 What are the cost-sharing requirements?

(a) Except for certain insular areas, the Federal share of an approved grant will not exceed 50 percent of approved costs incurred. However, the Federal share may be increased to 75 percent for coastal States that have established and are using a fund as defined in §84.11. The Regions must certify the eligibility of the fund in order for the State to qualify for the 75 percent matching share.

(b) The following insular areas: American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, have been exempted from the matching share, as provided in Pub. L. 95–134, amended by Pub. L. 95–348, Pub. L. 96–
§ 84.47 What are allowable costs?


(c) The State may provide materials (e.g., heavy equipment) or other services as a noncash match for portions of the State’s matching share. The State may also provide the value of land, including the land proposed for restoration, enhancement, or management as a noncash match, provided that the land is necessary and reasonable for completing the project. For example, if a State proposes to manage a contiguous wetland of 100 acres, and already owns 10 of the 100 acres, the State can apply the current value of the 10 acres, provided that the 10 acres are necessary to manage the entire 100 acres. If the 10-acre wetland were not contiguous and no connection could be made that the 10 acres were needed to manage the proposed wetland, the State could not use the 10 acres as a noncash match. Review 43 CFR 12.64 for determining the value of in-kind contributions.

(d) The requirements in 43 CFR 12.64 and Service Manual Part 522 FW 1.13 apply to in-kind matches or cost-sharing involving third parties. Third party in-kind contributions must represent the current market value of noncash contributions furnished as part of the grant by another public agency, private organization, or individual. In-kind matches must be necessary and reasonable to accomplish grant objectives.

(e) Coastal States must commit to their matching share of the total costs by signing the Application for Federal Assistance (SF 424), the Assurances (SF 424B or SF 424D), and the Grant Agreement (Form 3-1552).

(f) No Federal monies, non-Federal monies, in-kind contributions, or National Fish and Wildlife Foundation grant program monies that will be or have been previously used to satisfy the matching requirement of another Federal grant can be used as part of the coastal State’s matching share.

(g) The coastal State is responsible for ensuring the full amount of that State’s matching requirement, either with State funds or from contributions toward the proposal from other agencies, groups, or individuals. Sources other than State applicant funds must be documented and approved as eligible.

(h) Total Federal contributions (including all Federal sources outside of the Program) may not exceed the maximum eligible Federal share under the Program. If the amount of Federal money available to the project is more than the maximum allowed, we will reduce the Program contribution by the amount in excess.

(i) Natural Resource Damage Assessment funds that are managed by a non-Federal trustee are considered to be non-Federal, even if these monies were once deposited in the Department of the Interior’s Natural Resource Damage Assessment and Restoration Fund, provided the following criteria are met:

(1) The monies were deposited pursuant to a joint and indivisible recovery by the Department of the Interior and non-Federal trustees under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Oil Pollution Act (OPA);

(2) The non-Federal trustee has joint and binding control over the funds;

(3) The co-trustees agree that monies from the fund should be available to the non-Federal trustee and can be used as a non-Federal match to support a project consistent with the settlement agreement, CERCLA, and OPA; and

(4) The monies have been transferred to the non-Federal trustee.

§ 84.47 What are allowable costs?

(a) Allowable grant costs are limited to costs necessary and reasonable to achieve approved grant objectives and meet the applicable Federal cost principles in 43 CFR 12.62(b).

(b) If a project or facility is designed to include purposes other than those eligible under the Act, the costs must be prorated among the various purposes.
§ 84.48 What are the procedures for acquiring, maintaining, and disposing of real property?

(a) Acquisition, maintenance, and disposal of real property must follow the rules established in 43 CFR 12.71 and 50 CFR 80.14.

(1) Title to real property acquired under a grant or subgrant must be vested in the State or subgrantee, including local governments and non-profit organizations. States must submit documentation (e.g., appraisals and appraisal reviews) to the Regional Director who must approve it before the State becomes legally obligated for the purchase. States will provide title vesting evidence and summary of land costs upon completion of the acquisition. The grant agreement and any deed to third parties (e.g., conservation easement or other lien on a third-party property) must include appropriate language to ensure that the lands and/or interests would revert back to the State or Federal Government if the conditions of the grant were no longer being implemented.

(2) In cases where the interest obtained is less than fee simple title, the interest must be sufficient for long-term conservation of the specified wetlands resources.

(3) Real property acquired with National Coastal Wetlands Conservation Grant funds must continue to serve the purpose for which it was acquired. If acquired property is used for reasons inconsistent with the purpose(s) for which acquired, such activities must cease and any adverse effects on the property must be corrected by the State or subgrantee with non-Federal monies in accordance with 50 CFR 80.14.

(4) The State or subgrantee may not dispose of or encumber its title or other interest in real property without prior approval of the appropriate Regional Director of the Service. Real property includes, but is not limited to, lands, buildings, minerals, energy resources, timber, grazing, and animal products. If real property is sold, the State or subgrantee must compensate the Service in accordance with 43 CFR 12.71(c)(2).

(5) If rights or interests obtained with the acquisition of coastal wetlands generate revenue during the Grant Agreement period, the State will treat the revenue as program income and use it to manage the acquired properties. If the State sells or leases real property, the State must treat the proceeds as program income and return the money to the Federal Aid program regardless of the grant period.

(6) Inconsistent use that is not corrected can be grounds for denying a State future grants under this Program.

(b) A coastal State is responsible for design, supervision, and inspection of all major construction projects in accordance with accepted engineering standards.

(1) The coastal State must have adequate rights to lands or waters where restoration or enhancement projects are planned to ensure protection and use of the facilities or structures throughout their useful life.

(2) The construction, enlargement, or rehabilitation of dams are subject to Federal standards for dam design. If requested, the State must provide to the Regional Office written certification that any proposed changes to a dam meet Federal standards.

(3) The coastal State must operate and maintain facilities, structures, or related assets to ensure their use for the stated project purpose and that they are adequately protected.

(c) Acquisition, property records, maintenance, and disposal of equipment must be made in accordance with 43 CFR 12.72.
§ 84.49 What if the project costs more or less than originally expected?

All requests for additional monies for approved coastal wetland grants will be subject to the entire review process along with new grants. Any monies left over after the project is complete, or if the project is not completed, should be returned to the Washington Office for use in following years. If a State has lands it wishes to acquire, restore, or enhance in close proximity to the original project, and the Region deems that spending project monies in these areas would provide similar benefits, the Region may use unspent balances to pay for these projects with prior approval from the Washington Office. States must provide adequate justification and documentation to the Regions that the lands acquired, restored, or enhanced are similar to those in the original proposal and provide similar benefits to fish and wildlife.

§ 84.50 How does a State certify compliance with Federal laws, regulations, and policies?

(a) In accepting Federal money, coastal State representatives must agree to and certify compliance with all applicable Federal laws, regulations, and policies. The applicant will need to submit a Statement of Assurances (either SF 424B or SF 424D) signed and dated by an authorized agency representative as part of the proposal.

(b) Compliance with environmental and other laws, as defined in the Service Manual 523 FW Chapter 1, may require additional documentation. Consult with Regional Offices for how this applies to a specific project.

PART 85—CLEAN VESSEL ACT GRANT PROGRAM

Subpart A—General

Sec.
85.10 Purpose and scope.
85.11 Definitions.
85.12 Information collection, recordkeeping, and reporting requirements.

The Fish and Wildlife Service Manual, see footnote 3 for availability.
Costal waters. In the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes. In other areas, those waters, adjacent to the shorelines, which contain a measurable percentage of sea water, including sounds, bays, lagoons, bayous, ponds, and estuaries.

Coastal zone. Coastal zone has the same meaning that the term has in section 304(1) of the Coastal Zone Management Act of 1992 (16 U.S.C. 1453(1)). The coastal zone consists of coastal waters (including the lands therein and thereunder) and the adjacent shorelands, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands and protect coastal waters.

Construction. Activities which produce new capital improvements and increase the value of usefulness of existing property.

Dump station. A facility specifically designed to receive sewage from portable toilets carried on vessels. Dump stations do not include lavatories or restrooms.

Education/information. The education/information program, as identified in the technical guidelines as published in the FEDERAL REGISTER, designed to make recreational boaters aware of the environmental pollution problem resulting from sewage discharges from vessels and inform them of the location of pumpout and dump stations.

Eligible applicant. An agency of a State designated by the Governor.

Equitable fees. The maximum charge per pumpout is $5.00. Price modifications and discounts are subject to State/Federal laws concerning pricing.

Facility. A pumpout station or dump station.

Facility open to the public. (1) A Clean Vessel Act facility that is open and available to the public is one where the public has full and reasonable access to the pumpout/dump station, including:

(i) Provision of signage visible from the water to direct boaters to pumpout/dump stations;

(ii) Location of pumpouts to facilitate ease of use by all boats typical to that particular marina;

(iii) Equitable fees; and

(iv) Reasonable open periods.

(2) To be eligible for funding under this program, both public and private facilities must be open to the public.

Grant. An award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government to an eligible grantee.

Inland State. A State which is not a coastal State. The District of Columbia, American Samoa and Alaska are included as inland States (Rationale for Samoa and Alaska being inland States can be found in §85.11(b) above).

Maintenance. Those activities necessary for upkeep of a facility. These are activities that allow the facility to function and include routine recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is non-routine cyclical maintenance to keep facilities fully functional.

Operation. Those activities necessary for the functioning of a facility to produce desired results. These are activities that make the facility work.

Plans. Those plans identified in the technical guidelines as published in the FEDERAL REGISTER, for construction or renovation of pumpout and dump stations necessary to ensure that there are adequate and reasonably available stations to meet the needs of recreational vessels using the coastal waters of the State.

Private facilities. Private facilities include those operated by the following:

(1) For profit or non-profit private marinas, docks, etc.;

(2) For profit or non-profit concessionaires, whether they are leased or private facilities, on public lands; or

(3) Yacht or boating clubs, whether they are open to the public or members-only facilities.
§ 85.12 Information collection, record-keeping, and reporting requirements.

(a) The information collection requirements for this grant program, except for surveys, are those necessary to comply with 43 CFR 12 which include a narrative statement as identified in 85.22 Grant Proposals. The collection of survey information contained in this rule was approved by the Office of Management and Budget as required by 44 U.S.C. 3501 et seq., October 18, 1993, OMB No. 1018–0086, expiration date September 30, 1996.

(b) Record keeping requirements include the tracking of costs and accomplishments related to the grant as required by 43 CFR 12.60, monitoring and reporting program performance (43 CFR 12.80), and financial reporting (43 CFR 12.81).

(c) Reporting requirements include retention and access requirements as required by 43 CFR 12.82.

Subpart B—Application for Grants

§ 85.20 Eligible activities.

(a) Eligible grant activities—coastal States:

(1) Eligible activities include identification in the coastal zone of all operational pumpout and dump stations, and surveys of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas where those vessels congregate. Also eligible are costs of developing a list, including chart coordinates, of all operational pumpout and dump stations in the coastal zone of the State, for submission to the Fish and Wildlife Service.

(2) Plans for construction and renovation of pumpout and dump stations in the coastal zone of the State necessary to ensure that these stations are adequate and reasonably available to meet the needs of recreational vessels using the coastal waters of the State. Completed Stated-funded plans may be submitted after the technical guidelines appear in the FEDERAL REGISTER.

(b) Eligible grant activities—all States:

(1) Eligible grant activities include education/information program to educate/inform recreational boaters about the environmental pollution problems resulting from sewage discharges from vessels and to inform them of the location of pumpout and dump stations.

(2) Eligible grant activities include the construction, renovation, operation
§ 85.21 Application procedures.

(a) Eligible applicants will submit their proposals to the appropriate Regional Office of the U.S. Fish and Wildlife Service. Coastal States submitting proposals for both the coastal zone and the inland portion of their States, must submit two separate proposals. The Regional Office addresses follow:

Region 1 States Include—American Samoa, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington

Division of Federal Aid, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181, (503) 221-6129

Region 2 States Include—Arizona, New Mexico, Oklahoma, and Texas

Division of Federal Aid, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW., Albuquerque, New Mexico 87103, (505) 766-2095

Region 3 States Include—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin

Division of Federal Aid, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111-4806, (612) 725-3596

Region 4 States Include—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands

Division of Federal Aid, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345, (404) 679-4159

Region 5 States Include—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia

Division of Federal Aid, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035-9589, (413) 253-8501

Region 6 States Include—Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, and Wyoming

Division of Federal Aid, U.S. Fish and Wildlife Service, 134 Federal Building, P.O. Box 25486, Denver, Colorado 80225

134 Union Boulevard, third floor, Lakewood, Colorado 80225, (303) 226-7392

Region 7 State Includes—Alaska

Division of Federal Aid, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786-3495

(b) Proposals will be accepted for FY 1995 funds ($7.05 million) between the effective date and April 29, 1994. For FY 1996 and FY 1997, proposals will be due by May 1 of the year preceding that fiscal year (e.g., May 1, 1995 for FY 1996).


§ 85.22 Grant proposals.

Grant proposals will consist of a narrative which identifies and describes the following:

(a) The need within the purposes of the Act (Coastal States with approved plans should indicate how the activities contained in the proposal implements the plan);

(b) Discrete objective(s) to be accomplished during a specified time period that address the need(s);

(c) Expected results or benefits from accomplishing the objectives, including the numbers of recreational vessels and people served;

(d) The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, cooperators, grant location, innovative

and maintenance of pumpout and dump stations, including floating restrooms in the water, not connected to land or structures connected to the land, used solely by boaters. Eligible grant activities also include any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, haulage costs, and any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

(c) Ineligible activities:

(1) Activities that do not provide public benefits.

(2) Enforcement activities.

(3) Construction/renovation of upland restroom facilities.

(4) Construction, renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment.

§ 85.21 Application procedures.

(a) Eligible applicants will submit their proposals to the appropriate Regional Office of the U.S. Fish and Wildlife Service. Coastal States submitting proposals for both the coastal zone and the inland portion of their States, must submit two separate proposals. The Regional Office addresses follow:

Region 1 States Include—American Samoa, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington

Division of Federal Aid, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181, (503) 221-6129

Region 2 States Include—Arizona, New Mexico, Oklahoma, and Texas

Division of Federal Aid, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW., Albuquerque, New Mexico 87103, (505) 766-2095

Region 3 States Include—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin

Division of Federal Aid, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111-4806, (612) 725-3596

Region 4 States Include—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands

Division of Federal Aid, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345, (404) 679-4159

Region 5 States Include—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia

Division of Federal Aid, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035-9589, (413) 253-8501

Region 6 States Include—Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, and Wyoming

Division of Federal Aid, U.S. Fish and Wildlife Service, 134 Federal Building, P.O. Box 25486, Denver, Colorado 80225

134 Union Boulevard, third floor, Lakewood, Colorado 80225, (303) 226-7392

Region 7 State Includes—Alaska

Division of Federal Aid, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786-3495

(b) Proposals will be accepted for FY 1995 funds ($7.05 million) between the effective date and April 29, 1994. For FY 1996 and FY 1997, proposals will be due by May 1 of the year preceding that fiscal year (e.g., May 1, 1995 for FY 1996).

§ 85.30 Grant selection criteria.

The Director shall give priority consideration to grant proposals that meet the criteria listed in Subsections a–h and in the accompanying chart:

(a) In coastal States that have no survey or plan, proposals to complete such survey and plan;

(b) Proposals for constructing and renovating pumpout and dump stations without an approved plan;

(c) In coastal States, proposals for constructing and renovating pumpout and dump stations in accordance with a coastal State’s plan approved under section 5603(c) of the Clean Vessel Act, and for inland States, proposals for constructing and renovating pumpout and dump stations in accordance with an inland State’s plan;

(d) Proposals that provide for public/private partnership efforts to develop and operate pumpout and dump stations;

(e) Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum amount;

(f) Proposals that include an education/information component, or the State has an active, ongoing education program;

(g) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the FEDERAL REGISTER; and,

(h) Proposals in areas with high vessel/pumpout or dump station ratios.

---

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Points</th>
<th>Coastal state</th>
<th>Inland state</th>
</tr>
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<td>b. Construct w/o plan</td>
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<td>c. Construct with plan</td>
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<tr>
<td>d. Partnership</td>
<td>10</td>
<td>5</td>
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</tr>
<tr>
<td>e. Innovative approach</td>
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</tr>
<tr>
<td>f. Education</td>
<td>5</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>


§ 85.31 Grant selection.

The Fish and Wildlife Service, Division of Federal Aid, will convene a ranking panel of Federal employees, to include representatives from the Service’s Washington Office of the Division of Federal Aid, the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the U.S. Coast Guard, to review, rank, and make funding recommendations to the Director of the Fish and Wildlife Service. The Director will make the selection of eligible grants by August 1, annually. Upon selection of a proposal the appropriate Regional Office will advise the successful applicant of additional documentation requirements.

Subpart D—Conditions on Use/Acceptance of Funds

§ 85.40 Cost sharing.

(a) The Federal share shall not exceed 75% of total costs approved in the grant agreement.

(b) The provisions of 43 CFR 12.64 apply to cost sharing or matching requirements. Third party in-kind contributions must be necessary and reasonable to accomplish grant objectives and represent the current market value of noncash contributions furnished as part of the grant by another public agency, private organization, or individual.

§ 85.41 Allowable costs.

(a) Allowable grant costs are limited to those costs that are necessary and reasonable for accomplishment of approved grant objectives and meet the applicable Federal cost principles in 43 CFR 12.66(b). Purchase of informational signs, program signs, and symbols designating pumpout and dump stations, are allowable costs.
§ 85.42 Real and personal property.

(a) Applicable regulations regarding acquisition, property records, maintenance, and disposal of real property and equipment are found in 43 CFR 12.71 and 12.72. If questions arise regarding applicability, the appropriate Regional Office should be contacted.

(b) A State shall ensure that design and installation of the facilities are in accordance with the technical standards identified in the technical guidelines as published in the Federal Register.

(c) The State must ensure that facilities are operated and maintained, and that structures or related assets are used for the stated grant purpose.

§ 85.43 Signs and symbols.

(a) Signs. Facilities must display appropriate information signs at pumpout and portable toilet dump stations. Such information should indicate fees, restrictions, hours of operation, operating instructions, a contact name and 1–800–ASK–FISH telephone number for boaters to get additional information or to report an inoperable facility.

(b) Pumpout symbol. (1) At appropriate times, to increase public awareness of the Clean Vessel Act Pumpout Grant Program, use a pumpout symbol according to Service specifications. Use the pumpout symbol as follows:

(i) As a sign at the entrance to a marina advertising the presence of a pumpout and/or portable toilet dump station;

(ii) As a directional sign within a marina;

(iii) As a sign at a pumpout and/or portable toilet dump station;

(iv) As a symbol on educational and informational material; and

(v) For other uses as appropriate to advance the purposes of the Clean Vessel Act.

(2) To avoid confusion with having two symbols, use the selected symbol both for pumpout stations and portable dump stations. The Service encourages the use of this symbol as it is not copyrighted. The NOAA NOS magenta “P” within a magenta circle will continue to be used on nautical charts to identify the location of pumpout and portable toilet dump stations. NOAA will include information about the selected pumpout symbol in the U.S. Coast Pilots, a supplement to the charts, to relate this symbol to the NOAA Nautical Chart magenta “P” and circle.

(3) All recipients identified in § 85.11 should display the appropriate pumpout symbol on facilities, such as pumpout and portable toilet dump stations, or on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients also should display the symbol and should encourage use by others for the purposes stated in this paragraph (b)(3).

(4) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the symbol to advance the purposes of the Clean Vessel Act program.

(5) The following specifications shall apply: The symbol is black, the background is white, and the border is international orange. There is no standard for the black and white, but use black and white colors, not shades. The standards for the international orange color is as follows: For day boards (signs), use retroreflective international orange film. For paint, use international orange conforming to FED-STD 595B, chip number 12197 in daylight conditions. For inks, use Pantone Matching System color chart 179C. In order to ensure visibility after dark,
§ 85.43

use reflectorized film or paint, and/or artificial illumination. Pumpout symbol technical specifications to construct signs and for other purposes are available upon request.

(6) The following rules govern the graphic reproduction of the symbol:

(i) Do not use a smaller than legible symbol.

(ii) If you reduce or enlarge the symbol, maintain the same proportions.

(iii) Do not obscure the symbol by overprinting.

(iv) Do not place the symbol where it will be split by unlike backgrounds.

(v) Do not place the symbol on a background that is highly textured or patterned.

(vi) When appropriate, for economical reasons, depict the symbol in one-color (black) with a white background, rather than two-color (international orange and black) with white background.

(7) The pumpout symbol follows:

(c) Qualifying signs. (1) In conjunction with the symbol, you may use other qualifying signs below the symbol, either on the same sign or on a separate sign.

(i) You may place the message "PUMP OUT", "PUMPOUT STATION", "PORTABLE TOILET DUMP STATION", or other appropriate qualifier, beneath the symbol. Place the magenta-colored “P” and circle in front of the message to relate the pumpout symbol to the NOAA NOS nautical charts. Messages may be appropriate for several years until the symbol is understood without the message. When appropriate, substitute a black “P” and circle for economical reasons.

(ii) You may place directional arrows beneath the symbol to indicate the direction of pumpout or portable toilet dump station facilities.

(2) The following specifications shall apply: Symbols, such as directional arrows, and letters, are black, and the background is white. For using inks to create the magenta color, use PMS
§ 85.44 Fee charges for use of facilities.

A maximum of a $5.00 fee may be charged, with no justification, for use of pumpout facilities constructed, operated or maintained with grant funds. If higher fees are charged, they must be justified before the proposal can be approved. Such proceeds shall be retained, accounted for, and used by the
§ 85.45 Public access to facilities and maintenance.
All recreational vessels must have access to pumpout and dump stations funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

§ 85.46 Survey and plan standards.
(a) Survey standards. (1) Surveys should be conducted according to the technical guidelines as published in the FEDERAL REGISTER.
(2) Surveys may be conducted State-wide, if necessary, to obtain information on boats using the coastal zone.
(b) Plan standards. Plans should be developed according to the technical guidelines as published in the FEDERAL REGISTER.

§ 85.47 Program crediting.
(a) Crediting logo. As the source of funding for Clean Vessel Act facilities, the Sport Fish Restoration program should get credit through use of the Sport Fish Restoration logo. Grant recipients may use the crediting logo identified in 50 CFR 80.26 to identify projects funded by the Clean Vessel Act. The Sport Fish Restoration logo follows:

(b) Recipient logo display. Grant recipients are authorized to display the Sport Fish Restoration logo. Section 85.11 identifies recipients eligible to display the appropriate logo according to 50 CFR 80.26. Display includes on pumpout and portable toilet dump stations that grantees acquire, develop, operate or maintain by these grants, or on printed material or other visual representations relating to project accomplishments or education/information.
Display the logo in the appropriate location, according to §85.43(e). Symbol or logo size may vary. However, if your reduce or enlarge the symbol, maintain the same proportions. Recipients may require sub-recipients to display the logo.

(c) Other display of logo. Other persons or organizations may use the logo for purposes related to the Federal Aid Clean Vessel Act program as authorized in 50 CFR 80.26.

(d) Crediting language. Suggested examples of language to use when crediting the Clean Vessel Act follow:

(1) Example 1. The Sport Fish Restoration Program funded this pumpout facility through your purchase of fishing equipment and motorboat fuels.

(2) Example 2. The Sport Fish Restoration Program funded this construction through your purchase of fishing equipment and motorboat fuels.

(3) Example 3. The Sport Fish Restoration Program funded the production of this pamphlet through your purchase of fishing equipment and motorboat fuels.

(e) Logo colors. Option 1 in paragraph (e)(1) of this section describes the preferred logo colors. Use Options 2 or 3 in paragraph (e)(2) or (e)(3) of this section when necessary or to reduce costs. Do not attempt to match these Pantone Matching Systems (PMS) colors with combinations of screened process colors.

(1) Option 1. When printed 100 percent on a white background, use PMS 348.

(2) Option 2. When using four-color process printing, print the symbol in 100 percent black on a white background.

(3) Option 3. When it is not possible to follow the specifications of Options 1 or 2 in paragraph (e)(1) or (e)(2) of this section, print the logo in any 100 percent solid dark color on a contrasting light background.

(82 FR 49350, Aug. 27, 1997)

§85.48 Compliance with Federal laws, regulations, and policies.

(a) In accepting Federal funds, State representatives must agree to and certify compliance with all applicable Federal laws, regulations, and policies. This is done by submitting an assurances statement that describes the compliance requirements for Federal grants.

(b) Compliance with environmental and other laws, as defined in Service Manual 523 FW Chapter 1, may require additional documentation. Consult with Regional Offices for specific applicability.

(c) For method of payment, refer to 43 CFR part 12, 31 CFR part 205, and any other regulations referenced in these parts.

PART 86—BOATING INFRASTRUCTURE GRANT (BIG) PROGRAM

Subpart A—General Information About the Grant Program

Sec.
86.10 What does this regulation do?
86.11 What does the national BIG Program do?
86.12 Definitions of terms used in part 86.
86.13 What is boating infrastructure?
86.14 Who may apply for these grants?
86.15 How does the grant process work?
86.16 What are the information collection requirements?

Subpart B—Funding State Grant Proposals

86.20 What activities are eligible for funding?
86.21 What activities are ineligible for funding?

Subpart C—Public Use of the Facility

86.30 Must I allow the public to use the grant-funded facilities?
86.31 How much money may I charge the public to use tie-up facilities?

Subpart D—Funding Availability

86.40 How much money is available for grantees?
86.41 How long will the money be available?
86.42 What are the match requirements?
86.43 May someone else supply the match?
86.44 What are my allowable costs?
86.45 When will I receive the funds?

Subpart E—How States Apply for Grants

86.50 When must I apply?
86.51 To whom must I apply?
86.52 What information must I include in my grant proposal?
86.53 What are funding tiers?
86.54 How must I submit proposals?
86.55 What are my compliance requirements with Federal laws, regulations, and policies?
§ 86.10

Subpart F—How the Service Selects Projects To Receive Grants

86.60 What are the criteria used to select projects for grants?
86.61 What process does the Service use to select projects for grants?
86.62 What must I do after my project has been selected?
86.63 May I appeal if my project is not selected?

Subpart G—How States Manage Grants

86.70 What are my requirements to acquire, install, operate, and maintain real and personal property?
86.71 How will I be reimbursed?
86.72 Do any other Federal requirements apply to this program?
86.73 What if I do not spend all the money?
86.74 What if I need more money?

Subpart H—Reporting Requirements for the States

86.80 What are my reporting requirements for this grant program?
86.81 When are the reports due?
86.82 What must be in the reports?

Subpart I—State Use of Signs and Sport Fish Restoration Symbols

86.90 What are my responsibilities for information signs?
86.91 What are my program crediting responsibilities?
86.92 Who can use the SFR logo?
86.93 Where should I use the SFR logo?
86.94 What crediting language should I use?

Subpart J—Service Completion of the National Framework

86.100 What is the National Framework?
86.101 What is the Service schedule to adopt the National Framework?
86.102 How did the Service design the National Framework?

Subpart K—How States Will Complete Access Needs Surveys

86.110 What does the State survey do?
86.111 Must I do a survey?
86.112 What are the advantages of doing a survey?
86.113 What if I have recently completed a boat access survey?
86.114 Do I need to conduct a survey if I already have a plan for installing tie-up facilities?
86.115 How should I administer the survey?
86.116 May I change the questions in the survey?
86.117 [Reserved]

50 CFR Ch. I (10–1–02 Edition)

86.118 What does this survey instrument include?

Subpart L—Completing the Comprehensive National Assessment

86.120 What is the Comprehensive National Assessment?
86.121 What does the Comprehensive National Assessment do?
86.122 Who completes the Comprehensive National Assessment?
86.123 Comprehensive National Assessment schedule.
86.124 What are the Comprehensive National Assessment products?

Subpart M—How States Will Complete the State Program Plans

86.130 What does the State program plan do?
86.131 Must I do a plan?
86.132 What are the advantages to doing a plan?
86.133 What are the plan standards?
86.134 What if I am already carrying out a plan?
86.135 [Reserved]
86.136 What must be in the plan?
86.137 What variables should I consider?

AUTHORITY: 16 U.S.C. 777g, 777g–1.
SOURCE: 66 FR 5286, Jan. 18, 2001, unless otherwise noted.

Subpart A—General Information About the Grant Program

§ 86.10 What does this regulation do?
In this part, the terms “I,” “you,” “my,” and “your” refer to the State agency seeking participation in the national Boating Infrastructure Grant (BIG) Program. “We” and “us” refers to the Fish and Wildlife Service. This part establishes your requirements under the Sportfishing and Boating Safety Act of 1998 to:
(a) Participate in the national BIG Program,
(b) Complete your boat access survey, and
(c) Develop State plans to install tie-up facilities for transient nontrailerable recreational vessels.

§ 86.11 What does the national BIG Program do?
This program provides funds for States to construct, renovate, and maintain tie-up facilities with features for transient boaters in vessels 20 feet
U.S. Fish and Wildlife Serv., Interior

§ 86.13 What is boating infrastructure?

Boating infrastructure refers to features that provide stopover places for transient nontrailerable recreational vessels to tie up. These features include, but are not limited to:

(a) Mooring buoys (permanently anchored floats designed to tie up nontrailerable recreational vessels);
(b) Day-docks (tie-up facilities that do not allow overnight use);
(c) Navigational aids (e.g., channel markers, buoys, and directional information);
(d) Transient slips (slips that boaters with nontrailerable recreational vessels occupy for no more than 10 consecutive days);
(e) Safe harbors (facilities protected from waves, wind, tides, ice, currents, etc., that provide a temporary safe anchorage point or harbor of refuge during storms);
(f) Floating docks and fixed piers;
(g) Floating and fixed breakwaters;
(h) Dinghy docks (floating or fixed platforms that boaters with nontrailerable recreational vessels use for a temporary tie-up of their small boats to reach the shore);
(i) Restrooms;
(j) Retaining walls;
(k) Bulkheads;
(l) Dockside utilities;
(m) Pumpout stations;
(n) Recycling and trash receptacles;
(o) Dockside electric service;
(p) Dockside water supplies;
(q) Dockside pay telephones;
(r) Debris deflection booms; and
(s) Marine fueling stations.

§ 86.12 Definitions of terms used in part 86.

For the purposes of this part, the following terms are defined:

Construct means engaging in activities that produce new capital improvements and increase the value or usefulness of existing property. These activities include building new tie-up facilities or replacing or expanding existing tie-up facilities.

Grant means financial assistance the Federal Government awards to an eligible applicant.

Grant agreement means a contractual agreement used to obligate Federal Aid funds for carrying out work covered by an approved grant proposal.

Maintain means engaging in activities that allow the facility to continue to function, such as repairing docks. These activities exclude routine janitorial activities.

Navigable waters means waters connected to or part of the jurisdictional waters of the United States that transient nontrailerable recreational vessels currently use or can use.

Nontrailerable recreational vessels mean motorized boats 26 feet or more in length manufactured for and operated primarily for pleasure, including vessels leased, rented, or chartered to another person for his or her pleasure.

Proposal means a specific plan or design.

Project means a description of one or more projects for which a State requests grant funds.

Recreational waters means navigable waters that vessels use for recreational purposes.

Renovate means to rehabilitate or repair a tie-up facility to restore it to its original intended purpose, or to expand its purpose to allow transient nontrailerable recreational vessels.

States means individual States within the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Survey instrument means a tool developed by the Service and approved by OMB to assess the need for boating facilities.

Tie-up facilities mean facilities that transient nontrailerable recreational vessels occupy temporarily, not to exceed 10 consecutive days; for example, temporary shelter from a storm; a way station en route to a destination; a mooring feature for fishing; or a dock to visit a recreational, historic, cultural, natural, or scenic site.

Transient means passing through or by a place, staying 10 days or less.

Water-body means the lake, section of river, or specific area of the coast, such as a harbor or cove, where tie-up facilities or boat access sites are located.

§ 86.13 What is boating infrastructure?

Boating infrastructure refers to features that provide stopover places for transient nontrailerable recreational vessels to tie up. These features include, but are not limited to:

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(b) Day-docks (tie-up facilities that do not allow overnight use);
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(d) Transient slips (slips that boaters with nontrailerable recreational vessels occupy for no more than 10 consecutive days);
(e) Safe harbors (facilities protected from waves, wind, tides, ice, currents, etc., that provide a temporary safe anchorage point or harbor of refuge during storms);
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(g) Floating and fixed breakwaters;
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(k) Bulkheads;
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(p) Dockside water supplies;
(q) Dockside pay telephones;
(r) Debris deflection booms; and
(s) Marine fueling stations.

or more in length, and to produce and distribute information and educational materials about the program.

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(d) Transient slips (slips that boaters with nontrailerable recreational vessels occupy for no more than 10 consecutive days);
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(m) Pumpout stations;
(n) Recycling and trash receptacles;
(o) Dockside electric service;
(p) Dockside water supplies;
(q) Dockside pay telephones;
(r) Debris deflection booms; and
(s) Marine fueling stations.

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or more in length, and to produce and distribute information and educational materials about the program.

§ 86.12 Definitions of terms used in part 86.

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§ 86.13 What is boating infrastructure?

Boating infrastructure refers to features that provide stopover places for transient nontrailerable recreational vessels to tie up. These features include, but are not limited to:

(a) Mooring buoys (permanently anchored floats designed to tie up nontrailerable recreational vessels);
(b) Day-docks (tie-up facilities that do not allow overnight use);
(c) Navigational aids (e.g., channel markers, buoys, and directional information);
(d) Transient slips (slips that boaters with nontrailerable recreational vessels occupy for no more than 10 consecutive days);
(e) Safe harbors (facilities protected from waves, wind, tides, ice, currents, etc., that provide a temporary safe anchorage point or harbor of refuge during storms);
(f) Floating docks and fixed piers;
(g) Floating and fixed breakwaters;
(h) Dinghy docks (floating or fixed platforms that boaters with nontrailerable recreational vessels use for a temporary tie-up of their small boats to reach the shore);
(i) Restrooms;
(j) Retaining walls;
(k) Bulkheads;
(l) Dockside utilities;
(m) Pumpout stations;
(n) Recycling and trash receptacles;
(o) Dockside electric service;
(p) Dockside water supplies;
(q) Dockside pay telephones;
(r) Debris deflection booms; and
(s) Marine fueling stations.
§ 86.14 Who may apply for these grants?

You, with authority from your State Government. You must identify one key contact only and submit proposals through this person.

§ 86.15 How does the grant process work?

To ensure that grants address the highest national priorities identified in the Act, we make funds available on a competitive basis. You must submit your proposals by the appropriate date as specified in §86.50. You must address certain questions and criteria (listed in §86.52) to be eligible and competitive. We will conduct a panel review of all proposals, and the Service Director will make the final grant awards. You may begin work on your project only after you receive a fully executed grant agreement.

§ 86.16 What are the information collection requirements?

This part contains both routine information collection and survey requirements, as follows:

(a) The routine information collection requirements for grants applications and associated record keeping contained in this part are only those necessary to fulfill applicable requirements of 43 CFR part 12. These requirements include record keeping and reporting requirements. See 43 CFR 12.4 for information concerning OMB approval of those requirements.

(b) The revised information collection requirements related to the surveys will be submitted to OMB for approval as changed. They will not be imposed until we receive OMB approval under the provisions of 44 U.S.C. 3501 et seq. The surveys are voluntary and are for States to determine the adequacy, number, location, and quality of facilities that provide public access for all sizes of recreational boats. The public’s burden estimate for the survey is as follows:

<table>
<thead>
<tr>
<th>Type of information</th>
<th>Number of respondents</th>
<th>Average time required per response (minutes)</th>
<th>Annual burden hours</th>
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<tbody>
<tr>
<td>Boat owners: Part A</td>
<td>11,200</td>
<td>12</td>
<td>2,240</td>
</tr>
<tr>
<td>Boat owners: Part B</td>
<td>28,000</td>
<td>12</td>
<td>5,600</td>
</tr>
<tr>
<td>Boat Service Providers: Part C</td>
<td>8,400</td>
<td>20</td>
<td>2,800</td>
</tr>
<tr>
<td>Boat Service Providers: Part D</td>
<td>4,000</td>
<td>20</td>
<td>1,333</td>
</tr>
</tbody>
</table>

*These numbers are not additive since some boaters will fill out both Parts A and B, and most of the providers will fill out both Parts C and D.

(c) Send comments regarding this collection of information to the Service Information Collection Clearance Officer, MS—222 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, and the Office of Management and Budget, Department of Interior, Desk Officer, 1849 C Street, NW., Washington, DC 20503. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must send your comments to OMB by the above referenced date.

Subpart B—Funding State Grant Proposals

§ 86.20 What activities are eligible for funding?

Your project is eligible for funding if you propose to:

(a) Construct, renovate, and maintain either publicly or privately owned boating infrastructure tie-up facilities. To be eligible you must:

(1) Build these tie-up facilities on navigable waters, available to the public. You must design new construction and renovations to last at least 20 years;

(2) Design these tie-up facilities for temporary use for transient nontrailerable recreational vessels;
§ 86.30 Must I allow the public to use the grant-funded facilities?

(a) You must allow reasonable access to all recreational vessels for the useful life of the tie-up facilities. Accessible to the public means located where...
the public can reasonably reach the facility and where all boats typical to that facility can easily use it, charging equitable fees, and being open for reasonable periods. You must allow public access to the shore and basic features such as fuel and restrooms in facilities that have them. You must specify precise details of the public access in the contract with the facility manager. We do not require public access to the remainder of a park or marina where the facility is found. Nor do we require any restrictions in that park or marina.

(b) You must comply with Americans with Disabilities Act requirements when you construct or renovate all tie-up facilities under this grant.

§ 86.31 How much money may I charge the public to use tie-up facilities?

You may charge the public only a reasonable fee, based on the prevailing rate in the area. You must determine a fee that does not pose an unreasonable, competitive amount, based on other publicly and privately owned tie-up facilities in the area. You must approve any proposed changes in fee structure by a sub-grantee.

Subpart D—Funding Availability

§ 86.40 How much money is available for grants?

There is $32 million available for grants under the BIG program ($8 million per year for fiscal years 2000-2003).

§ 86.41 How long will the money be available?

Under the Act, funding for the BIG program is provided for FY 2000-2003. Each year’s funds remain available for obligation for a total of three fiscal years (e.g. FY 2000 funds will remain available through FY 2002) (16 U.S.C. 777c(b)(3)(B)).

§ 86.42 What are the match requirements?

The Act authorizes the Secretary of the Interior (through the Director of the U.S. Fish and Wildlife Service (Service)) to award grants to States to pay up to 75 percent of the cost to construct, renovate, or maintain tie-up facilities for transient nontrailerable recreational vessels. You or a partner must pay the remaining project cost—at least a 25 percent match is required. Title 43 CFR 12.64 applies to cost sharing or matching requirements for Federal grants.

§ 86.43 May someone else supply the match?

Third-party contribution, including property and in-kind services, is allowable, but must be necessary and reasonable to accomplish grant objectives. In-kind contributions must also represent the current market value of noncash contributions that the third party furnishes as part of the grant.

§ 86.44 What are my allowable costs?

(a) The State may spend grant funds to pay only costs that are necessary and reasonable to accomplish the approved grant objectives. Grant costs must meet the applicable Federal cost principles in 43 CFR 12.62. You may purchase informational and program signs as allowable costs.

(b) If you include purposes other than those eligible under the Act, you must prorate the costs equitably according to Federal cost principles in 43 CFR 12.62 and 50 CFR 80.15.

§ 86.45 When will I receive the funds?

Once you sign the grant agreement, we will make the funds available.

Subpart E—How States Apply for Grants

§ 86.50 When must I apply?

(a) We will accept proposals between February 20, 2001, and May 18, 2001, for the first grant cycle; between July 1, 2001, and September 30, 2001, for the second grant cycle; and between July 1, 2002, and September 30, 2002, for the third grant cycle. This program starts fiscal year 2000 and ends fiscal year 2003. We will have $16 million to award the first grant cycle, and $8 million each cycle after that.

(b) The annual schedule follows:
We announce the beginning of the grant cycle. You submit your grant proposal by. Regions submit the proposals to Washington by. We rank the proposals by. The Director approves proposals by. Regions finalize their grant agreements by.

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<tr>
<td>We announce the beginning of the grant cycle.</td>
<td>February 20, 2001</td>
<td>July 1, 2001</td>
<td>July 1, 2002.</td>
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§ 86.51 To whom must I apply?

You must submit your proposals to the appropriate regional office of the U.S. Fish and Wildlife Service. See the chart below for the address you will need.

<table>
<thead>
<tr>
<th>Region</th>
<th>State</th>
<th>Address</th>
<th>Telephone</th>
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<tr>
<td>2</td>
<td>Arizona, New Mexico, Oklahoma, and Texas.</td>
<td>Division of Federal Aid, U.S. Fish &amp; Wildlife Service, P.O. Box 1306, 625 Silver, SW, Suite 325, Albuquerque, NM 87102.</td>
<td>505–248–7450, Fax: 505–248–7471</td>
</tr>
<tr>
<td>6</td>
<td>Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.</td>
<td>Division of Federal Aid, U.S. Fish &amp; Wildlife Service, Denver Federal Center, P.O. Box 25486, Lake Plaza North Building, 134 Union Boulevard, 4th Floor, Denver, Colorado 80225.</td>
<td>303–236–7392, Fax: 303–236–8192</td>
</tr>
<tr>
<td>7</td>
<td>Alaska</td>
<td>Division of Federal Aid, U.S. Fish &amp; Wildlife Service, 101 East Tudor Road, Anchorage, Alaska 99503.</td>
<td>907–786–3435, Fax: 907–786–3575</td>
</tr>
</tbody>
</table>
§ 86.52 What information must I include in my grant proposals?
You must submit the following standard forms and narrative for all projects (Tier One and Tier Two) (see § 86.53):
(a) Standard Form 424 series as prescribed by the Office of Management and Budget. The SF 424 series consists of the Applications for Federal Assistance (SF 424), Budget Information—Non-Construction Programs (SF 424A), Assurances—Non-Construction Programs (SF 424B), Budget Information—Construction Programs (SF 424C), and Assurances—Construction Programs (SF 424D). Submit forms appropriate for either construction or nonconstruction projects. Forms are available from your appropriate Service Regional Office.
(b) Information requested under OMB Circular A–102 (Application Booklet for Federal Aid Grants—pending approval under the Paperwork Reduction Act).

§ 86.53 What are funding tiers?
(a) This grant program will consist of two tiers of funding.
(i) You may apply for one or both tiers.
(ii) The two tiers will allow all States some certainty of base level funding.
(b) Tier One funding will ensure broad geographical distribution to meet the needs of transient nontrailerable recreational vessels.
(c) Tier Two funding will allow States with large projects to compete with other States with large projects based on individual project merits.
(d) We describe the two tiers as follows:
   (1) Tier One Projects. (i) You may submit a proposal with an unlimited number of projects within this tier. However, your total request cannot exceed $100,000 of Federal funds for any given fiscal year.
   (ii) Tier One projects must meet the eligibility requirements in §§ 86.14 and 86.20.
   (2) Tier Two Projects. (i) While we expect available funds for Tier Two proposals to be between $3 million and $4 million per grant cycle, we have no dollar limit for Tier Two proposals. You may submit any number of projects, which we will score and rank separately according to the criteria in § 86.60.
   (ii) Each project will compete nationally against every other project in Tier Two.
   (iii) Tier Two projects must also meet the eligibility requirements in §§ 86.14 and 86.20.

§ 86.54 How must I submit proposals?
(a) You may apply for either Tier One funding or Tier Two funding or both.
(b) You may submit more than one project proposal within Tier One and Tier Two.
(c) You may submit one proposal that includes Tier One and Tier Two projects.
(d) If your proposal includes Tier One and Tier Two projects, you must describe Tier One projects separately from Tier Two projects.
(e) You must describe each project in Tier Two separately, so that the Service can rank and score each project in Tier Two separately.
(f) For the first grant cycle, which includes fiscal years 2000 and 2001, a State may submit one Tier One proposal not to exceed $100,000 per fiscal year. States should submit proposals between February 20, 2001, and May 18, 2001. We will fund one Tier One proposal per State for each fiscal year provided that each proposal meets the eligibility requirements in §§ 86.14 and 86.20. Fiscal year 2000 funds are available only for Tier One proposals. Tier One proposals need not meet the criteria in § 86.60. We will fund Tier Two proposals received between February 20, 2001, and May 18, 2001, that meet the criteria in §§ 86.14, 86.20, and 86.60 with fiscal year 2001 funds and the remainder of fiscal year 2000 funds.
(g) For the remaining grant cycles, you may submit only one proposal of Tier One projects per fiscal year.
(h) When we approve projects, the appropriate Service Regional Office will determine how many grant agreements are necessary.

§ 86.55 What are my compliance requirements with Federal laws, regulations, and policies?
(a) To receive Federal funds, you must agree to and certify compliance
U.S. Fish and Wildlife Serv., Interior § 86.60

with all applicable Federal laws, regulations, and policies. You must submit an Assurance Statement, as described in 43 CFR part 12.51(c), that describes how you comply with Federal grant requirements; and

(b) You may have to provide additional documentation to comply with environmental and other laws, as defined in Fish and Wildlife Service Manual 523 FW 1 (available on the internet at http://www.fws.gov/directives/523fw1.html). The Service Regional Office Grant Administrator may request preliminary evidence at the grant proposal stage that the proposed project will meet these compliance requirements. Consult with the appropriate Service Regional Office for specific applicability.

Subpart F—How the Service Selects Projects To Receive Grants

§ 86.60 What are the criteria used to select projects for grants?

(a) We will rank all Tier Two proposals according to the criteria in paragraph (b) of this section and the attached chart, which sets forth points we will ascribe for various factors.

(b) We will consider proposals that:

(1) Plan to construct, renovate, and maintain tie-up facilities for transient nontrailerable recreational vessels following priorities identified in your State's program plan (see Subpart M for State program plan information) that the Secretary of the Interior has approved under section 7404(c) of the Sportfishing and Boating Safety Act. 15 points.

(2) Provide for public/private and public/public partnership efforts to develop, renovate, and maintain tie-up facilities. These partners must be other than the Service and lead State agency:
   (i) One partner ................................................................. 5 points.
   (ii) Two partners ................................................................. 10 points.
   (iii) Three or more partners ................................................. 15 points.
   0-15 points.

(3) Use innovative techniques to increase the availability of tie-up facilities for transient nontrailerable recreational vessels (includes education/information).

(4) Include private, local, or other State funds in addition to the non-Federal match, described in § 86.42:
   (i) Twenty-six percent to thirty-five percent .......................... 5 points.
   (ii) Between thirty-six and forty-nine percent ......................... 10 points.
   (iii) Fifty percent and above ............................................... 15 points.
   0-10 points.

(5) Are cost efficient. Proposals are cost efficient when the tie-up facility or access site's features add a high value compared with the funds from the proposal, for example, where you construct a small feature such as a transient mooring dock within an existing harbor that adds high value and opportunity to existing features (restrooms, utilities, etc.). A proposal that requires installing all of the above features would add less value for the cost.

(6) Provide a significant link to prominent destination way points such as those near metropolitan population centers, cultural or natural areas, or that provide safe harbors from storms. 10 points.

(7) Provide access to recreational, historic, cultural, natural, or scenic opportunities of national, regional, or local significance. Projects that provide access to opportunities of national, regional, or local significance receive 5 points for each, for a maximum of 15 points.

(8) Provide significant positive economic impacts to a community. For example, a project that costs $100,000 and attracts a number of boaters who altogether spend $1 million a year in the community. 1-5 points.

(9) Include multi-State efforts that result in coordinating location of tie-up facilities. 5 points.

(10) Total possible points .......................................................... 105 points.
§ 86.61 What process does the Service use to select projects for grants?

The Service’s Division of Federal Aid convenes a panel of professional staff to review, rank, and recommend funding to the Service Director. This panel will include representatives from the Service’s Washington, DC, and Regional Offices. The Director may convene an advisory panel of nongovernmental organizations to advise and make recommendations to the Federal panel. The Service Director will select projects for grants by August 16, 2001, August 10, 2001, and August 10, 2002, for the three grant cycles.

§ 86.62 What must I do after my project has been selected?

After we approve your award, we will notify you to work with the appropriate Service Regional Office to fulfill the grant documentation requirements and finalize the grant agreement.

§ 86.63 May I appeal if my project is not selected?

If you have a difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work, you may appeal to the Director. Final determination rests with the Secretary of the Interior (30 CFR 80.7).

Subpart G—How States Manage Grants

§ 86.70 What are my requirements to acquire, install, operate, and maintain real and personal property?

(a) You will find applicable regulations for this subject in 43 CFR 12.71 and 12.72. If you have questions about applicability, contact the appropriate Service Regional Office.

(b) You must ensure that the design and installation of tie-up facilities provide for substantial structures that will have a significant longevity, at least 20 years.

(c) You must ensure that you operate, maintain, and use the tie-up facilities and features for the stated grant purpose. You must obtain prior written approval from the appropriate Service Regional Director before you can convert these tie-up facilities to other uses.

§ 86.71 How will I be reimbursed?

For details on how we will pay you, refer to 43 CFR 12.61.

§ 86.72 Do any other Federal requirements apply to this program?

For administrative requirements not covered under these specific guidelines, check 43 CFR 12, which generally applies to all Federal grant programs.

§ 86.73 What if I do not spend all the money?

Funds not obligated or expended after 3 fiscal years from the date of the award revert to the Secretary of Transportation for use in State recreational boating safety programs. (16 U.S.C. 777c(b)(3)(B), 16 U.S.C. 777c(b)(4))

§ 86.74 What if I need more money?

Funds for grants are available only on a competitive basis. Therefore, if you need more money, you must compete in the next grant cycle.

Subpart H—Reporting Requirements for the States

§ 86.80 What are my reporting requirements for this grant program?

(a) For all projects, you must submit to the appropriate Service Regional Office an annual report and a final performance report and otherwise comply with 43 CFR 12.80.

(b) For Tier Two projects, you must submit quarterly reports according to 43 CFR 12.80.

§ 86.81 When are the reports due?

Reports are due as follows:

(a) Annual reports are due 90 days after the grant year ends;

(b) The final performance report is due 90 days after the expiration or termination of grant support;
§ 86.101 What is the Service schedule to adopt the National Framework?

The Secretary of the Interior adopted the National Framework on September 28, 2000 via a notice in the FEDERAL REGISTER (Volume 65, Number 189, Page 58284).
§ 86.102 How did the Service design the National Framework?

The Framework divides the survey into two components: boater survey, and boat access provider survey.

(a) The purpose of the boater survey component is to identify boat user preferences and concerns for existing and needed access available to the public.

(1) The nontrailerable boat data set will fulfill informational needs for you to develop your State program plans as called for in the Act.

(2) The boater survey will survey registered boat owners in your State for two types of boats:
   (i) Part A—for nontrailerable recreational vessels.
   (ii) Part B—for trailerable and "car-top" boats (less than 26 feet long).

(b) The purpose of the boat access provider component is to identify boat access providers’ ideas about current and needed facility and site locations and perceptions of boat user preferences and concerns regarding access. We developed these questions to guide interviews of boat access facility and site managers.

(1) The nontrailerable boat data set will fulfill the informational needs for you to develop your State program plans as called for in the Act.

(2) The boat access provider survey will survey facility providers in your State for two types of boats:
   (i) Part C—a survey to all providers in your State who allow public access, including State agency and non-State entities (Federal and local government entities, corporate and private/commercial providers), and operate tie-up facilities for nontrailerable recreational vessels.
   (ii) Part D—a survey to all providers in your State who allow public access and operate boat access sites for boats less than 26 feet long.

Subpart K—How States Will Complete Access Needs Surveys

§ 86.110 What does the State survey do?

The State survey determines the status of boating access facilities for all recreational boats in your State and your future boater access needs.

§ 86.111 Must I do a survey?

The Act does not require surveys. They are voluntary. However, if you do a survey, you must complete it following the National Framework to receive funds. You must transmit the results to the Service Regional Offices in a common electronic format, such as Microsoft Word, Word Perfect, Excel or Quattro Pro.

§ 86.112 What are the advantages of doing a survey?

Surveys provide the information necessary to fully understand the needs of boaters in your State. Surveys allow you to develop a meaningful plan to provide better access to boaters. Use surveys to complete the plan.

§ 86.113 What if I have recently completed a boat access survey?

If the recent survey substantially answers the provisions in § 86.118, the appropriate Service Regional Office will determine if it is sufficient to meet the needs of the program. If the Regional Office determines that the survey is not sufficient, you must complete that portion(s) or an entire new survey to receive credit for completing a recent survey.

§ 86.114 Do I need to conduct a survey if I already have a plan for installing tie-up facilities?

You need not conduct the survey if the appropriate Secretary of the Interior certifies that you have developed and are carrying out a State program plan, as described in Subpart M of this chapter, that ensures that public boat access exists and is adequate to meet the needs of recreational boaters on your waters.

§ 86.115 How should I administer the survey?

Use a consultant or university specializing in administration of such surveys. Use sample sizes large enough to achieve statistical accuracy so the estimate is within plus or minus 10 percent of the true number.

(a) You may use a telephone, mail, or other type of survey for a sample population of boaters within the State. Costs for telephone and mail surveys are roughly similar. However, response
rates for mail surveys are generally lower.

(b) For boat access providers, we prefer that you survey all State agency and non-State providers, but you may survey a sample population.

(c) You may develop your own methodology to collect data, which may include telephone, mail, fax, or other inventory means. We do not expect you to use automated, electronic, mechanical, or similar means of information collection.

(d) Data collected are unique to each respondent. Data collection should use standard survey method criteria to gather information from each respondent.

§ 86.116 May I change the questions in the survey?

You must not change the questions because we need information that is comparable nationwide. We have developed a survey instrument for completing the surveys. We are seeking approval from OMB on the survey questions and the OMB approval does not extend to additional questions.

§ 86.117 [Reserved]

§ 86.118 What does this survey instrument include?

(a) We divided this survey into four parts. Part A being for transient nontrailerable boat owners. Part B is for trailerable or “car-top” boat owners. Part C is for State agency and non-State providers of facilities for nontrailerable recreational vessels in the State. Part D is for State and non-State providers of access sites for trailerable and car-top boats.

(b) Follow these instructions to complete Part A—BOAT OWNER SURVEY FOR TIE-UP FACILITIES FOR NONTRAILERABLE RECREATIONAL VESSELS:

(1) If the boater owns a nontrailerable recreational vessel, ask the boater to fill out Part A;

(2) If the boater owns more than one boat 26 feet or more in length, ask the boater to provide information for the boat he or she uses most;

(3) If the boater owns at least one boat more than and at least one boat less than 26 feet in length, ask the boater to fill out both Parts A and B; and

(4) You should use a sample size large enough to achieve statistical accuracy so the estimate is within 10 percent of the true number.

(c) Follow these instructions to complete Part B—BOAT OWNER SURVEY FOR TRAILERABLE OR “CAR-TOP” BOAT ACCESS SITES:

(1) If the boater owns a boat less than 26 feet long, ask the boater to fill out Part B;

(2) If the boater owns more than one boat less than 26 feet long, ask the boater to provide information for the boat he or she uses most;

(3) If the boater owns at least one boat more than and at least one boat less than 26 feet in length, ask the boater to provide information for the boat he or she uses most;

(4) You should use a sample size large enough to achieve statistical accuracy so the estimate is within 10 percent of the true number.

(d) Parts C and D are surveys for providers of tie-up facilities and boat access sites. Part C is for State agency and non-State providers of facilities for nontrailerable recreational vessels in the State. Part D is for State and non-State providers of boat access sites for boats less than 26 feet in length.

(e) Follow these instructions to complete Part C—STATE AGENCY AND NON-STATE PROVIDER SURVEY FOR TIE-UP FACILITIES:

(1) Ask State agency and non-State providers of tie-up facilities for nontrailerable recreational vessels to fill out Part C.

(2) If more than one State agency manages these facilities, send this survey to all of those agencies.

(3) If the State agency or non-State provider awards grants to others who provide facilities, ask these grantees to respond for these facilities instead of the State agency or non-State provider.

(4) If a State agency or non-State provider operates facilities and sites for both nontrailerable and trailerable boats, ask the provider to fill out both Parts C and D.

(5) Ask State agency and non-State providers to identify all tie-up facilities.
§ 86.120 What is the Comprehensive National Assessment?

The Comprehensive National Assessment is a national report integrating the results of State boat access needs and facility surveys.

§ 86.121 What does the Comprehensive National Assessment do?

The Comprehensive National Assessment determines nationwide the adequacy, number, location, and quality of public tie-up facilities and boat access sites for all sizes of recreational boats.

§ 86.122 Who completes the Comprehensive National Assessment?

The Service completes the Assessment. We will develop standards in consultation with the States.

§ 86.123 Comprehensive National Assessment schedule.

Using the results from the State surveys, the Service will compile the results and produce the Comprehensive National Assessment by September 30, 2003.

§ 86.124 What are the Comprehensive National Assessment products?

The Comprehensive National Assessment products are:

(a) A single report, including the following information:
   (1) A national summary of all the information gathered in the State surveys.
   (2) A table of States showing the results of the information gathered.
   (3) One-page individual State summaries of the information.
   (4) Appendices that include the survey questions, and names, addresses, and telephone numbers of State contacts.
   (5) An introduction, background, methodology, results, and findings.
   (6) Information on the following:
      (i) Boater trends, such as what types of boats they own, where they boat, and how often they boat.
      (ii) Boater needs, such as where facilities and sites are now found, where boaters need new facilities and boat access sites, and what changes of features boaters need at these facilities and sites, and
      (iii) Condition of facilities.
   (b) Summary report abstracting important information from the final national report. And
   (c) A key findings fact sheet suitable for widespread distribution.

Subpart M—How States Will Complete the State Program Plans

§ 86.130 What does the State program plan do?

The State program plan identifies the construction, renovation, and maintenance of tie-up facilities needed
to meet nontrailerable recreational vessel user needs in the State.

§ 86.131 Must I do a plan?

The Act does not require plans. Plans are voluntary. However, if you do a plan, you must complete it following these regulations.

§ 86.132 What are the advantages to doing a plan?

Plans provide the information necessary to fully understand the needs of boaters operating nontrailerable recreational vessels in your State. The plan will make you more competitive when you submit grants under this program. We will give you 15 points for having an approved plan.

§ 86.133 What are the plan standards?

You must base State program plans on a recent, completed survey following the National Framework.

§ 86.134 What if I am already carrying out a plan?

You need not develop a program plan if we certify that you have developed and are carrying out a plan that ensures public boat access is and will be adequate to meet the needs of recreational boaters on your waters.

§ 86.135 [Reserved]

§ 86.136 What must be in the plan?

The plan must:

(a) Identify current boat use and patterns of use.
(b) Identify current tie-up facilities and features open to the public and their condition.
(c) Identify boat access user needs and preferences and their desired locations. Include repair, replacement, and expansion needs and new tie-up facilities and features needed.
(d) Identify factors that inhibit boating in specific areas, such as lack of facilities, or conditions attached that inhibit full use of facilities. Identify strategies to overcome these problems.
(e) Include information about the longevity of current tie-up facilities.

§ 86.137 What variables should I consider?

You should consider the following variables:

(a) Location of population centers,
(b) Boat-based recreation demand,
(c) Cost of development,
(d) Local support and commitment to maintenance,
(e) Water-body size,
(f) Nature of the fishery and other resources,
(g) Geographic distribution of existing tie-up facilities,
(h) How to balance the need for new tie-up facilities with the cost to maintain and improve existing facilities.
PART 90—FEEDING DEPREDATING MIGRATORY WATERFOWL

Subpart A—Introduction

Sec.
90.1 General.
90.2 Scope of regulations.

Subpart B—Use of Surplus Grain

90.11 Statutory provisions.
90.12 Interpretation.
90.13 Policy.
90.14 Waterfowl depredation complaints; where filed.
90.15 Criteria to govern approval of applications.
90.16 Actions following investigation.
90.17 Compliance with other regulations.


SOURCE: 38 FR 6675, Mar. 12, 1973, unless otherwise noted.

Subpart A—Introduction

§ 90.1 General.
Any person having an interest in a crop and who is suffering damage due to depredations by migratory waterfowl may file a complaint and apply for surplus grain for use in feeding programs to augment the natural source of food available to migratory waterfowl to aid in the prevention of crop damage by such birds, as provided for in these regulations.

§ 90.2 Scope of regulations.

Subpart B—Use of Surplus Grain

§ 90.11 Statutory provisions.
Section 1 of the Act of July 3, 1956, as amended (70 Stat. 492, 7 U.S.C. 442–445) provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary shall requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the Act provides that, upon a finding that any area in the United States is threatened with damage to farmers’ crops by migratory waterfowl, the Secretary is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop deprivations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 90.12 Interpretation.
The authorization contained in the Act limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and such grain may not be made available for the feeding of any other species of migratory birds, whether or not such other species of migratory birds are committing or threatening to commit crop damage. Further, the Act does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, nor for any purpose incident to migratory waterfowl management not related to the prevention of crop damage. Accordingly, such grain shall not be made available pursuant to the Act to augment or to substitute for natural sources of migratory waterfowl food except as may be determined by the Secretary to be necessary to aid in the prevention of crop damage by such birds.
§ 90.13 Policy.
Whenever it is found necessary to conduct feeding programs under this section for the purposes of preventing crop damage by migratory waterfowl, it shall be the policy of the Secretary for the purposes of economy and efficiency to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or a State.

§ 90.14 Waterfowl depredation complaints; where filed.
Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in §90.15 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the U.S. Fish and Wildlife Service regional office having administrative jurisdiction over the wildlife activities in the State where the affected crops are located. (See §2.2 for geographical jurisdiction and addresses of regional offices.) Such applications may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of Federal, State, or local governmental body shall be deemed to be a “person” and to have such an interest in crops threatened with damages as to qualify him as an applicant.

§ 90.15 Criteria to govern approval of applications.
Upon receipt of a written application for such grain for use in preventing crop depredations, the Regional Director shall promptly cause an investigation to be made, when necessary, to determine whether the applicant is in fact entitled to have such grain made available for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the game department of the State in which the affected crops are located and a representative of the Regional Director. When conducting such investigations, each of the factors set forth in paragraphs (a) to (d) of this section shall be considered separately. An application for grain shall not be approved if it is determined that one or more of these factors minimizes the extent of crop damage or provides another effective method of preventing the complained of damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of a species which are susceptible of being effectively lured away from the crops by the use of such grain.

(b) The crop damage or threatened crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage); and must affect growing crops or mature unharvested crops that are in such condition as to be marketable or have value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of any of the privileges granted in permits authorized by this chapter I to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) During an open hunting season, it must be shown that the area affected by crop damage has been and is now open to public hunting and there has been a clear demonstration that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 90.16 Actions following investigation.
Upon receipt of a report and recommendations based upon an investigation conducted under §90.15, the Secretary shall make a determination that the applicant meets the qualifications for receiving grain. He shall then determine the quantity of grain, either bagged or in bulk, to be made available; the means of transportation; and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall
§ 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

Subpart A—Introduction

Sec.
91.1 Purpose of regulations.
91.2 Definitions.
91.3 Public attendance at contest.

91.4 Eligible species.

Subpart B—Procedures for Entering the Contest

91.11 Contest deadlines.
91.12 Contest eligibility.
91.13 Technical requirements for design and submission of entry.
91.14 Restrictions on subject matter to entry.
91.15 Suitability of entry for engraving.
91.16 Submission procedures for entry.
91.17 Property insurance for entries.
91.18 Failure to comply with contest regulations.

Subpart C—Procedures for Administering the Contest

91.21 Selection and qualification of contest judges.
91.22 Display of entries for contest.
91.23 Scoring criteria for contest.
91.24 Contest procedures.

Subpart D—Post-Contest Procedures

91.31 Return of entries after contest.

[56 FR 22815, May 16, 1991]

§ 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
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.

§ 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 perpicillata)
(9) White-winged Scoter (Melanitta fusca)
(10) Bufflehead (Bucephala albeola)
(11) Barrow’s Goldeneye (Bucephala islandica)
(12) Common Goldeneye (Bucephala clangula)
(b) Mergansers. (1) Hooded Mergansers (Lophodytes cucullatus)
(2) Red-breasted Merganser (Mergus serrator)
(3) Common Merganser (Mergus merganser)
(1) Stiff Tails. (1) Ruddy Duck (Oxyura jamaicensis)

Subpart B—Procedures for Entering the Contest

§ 91.11 Contest deadlines.

(a) The contest will officially open on July 1 of each year.
§ 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 signed Reproduction Rights and Display and Participation Agreements.

§ 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 (1⁄4) inch in total thickness. Entries must not be framed, under glass, or have a protective covering that is attached to the entry.

§ 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 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.

§ 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.

§ 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.
U.S. Fish and Wildlife Serv., Interior

§ 91.24 Contest procedures.
(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
§ 91.31
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.

[56 FR 22816, May 16, 1991]

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

Subpart A—General Provisions

Sec.
92.1 Purpose of regulations.
92.2 Authority.
92.3 Applicability and scope.
92.4 Definitions.
92.5 Who is eligible to participate?
92.6 Use and possession of migratory birds.
92.7—92.9 [Reserved]

Subpart B—Program Structure

92.10 Alaska Migratory Bird Co-management Council.
92.11 Regional management areas.
92.12 Relationship to the process for developing national hunting regulations for migratory game birds.
92.13—92.19 [Reserved]

Subpart C—General Regulations Governing Subsistence Harvest

92.20—92.29 [Reserved]

Subpart D—Annual Regulations Governing Subsistence Harvest

92.30 General overview of regulations.
92.31—92.39 [Reserved]


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.
§ 92.2 Authority.

The Secretary of the Interior issues the regulations in this part under the authority granted to the Secretary by the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703–712.

§ 92.3 Applicability and scope.

(a) In general. The regulations in this part apply to all eligible persons harvesting migratory birds and their eggs for subsistence purposes in Alaska between the dates of March 10 and September 1. The provisions in this part do not replace or alter the regulations set forth in part 20 of this chapter, which relate to the hunting of migratory game birds and crows during the regular open season from September 1 through March 10. The provisions set forth in this part implement the exception to the closed season, which authorizes the taking of migratory birds in Alaska for subsistence purposes between March 10 and September 1.

(b) Land ownership. This part does not alter the legal authorities of Federal and State land managing agencies or the legal rights of private land owners to close their respective lands to the taking of migratory birds.

(c) Federal public lands. The provisions of this part are in addition to, and do not supersede, any other provision of law or regulation pertaining to national wildlife refuges or other federally managed lands.

(d) Migratory bird permits. The provisions of this part do not alter the terms of any permit or other authorization issued pursuant to part 21 of this chapter.

(e) State laws for the protection of migratory birds. No statute or regulation of the State of Alaska relieves a person from the restrictions, conditions, and requirements contained in this part. Nothing in this part, however, prevents the State of Alaska from making and enforcing laws or regulations that are consistent with the regulations in this part, the conventions between the United States and any foreign country for the protection of migratory birds, and the Migratory Bird Treaty Act, and that give further protection to migratory birds.

§ 92.4 Definitions.

The following definitions apply to all regulations contained in this part:

Alaska Native means the same as “Native,” defined in section 3(b) of the Alaska Native Claims Settlement Act, 16 U.S.C. 1602(b).


Eligible person means an individual within the State of Alaska who qualifies to harvest migratory birds and their eggs for subsistence purposes during the spring and summer.

Excluded areas are defined in §92.5.

Flyway Council means the Atlantic, Mississippi, Central, or Pacific Flyway Council.

Immediate family means spouse, children, parents, grandchildren, grandparents, and siblings.

Included areas are defined in §92.5.

Indigenous inhabitant means a permanent resident of a village within a subsistence harvest area, regardless of race.

Migratory bird, for the purposes of this part, means the same as defined in §10.12 of this chapter. Species are listed in §10.13 of this chapter.

Native means the same as “Alaska Native” as defined in this section.

Nonwasteful taking means making a reasonable effort to retrieve all birds killed or wounded, and retaining such birds in possession between the place where taken and the hunter’s permanent or temporary place of residence, or to the location where the birds will be consumed or preserved for food.

Partner organization or regional partner means a regional or local organization, or a local or tribal government that has entered into a formal agreement with the U.S. Fish and Wildlife Service for the purpose of coordinating the regional programs necessary to involve subsistence hunters in the regulatory process described in this part.

Permanent resident means any person whose primary, permanent home for the previous 12 months was within a subsistence harvest area in Alaska. Whenever absent from this primary, permanent home, the person has the intention of returning to it. Factors
demonstrating a person’s primary, permanent home may include: an address listed on an Alaska Permanent Fund dividend application; an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; voter registration; location of residences owned, rented, or leased; location of stored household goods; the residence of the person’s spouse, minor children, or dependents; tax documents; whether the person claims residence in another location for any purpose; or status as a tribal member of a tribe in a subsistence harvest area.

Service Regulations Committee means the Migratory Bird Regulations Committee of the U.S. Fish and Wildlife Service.

State means State of Alaska.

Subsistence means the customary and traditional harvest or use of migratory birds and their eggs by eligible indigenous inhabitants for their own nutritional and other essential needs.

Subsistence harvest areas encompass customary and traditional hunting areas of villages in Alaska that qualify for a spring or summer subsistence harvest of migratory birds under this part.

Village is defined as a permanent settlement with one or more year-round residents.

§ 92.5 Who is eligible to participate?

If you are a permanent resident of a village within a subsistence harvest area, you will be eligible to harvest migratory birds and their eggs for subsistence purposes in the spring and summer.

(a) Included areas. Village areas located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, or in areas north and west of the Alaska Range are subsistence harvest areas, except that villages within these areas not meeting the criteria for a subsistence harvest area as identified in paragraph (c) of this section will be excluded from the spring and summer subsistence harvest. Any person may request the Co-management Council to recommend that an otherwise included area be excluded by submitting a petition stating how the area does not meet the criteria identified in paragraph (c) of this section. The Co-management Council will forward petitions to the appropriate regional management body for review and recommendation. The Co-management Council will then consider each petition and will submit to the U.S. Fish and Wildlife Service any recommendations to exclude areas from the spring and summer subsistence harvest. The U.S. Fish and Wildlife Service will publish any approved recommendations to exclude areas in subpart D of this part.

(b) Excluded areas. Village areas located in Anchorage, the Matanuska-Susitna or Fairbanks North Star Boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, or Southeast Alaska generally do not qualify for a spring or summer harvest. Communities located within one of these areas may petition the Co-management Council through their designated regional management body for designation as a spring and summer subsistence harvest area. The petition must state how the community meets the criteria identified in paragraph (c) of this section. The Co-management Council will consider each petition and will submit to the U.S. Fish and Wildlife Service any recommendations to designate a community as a spring and summer subsistence harvest area. The U.S. Fish and Wildlife Service will publish any approved recommendations to designate a community as a spring and summer subsistence harvest area in subpart D of this part.

(c) Criteria for determining designation as a spring and summer subsistence harvest area. A previously excluded community may be included in the spring/summer harvest regulations if recommended by the Alaska Migratory Bird Co-management Council. The Alaska Migratory Bird Co-management Council will recommend designation of subsistence harvest areas based on a deliberative process using the best available information on nutritional and cultural needs and customary and traditional use. The Alaska Migratory Bird Co-management Council recommendations will accommodate traditional spring and summer harvests without creating new traditions or increasing harvest of migratory birds. Recommendations will be made based on the majority of factors and the
weight of the evidence using the following criteria:

1. A pattern of use recurring in the spring and summer of each year prior to 1999, excluding interruptions by circumstances beyond the user’s control;
2. The consistent harvest and use of migratory birds on or near the user’s permanent residence;
3. A use pattern that includes the handing down of knowledge of hunting skills and values from generation to generation;
4. A use pattern in which migratory birds are shared or distributed among others within a definable community of persons; a community for purposes of subsistence uses may include specific villages or towns, with a historical pattern of subsistence use; and
5. A use pattern that includes reliance for subsistence purposes upon migratory birds or their eggs and that meets nutritional and other essential needs including, but not limited to, cultural, social, and economic elements of the subsistence way of life.

(d) Participation by residents in excluded areas. In cases where it is appropriate to assist indigenous inhabitants in meeting their nutritional and other essential needs, or for the teaching of cultural knowledge to or by their immediate family members, residents of excluded areas may participate in the customary spring and summer subsistence harvest in a village’s subsistence harvest area with the permission of the village council. Eligibility for participation will be developed and recommended by the Co-management Council and adopted or amended by regulations published in subpart D of this part.

§92.6 Use and possession of migratory birds.

Harvest and possession of migratory birds must be done using nonwasteful taking. You may not take birds for purposes other than human consumption. You may not sell, offer for sale, purchase, or offer to purchase migratory birds, their parts, or their eggs taken under this part, only if you are an eligible participant as determined in §92.5.

§§92.7—92.9 [Reserved]

Subpart B—Program Structure

§92.10 Alaska Migratory Bird Co-management Council.

(a) Establishment. The U.S. Fish and Wildlife Service hereby establishes, as authorized by the Protocol amending the Canada Treaty, a statewide management body to be known as the Alaska Migratory Bird Co-management Council.

(b) Membership. The Co-management Council must include Alaska Native, Federal, and State of Alaska representatives, as equals.

1. The Federal and State governments will each seat one representative. The Federal representative will be appointed by the Alaska Regional Director of the U.S. Fish and Wildlife Service, and the State representative will be appointed by the Commissioner of the Alaska Department of Fish and Game. Regional partner organizations will seat 1 representative from each of the 7 regions identified in §92.11(a), except that a region having more than 1 partner organization may send a representative from each partner organization for a maximum of 12 regional representatives.

2. The Federal and State representatives and the collective Native representatives will each have one vote, for a total of three votes for the entire council.

(c) Roles and responsibilities. The Co-management Council is authorized to:

1. Hold public meetings for the purpose of conducting business related to spring and summer subsistence harvest of migratory birds;
2. Develop recommendations for regulations governing the spring and summer subsistence harvest of migratory birds and their eggs;
3. Develop recommendations for, among other things, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection;
§ 92.11 Regional management areas.

(a) Regions identified. The Alaska Regional Director of the U.S. Fish and Wildlife Service hereby establishes seven geographic regions based on common subsistence resource use patterns. You may obtain maps delineating the boundaries of the seven regions from the U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. The regions are identified as follows:

1. Southeast, Gulf of Alaska and Cook Inlet;
2. Aleutian/Pribilof Islands and Kodiak Archipelago;
3. Bristol Bay;
4. Yukon-Kuskokwim Delta;
5. Bering Straits;
6. Northwest Arctic and Arctic Slope; and
7. Interior.

(b) Regional partnerships. The U.S. Fish and Wildlife Service will establish partner agreements with at least one partner organization in each of the seven regions. The partner organization identified must be willing and able to coordinate the regional program on behalf of all subsistence hunters within that region. A regional partner will:

1. Organize or identify one or more management bodies within the region in which it is located.
2. Determine how the management body for the region should be organized, the manner in which it should function, its size, who serves on it, the length of terms, methods of involving subsistence users, and other related matters.
3. Coordinate regional meetings and the solicitation of proposals.
4. Ensure appointment of a person to represent the region by serving on the Co-management Council. If a region
consists of more than one partner organization, each partner organization may appoint a member to sit on the Co-management Council.

(5) Keep the residents of villages within the region informed of issues related to the subsistence harvest of migratory birds.

(6) Work cooperatively with the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game to gather harvest data, numbers of subsistence users, and other management data and traditional knowledge for the benefit of the management bodies.

(c) Regional management bodies. (1) Regional management bodies must provide a forum for the collection and expression of opinions and recommendations regarding spring and summer subsistence harvesting of migratory birds. They must develop requests and recommendations from the region to be presented to the Co-management Council for deliberation. They must provide for public participation in the meetings at which recommendations and requests are formulated.

(2) Requests and recommendations to the Co-management Council may involve seasons and bag limits, methods and means, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, habitat protection, and other concerns related to migratory bird subsistence programs.

(3) Regional management bodies may be established specifically for the purpose of carrying out the responsibilities identified in this part, or they may be existing entities that can add these responsibilities to their existing duties.

§ 92.30 General overview of regulations.
(a) The taking, possession, transportation, and other uses of migratory birds are generally prohibited unless specifically authorized by regulation developed in accordance with the Migratory Bird Treaty Act. Therefore, harvesting migratory birds is prohibited unless regulations are established ensuring the protection of the various populations of migratory birds. Migratory bird population levels, production, and habitat conditions vary annually. These conditions differ within Alaska and throughout North America. Therefore, the regulations governing migratory bird hunting may include annual adjustments to keep harvests within acceptable levels.

(b) The development of the regulations in this part, like the development of the annual migratory game bird hunting regulations (found in part 20 of this chapter). Final spring/summer regulations for Alaska will be published in the Federal Register in the preceding Fall.

§§ 92.13–92.19 [Reserved]

Subpart C—General Regulations Governing Subsistence Harvest

§§ 92.20–92.29 [Reserved]

Subpart D—Annual Regulations Governing Subsistence Harvest

§ 92.30 General overview of regulations.
§§ 92.31—92.39  

Hunting regulations in part 20 of this chapter, involves annual data gathering programs to determine migratory bird population status and trends, evaluate habitat conditions, determine harvests, and consider other factors having an impact on the anticipated size of annual populations.

(c) The Service proposes annual migratory game bird hunting regulations in the Federal Register in the spring for seasons beginning September 1 of that year. Following consideration of additional biological information and public comment, the Service publishes supplemental proposals throughout the summer. These are also open to public comment.

(d) Sections 92.31 through 92.39 provide for the annual harvest of migratory birds and their eggs during spring and summer for subsistence users in Alaska.

§§ 92.31—92.39 [Reserved]
PART 100—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

Subpart A—General Provisions

Sec.
100.1 Purpose.
100.2 Authority.
100.3 Applicability and scope.
100.4 Definitions.
100.5 Eligibility for subsistence use.
100.6 Licenses, permits, harvest tickets, tags, and reports.
100.7 Restriction on use.
100.8 Penalties.
100.9 Information collection requirements.

Subpart B—Program Structure

100.10 Federal Subsistence Board.
100.11 Regional advisory councils.
100.12 Local advisory committees.
100.13 Board/agency relationships.
100.14 Relationship to State procedures and regulations.
100.15 Rural determination process.
100.16 Customary and traditional use determination process.
100.17 Determining priorities for subsistence uses among rural Alaska residents.
100.18 Regulation adoption process.
100.19 Special actions.
100.20 Request for reconsideration.
100.21 [Reserved]

Subpart C—Board Determinations

100.22 Subsistence resource regions.
100.23 Rural determinations.
100.24 Customary and traditional use determinations.

Subpart D—Subsistence Taking of Fish and Wildlife

100.25 Subsistence taking of fish, wildlife, and shellfish; general regulations.
100.26 Subsistence taking of wildlife.
100.27 Subsistence taking of fish.
100.28 Subsistence taking of shellfish.


Source: 67 FR 30563, May 7, 2002, unless otherwise noted.

§ 100.1 Purpose.

The regulations in this part implement the Federal Subsistence Management Program on public lands within the State of Alaska.

§ 100.2 Authority.

The Secretary of the Interior and Secretary of Agriculture issue the regulations in this part pursuant to authority vested in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3101–3126.

§ 100.3 Applicability and scope.

(a) The regulations in this part implement the provisions of Title VIII of ANILCA relevant to the taking of fish and wildlife on public lands in the State of Alaska. The regulations in this part do not permit subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA, where subsistence taking and uses are prohibited. The regulations in this part do not supersede agency-specific regulations.

(b) The regulations contained in this part apply on all public lands including all non-navigable waters located on these lands, on all navigable and non-navigable water within the exterior boundaries of the following areas, and on inland waters adjacent to the exterior boundaries of the following areas:

(1) Alaska Maritime National Wildlife Refuge;
(2) Alaska Peninsula National Wildlife Refuge;
(3) Aniakchak National Monument Wildlife Refuge;
(4) Arctic National Wildlife Refuge;
(5) Becharof National Wildlife Refuge;
(6) Bering Land Bridge National Preserve;
(7) Cape Krusenstern National Monument;
(8) Chugach National Forest, excluding marine waters;
(9) Denali National Preserve and the 1980 additions to Denali National Park;
(10) Gates of the Arctic National Park and Preserve;
(11) Glacier Bay National Preserve;
(12) Innoko National Wildlife Refuge;
(13) Izembek National Wildlife Refuge;
(14) Katmai National Preserve;
(15) Kanuti National Wildlife Refuge;
(16) Kenai National Wildlife Refuge;
(17) Kobuk Valley National Park;
(18) Kodiak National Wildlife Refuge;
(19) Koyukuk National Wildlife Refuge;
(20) Lake Clark National Park and Preserve;
(21) National Petroleum Reserve in Alaska;
(22) Noatak National Preserve;
(23) Nowitna National Wildlife Refuge;
(24) Selawik National Wildlife Refuge;
(25) Steese National Conservation Area;
(26) Tetlin National Wildlife Refuge;
(27) Togiak National Wildlife Refuge;
(28) Tongass National Forest, including Admiralty Island National Monument and Misty Fjords National Monument, and excluding marine waters;
(29) White Mountain National Recreation Area;
(30) Wrangell-St. Elias National Park and Preserve;
(31) Yukon-Charley Rivers National Preserve;
(32) Yukon Delta National Wildlife Refuge;
(33) Yukon Flats National Wildlife Refuge;
(34) All components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Alagnak River, Beaver Creek, Birch Creek, Delta River, Fortymile River, Gulkana River, and Unalakleet River.

Agency means a subunit of a cabinet-level Department of the Federal Government having land management authority over the public lands including, but not limited to, the U.S. Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and USDA Forest Service.


Area, District, Subdistrict, and Section mean one of the geographical areas defined in the codified Alaska Department of Fish and Game regulations found in Title 5 of the Alaska Administrative Code.

Barter means the exchange of fish or wildlife or their parts taken for subsistence uses; for other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and non-commercial nature.

Board means the Federal Subsistence Board as described in §100.10.

Commissions means the Subsistence Resource Commissions established pursuant to section 806 of ANILCA.

Conservation of healthy populations of fish and wildlife means the maintenance of fish and wildlife resources and their habitats in a condition that assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystem, including the recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; ensures the maximum practicable diversity of options for the future; and recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.

Customary trade means exchange for cash of fish and wildlife resources regulated in this part, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and
§ 100.4

does not include trade which constitutes a significant commercial enterprise.

Customary and traditional use means a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation. This use plays an important role in the economy of the community.


Family means all persons related by blood, marriage, or adoption or any other person living within the household on a permanent basis.

Federal Advisory Committees or Federal Advisory Committee means the Federal Local Advisory Committees as described in §100.12.

Federal lands means lands and waters and interests therein the title to which is in the United States, including navigable and non-navigable waters in which the United States has reserved water rights.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the carcass or part thereof.

Game Management Unit or GMU means one of the 26 geographical areas listed under game management units in the codified State of Alaska hunting and trapping regulations and the Game Unit Maps of Alaska.

Inland Waters means, for the purposes of this part, those waters located landward of the mean high tide line or the waters located upstream of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea.

Marine Waters means, for the purposes of this part, those waters located seaward of the mean high tide line or the waters located seaward of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea.

Person means an individual and does not include a corporation, company, partnership, firm, association, organization, business, trust, or society.

Public lands or public land means:

(1) Lands situated in Alaska which are Federal lands, except—
   (i) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;
   (ii) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et seq., which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and
   (iii) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1618(b).

(2) Notwithstanding the exceptions in paragraphs (1)(i) through (iii) of this definition, until conveyed or interim conveyed, all Federal lands within the boundaries of any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Forest Monument, National Recreation Area, National Conservation Area, new National forest or forest addition shall be treated as public lands for the purposes of the regulations in this part pursuant to section 906(o)(2) of ANILCA.

Regional Councils or Regional Council means the Regional Advisory Councils as described in §100.11.

Regulatory year means July 1 through June 30, except for fish and shellfish where it means March 1 through the last day of February.

Reserved water right(s) means the Federal right to use unappropriated appurtenant water necessary to accomplish the purposes for which a Federal reservation was established. Reserved water rights include nonconsumptive and consumptive uses.

Resident means any person who has his or her primary, permanent home
for the previous 12 months within Alaska and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to: the address listed on an Alaska Permanent Fund dividend application; an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; affidavit of person or persons who know the individual; voter registration; location of residences owned, rented, or leased; location of stored household goods; residence of spouse, minor children, or dependents; tax documents; or whether the person claims residence in another location for any purpose.

Rural means any community or area of Alaska determined by the Board to qualify as such under the process described in §100.15.

Secretary means the Secretary of the Interior, except that in reference to matters related to any unit of the National Forest System, such term means the Secretary of Agriculture.

State means the State of Alaska.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Year means calendar year unless another year is specified.

§100.5 Eligibility for subsistence use.

(a) You may take fish and wildlife on public lands for subsistence uses only if you are an Alaska resident of a rural area or rural community. The regulations in this part may further limit your qualifications to harvest fish or wildlife resources for subsistence uses. If you are not an Alaska resident or are a resident of a non-rural area or community listed in §100.23, you may not take fish or wildlife on public lands for subsistence uses under the regulations in this part.

(b) Where the Board has made a customary and traditional use determination regarding subsistence use of a specific fish stock or wildlife population, in accordance with, and as listed in, §100.24, only those Alaskans who are residents of rural areas or communities designated by the Board are eligible for subsistence taking of that population or stock on public lands for subsistence uses under the regulations in this part. If you do not live in one of those areas or communities, you may not take fish or wildlife from that population or stock, on public lands under the regulations in this part.

(c) Where customary and traditional use determinations for a fish stock or wildlife population within a specific area have not yet been made by the Board (e.g., "no determination"), all Alaskans who are residents of rural areas or communities may harvest for subsistence from that stock or population under the regulations in this part.

(d) The National Park Service may regulate further the eligibility of those individuals qualified to engage in subsistence uses on National Park Service lands in accordance with specific authority in ANILCA, and National Park Service regulations at 36 CFR Part 13.

§100.6 Licenses, permits, harvest tickets, tags, and reports.

(a) If you wish to take fish and wildlife on public lands for subsistence uses, you must be an eligible rural Alaska resident and:

(1) Possess the pertinent valid Alaska resident hunting and trapping licenses (no license required to take fish or shellfish, but you must be an Alaska resident) unless Federal licenses are required or unless otherwise provided for in subpart D of this part;

(2) Possess and comply with the provisions of any pertinent Federal permits (Federal Subsistence Registration Permit or Federal Designated Harvester Permit) required by subpart D of this part; and
(3) Possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State unless any of these documents or individual provisions in them are superseded by the requirements in subpart D of this part.

(b) In order to receive a Federal Subsistence Registration Permit or Federal Designated Harvester Permit or designate someone to harvest fish or wildlife for you under a Federal Designated Harvester Permit, you must be old enough to have reasonably harvested that species yourself (or under the guidance of an adult.)

(c) If you have been awarded a permit to take fish and wildlife, you must have that permit in your possession during the taking and must comply with all requirements of the permit and the regulations in this section pertaining to validation and reporting and to regulations in subpart D of this part pertaining to methods and means, possession and transportation, and utilization. Upon the request of a State or Federal law enforcement agent, you must also produce any licenses, permits, harvest tickets, tags, or other documents required by this section. If you are engaged in taking fish and wildlife under the regulations in this part, you must allow State or Federal law enforcement agents to inspect any apparatus designed to be used, or capable of being used to take fish or wildlife, or any fish or wildlife in your possession.

(d) You must validate the harvest tickets, tags, permits, or other required documents before removing your kill from the harvest site. You must also comply with all reporting provisions as set forth in subpart D of this part.

(e) If you take fish and wildlife under a community harvest system, you must report the harvest activity in accordance with regulations specified for that community in subpart D of this part, and as required by any applicable permit conditions. Individuals may be responsible for particular reporting requirements in the conditions permitting a specific community’s harvest. Failure to comply with these conditions is a violation of the regulations in this part. Community harvests are reviewed annually under the regulations in subpart D of this part.

(f) You may not make a fraudulent application for Federal or State licenses, permits, harvest tickets or tags or intentionally file an incorrect harvest report.

§ 100.7 Restriction on use.

(a) You may not use fish or wildlife or their parts, taken pursuant to the regulations in this part, unless provided for in this part.

(b) You may not exchange in customary trade or sell fish or wildlife or their parts, taken pursuant to the regulations in this part, unless provided for in this part.

(c) You may barter fish or wildlife or their parts, taken pursuant to the regulations in this part, unless restricted in §§100.25, 100.26, 100.27, or 100.28.

§ 100.8 Penalties.

If you are convicted of violating any provision of 50 CFR Part 100 or 36 CFR Part 242, you may be punished by a fine or by imprisonment in accordance with the penalty provisions applicable to the public land where the violation occurred.

§ 100.9 Information collection requirements.

(a) The rules in this part contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501–3520. They apply to fish and wildlife harvest activities on public lands in Alaska. Subsistence users will not be required to respond to an information collection request unless a valid OMB number is displayed on the information collection form.

(1) Section 100.6. Licenses, permits, harvest tickets, tags, and reports. The information collection requirements contained in §100.6 (Federal Subsistence Registration Permit or Federal Designated Harvester Permit forms) provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. Identity and location of residence are required to determine if you are eligible for a permit and a report of success is required after a harvest attempt. These requirements are not duplicative.
with the requirements of paragraph (a)(3) of this section. The regulations in §100.6 require this information before a rural Alaska resident may engage in subsistence uses on public lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 0.25 hours.

(2) Section 100.20, Request for reconsideration. The information collection requirements contained in §100.20 provide a standardized process to allow individuals the opportunity to appeal decisions of the Board. Submission of a request for reconsideration is voluntary but required to receive a final review by the Board. We estimate that a request for reconsideration will take 4 hours to prepare and submit.

(3) The remaining information collection requirements contained in this part imposed upon subsistence users are those adopted from State regulations. These collection requirements would exist in the absence of Federal subsistence regulations and are not subject to the Paperwork Reduction Act. The burden in this situation is negligible, and information gained from these reports is systematically available to Federal managers by routine computer access requiring less than 1 hour.

(b) You may direct comments on the burden estimate or any other aspect of the burden estimate to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, N.W., MS 222 ARLSQ, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, D.C. 20503. Additional information requirements may be imposed if Local Advisory Committees or additional Regional Councils, subject to the Federal Advisory Committee Act (FACA), are established under subpart B of this part. Such requirements will be submitted to OMB for approval prior to their implementation.

Subpart B—Program Structure

Source: 67 FR 30563, May 7, 2002, unless otherwise noted.

§ 100.10 Federal Subsistence Board.

(a) The Secretary of the Interior and Secretary of Agriculture hereby establish a Federal Subsistence Board, and assign it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands, and the related promulgation and signature authority for regulations of subparts C and D of this part. The Secretaries, however, retain their existing authority to restrict or eliminate hunting, fishing, or trapping activities which occur on lands or waters in Alaska other than public lands when such activities interfere with subsistence hunting, fishing, or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority.

(b) Membership. (1) The voting members of the Board are: a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.

(2) [Reserved]

(c) Liaisons to the Board are: a State liaison, and the Chairman of each Regional Council. The State liaison and the Chairman of each Regional Council may attend public sessions of all Board meetings and be actively involved as consultants to the Board.

(d) Powers and duties. (1) The Board shall meet at least twice per year and at such other times as deemed necessary. Meetings shall occur at the call of the Chair, but any member may request a meeting.

(2) A quorum consists of four members.

(3) No action may be taken unless a majority of voting members are in agreement.

(4) The Board is empowered, to the extent necessary, to implement Title VIII of ANILCA, to:

(i) Issue regulations for the management of subsistence taking and uses of fish and wildlife on public lands;
(ii) Determine which communities or areas of the State are rural or non-rural;
(iii) Determine which rural Alaska areas or communities have customary and traditional subsistence uses of specific fish and wildlife populations;
(iv) Allocate subsistence uses of fish and wildlife populations on public lands;
(v) Ensure that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes;
(vi) Close public lands to the non-subsistence taking of fish and wildlife;
(vii) Establish priorities for the subsistence taking of fish and wildlife on public lands among rural Alaska residents;
(viii) Restrict or eliminate taking of fish and wildlife on public lands;
(ix) Determine what types and forms of trade of fish and wildlife taken for subsistence uses constitute allowable customary trade;
(x) Authorize the Regional Councils to convene;
(xi) Establish a Regional Council in each subsistence resource region and recommend to the Secretaries, appointees to the Regional Councils, pursuant to the FACA;
(xii) Establish Federal Advisory Committees within the subsistence resource regions, if necessary, and recommend to the Secretaries that members of the Federal Advisory Committees be appointed from the group of individuals nominated by rural Alaska residents;
(xiii) Establish rules and procedures for the operation of the Board, and the Regional Councils;
(xiv) Review and respond to proposals for regulations, management plans, policies, and other matters related to subsistence taking and uses of fish and wildlife;
(xv) Enter into cooperative agreements or otherwise cooperate with Federal agencies, the State, Native organizations, local governmental entities, and other persons and organizations, including international entities to effectuate the purposes and policies of the Federal subsistence management program;
(xvi) Develop alternative permitting processes relating to the subsistence taking of fish and wildlife to ensure continued opportunities for subsistence;
(xvii) Evaluate whether hunting, fishing, or trapping activities which occur on lands or waters in Alaska other than public lands interfere with subsistence hunting, fishing, or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority, and after appropriate consultation with the State of Alaska, the Regional Councils, and other Federal agencies, make a recommendation to the Secretaries for their action;
(xviii) Identify, in appropriate specific instances, whether there exists additional Federal reservations, Federal reserved water rights or other Federal interests in lands or waters, including those in which the United States holds less than a fee ownership, to which the Federal subsistence priority attaches, and make appropriate recommendation to the Secretaries for inclusion of those interests within the Federal Subsistence Management Program; and
(xix) Take other actions authorized by the Secretaries to implement Title VIII of ANILCA.

(5) The Board may implement one or more of the following harvest and harvest reporting or permit systems:

(i) The fish and wildlife is taken by an individual who is required to obtain and possess pertinent State harvest permits, tickets, or tags, or Federal permit (Federal Subsistence Registration Permit);

(ii) A qualified subsistence user may designate another qualified subsistence user (by using the Federal Designated Harvester Permit) to take fish and wildlife on his or her behalf;

(iii) The fish and wildlife is taken by individuals or community representatives permitted (via a Federal Subsistence Registration Permit) a one-time or annual harvest for special purposes including ceremonies and potlatches; or

(iv) The fish and wildlife is taken by representatives of a community permitted to do so in a manner consistent
with the community’s customary and traditional practices.

(6) The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.

(7) The Board shall establish a Staff Committee for analytical and administrative assistance composed of members from the U.S. Fish and Wildlife Service, National Park Service, U.S. Bureau of Land Management, Bureau of Indian Affairs, and USDA Forest Service. A U.S. Fish and Wildlife Service representative shall serve as Chair of the Staff Committee.

(8) The Board may establish and dissolve additional committees as necessary for assistance.

(9) The U.S. Fish and Wildlife Service shall provide appropriate administrative support for the Board.

(10) The Board shall authorize at least two meetings per year for each Regional Council.

(e) Relationship to Regional Councils.

(1) The Board shall consider the reports and recommendations of the Regional Councils concerning the taking of fish and wildlife on public lands within their respective regions for subsistence uses. The Board may choose not to follow any Regional Council recommendation which it determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, would be detrimental to the satisfaction of subsistence needs, or in closure situations, for reasons of public safety or administration or to assure the continued viability of a particular fish or wildlife population. If a recommendation is not adopted, the Board shall set forth the factual basis and the reasons for the decision, in writing, in a timely fashion.

(2) The Board shall provide available and appropriate technical assistance to the Regional Councils.

§ 100.11 Regional advisory councils.

(a) The Board shall establish a Regional Council for each subsistence resource region to participate in the Federal subsistence management program. The Regional Councils shall be established, and conduct their activities, in accordance with the FACA. The Regional Councils shall provide a regional forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife resources on public lands. The Regional Councils shall provide for public participation in the Federal regulatory process.

(b) Establishment of Regional Councils; membership.

(1) The number of members for each Regional Council shall be established by the Board, and shall be an odd number. A Regional Council member must be a resident of the region in which he or she is appointed and be knowledgeable about the region and subsistence uses of the public lands therein. The Board shall accept nominations and make recommendations to the Secretaries for representatives on the Regional Councils. Appointments to the Regional Councils shall be made by the Secretaries.

(2) Regional Council members shall serve 3-year terms and may be reappointed. Initial members shall be appointed with staggered terms up to 3 years.

(3) The Chair of each Regional Council shall be elected by the applicable Regional Council, from its membership, for a 1-year term and may be reelected.

(c) Powers and Duties.

(1) The Regional Councils are authorized to:

(i) Hold public meetings related to subsistence uses of fish and wildlife within their respective regions, after the Chair of the Board or the designated Federal Coordinator has called the meeting and approved the meeting agenda;

(ii) Elect officers;

(iii) Review, evaluate, and make recommendations to the Board on proposals for regulations, policies, management plans, and other matters relating to the subsistence take of fish and wildlife under the regulations in this part within the region;

(iv) Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;
(v) Encourage local and regional participation, pursuant to the provisions of the regulations in this part in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(vi) Prepare and submit to the Board an annual report containing—
   (A) An identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
   (B) An evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
   (C) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
   (D) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy;

(vii) Appoint members to each Subsistence Resource Commission within their region in accordance with the requirements of Section 808 of ANILCA;

(viii) Make recommendations on determinations of customary and traditional uses of subsistence resources;

(ix) Make recommendations on determinations of rural status;

(x) Make recommendations regarding the allocation of subsistence uses among rural Alaska residents pursuant to §100.17;

(xi) Develop proposals pertaining to the subsistence taking and use of fish and wildlife under the regulations in this part, and review and evaluate such proposals submitted by other sources;

(xii) Provide recommendations on the establishment and membership of Federal Advisory Committees.

(2) The Regional Councils shall:

(i) Operate in conformance with the provisions of FACA and comply with rules of operation established by the Board;

(ii) Perform other duties specified by the Board.

(3) The Regional Council recommendations to the Board should be supported by substantial evidence, be consistent with recognized principles of fish and wildlife conservation, and not be detrimental to the satisfaction of subsistence needs.

§ 100.12 Local advisory committees.

(a) The Board shall establish such local Federal Advisory Committees within each region as necessary at such time that it is determined, after notice and hearing and consultation with the State, that the existing State fish and game advisory committees do not adequately provide advice to, and assist, the particular Regional Council in carrying out its function as set forth in §100.11.

(b) Local Federal Advisory Committees, if established by the Board, shall operate in conformance with the provisions of the FACA, and comply with rules of operation established by the Board.

§ 100.13 Board/agency relationships.

(a) General. (1) The Board, in making decisions or recommendations, shall consider and ensure compliance with specific statutory requirements regarding the management of resources on public lands, recognizing that the management policies applicable to some public lands may entail methods of resource and habitat management and protection different from methods appropriate for other public lands.

(2) The Board shall issue regulations for subsistence taking of fish and wildlife on public lands. The Board is the final administrative authority on the promulgation of subparts C and D regulations relating to the subsistence taking of fish and wildlife on public lands.

(3) Nothing in the regulations in this part shall enlarge or diminish the authority of any agency to issue regulations necessary for the proper management of public lands under their jurisdiction in accordance with ANILCA and other existing laws.

(b) Section 808 of ANILCA establishes National Park and Park Monument Subsistence Resource Commissions. Nothing in the regulations in this part affects the duties or authorities of these commissions.

§ 100.14 Relationship to State procedures and regulations.

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent
§ 100.15 Rural determination process.

(a) The Board shall determine if an area or community in Alaska is rural. In determining whether a specific area of Alaska is rural, the Board shall use the following guidelines:

(1) A community or area with a population of 2,500 or less shall be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is considered to be socially and economically a part of an urbanized area.

(2) Communities or areas with populations above 2,500 but not more than 7,000 will be determined to be rural or non-rural.

(3) A community with a population of more than 7,000 shall be presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.

(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor shall be utilized in this process.

(b) The Board shall periodically review rural determinations. Rural determinations shall be reviewed on a 10-year cycle, commencing with the publication of the year 2000 U.S. census. Rural determinations may be reviewed out-of-cycle in special circumstances. Once the Board makes a determination that a community has changed from rural to non-rural, a waiting period of 5 years shall be required before the non-rural determination becomes effective.

(c) Current determinations are listed at §100.23.
§ 100.16 Customary and traditional use determination process.

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community’s or area’s use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:

(1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;

(2) A pattern of use recurring in specific seasons for many years;

(3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;

(4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;

(5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;

(6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;

(7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

(8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

(c) The Board shall take into consideration the reports and recommendations of any appropriate Regional Council regarding customary and traditional uses of subsistence resources.

(d) Current determinations are listed in §100.24.

§ 100.17 Determining priorities for subsistence uses among rural Alaska residents.

(a) Whenever it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the rural Alaska residents after considering any recommendation submitted by an appropriate Regional Council.

(b) The priority shall be implemented through appropriate limitations based on the application of the following criteria to each area, community, or individual determined to have customary and traditional use, as necessary:

(1) Customary and direct dependence upon the populations as the mainstay of livelihood;

(2) Local residency; and

(3) The availability of alternative resources.

(c) If allocation on an area or community basis is not achievable, then the Board shall allocate subsistence opportunity on an individual basis through application of the criteria in paragraphs (b)(1) through (3) of this section.

(d) In addressing a situation where prioritized allocation becomes necessary, the Board shall solicit recommendations from the Regional Council in the area affected.

§ 100.18 Regulation adoption process.

(a) Proposals for changes to the Federal subsistence regulations in subparts C or D of this part shall be accepted by the Board according to a published schedule. The Board may establish a rotating schedule for accepting proposals on various sections of subpart C or subpart D regulations over a period of years. The Board shall develop and publish proposed regulations in the Federal Register and publish notice in local newspapers. Comments on the proposed regulations in the form of proposals shall be distributed for public review.
§ 100.19

(1) Proposals shall be made available for at least a thirty (30) day review by the Regional Councils. Regional Councils shall forward their recommendations on proposals to the Board. Such proposals with recommendations may be submitted in the time period as specified by the Board or as a part of the Regional Council’s annual report described in §100.11, whichever is earlier.

(2) The Board shall publish notice throughout Alaska of the availability of proposals received.

(3) The public shall have at least thirty (30) days to review and comment on proposals.

(4) After the comment period the Board shall meet to receive public testimony and consider the proposals. The Board shall consider traditional use patterns when establishing harvest levels and seasons, and methods and means. The Board may choose not to follow any recommendation which the Board determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation approved by a Regional Council is not adopted by the Board, the Board shall set forth the factual basis and the reasons for its decision in writing to the Regional Council.

(5) Following consideration of the proposals the Board shall publish final regulations pertaining to subparts C and D of this part in the Federal Register.

(b) Proposals for changes to subparts A and B of this part shall be accepted by the Secretary of the Interior in accordance with 43 CFR part 14.

§ 100.19 Special actions.

(a) The Board may restrict, close, or reopen the taking of fish and wildlife for non-subsistence uses on public lands when necessary to assure the continued viability of a particular fish or wildlife population, to continue subsistence uses of a fish or wildlife population, or for reasons of public safety or administration.

(b) The Board may open, close, or restrict subsistence uses of a particular fish or wildlife population on public lands to assure the continued viability of a fish or wildlife population, to continue subsistence uses of a fish or wildlife population, or for reasons of public safety or administration.

(c) The Board will accept a request for a change in seasons, methods and means, harvest limits and/or restrictions on harvest under this §100.19 only if there are extenuating circumstances necessitating a regulatory change before the next annual subpart D proposal cycle. Extenuating circumstances include unusual and significant changes in resource abundance or unusual conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence uses. Requests for Special Action that do not meet these conditions will be rejected; however, a rejected Special Action request will be deferred, if appropriate, to the next annual regulatory proposal cycle for consideration, after coordination with the submitter. In general, changes to Customary and Traditional Use Determinations will only be considered through the annual subpart C proposal cycle.

(d) In an emergency situation, the Board may immediately open, close, liberalize, or restrict subsistence uses of fish and wildlife on public lands, or close or restrict non-subsistence uses of fish and wildlife on public lands, if necessary to assure the continued viability of a fish or wildlife population, to continue subsistence uses of fish or wildlife, or for public safety reasons. Prior to implementing an emergency action, the Board shall consult with the State. The emergency action shall be effective when directed by the Board, may not exceed 60 days, and may not be extended unless it is determined by the Board, after notice and public hearing, that such action should be extended. The Board shall, in a timely manner, provide notice via radio announcement or personal contact of the emergency action and shall publish notice and reasons justifying the emergency action in newspapers of any area affected, and in the Federal Register thereafter.
(e) After consultation with the State, the appropriate Regional Advisory Council(s), and adequate notice and public hearing, the Board may make or direct a temporary change to close, open, or adjust the seasons, to modify the harvest limits, or to modify the methods and means of harvest for subsistence uses of fish and wildlife populations on public lands. An affected rural resident, community, Regional Council, or administrative agency may request a temporary change in seasons, harvest limits, or methods or means of harvest. In addition, a temporary change may be made only after the Board determines that the proposed temporary change will not interfere with the conservation of healthy fish and wildlife populations, will not be detrimental to the long-term subsistence use of fish or wildlife resources, and is not an unnecessary restriction on non-subsistence users. The decision of the Board shall be the final administrative action. The temporary change shall be effective when directed by the Board following notice in the affected area(s). This notice may include publication in newspapers or announcement on local radio stations. The Board shall publish notice and reasons justifying the temporary action in the FEDERAL REGISTER thereafter. The length of any temporary change shall be confined to the minimum time period or harvest limit determined by the Board to be necessary to satisfy subsistence uses. A temporary opening or closure will not extend beyond the regulatory year for which it is promulgated.

(f) Regulations authorizing any individual agency to direct temporary or emergency closures on public lands managed by the agency remain unaffected by the regulations in this part, which authorize the Board to make or direct restrictions, closures, or temporary changes for subsistence uses on public lands.

(g) You may not take fish and wildlife in violation of a restriction, closure, opening, or temporary change authorized by the Board.

§ 100.20 Request for reconsideration.

(a) Regulations in subparts C and D of this part published in the FEDERAL REGISTER are subject to requests for reconsideration.

(b) Any aggrieved person may file a request for reconsideration with the Board.

(c) To file a request for reconsideration, you must notify the Board in writing within sixty (60) days of the effective date or date of publication of the notice, whichever is earlier, for which reconsideration is requested.

(d) It is your responsibility to provide the Board with sufficient narrative evidence and argument to show why the action by the Board should be reconsidered. The Board will accept a request for reconsideration only if it is based upon information not previously considered by the Board, demonstrates that the existing information used by the Board is incorrect, or demonstrates that the Board’s interpretation of information, applicable law, or regulation is in error or contrary to existing law. You must include the following information in your request for reconsideration:

1. Your name, and mailing address;
2. The action which you request be reconsidered and the date of FEDERAL REGISTER publication of that action;
3. A detailed statement of how you are adversely affected by the action;
4. A detailed statement of the facts of the dispute, the issues raised by the request, and specific references to any law, regulation, or policy that you believe to be violated and your reason for such allegation;
5. A statement of how you would like the action changed.

(e) Upon receipt of a request for reconsideration, the Board shall transmit a copy of such request to any appropriate Regional Council and the Alaska Department of Fish and Game (ADFG) for review and recommendation. The Board shall consider any Regional Council and ADFG recommendations in making a final decision.

(f) If the request is justified, the Board shall implement a final decision on a request for reconsideration after compliance with 5 U.S.C. 551–559 (APA).

(g) If the request is denied, the decision of the Board represents the final administrative action.
§ 100.21 [Reserved]

Subpart C—Board Determinations

SOURCE: 64 FR 1293, Jan. 8, 1999, unless otherwise noted.

§ 100.22 Subsistence resource regions.  
(a) The Board hereby designates the following areas as subsistence resource regions:  
(1) Southeast Region;  
(2) Southcentral Region;  
(3) Kodiak/Aleutians Region;  
(4) Bristol Bay Region;  
(5) Yukon-Kuskokwim Delta Region;  
(6) Western Interior Region;  
(7) Seward Peninsula Region;  
(8) Northwest Arctic Region;  
(9) Eastern Interior Region;  
(10) North Slope Region.  
You may obtain maps delineating the boundaries of non-rural areas from the U.S. Fish and Wildlife Service.

(b) [Reserved]

[67 FR 30570, May 7, 2002]

§ 100.23 Rural determinations.  
(a) The Board has determined all communities and areas to be rural in accordance with § 100.15 except the following:  
Adak;  
Fairbanks North Star Borough;  
Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek;  
Juneau area—including Juneau, West Juneau, and Douglas;  
Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kaslof, and Clam Gulch;  
Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island;  
Municipality of Anchorage;  
Seward area—including Seward and Moose Pass, Valdez, and Wasilla area—including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenberg Butte.  
You may obtain maps delineating the boundaries of subsistence resource regions from the U.S. Fish and Wildlife Service.

(b) You may obtain maps delineating the boundaries of non-rural areas from the U.S. Fish and Wildlife Service.

[67 FR 30570, May 7, 2002]

§ 100.24 Customary and traditional use determinations.  
(a) The Federal Subsistence Board has determined that rural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land in the specified areas. Persons granted individual customary and traditional use determinations will be notified in writing by the Board. The Fish & Wildlife Service and the local NPS Superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments. A copy of the list is available upon request.

(1) Wildlife determinations. The rural Alaska residents of the listed communities and areas have a customary and traditional use of the specified species on Federal public lands within the listed areas:

<table>
<thead>
<tr>
<th>Area</th>
<th>Species</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1(C)</td>
<td>Black Bear</td>
<td>Residents of Unit 1(C), 1(D), 3, and residents of Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.</td>
</tr>
<tr>
<td>1(A)</td>
<td>Brown Bear</td>
<td>Residents of Unit 1(A) except no subsistence for residents of Hyder.</td>
</tr>
<tr>
<td>1(B)</td>
<td>Brown Bear</td>
<td>Residents of Unit 1(A), Petersburg, and Wrangel, except no subsistence for residents of Hyder.</td>
</tr>
<tr>
<td>Area</td>
<td>Species</td>
<td>Determination</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>---------------</td>
</tr>
<tr>
<td>1(C)</td>
<td>Brown Bear</td>
<td>Residents of Unit 1(C), Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.</td>
</tr>
<tr>
<td>1(D)</td>
<td>Brown Bear</td>
<td>Residents of 1(D).</td>
</tr>
<tr>
<td>1(A)</td>
<td>Deer</td>
<td>Residents of 1(A) and 2.</td>
</tr>
<tr>
<td>1(B)</td>
<td>Deer</td>
<td>Residents of Unit 1(A), residents of 1(B), 2 and 3.</td>
</tr>
<tr>
<td>1(C)</td>
<td>Deer</td>
<td>Residents of 1(C) and (D), and residents of Hoonah, Kake, and Petersburg.</td>
</tr>
<tr>
<td>1(D)</td>
<td>Deer</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>1(B)</td>
<td>Goat</td>
<td>Residents of Units 1(B) and 3.</td>
</tr>
<tr>
<td>1(C)</td>
<td>Goat</td>
<td>Residents of Haines, Kake, Klukwan, Petersburg, and Hoornah.</td>
</tr>
<tr>
<td>1(B)</td>
<td>Moose</td>
<td>Residents of Units 1, 2, 3, and 4.</td>
</tr>
<tr>
<td>1(C) Berner’s Bay</td>
<td>Moose</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>1(D)</td>
<td>Moose</td>
<td>Residents of Unit 1(D).</td>
</tr>
<tr>
<td>Unit 2</td>
<td>Brown Bear</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>1(D)</td>
<td>Moose</td>
<td>Residents of Unit 1(D).</td>
</tr>
<tr>
<td>2</td>
<td>Deer</td>
<td>Residents of Unit 1(A) and residents of Units 2 and 3.</td>
</tr>
<tr>
<td>Unit 3</td>
<td>Deer</td>
<td>Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer’s Chuck.</td>
</tr>
<tr>
<td>3, Wrangell and Mitkof Islands</td>
<td>Moose</td>
<td>Residents of Units 1(B), 2, and 3.</td>
</tr>
<tr>
<td>Unit 4</td>
<td>Brown Bear</td>
<td>Residents of Unit 4 and Kake.</td>
</tr>
<tr>
<td>4</td>
<td>Deer</td>
<td>Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.</td>
</tr>
<tr>
<td>Unit 5</td>
<td>Black Bear</td>
<td>Residents of Unit 5(A).</td>
</tr>
<tr>
<td>5</td>
<td>Brown Bear</td>
<td>Residents of Yakutat.</td>
</tr>
<tr>
<td>5</td>
<td>Deer</td>
<td>Residents of Yakutat.</td>
</tr>
<tr>
<td>5</td>
<td>Goat</td>
<td>Residents of Unit 5(A).</td>
</tr>
<tr>
<td>5</td>
<td>Moose</td>
<td>Residents of Unit 5(A).</td>
</tr>
<tr>
<td>5</td>
<td>Wolf</td>
<td>Residents of Unit 5(A).</td>
</tr>
<tr>
<td>Unit 6(A)</td>
<td>Black Bear</td>
<td>Residents of Yakutat and residents of 6(C) and 6(D), except no subsistence for Whittier.</td>
</tr>
<tr>
<td>6, remainder</td>
<td>Black Bear</td>
<td>Residents of Unit 6(C) and 6(D), except no subsistence for Whittier.</td>
</tr>
<tr>
<td>6</td>
<td>Brown Bear</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>6(A)</td>
<td>Goat</td>
<td>Residents of Units 5(A), 6(C), Chenega Bay and Tatitlek.</td>
</tr>
<tr>
<td>6(C) and (D)</td>
<td>Goat</td>
<td>Residents of Unit 6(C) and (D).</td>
</tr>
<tr>
<td>6(A)</td>
<td>Moose</td>
<td>Unit 6(A)—Residents of Units 5(A), 6(A), 6(B) and 6(C).</td>
</tr>
<tr>
<td>6(B) and (C)</td>
<td>Moose</td>
<td>Residents of Units 6(A), 6(B) and 6(C).</td>
</tr>
<tr>
<td>6(D)</td>
<td>Moose</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>6(A)</td>
<td>Wolf</td>
<td>Residents of Units 5(A), 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.</td>
</tr>
<tr>
<td>6, remainder</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
<tr>
<td>Unit 7</td>
<td>Brown Bear</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>7</td>
<td>Caribou</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>7, Brown Mountain hunt area</td>
<td>Goat</td>
<td>Residents of Port Graham and English Bay.</td>
</tr>
<tr>
<td>7, that portion draining into Kings Bay</td>
<td>Moose</td>
<td>Residents of Chenega Bay and Tatitlek.</td>
</tr>
<tr>
<td>7, remainder</td>
<td>Sheep</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>7</td>
<td>Ruffed Grouse</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>Unit 8</td>
<td>Brown Bear</td>
<td>Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Quinikke, and Port Lions.</td>
</tr>
<tr>
<td>8</td>
<td>Deer</td>
<td>Residents of Unit 8.</td>
</tr>
<tr>
<td>8</td>
<td>Elk</td>
<td>Residents of Unit 8.</td>
</tr>
<tr>
<td>8</td>
<td>Goat</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>9(A) and (B)</td>
<td>Black Bear</td>
<td>Residents of Units 9(A) and (B), and 17(A), (B), and (C).</td>
</tr>
<tr>
<td>9(A)</td>
<td>Brown Bear</td>
<td>Residents of Pedro Bay.</td>
</tr>
<tr>
<td>9(B)</td>
<td>Brown Bear</td>
<td>Residents of Unit 9(B).</td>
</tr>
<tr>
<td>9(C)</td>
<td>Brown Bear</td>
<td>Residents of Unit 9(C).</td>
</tr>
<tr>
<td>9(D)</td>
<td>Brown Bear</td>
<td>Residents of Units 9(D) and 10 (Unimak Island).</td>
</tr>
<tr>
<td>Area</td>
<td>Species</td>
<td>Determination</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>---------------</td>
</tr>
<tr>
<td>9(E)</td>
<td>Brown Bear</td>
<td>Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Iliamna, Newhalen, Nondalton, Pedo Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B).</td>
</tr>
<tr>
<td>9(A) and (B)</td>
<td>Caribou</td>
<td>Residents of Units 9(A), 9(B), 9(C) and 17.</td>
</tr>
<tr>
<td>9(C)</td>
<td>Caribou</td>
<td>Residents of Unit 9(B), 9(C), 17 and residents of Egegik.</td>
</tr>
<tr>
<td>9(D)</td>
<td>Caribou</td>
<td>Residents of Unit 9(D), and residents of Akutan, False Pass, King Cove, Nelson Lagoon, and Sand Point.</td>
</tr>
<tr>
<td>9(E)</td>
<td>Caribou</td>
<td>Residents of Units 9(B), 9(C), 17, and residents of Nelson Lagoon and Sand Point.</td>
</tr>
<tr>
<td>9(A), (B), (C) and (E)</td>
<td>Moose</td>
<td>Residents of Units 9(A), 9(B), 9(C), and 17.</td>
</tr>
<tr>
<td>9(D)</td>
<td>Moose</td>
<td>Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.</td>
</tr>
<tr>
<td>9(B)</td>
<td>Sheep</td>
<td>Residents of Iliamna, Newhalen, Nondalton, Pedo Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B).</td>
</tr>
<tr>
<td>9, remainder</td>
<td>Sheep</td>
<td>No determination.</td>
</tr>
<tr>
<td>9</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
<tr>
<td>9(A), (B), (C), &amp; (E)</td>
<td>Beaver</td>
<td>Residents of Units 9(A), 9(B), 9(C), 17, and residents of Nelson lagoon and Sand Point.</td>
</tr>
<tr>
<td>Unit 10 Unimak Island</td>
<td>Brown Bear</td>
<td>Residents of Units 9(A), 9(B) and 10 (Unimak Island).</td>
</tr>
<tr>
<td>Unit 10 Unimak Island</td>
<td>Caribou</td>
<td>Residents of Akutan, False Pass, King Cove, and Sand Point.</td>
</tr>
<tr>
<td>10, remainder</td>
<td>Caribou</td>
<td>No determination.</td>
</tr>
<tr>
<td>10</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
<tr>
<td>Unit 11</td>
<td>Bison</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>11, north of the Sanford River</td>
<td>Black Bear</td>
<td>Residents of Chistochina, Chilina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.</td>
</tr>
<tr>
<td>11</td>
<td>Black Bear</td>
<td>Residents of Chistochina, Chilina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.</td>
</tr>
<tr>
<td>11, north of the Sanford River</td>
<td>Brown Bear</td>
<td>Residents of Chistochina, Chilina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.</td>
</tr>
<tr>
<td>11, remainder</td>
<td>Brown Bear</td>
<td>Residents of Chistochina, Chilina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.</td>
</tr>
<tr>
<td>11, north of the Sanford River</td>
<td>Caribou</td>
<td>Residents of Units 11, 12, and 13 (A) and the residents of Chickaloon, Healy Lake, and Dot Lake.</td>
</tr>
<tr>
<td>11, remainder</td>
<td>Caribou</td>
<td>Residents of Units 11 and 13 (A) and the residents of Chickaloon.</td>
</tr>
<tr>
<td>11, north of the Sanford River</td>
<td>Goat</td>
<td>Residents of Unit 11 and the residents of Chilina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake.</td>
</tr>
<tr>
<td>11, remainder</td>
<td>Moose</td>
<td>Residents of Units 11, 12, and 13 (A) and the residents of Chickaloon, Healy Lake, and Dot Lake.</td>
</tr>
<tr>
<td>11, north of the Sanford River</td>
<td>Moose</td>
<td>Residents of Units 11, 13 (A) and the residents of Chickaloon.</td>
</tr>
<tr>
<td>11, north of the Sanford River</td>
<td>Sheep</td>
<td>Residents of Unit 12 and the communities and areas of Chistochina, Chilina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell South Park, Tazlina and Tonsina; residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).</td>
</tr>
<tr>
<td>Area</td>
<td>Species</td>
<td>Determination</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>--------------</td>
</tr>
<tr>
<td>11, remainder</td>
<td>Sheep</td>
<td>Residents of the communities and areas of Chisana, Chickaloon, Healy Lake, and White-tailed.</td>
</tr>
<tr>
<td>11</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
<tr>
<td>11</td>
<td>Grouse (Spruce, Blue, Ruffed and Sharp-tailed)</td>
<td>Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.</td>
</tr>
<tr>
<td>Unit 12</td>
<td>Prismatic (Rock, Willow and White-tailed)</td>
<td>Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.</td>
</tr>
<tr>
<td>12</td>
<td>Caribou</td>
<td>Residents of Units 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.</td>
</tr>
<tr>
<td>12</td>
<td>Moose</td>
<td>Residents of Unit 11 north of Milepost 62nd parallel, residents of Unit 12, 13(A)–(D) and the residents of Chickaloon, Dot Lake, and Healy Lake.</td>
</tr>
<tr>
<td>12, east of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickeral to the Canadian Border</td>
<td>Moose</td>
<td>Residents of Unit 12 and Healy Lake.</td>
</tr>
<tr>
<td>12, remainder</td>
<td>Moose</td>
<td>Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.</td>
</tr>
<tr>
<td>12</td>
<td>Sheep</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
<tr>
<td>Unit 13</td>
<td>Brown Bear</td>
<td>Residents of Unit 13 and Slana.</td>
</tr>
<tr>
<td>13(B)</td>
<td>Caribou</td>
<td>Residents of Units 11, 12 (along the Nabesna Road), 13, and residents of Unit 20(D) except Fort Greely, and the residents of Chickaloon.</td>
</tr>
<tr>
<td>13(C)</td>
<td>Caribou</td>
<td>Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, Dot Lake and Healy Lake.</td>
</tr>
<tr>
<td>13(A) &amp; (D)</td>
<td>Caribou</td>
<td>Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).</td>
</tr>
<tr>
<td>13(E)</td>
<td>Caribou</td>
<td>Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, McKinley Village, Slana, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).</td>
</tr>
<tr>
<td>13(D)</td>
<td>Goat</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>13(A) &amp; (D)</td>
<td>Moose</td>
<td>Residents of Unit 13 and the residents of Chickaloon and Slana.</td>
</tr>
<tr>
<td>13(B)</td>
<td>Moose</td>
<td>Residents of Units 13, 20(D) except Fort Greely, and the residents of Chickaloon and Slana.</td>
</tr>
<tr>
<td>13(C)</td>
<td>Moose</td>
<td>Residents of Units 12, 13 and the residents of Chickaloon, Healy Lake, Dot Lake and Slana.</td>
</tr>
<tr>
<td>13(E)</td>
<td>Moose</td>
<td>Residents of Unit 13 and the residents of Chickaloon McKinley Village, Slana, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).</td>
</tr>
<tr>
<td>13(D)</td>
<td>Sheep</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>13</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.</td>
</tr>
<tr>
<td>13</td>
<td>Grouse (Spruce, Blue, Ruffed &amp; Sharp-tailed)</td>
<td>Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 &amp; 23.</td>
</tr>
<tr>
<td>13</td>
<td>Prismatic (Rock, Willow and White-tailed)</td>
<td>Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 &amp; 23.</td>
</tr>
<tr>
<td>Unit 14(B) and (C)</td>
<td>Brown Bear</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>14</td>
<td>Goat</td>
<td>No Federal subsistence priority.</td>
</tr>
</tbody>
</table>
### Table: Area, Species, and Determination

<table>
<thead>
<tr>
<th>Area</th>
<th>Species</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>14(A) and (C)</td>
<td>Moose</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>Unit 15(C)</td>
<td>Black Bear</td>
<td>Residents of Port Graham and Nanwalek only.</td>
</tr>
<tr>
<td>15, remainder</td>
<td>Black Bear</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>15, remainder</td>
<td>Brown Bear</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>15(C), Port Graham and English Bay hunt areas</td>
<td>Goat</td>
<td>Residents of Port Graham and Nanwalek.</td>
</tr>
<tr>
<td>15(C), Seldovia hunt area</td>
<td>Goat</td>
<td>Residents Seldovia area.</td>
</tr>
<tr>
<td>15</td>
<td>Moose</td>
<td>Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.</td>
</tr>
<tr>
<td>15</td>
<td>Sheep</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residents of Unit 15.</td>
</tr>
<tr>
<td>15</td>
<td>Ptarmigan (Rock, Willow and White-tailed)</td>
<td>Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.</td>
</tr>
<tr>
<td>15</td>
<td>Grouse (Spruce)</td>
<td>Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.</td>
</tr>
<tr>
<td>15</td>
<td>Grouse (Ruffed)</td>
<td>Residents of Units 9(A) and (B), 17, and residents of Akiak and Akiachak.</td>
</tr>
<tr>
<td>Unit 16(B)</td>
<td>Black Bear</td>
<td>Residents of Units 9(A) and (B), and 17.</td>
</tr>
<tr>
<td>16</td>
<td>Brown Bear</td>
<td>Residents of Unit 17, and residents of Akiak, Akiachak, Goodnews Bay and Platinum.</td>
</tr>
<tr>
<td>16</td>
<td>Moose</td>
<td>Residents of Akiak and Akiachak.</td>
</tr>
<tr>
<td>16</td>
<td>Sheep</td>
<td>Residents of Akiak and Akiachak.</td>
</tr>
<tr>
<td>16</td>
<td>Wolf</td>
<td>Residents of Kwethluk.</td>
</tr>
<tr>
<td>16</td>
<td>Grouse (Spruce and Ruffed)</td>
<td>Residents of Unit 17.</td>
</tr>
<tr>
<td>Unit 17(A) and that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake.</td>
<td>Black Bear</td>
<td>Residents of Units 9(B), 17, and residents of Chickaloon, 15, 16, 20(D), 22 and 23.</td>
</tr>
<tr>
<td>Unit 17(A)</td>
<td>Black Bear</td>
<td>Residents of Units 9(A) and (B), and 17.</td>
</tr>
<tr>
<td>17(A)</td>
<td>Brown Bear</td>
<td>Residents of Akiak, Akiachak, and Tuluksaq.</td>
</tr>
<tr>
<td>17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.</td>
<td>Brown Bear</td>
<td>Residents of Akiak and Akiachak.</td>
</tr>
<tr>
<td>17(B), that portion draining into Nuyakuk Lake and Tikchik Lake.</td>
<td>Brown Bear</td>
<td>Residents of Unit 17.</td>
</tr>
<tr>
<td>17(A) and (C)</td>
<td>Brown Bear</td>
<td>Residents of Units 9(B), 17, and residents of Chickaloon, 15, 16, 20(D), 22 and 23.</td>
</tr>
<tr>
<td>Unit 17(A), That portion of Togiak Lake that includes Izaivieknik River drainage.</td>
<td>Black Bear</td>
<td>Residents of Akiak and Akiachak.</td>
</tr>
<tr>
<td>Unit 17(A)</td>
<td>Black Bear</td>
<td>Residents of Akiak, Akiachak, and Tuluksaq.</td>
</tr>
<tr>
<td>17(B), that portion within the Togiak National Wildlife Refuge.</td>
<td>Caribou</td>
<td>Residents of Alaska, Akiak, Akiachak, and Tuluksaq.</td>
</tr>
<tr>
<td>17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.</td>
<td>Moose</td>
<td>Residents of Kwethluk.</td>
</tr>
<tr>
<td>17(A)</td>
<td>Moose</td>
<td>Residents of Unit 17 and residents of Goodnews Bay and Platinum; however, no subsistence for residents of Akiak, Akiak and Quinhagak.</td>
</tr>
<tr>
<td>Unit 17(A)—That portion north of Togiak Lake that includes Izaivieknik River drainages.</td>
<td>Moose</td>
<td>Residents of Akiak, Akiachak.</td>
</tr>
<tr>
<td>Area</td>
<td>Species</td>
<td>Determination</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>--------------</td>
</tr>
<tr>
<td>17(B) and (C)</td>
<td>Moose</td>
<td>Residents of Unit 17 and residents of Nondalton, Levelock, Goodnews Bay, and Platinum.</td>
</tr>
<tr>
<td>17</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chichagof Island, and 16–26.</td>
</tr>
<tr>
<td>17</td>
<td>Beaver</td>
<td>Residents of Units 9(A), (B), (C), (E), and 17.</td>
</tr>
<tr>
<td>18, Unit 18</td>
<td>Black Bear</td>
<td>Residents of Unit 18, residents of Unit 19(A) living downstream of the Holokuk River, and residents of Holy Cross, Stebbins, St. Michael, Twin Hills, and Togak.</td>
</tr>
<tr>
<td>18</td>
<td>Brown Bear</td>
<td>Residents of Akiak, Akiak, Eek, Goodnews Bay, Ketchikan, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tulushak.</td>
</tr>
<tr>
<td>18(A) and (B)</td>
<td>Moose</td>
<td>Residents of Unit 18 and residents of Upper Kalskag, Aniak, and Chushaluk.</td>
</tr>
<tr>
<td>18, remainder</td>
<td>Moose</td>
<td>Residents of Unit 18 and residents of Upper Kalskag and Lower Kalskag.</td>
</tr>
<tr>
<td>18</td>
<td>Muskox</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>18</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chichagof Island, and 16–26.</td>
</tr>
<tr>
<td>19(C), (D)</td>
<td>Bison</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>19(A) and (B)</td>
<td>Brown Bear</td>
<td>Residents of Units 19 and 18 within the Kuskokwim River drainage upstream from and including the Johnson River.</td>
</tr>
<tr>
<td>19(C)</td>
<td>Brown Bear</td>
<td>Residents of Units 19(A) and (D), and residents of Tulushak and Lower Kalskag.</td>
</tr>
<tr>
<td>19(A) and (B)</td>
<td>Caribou</td>
<td>Residents of Units 19(A) and 19(B), residents of Unit 18 within the Kuskokwim River drainage upstream from and including the Johnson River, and residents of St. Marys, Marshall, Pilot Station, Russian Mission.</td>
</tr>
<tr>
<td>19(C)</td>
<td>Caribou</td>
<td>Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.</td>
</tr>
<tr>
<td>19(D)</td>
<td>Caribou</td>
<td>Residents of Unit 19(D), and residents of Lime Village, Steilacoom, and Stony River.</td>
</tr>
<tr>
<td>19(A) and (B)</td>
<td>Moose</td>
<td>Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.</td>
</tr>
<tr>
<td>Unit 19(B)</td>
<td>Moose</td>
<td>Residents of Eek and Quinhagak.</td>
</tr>
<tr>
<td>19(C)</td>
<td>Moose</td>
<td>Residents of Unit 19.</td>
</tr>
<tr>
<td>19(D)</td>
<td>Moose</td>
<td>Residents of Unit 19 and residents of Lake Minchumina.</td>
</tr>
<tr>
<td>19</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chichagof Island, and 16–26.</td>
</tr>
<tr>
<td>Unit 20(D)</td>
<td>Bison</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>20(F)</td>
<td>Black Bear</td>
<td>Residents of Units 20(F) and residents of Stevens Village and Manley.</td>
</tr>
<tr>
<td>20(E)</td>
<td>Brown Bear</td>
<td>Residents of Unit 12 and Dot Lake.</td>
</tr>
<tr>
<td>20(F)</td>
<td>Brown Bear</td>
<td>Residents of Unit 20(F) and residents of Stevens Village and Manley.</td>
</tr>
<tr>
<td>20(A)</td>
<td>Caribou</td>
<td>Residents of Cantwell, Nenana, and those domiciled between milepost 216 and 239 of the Parks Highway. No subsistence priority for residents of households of the Denali National Park Headquarters.</td>
</tr>
<tr>
<td>20(B)</td>
<td>Caribou</td>
<td>Residents of Unit 20(B), Nenana, and Tanana.</td>
</tr>
<tr>
<td>20(C)</td>
<td>Caribou</td>
<td>Residents of Unit 20(C) living east of the Telkanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Talida, and those domiciled between milepost 216 and 239 of the Parks Highway and between milepost 300 and 309. No subsistence priority for residents of households of the Troth National Park Headquarters.</td>
</tr>
<tr>
<td>20(D) and (E)</td>
<td>Caribou</td>
<td>Residents of 20(D), 20(E), and Unit 12 north of the Wrangell-St. Elias National Park and Preserve.</td>
</tr>
<tr>
<td>Area</td>
<td>Species</td>
<td>Determination</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>---------------</td>
</tr>
<tr>
<td>20(F)</td>
<td>Caribou</td>
<td>Residents of 20(F), 25(D), and Manley.</td>
</tr>
<tr>
<td>20(A)</td>
<td>Moose</td>
<td>Residents of Cantwell, Minto, and Nenana, McKinley Village, the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of household of the Denali National Park Headquarters.</td>
</tr>
<tr>
<td>20(B)</td>
<td>Moose</td>
<td>Residents of Unit 20(B).</td>
</tr>
<tr>
<td>20(C)</td>
<td>Moose</td>
<td>Residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana, Teldia, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.</td>
</tr>
<tr>
<td>20(D)</td>
<td>Moose</td>
<td>Residents of Unit 20(D) and residents of Tanacross.</td>
</tr>
<tr>
<td>20(F)</td>
<td>Moose</td>
<td>Residents of Unit 20(F), Manley, Minto, and Stevens Village.</td>
</tr>
<tr>
<td>20(F)</td>
<td>Wolf</td>
<td>Residents of Unit 20(F) and residents of Stevens Village and Manley.</td>
</tr>
<tr>
<td>20, remainder</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
<tr>
<td>20(D)</td>
<td>Grouse, (Spruce, Ruffed and Sharp-tailed), Ptarmigan (Rock and Willow).</td>
<td>Residents of Units 11, 13, and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.</td>
</tr>
<tr>
<td>20(D)</td>
<td>Grouse, (Spruce, Ruffed and Sharp-tailed), Ptarmigan (Rock and Willow).</td>
<td>Residents of Units 11, 13, and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.</td>
</tr>
<tr>
<td>Unit 21</td>
<td>Brown Bear</td>
<td>Residents of Units 21(A), 21(D), 21(E), Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.</td>
</tr>
<tr>
<td>21(A)</td>
<td>Caribou</td>
<td>Residents of Units 21(A), 21(D), 21(E), Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.</td>
</tr>
<tr>
<td>21(B) &amp; (C)</td>
<td>Caribou</td>
<td>Residents of Units 21(B), 21(C), 21(D), and Tanana.</td>
</tr>
<tr>
<td>21(D)</td>
<td>Caribou</td>
<td>Residents of Units 21(B), 21(C), 21(D), and Huslia.</td>
</tr>
<tr>
<td>21(E)</td>
<td>Caribou</td>
<td>Residents of Units 21(A), 21(E) and Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.</td>
</tr>
<tr>
<td>21(A)</td>
<td>Moose</td>
<td>Residents of Units 21(A), (E), Takotna, McGrath, Aniak, and Crooked Creek.</td>
</tr>
<tr>
<td>21(B) and (C)</td>
<td>Moose</td>
<td>Residents of Units 21(B) and (C), Tanana, Ruby, and Galena.</td>
</tr>
<tr>
<td>21(D)</td>
<td>Moose</td>
<td>Residents of Units 21(D), Huslia, and Ruby.</td>
</tr>
<tr>
<td>21(E)</td>
<td>Moose</td>
<td>Residents of Unit 21(E) and residents of Russian Mission.</td>
</tr>
<tr>
<td>21</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.</td>
</tr>
<tr>
<td>Unit 22(A)</td>
<td>Black Bear</td>
<td>Residents of Unit 22(A) and Koyuk.</td>
</tr>
<tr>
<td>22(B)</td>
<td>Black Bear</td>
<td>Residents of Unit 22(B).</td>
</tr>
<tr>
<td>22(C), (D), (E)</td>
<td>Black Bear</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>22</td>
<td>Brown Bear</td>
<td>Residents of Unit 22.</td>
</tr>
<tr>
<td>22(A)</td>
<td>Caribou</td>
<td>Residents of Unit 22(D) west of the Koyukuk and Yukon Rivers and residents of Units 22 (except residents of St. Lawrence Island), 23, 24, and residents of Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, Nunam Iqua, and Akutan.</td>
</tr>
<tr>
<td>22, remainder</td>
<td>Caribou</td>
<td>Residents of Unit 22(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24.</td>
</tr>
<tr>
<td>22</td>
<td>Moose</td>
<td>Residents of Unit 22.</td>
</tr>
<tr>
<td>22(B)</td>
<td>Muskox</td>
<td>Residents of Unit 22(B).</td>
</tr>
<tr>
<td>22(C)</td>
<td>Muskox</td>
<td>Residents of Unit 22(C).</td>
</tr>
<tr>
<td>Area</td>
<td>Species</td>
<td>Determination</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>22(D)</td>
<td>Muskrat</td>
<td>Residents of Unit 22(D) excluding St Lawrence Island.</td>
</tr>
<tr>
<td>22(E)</td>
<td>Muskrat</td>
<td>Residents of Unit 22(E) excluding Little Diomede Island.</td>
</tr>
<tr>
<td>22</td>
<td>Wolf</td>
<td>Residents of Units 23, 22, 21(D) north and west of the Yukon River, and residents of Kotlik.</td>
</tr>
<tr>
<td>22</td>
<td>Grouse (Spruce)</td>
<td>Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.</td>
</tr>
<tr>
<td></td>
<td>Ptarmigan (Rock and Willow)</td>
<td>Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.</td>
</tr>
<tr>
<td>Unit 23</td>
<td>Black Bear</td>
<td>Residents of Units 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.</td>
</tr>
<tr>
<td>23</td>
<td>Brown Bear</td>
<td>Residents of Units 21 and 23.</td>
</tr>
<tr>
<td>23</td>
<td>Caribou</td>
<td>Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, residents of Galena, and residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area and 26(A).</td>
</tr>
<tr>
<td>23</td>
<td>Moose</td>
<td>Residents of Unit 23 South of Kitzebue Sound and west of and including the Buckland River drainage.</td>
</tr>
<tr>
<td>23, remainder</td>
<td>Muskox</td>
<td>Residents of Unit 23 east and north of the Buckland River drainage.</td>
</tr>
<tr>
<td>23</td>
<td>Sheep</td>
<td>Residents of Point Lay and Unit 23 north of the Arctic Circle.</td>
</tr>
<tr>
<td>23</td>
<td>Wolf</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.</td>
</tr>
<tr>
<td></td>
<td>Grouse (Spruce and Ruffed)</td>
<td>Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.</td>
</tr>
<tr>
<td>Unit 24, that portion south of Caribou Mountain, and within the public lands composed or immediately adjacent to the Dalton Highway Corridor Management Area.</td>
<td>Ptarmigan (Rock, Willow and White-tailed)</td>
<td>Residents of Units 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.</td>
</tr>
<tr>
<td>24, remainder</td>
<td>Black Bear</td>
<td>Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.</td>
</tr>
<tr>
<td>24, that portion south of Caribou Mountain, and within the public lands composed or immediately adjacent to the Dalton Highway Corridor Management Area.</td>
<td>Brown Bear</td>
<td>Residents of Units 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.</td>
</tr>
<tr>
<td>24, remainder</td>
<td>Caribou</td>
<td>Residents of Units 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.</td>
</tr>
<tr>
<td>24</td>
<td>Moose</td>
<td>Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, Hughes, and Huslia.</td>
</tr>
<tr>
<td>24</td>
<td>Sheep</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
<tr>
<td>Unit 25(D)</td>
<td>Black Bear</td>
<td>Residents of Unit 25(D).</td>
</tr>
<tr>
<td>25</td>
<td>Brown Bear</td>
<td>Residents of Unit 25(D).</td>
</tr>
<tr>
<td>25, remainder</td>
<td>Brown Bear</td>
<td>Residents of Unit 25 and Eagle.</td>
</tr>
<tr>
<td>25(D)</td>
<td>Caribou</td>
<td>Residents of Units 20(F), 25(D), and Manley.</td>
</tr>
<tr>
<td>25(A)</td>
<td>Moose</td>
<td>Residents of Units 25(A) and 25(D).</td>
</tr>
<tr>
<td>25(D) West</td>
<td>Moose</td>
<td>Residents of Unit 25(D) west.</td>
</tr>
<tr>
<td>25(D), reminder</td>
<td>Moose</td>
<td>Residents of remainder of Unit 25.</td>
</tr>
<tr>
<td>25(A)</td>
<td>Sheep</td>
<td>Residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie.</td>
</tr>
<tr>
<td>25(B) and (C)</td>
<td>Wolf</td>
<td>No Federal subsistence priority.</td>
</tr>
<tr>
<td>25(D)</td>
<td>Sheep</td>
<td>Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.</td>
</tr>
</tbody>
</table>
### § 100.24  
Area | Species | Determination
--- | --- | ---
Unit 26 | Brown Bear | Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26(A) | Caribou | Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26(B) | Caribou | Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C) | Caribou | Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26 | Moose | Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26(A) | Muskox | Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
26(B) | Muskox | Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26(C) | Muskox | Residents of Kaktovik.
26(A) | Sheep | Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26(B) | Sheep | Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C) | Sheep | Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26 | Wolf | Residents of Units 6, 9, 10 (Unimak Island only), 19–26.

(2) **Fish determinations.** The following areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

<table>
<thead>
<tr>
<th>Area</th>
<th>Species</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kotzebue Area</td>
<td>All fish</td>
<td>Residents of the Kotzebue Area.</td>
</tr>
<tr>
<td>Norton Sound—Port Clarence Area:</td>
<td>All fish</td>
<td>Residents of Stebbins, St. Michael, and Kotlik.</td>
</tr>
<tr>
<td>Norton Sound—Port Clarence Area, waters draining into Norton Sound between Point Romanof and Canal Point.</td>
<td>All fish</td>
<td>Residents of the Norton Sound-Port Clarence Area.</td>
</tr>
<tr>
<td>Norton Sound—Port Clarence Area, remainder.</td>
<td>All fish</td>
<td>Residents of the Norton Sound-Port Clarence Area.</td>
</tr>
<tr>
<td>Yukon-Northern Area:</td>
<td>All fish</td>
<td>Residents of the Yukon-Northern Area.</td>
</tr>
<tr>
<td>Yukon River drainage</td>
<td>Salmon, other than fall chinook salmon.</td>
<td>Residents of the Yukon River drainage, including the community of Stebbins.</td>
</tr>
<tr>
<td>Yukon River drainage</td>
<td>Fall chinook salmon</td>
<td>Residents of the Yukon River drainage, including the communities of Stebbins, Salmon Bay, Hooper Bay, and Chevak.</td>
</tr>
<tr>
<td>Yukon River drainage</td>
<td>Freshwater fish (other than salmon).</td>
<td>Residents of the Yukon-Northern Area.</td>
</tr>
<tr>
<td>Remainder of the Yukon-Northern Area</td>
<td>All fish</td>
<td>Residents of the Yukon-Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26-B.</td>
</tr>
<tr>
<td>Kuskokwim Area</td>
<td>Salmon</td>
<td>Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparrow USAFB, and Tatalina USAFB.</td>
</tr>
<tr>
<td></td>
<td>All other fish other than herring.</td>
<td>Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparrow USAFB, and Tatalina USAFB.</td>
</tr>
</tbody>
</table>
### Area Species Determination

<table>
<thead>
<tr>
<th>Area</th>
<th>Species</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waters around Nunivak Island</td>
<td>Herring and herring roe</td>
<td>Residents within 20 miles of the coast between the westernmost tip of the Naskonat Peninsula and the terminus of the Ishowik River and on Nunivak Island.</td>
</tr>
<tr>
<td><strong>Bristol Bay Area:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nushagak District, including drainage flowing into the district.</td>
<td>Salmon and freshwater fish.</td>
<td>Residents of the Nushagak District and freshwater drainages flowing into the district.</td>
</tr>
<tr>
<td>Togiak District, including drainages flowing into the district.</td>
<td>Herring spawn on kelp</td>
<td>Residents of the Togiak District.</td>
</tr>
<tr>
<td><strong>Togiak District</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Remainder of the Bristol Bay Area</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Aleutian Islands Area</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Alaska Peninsula Area</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chignik Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kodiak Area—except the Mainland District, all waters along the south side of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°52′ North latitude) mid-stream Shelikof Strait, and east of the longitude of the southern entrance of Iliuya Bay near Klikok Rocks (57°11′22″ North latitude, 156°20′30″ W longitude).</td>
<td>Fish other than rainbow/steelhead trout and salmon.</td>
<td>Residents of the Kodiak Area.</td>
</tr>
<tr>
<td><strong>Cook Inlet Area</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Prince William Sound Area:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South-Western District and Green Island</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.</td>
<td>Salmon</td>
<td>Residents of the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elna Island, Latouche Island and adjacent islands.</td>
</tr>
<tr>
<td>Copper River drainage upstream from Haley Creek.</td>
<td>Freshwater fish</td>
<td>Residents of Cantwell, Chisana, Chistochina, Chilina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Montassa Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tettel, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</td>
</tr>
<tr>
<td>Chitina Subdistrict of the Upper Copper River District.</td>
<td>Salmon</td>
<td>Residents of Cantwell, Chisana, Chistochina, Chilina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Montassa Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tettel, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</td>
</tr>
<tr>
<td>Area</td>
<td>Species</td>
<td>Determination</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>---------------</td>
</tr>
<tr>
<td>Glennallen Subdistrict of the Upper Copper River District.</td>
<td>Salmon</td>
<td>Residents of the Prince William Sound Area and residents of Cantwell, Chisana, Dot Lake, Healy Lake, Dot Lake, Northway, Tanacross, Tellin, Tok and those individuals living along the Alaska Highway from the Alaskan/Canadian border to along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</td>
</tr>
<tr>
<td>Waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek.</td>
<td>Salmon</td>
<td>Residents of Mentasta Lake and Dot Lake.</td>
</tr>
<tr>
<td>Remainder of the Prince William Sound Area</td>
<td>Salmon</td>
<td>Residents of the Prince William Sound Area.</td>
</tr>
<tr>
<td>YAKUTAT AREA:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsuiv River.</td>
<td>Salmon</td>
<td>Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of including Knight Island.</td>
</tr>
<tr>
<td>Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Marthy.</td>
<td>Dolly Varden, steelhead trout, and smelt.</td>
<td>Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.</td>
</tr>
<tr>
<td>Remainder of the Yakutat Area</td>
<td>Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of Southeastern Alaska and Yakutat Areas.</td>
</tr>
<tr>
<td>SOUTHEASTERN ALASKA AREA:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District 1—Section 1-E in waters of the Naha River and Roosevelt Lagoon.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Saxman.</td>
</tr>
<tr>
<td>District 1—Section 1-F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Saxman.</td>
</tr>
<tr>
<td>District 2—North of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Gindnali Island to the easternmost tip of the Kasaan Peninsula.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.</td>
</tr>
<tr>
<td>District 3—Section 3-A</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the townsite of Hydaburg.</td>
</tr>
<tr>
<td>District 3—Section A</td>
<td>Halibut and bottomfish</td>
<td>Residents of Southeast Area.</td>
</tr>
<tr>
<td>District 3—Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.</td>
</tr>
<tr>
<td>District 3—Section 3-C in waters of Sack Lake.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Kake and in Kupreanof Island drainages entering into Keku Strait south of Point White and north of the Portage Bay boat harbor.</td>
</tr>
<tr>
<td>District 5—North of a line from Point Barrie to Boulder Point.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Kake and in Kupreanof Island drainages entering into Keku Strait south of Point White and north of the Portage Bay boat harbor.</td>
</tr>
<tr>
<td>District 9—Section 9-A</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Kake and in Kupreanof Island drainages entering into Keku Strait south of Point White and north of the Portage Bay boat harbor.</td>
</tr>
<tr>
<td>District 9—Section 9-B north of the latitude of Swain Point.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Kake and in Kupreanof Island drainages entering into Keku Strait south of Point White and north of the Portage Bay boat harbor.</td>
</tr>
</tbody>
</table>
### U.S. Fish and Wildlife Serv., Interior § 100.24

<table>
<thead>
<tr>
<th>Area</th>
<th>Species</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 10—West of a line from Pinta Point to False Point Pybus.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.</td>
</tr>
<tr>
<td>District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Cautious.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134° 30' W. long., including Killisnoo Island.</td>
</tr>
<tr>
<td>District 13—Section 13-A south of the latitude of Cape Edward.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City and Borough of Sitka in drainages which empty into Section 13-B north of the latitude of Dorothy Narrows.</td>
</tr>
<tr>
<td>District 13—Section 13-B north of the latitude of Redfish Cape.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City and Borough of Sitka in drainages which empty into Section 13-B north of the latitude of Dorothy Narrows.</td>
</tr>
<tr>
<td>District 13—Section 13-C east of the longitude of Point Elizabeth.</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the City and Borough of Sitka in drainages which empty into Section 13-B north of the latitude of Dorothy Narrows.</td>
</tr>
<tr>
<td>District 14—Section 14-B and 14-C</td>
<td>Salmon, Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of Southeastern Alaska and Yakutat Areas.</td>
</tr>
<tr>
<td>Remainder of the Southeastern Alaska Area</td>
<td>Dolly Varden, trout, smelt and eulachon.</td>
<td>Residents of the Southeast Area.</td>
</tr>
</tbody>
</table>

### Shellfish determinations.

<table>
<thead>
<tr>
<th>Area</th>
<th>Species</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>BERING SEA AREA</td>
<td>Shrimp, Dungeness, king, and Tanner crab.</td>
<td>Residents of the Bering Sea Area.</td>
</tr>
<tr>
<td>ALASKA PENINSULA-ALEUTIAN ISLANDS AREA, KODIAK AREA</td>
<td>Shrimp, Dungeness, and Tanner crab.</td>
<td>Residents of the Alaska Peninsula-Aleutian Islands Area.</td>
</tr>
<tr>
<td>Kodak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.</td>
<td>King crab</td>
<td>Residents of the Kodiak Area.</td>
</tr>
<tr>
<td>PRINCE WILLIAM SOUND AREA</td>
<td>Shrimp, clams, Dungeness, king, and Tanner crab.</td>
<td>Residents of the Prince William Sound Area.</td>
</tr>
<tr>
<td>SOUTHEASTERN ALASKA—YAKUTAT AREA: Section 1–E south of the latitude of Grant Island light.</td>
<td>Shellfish, except shrimp, king crab, and Tanner crab.</td>
<td>Residents of the Southeast Area.</td>
</tr>
<tr>
<td>Section 1–F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Guadalupe.</td>
<td>Shellfish, except shrimp, king crab, and Tanner crab.</td>
<td>Residents of the Southeast Area.</td>
</tr>
<tr>
<td>Section 3–A and 3–B</td>
<td>Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks.</td>
<td>Residents of the Southeast Area.</td>
</tr>
</tbody>
</table>

§ 100.25

Subpart D—Subsistence Taking of Fish and Wildlife

§ 100.25 Subsistence taking of fish, wildlife, and shellfish; general regulations.

(a) Definitions. The following definitions shall apply to all regulations contained in this part:

- **Abalone iron** means a flat device which is used for taking abalone and which is more than 1 inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.
- **ADF&G** means the Alaska Department of Fish and Game.
- **Airborne** means transported by aircraft.
- **Aircraft** means any kind of airplane, glider, or other device used to transport people or equipment through the air, excluding helicopters.
- **Airport** means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

**Anchor** means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

**Animal** means those species with a vertebral column (backbone).

**Antler** means one or more solid, horn-like appendages protruding from the head of a caribou, deer, elk, or moose.

**Antlered** means any caribou, deer, elk, or moose having at least one visible antler.

**Antlerless** means any caribou, deer, elk, or moose not having visible antlers attached to the skull.

**Bait** means any material excluding a scent lure that is placed to attract an animal by its sense of smell or taste; however, those parts of legally taken animals that are not required to be salvaged and which are left at the kill site are not considered bait.

**Beach seine** means a floating net which is designed to surround fish and is set from and hauled to the beach.

**Bear** means black bear, or brown or grizzly bear.

**Bow** means a longbow, recurve bow, or compound bow, excluding a crossbow, or any bow equipped with a mechanical device that holds arrows at full draw.

**Broadhead** means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch.

**Brow tine** means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

**Buck** means any male deer.

**Bull** means any male moose, caribou, elk, or musk oxen.

**Cast net** means a circular net with a mesh size of no more than 1 1/2 inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

**Char** means the following species: Arctic char (Salvelinus alpinis); lake trout (Salvelinus namaycush); brook trout (Salvelinus fontinalis), and Dolly Varden (Salvelinus malma).

**Closed season** means the time when fish, wildlife, or shellfish may not be taken.

**Crab** means the following species: red king crab (Paralithodes camshatica); blue king crab (Paralithodes platypus); brown king crab (Lithodes aequispina); *Lithodes couesi*; all species of tanner or snow crab (Chionoecetes spp.); and Dungeness crab (Cancer magister).

**Cub bear** means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

**Depth of net** means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

**Designated hunter or fisherman** means a Federally qualified hunter or fisherman who may take all or a portion of another Federally qualified hunter’s or fisherman’s harvest limit(s) only under situations approved by the Board.

**Dip net** means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed 5 feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as
measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

**Diving gear** means any type of hard hat or skin diving equipment, including SCUBA equipment; a tethed, umbilical, surface-supplied unit; or snorkel.

**Drainage** means all of the lands and waters comprising a watershed, including tributary rivers, streams, sloughs, ponds, and lakes, which contribute to the water supply of the watershed.

**Drift gillnet** means a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed in one place.

**Edible meat** means the breast meat of ptarmigan and grouse, and, those parts of caribou, deer, elk, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption, which are: the meat of the ribs, neck, brisket, front quarters as far as the distal (bottom) joint of the radius-ulna (knee), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, edible meat of species listed in this definition does not include: meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera. For black bear, brown and grizzly bear, edible meat means the meat of the front quarter and hindquarters and meat along the back bone (backstrap).

**Federally-qualified subsistence user** means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

**Fifty-inch (50-inch) moose** means a bull moose with an antler spread of 50 inches or more.

**Fishwheel** means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish, which is driven by river current or other means.

**Freshwater of streams and rivers** means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn headland to headland across the mouth as the waters flow into the sea.

**Full curl horn** means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

**Furbearer** means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf, or wolverine.

**Fyke net** means a fixed, funneling (fyke) device used to entrap fish.

**Gear** means any type of fishing apparatus.

**Gillnet** means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

**Grappling hook** means a hooked device with flukes or claws, which is attached to a line and operated by hand.

**Groundfish or bottomfish** means any marine fish except halibut, osmerids, herring and salmonids.

**Grouse** collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, blue grouse, and sharp-tailed grouse.

**Hand purse seine** means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

**Handicraft** means a finished product in which the shape and appearance of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

**Handline** means a hand-held and operated line, with one or more hooks attached.
Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

Harvest limit means the number of any one species permitted to be taken by any one person or designated group, per specified time period, in a Unit or portion of a Unit in which the taking occurs even if part or all of the harvest is preserved. A fish, when landed and killed by means of rod and reel becomes part of the harvest limit of the person originally hooking it.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Highway means the driveable surface of any constructed road.

Household means that group of people residing in the same residence.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Hunting means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

Hydraulic clam digger means a device using water or a combination of air and water used to harvest clams.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

Lead means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net, or dip net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district, or section.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Marmot collectively refers to all species of marmot that occur in Alaska including the hoary marmot, Alaska marmot, and the woodchuck.

Mechanical clam digger means a mechanical device used or capable of being used for the taking of clams.

Mechanical jigging machine means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

Mile means a nautical mile when used in reference to marine waters or a statute mile when used in reference to fresh water.

Motorized vehicle means a motor-driven land, air, or water conveyance.

Open season means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

Otter means river or land otter only, excluding sea otter.

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance that is toxic or poisonous upon contact or ingestion.

Possession means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

Possession limit means the maximum number of fish, grouse, or ptarmigan a person or designated group may have in possession if they have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15-day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Ptarmigan collectively refers to all species found in Alaska, including white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ram means a male Dall sheep.
Registration permit means a permit that authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action. Registration permits are issued in the order applications are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus Sebastes.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole. In either case, bait or an artificial fly or lure is used as terminal tackle. This definition does not include the use of rod and reel gear for snagging.

Salmon means the following species: pink salmon (Oncorhynchus gorbuscha); sockeye salmon (Oncorhynchus nerka); chinook salmon (Oncorhynchus tshawytscha); coho salmon (Oncorhynchus kisutch); and chum salmon (Oncorhynchus keta).

Salmon stream means any stream used by salmon for spawning, rearing, or for traveling to a spawning or rearing area.

Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.

Scallop dredge means a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

Sea urchin rake means a hand-held implement, no longer than 4 feet, equipped with projecting prongs used to gather sea urchins.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; sealing includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Set gillnet means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eighths (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Shovel means a hand-operated implement for digging clams.

Skin, hide, pelt, or fur means any tanned or untanned external covering of an animal’s body; excluding bear. The skin, hide, fur, or pelt of a bear shall mean the entire external covering with claws attached.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under 5-pound weight.

Subsistence fishing permit means a permit issued by the Alaska Department of Fish and Game or the Federal Subsistence Board.

Take or Taking means to fish, pursue, hunt, shoot, trap, net, capture, collect,
§ 100.25

kill, harm, or attempt to engage in any such conduct.

**Tine** or **antler point** refers to any point on an antler, the length of which is greater than its width and is at least one inch.

**To operate fishing gear** means any of the following: to deploy gear in the water; to remove gear from the water; to remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

**Transportation** means to ship, convey, carry, or transport by any means whatever and deliver or receive for such shipment, conveyance, carriage, or transportation.

**Trapping** means the taking of furbearers within established trapping seasons and with a required trapping license.

**Trawl** means a bag-shaped net towed through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

**Troll gear** means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing, or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical, or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

**Trout** means the following species: cutthroat trout (Oncorhynchus clarki) and rainbow/steelhead trout (Oncorhynchus mykiss).

**Unclassified wildlife or unclassified species** means all species of animals not otherwise classified by the definitions in this paragraph (a), or regulated under other Federal law as listed in paragraph (i) of this section.

**Ungulate** means any species of hooved mammal, including deer, caribou, elk, moose, mountain goat, Dall sheep, and musk oxen.

**Unit** means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and collectively listed in this section as Units.

**Wildlife** means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Taking fish, wildlife, or shellfish for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting, trapping, or fishing during a closed season or in an area closed by this part is prohibited. You may not take for subsistence fish, wildlife, or shellfish outside established Unit or Area seasons, or in excess of the established Unit or Area harvest limits, unless otherwise provided for by the Board. You may take fish, wildlife, or shellfish under State regulations on public lands, except as otherwise restricted at §§100.26 through 100.28. Unit/Area-specific restrictions or allowances for subsistence taking of fish, wildlife, or shellfish are identified at §§100.26 through 100.28.

(c) **Harvest limits.** (1) Harvest limits, including those related to ceremonial uses, authorized by this section and harvest limits established in State regulations may not be accumulated.

(2) Fish, wildlife, or shellfish taken by a designated individual for another person pursuant to §100.10(d)(5)(ii), counts toward the individual harvest limit of the person for whom the fish, wildlife, or shellfish is taken.

(3) A harvest limit applies to the number of fish, wildlife, or shellfish that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.
(4) Unless otherwise provided, any person who gives or receives fish, wildlife, or shellfish shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: names and addresses of persons who gave and received fish, wildlife, or shellfish, the time and place that the fish, wildlife, or shellfish was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take fish, wildlife, or shellfish on his or her behalf in accordance with §100.10(d)(5)(ii), the permit shall be furnished in place of a signed statement.

(d) Fishing by designated harvest permit. (1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting fish taken under this section, on behalf of a beneficiary.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) Hunting by designated harvest permit. (1) As allowed by §100.26, if you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take wildlife on your behalf unless you are a member of a community operating under a community harvest system.

(2) The designated hunter must obtain a designated hunter permit and must return a completed harvest report.

(3) You may not designate more than one person to take or attempt to take fish on your behalf at one time.

(4) The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in §100.26.

(f) A rural Alaska resident who has been designated to take fish, wildlife, or shellfish on behalf of another rural Alaska resident in accordance with §100.10(d)(5)(ii), shall promptly deliver the fish, wildlife, or shellfish to that rural Alaska resident.

(g) The U.S. Fish and Wildlife Service, Office of Subsistence Management may issue a permit to harvest fish, wildlife, or shellfish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous five years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than one large mammal per culture/education camp. Large mammal species allowed to be harvested are limited to deer, moose, caribou, black bear, and mountain goat. Permits will be issued for no more than 25 fish per culture/education camp. Any animals harvested will count against any established Federal harvest quota for the area in which harvested. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous five years, or when there is a request for harvest in excess of that provided in this paragraph (g), will be considered by the Federal Subsistence Board.
§ 100.25

(h) If a subsistence fishing or hunting permit is required by this part, the following permit conditions apply unless otherwise specified in this section:

(1) You may not take more fish, wildlife, or shellfish for subsistence use than the limits set out in the permit;

(2) You must obtain the permit prior to fishing or hunting;

(3) You must have the permit in your possession and readily available for inspection while fishing, hunting, or transporting subsistence-taken fish, wildlife, or shellfish;

(4) If specified on the permit, you shall keep accurate daily records of the harvest, showing the number of fish, wildlife, or shellfish taken by species, location and date of harvest, and other such information as may be required for management or conservation purposes; and

(5) If the return of harvest information necessary for management and conservation purposes is required by a permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(i) You may not possess, transport, give, receive, or barter fish, wildlife, or shellfish that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(j) Utilization of fish, wildlife, or shellfish. (1) You may not use wildlife as food for a dog or furbearer, or as bait, except as allowed for in §100.26, §100.27, or §100.28, or except for the following:

(1) The skin, viscera, head, or bones of wildlife;

(2) The skinned carcass of a furbearer;

(3) Squirrels, hares (rabbits), grouse, and ptarmigan; however, you may not use the breast meat of grouse and ptarmigan as animal food or bait;

(4) Unclassified wildlife.

(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear Management Areas and Units 5 and 9(B) need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares (rabbits), marmots, beaver, muskrats, or unclassified wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse and ptarmigan.

(4) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which bag limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally-taken subsistence fish.

(5) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested fish, wildlife, or shellfish, unanticipated weather conditions, or unavoidable loss to another animal.

(6) You may sell handicraft articles made from the fur of a black bear.


(l) Rural residents, nonrural residents, and nonresidents not specifically prohibited by Federal regulations from fishing, hunting, or trapping on public lands in an area, may fish, hunt, or trap on public lands in accordance with the appropriate State regulations.
§ 100.26 Subsistence taking of wildlife.

(a) You may take wildlife for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(b) Except for special provisions found at paragraphs (m)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(1) Shooting from, on, or across a highway;

(2) Using any poison;

(3) Using a helicopter in any manner, including transportation of individuals, equipment, or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life-threatening situation;

(4) Taking wildlife from a motorized land or air vehicle, when that vehicle is in motion or from a motor-driven boat when the boat’s progress from the motor’s power has not ceased;

(5) Using a motorized vehicle to drive, herd, or molest wildlife;

(6) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(7) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(i) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverines;

(ii) Only a muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, elk, moose, musk oxen and mountain goat;

(iii) Only a trap, or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over nine inches, or conibear style trap with a jaw spread over 11 inches;

(9) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(10) Using a trap to take ungulates or bear;

(11) Using hooks to physically snag, impale, or otherwise take wildlife; however, hooks may be used as a trap drag;

(12) Using a crossbow to take ungulates, bear, wolf, or wolverine in any area restricted to hunting by bow and arrow only;

(13) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting a 7/8 inch wide broadband-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least one ounce (437.5 grains);

(14) Using bait for taking ungulates, bear, wolf, or wolverine; except, you may use bait to take wolves and wolverine with a trapping license, and, you may use bait to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (m)(1) through (26) of this section. Baiting of black bears is subject to the following restrictions:

(i) Before establishing a black bear bait station, you must register the site with ADF&G;

(ii) When using bait you must clearly mark the site with a sign reading “black bear bait station” that also displays your hunting license number and ADF&G assigned number;

(iii) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and wildlife for bait;

(iv) You may not use bait within one-quarter mile of a publicly maintained road or trail;

(v) You may not use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(vi) When using bait, you must remove litter and equipment from the bait station site when done hunting;
§ 100.26

(vii) You may not give or receive payment for the use of a bait station, including barter or exchange of goods;

(viii) You may not have more than two bait stations with bait present at any one time;

(15) Taking swimming ungulates, bears, wolves or wolverine;

(16) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m. following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer, the setting of snares or traps, or the removal of furbearers from traps or snares;

(17) Taking a bear cub or a sow accompanied by cub(s).

(c) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(d) The following methods and means of trapping furbearers, for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:

(1) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;

(2) Disturbing or destroying any beaver house;

(3) Taking beaver by any means other than a steel trap or snare, except that you may use firearms in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(4) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same Unit;

(5) Using a net, or fish trap (except a blackfish or fyke trap);

(6) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the transported person;

(7) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(e) Possession and transportation of wildlife. (1) Except as specified in paragraph (e)(2) or (f)(1) of this section, or as otherwise provided, you may not take a species of wildlife in any Unit, or portion of a Unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that Unit.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to §100.10(d)(5)(iii) or as otherwise provided for by this Part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.

(f) Harvest limits. (1) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that if you have taken a harvest limit for a particular species under a trapping season, you may take additional animals under the harvest limit specified for a hunting season or vice versa.

(2) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of one brown/grizzly bear per year counts against a one brown/grizzly bear every four regulatory years harvest limit in other Units; an individual may not take more than one brown/grizzly bear in a regulatory year.

(g) Evidence of sex and identity. (1) If subsistence take of Dall sheep is restricted to a ram, you may not possess or transport a harvested sheep unless both horns accompany the animal.

(2) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, you may not possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal, except in Units 11, 13, 19, 21, and 24 where you
may possess either sufficient portions of the external sex organs (still attached to a portion of the carcass) or the head (with or without antlers attached; however, the antler stumps must remain attached), to indicate the sex of the harvested moose; however, this paragraph (g)(2) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(3) If a moose harvest limit includes an antler size or configuration restriction, you may not possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. If you possess a set of antlers with less than the required number of brow tines on one antler, you must leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (g)(3) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(h) You must leave all edible meat from caribou and moose harvested in Units 9(B), 17, and 19(B) prior to October 1 on the bones of the front quarters and hind quarters until you remove the meat from the field or process it for human consumption.

(i) If you take an animal that has been marked or tagged for scientific studies, you must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. You also must retain any ear tag, collar, radio, tattoo, or other identification with the hide until it is sealed, if sealing is required; in all cases, you must return any identification equipment to the ADF&G or to an agency identified on such equipment.

(j) Sealing of bear skins and skulls. (1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified in this paragraph, and black bears of all color phases taken in Units 1-7, 11-17, and 20.

(2) You may not possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) need not be sealed unless removed from the area.

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) which are not removed from the Management Area or Unit.

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear Management Area is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If you remove the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area from the area or present it for commercial tanning within the Management Area, you must first have it sealed by an ADF&G representative in Barrow, Fairbanks, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) You may not falsify any information required on the sealing certificate.
or temporary sealing form provided by the ADF&G in accordance with State regulations.

(k) Sealing of beaver, lynx, marten, otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13(E), and 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulations. In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially sold.

(1) You must seal any wolf taken in Unit 2 on or before the 30th day after the date of taking.

(2) You must leave the radius and ulna of the left foreleg naturally attached to the hide of any wolf taken in Units 1–5 until the hide is sealed.

(l) A person who takes a species listed in paragraph (k) of this section but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (k) of this section.

(m) Unit regulations. You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (m)(1) through (26) of this section.

(1) Unit 1. Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamaño Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound, and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—the Anan Creek drainage within one mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a one mile radius from the mouth of Anan Creek Lagoon, is closed to the taking of black bear and brown bear;

(D) Unit 1(C):

(1) You may not hunt within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor’s Center, and the Center’s parking area;

(2) You may not take mountain goat in the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier;

(vi) You may not trap furbearers for subsistence uses in Unit 1(C), Juneau area, on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;
(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) You may hunt black bear with bait in Units 1(A), 1(B), and 1(D) between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester’s name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting</td>
<td></td>
</tr>
<tr>
<td>Black Bear: 2 bears, no more than one may be a blue or glacier bear</td>
<td>Sept. 1–June 30.</td>
</tr>
<tr>
<td>Brown Bear: 1 bear every four regulatory years by State registration permit only</td>
<td>Sept. 15–Dec. 31.</td>
</tr>
<tr>
<td>Deer:</td>
<td>Mar. 15–May 31.</td>
</tr>
<tr>
<td>Unit 1(A)—4 antlered deer</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Unit 1(B)—2 antlered deer</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31.</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Goat:</td>
<td>No open season</td>
</tr>
<tr>
<td>Unit 1(A)—Revillagigedo Island only</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Unit 1(B)—that portion north of Le Conte Bay. 1 goat by State registration permit only</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>the taking of kids or nannies accompanied by kids is prohibited.</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Unit 1(B)—that portion between Le Conte Bay and the North Fork of Bradfield River/Canal. 2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited.</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Unit 1(A) and Unit 1(B)—remainder—2 goats by State registration permit only</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only.</td>
<td>Oct. 1–Nov. 30.</td>
</tr>
</tbody>
</table>
§ 100.26  
50 CFR Ch. I (10–1–02 Edition)

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier.</td>
<td>No open season.</td>
</tr>
<tr>
<td>Unit 1(D)—that portion lying north of the Katzezin River and northeast of the Haines highway—1 goat by State registration permit only.</td>
<td>Aug. 1–Nov. 30.</td>
</tr>
<tr>
<td>Unit 1(D)—that portion lying between Tatsa Inlet and River and the White Pass and Yukon Railroad.</td>
<td>Sept. 15–Nov. 30.</td>
</tr>
<tr>
<td>Moose:</td>
<td></td>
</tr>
<tr>
<td>Unit 1(A)—1 antlered bull</td>
<td>Sept. 15–Oct. 15.</td>
</tr>
<tr>
<td>Unit 1(B)—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.</td>
<td>Sept. 15–Oct. 15.</td>
</tr>
<tr>
<td>Unit 1(C), that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.</td>
<td>Sept. 15–Oct. 15.</td>
</tr>
<tr>
<td>Unit 1(D)—remainder, excluding drainages of Berners Bay—1 antlered bull by State registration permit only.</td>
<td>Sept. 15–Oct. 15.</td>
</tr>
<tr>
<td>Coyote: 2 coyotes</td>
<td>No open season.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black, and Silver Phases): 2 foxes</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Hare (Snowshoe): 5 hares per day</td>
<td>Nov. 1–Feb. 15.</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Dec. 1–May 15.</td>
</tr>
<tr>
<td>Wolverine: 1 wolverine</td>
<td>Aug. 1–May 15.</td>
</tr>
<tr>
<td>Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession</td>
<td>Nov. 10–Feb. 15.</td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td>Aug. 1–May 15.</td>
</tr>
</tbody>
</table>

Trapping

Beaver: Unit 1(A), (B), and (C)—No limit

Coyote: No limit

Fox, Red (including Cross, Black, and Silver Phases): No limit

Lynx: No limit

Marten: No limit

Mink and Weasel: No limit

Muskrat: No limit

Oiler: No limit

Wolf: No limit

Wolverine: No limit

(2) Unit 2. Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the westernmost point on Warren Island.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester’s name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;
(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear</td>
<td>Sept. 1–June 30.</td>
</tr>
<tr>
<td>Deer: 4 deer,</td>
<td></td>
</tr>
<tr>
<td>no more than</td>
<td></td>
</tr>
<tr>
<td>one may be a</td>
<td></td>
</tr>
<tr>
<td>blue or glacier</td>
<td></td>
</tr>
<tr>
<td>bear</td>
<td></td>
</tr>
<tr>
<td>Coyote: 2</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Coyote: 2 coyotes</td>
<td></td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black, and Silver Phases): 2 foxes</td>
<td>Nov. 1–Feb. 15.</td>
</tr>
<tr>
<td>Hare (Snowshoe): 5 hares per day</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Nov. 15–Mar. 15.</td>
</tr>
<tr>
<td>Wolverine: 1</td>
<td>Nov. 10–Feb. 15.</td>
</tr>
<tr>
<td>Wolverine: 1</td>
<td></td>
</tr>
<tr>
<td>Gruse (Spruce and Ruffed): 5 per day, 10 in possession</td>
<td>Aug. 1–May 15.</td>
</tr>
<tr>
<td>Parmiigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td>Aug. 1–May 15.</td>
</tr>
<tr>
<td><strong>Trapping</strong></td>
<td></td>
</tr>
<tr>
<td>Beaver: No limit</td>
<td>Dec. 1–May 15.</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black, and Silver Phases): 1 fox</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Dec. 1–Feb. 15.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 15–Mar. 15.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 10–Apr. 30.</td>
</tr>
</tbody>
</table>

(3) Unit 3. (i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, you may not take ungulates, bear, wolves, and wolverine along a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground;

(B) You may not take black bears in the Petersburg Creek drainage on Kupreanof Island;

(C) You may not hunt in the Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee, contact the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days
§ 100.26  50 CFR Ch. I (10–1–02 Edition)

after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester’s name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

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<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear: 2 bears, no more than one may be a blue or glacier bear</td>
<td>Sept. 1–June 30, Oct. 15–Oct. 31</td>
</tr>
<tr>
<td>Deer: Unit 3—Mitkof Island, Woewodski Island, Butternworth Islands, and that portion of Kupreanof Island which includes Lindenburg Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit only; however, the city limits of Petersburg and Kupreanof are closed to hunting.</td>
<td>Aug. 1–Nov. 30, Sept. 15–Oct. 15</td>
</tr>
<tr>
<td>Unit 3—remainder—2 antlered deer</td>
<td>Aug. 1–Nov. 30, Sept. 15–Oct. 15</td>
</tr>
<tr>
<td>Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.</td>
<td>Aug. 1–Nov. 30, Sept. 15–Oct. 15</td>
</tr>
<tr>
<td>Coyote: 2 coyotes</td>
<td>Sept. 1–Apr. 30</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black, and Silver Phases): 2 foxes</td>
<td>Sept. 1–Apr. 30</td>
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<tr>
<td>Lynx: 2 lynx</td>
<td>Dec. 1–Feb. 15</td>
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<tr>
<td>Wolf: 5 wolves</td>
<td>Nov. 10–Feb. 15</td>
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<td>Wolverine: 1 wolverine</td>
<td>Aug. 1–May 15</td>
</tr>
<tr>
<td>Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession</td>
<td>Aug. 1–May 15</td>
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<tr>
<td>Parmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td>Aug. 1–May 15</td>
</tr>
<tr>
<td><strong>Trapping</strong></td>
<td></td>
</tr>
<tr>
<td>Beaver: Unit 3—Mitkof Island—No limit</td>
<td>Dec. 1–Apr. 15, Dec. 1–May 15</td>
</tr>
<tr>
<td>Unit 3—except Mitkof Island—No limit</td>
<td>Dec. 1–May 15, Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Dec. 1–Feb. 15, Dec. 1–May 15</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black, and Silver Phases): No limit</td>
<td>Dec. 1–Feb. 15, Dec. 1–May 15</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Dec. 1–Feb. 15, Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Dec. 1–Feb. 15, Dec. 1–Feb. 15</td>
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<tr>
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<tr>
<td>Muskrat: No limit</td>
<td>Dec. 1–Feb. 15, Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Dec. 1–Feb. 15, Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 10–Apr. 30, Nov. 10–Apr. 30</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 10–Apr. 30, Nov. 10–Apr. 30</td>
</tr>
</tbody>
</table>

(4) Unit 4. (i) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take bears in the Seymour Canal Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(B) You may not take bears in the Salt Lake Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(C) You may not take brown bears in the Port Althorp Closed Area (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock);
§ 100.26

(D) You may not use any motorized land vehicle for brown bear hunting in the Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay;

(E) You may not use any motorized land vehicle for the taking of marten, mink, and weasel on Chichagof Island.

(iii) Unit-specific regulations:

(A) You may shoot ungulates from a boat. You may not shoot bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester’s name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) Five Federal registration permits will be issued for the taking of brown bear for educational purposes associated with teaching customary and traditional subsistence harvest and use practices. Any bear taken under an educational permit does not count in an individual’s one bear every four regulatory years limit.

Harvest limits

<table>
<thead>
<tr>
<th>Hunting</th>
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</thead>
<tbody>
<tr>
<td>Brown Bear:</td>
</tr>
<tr>
<td>Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (56° N. lat., 136°21’ W. long.) to Rodgers Point (57°35’ N. lat., 135°33’ W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nisemi Point (57°34’ N. lat., 135°25’ W. long.) to the entrance of Gut Bay (56°44’ N. lat., 134°38’ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.</td>
</tr>
<tr>
<td>Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.</td>
</tr>
</tbody>
</table>

| Deer: 6 deer; however, antlerless deer may be taken only from Sept. 15-Jan. 31 | Sept. 15-Dec. 31 |
| Coyote: 2 coyotes | Mar. 15-May 31 |
| Fox, Red (including Cross, Black, and Silver Phases): 2 foxes | Aug. 1-Jan. 31 |
| Hare (Snowshoe): 5 hares per day | Aug. 1-Dec. 31 |
| Lynx: 2 lynx | Sept. 1-Apr. 30 |
| Wolf: 5 wolves | Dec. 1-Feb. 15 |
| Wolverine: 1 wolverine | Aug. 1-Apr. 30 |
| Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession | Nov. 10-Feb. 15 |
| Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession | Aug. 1-May 15 |

439
§ 100.26  
50 CFR Ch. I (10–1–02 Edition)

<table>
<thead>
<tr>
<th>Harvest limits</th>
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<tbody>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td>Aug. 1–May 15.</td>
</tr>
<tr>
<td>Black Bear: 2 bears, no more than one may be a blue or glacier bear</td>
<td>Sept. 1–June 30.</td>
</tr>
<tr>
<td>Brown Bear: 1 bear by Federal registration permit only</td>
<td>Sept. 1–May 31.</td>
</tr>
</tbody>
</table>

(5) **Unit 5**. (1) **Unit 5** consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) **Unit 5(A)** consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) **Unit 5(B)** consists of the remainder of **Unit 5**.

(ii) You may not take wildlife for subsistence uses on public lands within Glacier Bay National Park.

(iii) **Unit-specific regulations**:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may hunt brown bear in **Unit 5** with a Federal registration permit in lieu of a State metal locking tag, if you have obtained a Federal registration permit prior to hunting;

(D) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(i) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(ii) The taking does not violate recognized principles of fish and wildlife conservation;

(iii) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester’s name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(iv) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer or moose on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.
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<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deer:</td>
<td></td>
</tr>
<tr>
<td>Unit 5(A)—1 buck</td>
<td>Nov. 1–Nov. 30</td>
</tr>
<tr>
<td>Unit 5(B)</td>
<td>No open season</td>
</tr>
<tr>
<td><strong>Goat:</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 5(A)—that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord—1 goat by Federal registration permit. The Yakutat District Ranger and ADF&amp;G will jointly announce the harvest quota prior to the season. A minimum of two goats in the harvest quota will be reserved for Federally qualified subsistence users. The season will be closed by local announcement when the quota has been taken. The harvest quota and season announcements will be made in consultation with NPS and local residents.</td>
<td>Aug. 1–Jan. 31</td>
</tr>
<tr>
<td>Unit 5(A)—remainder—1 goat by Federal registration permit. The Yakutat District Ranger and ADF&amp;G will jointly announce the harvest quota prior to the season. A minimum of four goats in the harvest quota will be reserved for Federally qualified subsistence users. The season will be closed by local announcement when the quota has been taken. The harvest quota and season announcements will be made in consultation with NPS and local residents.</td>
<td>Aug. 1–Jan. 31</td>
</tr>
<tr>
<td>Unit 5(B)—1 goat by Federal registration permit only</td>
<td>Aug. 1–Jan. 31</td>
</tr>
<tr>
<td><strong>Moose:</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 5(A), Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.</td>
<td>Nov. 15–Feb. 15</td>
</tr>
<tr>
<td>Unit 5(A), except Nunatak Bench—1 antlered bull by Federal registration permit only. The season will be closed when 60 antlered bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 antlered bulls have been taken in that area. From Oct. 8–Oct. 21, public lands will be closed to taking of moose, except by residents of Unit 5(A).</td>
<td>Oct. 8–Nov. 15</td>
</tr>
<tr>
<td>Unit 5(B)—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5(B).</td>
<td>Sept. 1–Dec. 15</td>
</tr>
<tr>
<td><strong>Coyote:</strong></td>
<td></td>
</tr>
<tr>
<td>Coyote: 2 coyotes</td>
<td>Sept. 1–Apr. 30</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 2 foxes</td>
<td>Nov. 1–Feb. 15</td>
</tr>
<tr>
<td>Hare (Snowshoe): 5 hares per day</td>
<td>Sept. 1–Apr. 30</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Aug. 1–Apr. 30</td>
</tr>
<tr>
<td>Wolverine: 1 wolverine</td>
<td>Nov. 10–Feb. 15</td>
</tr>
<tr>
<td>Grouse (Spruce and Ruffed): 5 per day, 10 in possession</td>
<td>Aug. 1–May 15</td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td>Aug. 1–May 15</td>
</tr>
<tr>
<td><strong>Trapping</strong></td>
<td></td>
</tr>
<tr>
<td>Beaver: No limit</td>
<td>Nov. 10–May 15</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 10–Feb. 15</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 10–Feb. 15</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Dec. 1–Feb. 15</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 10–Feb. 15</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 10–Apr. 30</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 10–Apr. 30</td>
</tr>
</tbody>
</table>

(6) Unit 6. (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6(D) consists of the remainder of Unit 6.

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:
(A) You may not take mountain goat in the Goat Mountain goat observation area, which consists of that portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River.

(B) You may not take mountain goat in the Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may take coyotes in Units 6(B) and 6(C) with the aid of artificial lights;

(C) One permit will be issued to the Native Village of Eyak to take one bull moose from Federal lands in Units 6(B) or (C) for their annual Memorial/Sobriety Day potlatch.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting</td>
<td></td>
</tr>
<tr>
<td>Black Bear: 1 bear</td>
<td>Sept. 1–June 30.</td>
</tr>
<tr>
<td>Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31.</td>
<td>Aug. 1–Dec. 31.</td>
</tr>
<tr>
<td>Coyote:</td>
<td></td>
</tr>
<tr>
<td>Beaver: 1 beaver per day, 1 in possession</td>
<td>No open season.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td></td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td></td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td></td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td></td>
</tr>
<tr>
<td>Wolverine: 1 wolverine</td>
<td></td>
</tr>
<tr>
<td>Grouse (Spruce): 5 per day, 10 in possession</td>
<td></td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td></td>
</tr>
<tr>
<td>Trapping</td>
<td></td>
</tr>
<tr>
<td>Beaver: No limit</td>
<td>Dec. 1–Apr. 30.</td>
</tr>
<tr>
<td>Coyote:</td>
<td></td>
</tr>
<tr>
<td>Unit 6(C)—south of the Copper River Highway and east of the Heney Range—No limit</td>
<td>Nov. 10–Apr. 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Jan. 15–Feb. 15.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 10–Jan. 31.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 10–June 10.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
</tbody>
</table>

(7) Unit 7. (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 160° W. long., and all Kenai Peninsula...
(8) **Unit 8.** Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Siltolidaq, Amook, Ugnik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) If you have a trapping license, you may take beaver with a firearm in Unit 8 from Nov. 10-Apr 30.

(ii) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear: Unit 7—3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Moose: Unit 7—that portion draining into Kings Bay—1 bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler may be taken by the community of Chenega Bay and also by the community of Tatitlek. Public lands are closed to the taking of moose except by eligible rural residents. Unit 7—remainder</td>
<td>No open season.</td>
</tr>
<tr>
<td>Beaver: 1 beaver per day, 1 in possession</td>
<td>May 1–Oct. 10.</td>
</tr>
<tr>
<td>Hare (Snowshoe): No limit</td>
<td></td>
</tr>
<tr>
<td>Wolf: Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Unit 7—Remainder—5 wolves</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Wolverine: 1 wolverine</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Grouse (Spruce): 10 per day, 20 in possession</td>
<td>Aug. 10-Mar. 31.</td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td></td>
</tr>
</tbody>
</table>
(9) **Unit 9.** (i) **Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:**

(A) **Unit 9(A) consists of that portion of Unit 9 draining into Shellyof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;**

(B) **Unit 9(B) consists of the Kvichak River drainage;**

(C) **Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;**

(D) **Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;**

(E) **Unit 9(E) consists of the remainder of Unit 9.**

(ii) **In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:**

(A) **You may not take wildlife for subsistence uses in Katmai National Park;**

(B) **You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek;**

(C) **You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.**

(iii) **Unit-specific regulations:**

(A) **If you have a trapping license, you may use a firearm to take beaver in Unit 9(B) from April 1–May 31 and in the remainder of Unit 9 from April 1–April 30;**

(B) **In Unit 9(B), Lake Clark National Park and Preserve, residents of Non-dalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth, may hunt brown bear by Federal registration permit in**
lieu of a resident tag; ten permits will be available with at least one permit issued in each community but no more than five permits will be issued in a single community; the season will be closed when four females or ten bears have been taken, whichever occurs first;

(C) Residents of Newhalen, Nondalton, Iliamna, Pedro Bay, and Port Alsworth may take up to a total of 10 bull moose in Unit 9(B) for ceremonial purposes, under the terms of a Federal registration permit from July 1 through June 30. Permits will be issued to individuals only at the request of a local organization. This 10 moose limit is not cumulative with that permitted for potlatches by the State;

(D) For Units 9(C) and (E) only, a Federally-qualified subsistence user (recipient) of Units 9(C) and (E) may designate another Federally-qualified subsistence user of Units 9(C) and (E) to take bull caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time;

(E) For Unit 9(D), a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time;

(F) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

<table>
<thead>
<tr>
<th>Animal</th>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Black Bear:</strong></td>
<td>3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td><strong>Brown Bear:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 9(B)—Lake Clark National Park and Preserve—Residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only.</td>
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<td></td>
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<tr>
<td>Unit 9(B), remainder—1 bear by State registration permit only</td>
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<tr>
<td>Unit 9(E)—1 bear by Federal registration permit</td>
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<td></td>
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<tr>
<td><strong>Caribou:</strong></td>
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<td></td>
</tr>
<tr>
<td>Unit 9(A)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30.</td>
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</tr>
<tr>
<td>Unit 9(C), that portion within the Alagnak River drainage—1 caribou</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 9(C), remainder—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 9(B)—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 9(D)—1 caribou by Federal registration permit</td>
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<td></td>
</tr>
<tr>
<td>Unit 9(E)—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).</td>
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<tr>
<td><strong>Sheep:</strong></td>
<td></td>
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<tr>
<td>Unit 9(B)—Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B)—1 ram with 7/8 curl horn by Federal registration permit only.</td>
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<tr>
<td>Remainder of Unit 9—1 ram with 7/8 curl horn</td>
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<tr>
<td><strong>Moose:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Unit 9(A)—1 bull</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 9(B)—1 bull</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 9(C)—that portion draining into the Naknek River from the north—1 bull</td>
<td></td>
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</tbody>
</table>
(10) Unit 10. (i) Unit 10 consists of the Aleutian Islands, Unimak Island, and the Pribilof Islands.

(ii) You may not take any wildlife species for subsistence use on Otter Island in the Pribilof Islands.

(iii) In Unit 10—Unimak Island only, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(iv) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caribou:</td>
<td></td>
</tr>
<tr>
<td>Unit 10—Unimak Island only—2 caribou by Federal registration permit only</td>
<td>Aug. 1–Sept. 30.</td>
</tr>
<tr>
<td>Unit 10—remainder—No limit</td>
<td>Nov. 15–Mar. 31.</td>
</tr>
<tr>
<td></td>
<td>Sept. 1–Apr. 30.</td>
</tr>
</tbody>
</table>
(11) **Unit II.** Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) **Unit-specific regulations:**

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) One moose without calf may be taken from June 20—June 30 in the Wrangell-St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Montasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell-St. Elias National Park and Preserve office.

(ii) **Reserved**

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): No limit</td>
<td>July 1–June 30, Sept. 1–May 31</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 2 foxes</td>
<td>Aug. 10–Apr. 30</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Aug. 10–Apr. 30</td>
</tr>
<tr>
<td>Wolverine: 1 wolverine</td>
<td>Sept. 1–Mar. 31</td>
</tr>
<tr>
<td>Ptarmigan (Rock and Willow): 20 per day, 40 in possession</td>
<td>Aug. 10–Apr. 30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Trapping</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Coyote: 2 coyotes</td>
<td>Sept. 1–Apr. 30</td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): No limit</td>
<td>July 1–June 30</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 2 foxes</td>
<td>Sept. 1–Feb. 28</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 10–Feb. 28</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 10–June 10</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 10–Mar. 31</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 10–Mar. 31</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 10–Feb. 28</td>
</tr>
</tbody>
</table>
(12) Unit 12. Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:
(A) You may use bait to hunt black bear between April 15 and June 30;
(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 12 during April and October;
(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;
(D) One moose without calf may be taken from June 20—June 30 in the Wrangell-St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell-St. Elias National Park and Preserve office.

(ii) [Reserved]

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear: 3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Caribou:</td>
<td></td>
</tr>
<tr>
<td>Unit 12—remainder—1 bull</td>
<td>Sept. 1–Sept. 20.</td>
</tr>
<tr>
<td>Unit 12—remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur between Oct. 1 and Apr. 30 and sex of animal to be taken will be announced by Tetlin National Wildlife Refuge Manager in consultation with Wrangell-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee. &amp; Winter season to be announced.</td>
<td></td>
</tr>
</tbody>
</table>
| Unit 12—that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickarel Lake Winter Trail from the Canadian border to the southern boundary of the Tetlin National Wildlife Refuge—one antlered bull. The November season is open by Federal registration permit only. & Aug. 24–Aug. 28.  
Sept. 2–Sept. 17.  
Nov. 20–Nov. 30.  
Aug. 15–Aug. 28.  
Sept. 1–Sept. 30. |
| Unit 12—that portion lying east of the Naches River and Naches Glacier and south of the Winter Trail running southeast from Pickarel Lake to the Canadian border—one antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken. & Aug. 15–Aug. 28.  
Sept. 1–Sept. 15.  
Sept. 1–Mar. 15.  
Sept. 1–Apr. 30.  
Sept. 1–Mar. 31.  
Aug. 10–Apr. 30.  
Aug. 10–Mar. 31.  
Aug. 10–Apr. 30. |
| Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1 & July 1–June 30. |
| Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1. & Aug. 10–Apr. 30.  
Aug. 10–Mar. 31.  
Aug. 10–Apr. 30.  
Aug. 10–Mar. 31.  
Aug. 10–Apr. 30.  
Aug. 10–Mar. 31.  
Aug. 10–Apr. 30. |
| Hare (Snowshoe): No limit | Nov. 1–Apr. 15. |
| Lynx: 2 lynx | Nov. 1–Mar. 15. |
| Wolf: 10 wolves | Aug. 10–Apr. 30.  
Aug. 10–Mar. 31.  
Aug. 10–Apr. 30.  
Aug. 10–Mar. 31.  
Aug. 10–Apr. 30.  
Aug. 10–Mar. 31.  
Aug. 10–Apr. 30.  |
| Wolverine: 1 wolverine | Nov. 1–Mar. 15. |
| Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession | Nov. 1–Apr. 15. |
| Parmigian (Rock, Willow, and White-tailed): 20 per day, 40 in possession | Nov. 1–Apr. 15. |

| Trapping 
Beaver: 15 beaver per season | Nov. 1–Apr. 15. |
U.S. Fish and Wildlife Serv., Interior § 100.26

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coyote: No limit</td>
<td>Oct. 15–Apr. 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Lynx: No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30.</td>
<td>Nov. 1–Jan. 31.</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Sept. 20–June 10.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
</tbody>
</table>

(13) Unit 13. (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River.

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses on lands within Mount...
§ 100.26  McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5—Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Cantwell Glacier and Miller Creek to the Delta River;

(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(b) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 146, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may not have more than two harvest limits in his/her possession at any one time.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
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<tbody>
<tr>
<td>Hunting</td>
<td></td>
</tr>
<tr>
<td>Black Bear:</td>
<td>July 1–June 30</td>
</tr>
<tr>
<td>3 bears</td>
<td>Aug. 10–May 31</td>
</tr>
<tr>
<td>1 bear</td>
<td>Aug. 1–Sept. 20.</td>
</tr>
<tr>
<td>Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.</td>
<td></td>
</tr>
<tr>
<td>Caribou:</td>
<td></td>
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<tr>
<td>2 bulls by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.</td>
<td></td>
</tr>
<tr>
<td>Sheep:</td>
<td></td>
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<tr>
<td>Unit 13—excluding Unit 13(D) and the Tok Management Area and Delta Controlled Use Area—1 ram with ½ curl horn.</td>
<td></td>
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<tr>
<td>Moose:</td>
<td></td>
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<tr>
<td>Unit 13(E)—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household.</td>
<td></td>
</tr>
<tr>
<td>Unit 13—remainder—1 antlered bull moose by Federal registration permit only.</td>
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<tr>
<td>Beaver:</td>
<td></td>
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<tr>
<td>1 beaver per day, 1 in possession</td>
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<tr>
<td>Coyote:</td>
<td></td>
</tr>
<tr>
<td>2 coyotes</td>
<td></td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 2 foxes</td>
<td></td>
</tr>
<tr>
<td>Hare (Snowshoe): 20</td>
<td></td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td></td>
</tr>
<tr>
<td>Wolf: 10 wolves</td>
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<tr>
<td>Wolverine:</td>
<td></td>
</tr>
<tr>
<td>1 wolverine</td>
<td></td>
</tr>
<tr>
<td>Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession</td>
<td></td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td></td>
</tr>
<tr>
<td>Trapping</td>
<td></td>
</tr>
<tr>
<td>Beaver: No limit</td>
<td></td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td></td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td></td>
</tr>
</tbody>
</table>

450
(14) **Unit 14.** (i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary:

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A).

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the Fort Richardson and Elmendorf Military Reservation;

(B) You may not take wildlife for subsistence uses in the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek.

(iii) **Unit-specific regulations:**

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear: Unit 14(C)—1 bear</td>
<td>July 1—June 30.</td>
</tr>
<tr>
<td>Beaver: Unit 14(C)—1 beaver per day, 1 in possession</td>
<td>May 15—Oct. 31.</td>
</tr>
<tr>
<td>Coyote: Unit 14(C)—2 coyotes</td>
<td>Sept. 1—Apr. 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—2 foxes</td>
<td>Nov. 1—Feb. 15.</td>
</tr>
<tr>
<td>Hare (Snowshoe): Unit 14(C)—5 hares per day</td>
<td>Sept. 8—Apr. 30.</td>
</tr>
<tr>
<td>Lynx: Unit 14(C)—2 lynx</td>
<td>Dec. 15-Jan. 15.</td>
</tr>
<tr>
<td>Wolf: Unit 14(C)—5 wolves</td>
<td>Aug. 10—Apr. 30.</td>
</tr>
<tr>
<td>Wolverine: Unit 14(C)—1 wolverine</td>
<td>Sept. 1-Mar. 31.</td>
</tr>
<tr>
<td>Grouse (Spruce and Ruffed): Unit 14(C)—5 per day, 10 in possession</td>
<td>Sept. 8-Mar. 31.</td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): Unit 14(C)—10 per day, 20 in possession</td>
<td>Sept. 8-Mar. 31.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trapping</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver: Unit 14(C)—that portion within the drainages of Glacier Creek, Knik Creek, Petersen Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.</td>
<td>Dec. 1—Apr. 15.</td>
</tr>
<tr>
<td>Coyote: Unit 14(C)—No limit</td>
<td></td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—1 fox</td>
<td>No. 10-Feb. 28.</td>
</tr>
<tr>
<td>Lynx: Unit 14(C)—No limit</td>
<td></td>
</tr>
<tr>
<td>Marten: Unit 14(C)—No limit</td>
<td></td>
</tr>
<tr>
<td>Mink and Weasel: Unit 14(C)—No limit</td>
<td></td>
</tr>
<tr>
<td>Muskrat: Unit 14(C)—No limit</td>
<td></td>
</tr>
<tr>
<td>Otter: Unit 14(C)—No limit</td>
<td></td>
</tr>
<tr>
<td>Wolf: Unit 14(C)—No limit</td>
<td></td>
</tr>
<tr>
<td>Wolverine: Unit 14(C)—No limit</td>
<td></td>
</tr>
</tbody>
</table>
(15) Unit 15. (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150° 00' W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00' W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the remainder into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;
(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;
(C) Unit 15(C) consists of the remainder of Unit 15.

(ii) You may not take wildlife, except for grouse, ptarmigan, and hares that may be taken only from October 1–March 1 by bow and arrow only, in the Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its western most junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning.

(iii) Unit-specific regulations:
(A) You may use hays to hunt black bear between April 15 and June 15;
(B) You may not trap fur-bearing for subsistence in the Skilak Loop Wildlife Management Area;
(C) You may not trap marten in that portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier;
(D) You may not take red fox in Unit 15 by any means other than a steel trap or snare;
(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
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<tbody>
<tr>
<td><strong>Black Bear:</strong></td>
<td><strong>Hunting</strong></td>
</tr>
<tr>
<td>Unit 15(C)—3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Unit 15—remainder</td>
<td>No open season.</td>
</tr>
<tr>
<td><strong>Moose:</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 15(A)—Skilak Loop Wildlife Management Area</td>
<td>No open season.</td>
</tr>
<tr>
<td>Unit 15(A)—remainder, Unit 15(B), and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow lines on either antler, by Federal registration permit only</td>
<td>Aug. 10–Sept. 20.</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Sept. 1–Apr. 30</td>
</tr>
<tr>
<td>Hare (Snowshoe): No limit</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Wolf:</td>
<td></td>
</tr>
<tr>
<td>Unit 15—that portion within the Kenai National Wildlife Refuge—2 wolves</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Unit 15—remainder—5 wolves</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Grouse (Spruce): 15 per day, 30 in possession</td>
<td>Aug. 10–Mar. 31.</td>
</tr>
<tr>
<td>Grouse (Ruffed)</td>
<td>No open season.</td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed):</td>
<td></td>
</tr>
<tr>
<td>Unit 15(A) and (B)—20 per day, 40 in possession</td>
<td>Aug. 10–Mar. 31.</td>
</tr>
<tr>
<td>Unit 15(C)—20 per day, 40 in possession</td>
<td>Aug. 10–Dec. 31.</td>
</tr>
<tr>
<td>Unit 15(C)—5 per day, 10 in possession</td>
<td>Jan. 1–Mar. 31.</td>
</tr>
<tr>
<td><strong>Trapping</strong></td>
<td></td>
</tr>
<tr>
<td>Beaver: 20 beaver per season</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 1 fox</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
<tr>
<td>Marten:</td>
<td></td>
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<td></td>
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§ 100.26

U.S. Fish and Wildlife Serv., Interior

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier.</td>
<td>No open season.</td>
</tr>
<tr>
<td>Remainder of Unit 15—No limit</td>
<td>Nov. 10–Jan. 31.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 10–Jan. 31.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 10–May 15.</td>
</tr>
<tr>
<td>Otter: Unit 15—No limit</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Wolverine: Unit 15(B) and (C)—No limit</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
</tbody>
</table>

(16) Unit 16. (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgan Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositsna River, and drainages into the south side of the Tokositsna River upstream to the base of the Tokositsna Glacier, including the drainage of the Kalgan Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kalgan Glacier, east of the east bank of the Kalgan Glacier, and east of the Kalgan Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16.

(ii) You may not take wildlife for subsistence uses in the Mount McKinley National Park, as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Bear: 3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Moose:</td>
<td>Sept. 1–Sept. 15.</td>
</tr>
<tr>
<td>Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kuskutan River drainage—1 antlered bull.</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Unit 16(B)—remainder—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only.</td>
<td>Dec. 1–Feb. 28.</td>
</tr>
<tr>
<td>Coyote: 2 coyotes</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 2 foxes</td>
<td>Sept. 1–Feb. 15.</td>
</tr>
<tr>
<td>Hare (Snowshoe): No limit</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Grouse (Spruce and Ruffed): 15 per day, 30 in possession</td>
<td>Aug. 10–Mar. 31.</td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td>Aug. 10–Mar. 31.</td>
</tr>
</tbody>
</table>

| Trapping |
|----------------|-------------|
| Beaver: No limit | Oct. 10–May 15. |
| Coyote: No limit | Nov. 10–Mar. 31. |
| Fox, Red (including Cross, Black and Silver Phases): No limit | Nov. 10–Feb. 28. |
| Lynx: No limit | Dec. 15–Jan. 15. |
| Mink and Weasel: No limit | Nov. 10–June 10. |
| Muskrat: No limit | Nov. 10–Mar. 31. |
| Otter: No limit | Nov. 10–Mar. 31. |
| Wolf: No limit | Nov. 10–Feb. 28. |

(17) Unit 17. (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape
§ 100.26 50 CFR Ch. I (10–1–02 Edition)

Constantine, and Hagemeister Island and the Walrus Islands:

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bears, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), from Aug. 1—Nov. 1;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) For Federal registration permit caribou hunts for Unit 17(A) and (C), that portion consisting of the Nushagak Peninsula south of the Igiugig River, Tukung River and Tukung Hills, west to Tvativak Bay, a Federally-qualified subsistence user may designate another Federally-qualified subsistence user to harvest caribou on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) If you have a trapping license, you may use a firearm to take beaver in Unit 17 from April 15—May 31. You may not take beaver with a firearm under a trapping license on National Park Service lands.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear: 2 bears</td>
<td></td>
</tr>
<tr>
<td>Brown Bear: Unit 17—1 bear by State registration permit only</td>
<td></td>
</tr>
</tbody>
</table>
| Caribou: Unit 17(A)—all drainages west of Right Hand Point—5 caribou; however, no more than 2 bulls may be taken from Oct. 1—Nov. 30. The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager. | Aug. 1—May 31.
| Unit 17(A) and (C)—that portion of 17(A) and (C) consisting of the Nushagak Peninsula south of the Igiugig River, Tukung River and Tukung Hills, west to Tvativak Bay—2 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by the residents of Togiak, Twin Hills, Manstokat, Aleknagik, Dillingham, Clark’s Point, and Ekuk during seasons identified above. | Aug. 1—Sept. 30.
| Unit 17(B) and (C)—that portion of 17(C) east of the Wood River and Wood River Lakes—5 caribou; however, no more than 2 bulls may be taken from Oct. 1—Nov. 30. | Dec. 1—Mar. 31.
| Unit 17(A)—remainder and 17(C)—remainder—selected drainages; a harvest limit of up to 5 caribou will be determined at the time the season is announced. | Aug. 1—Apr. 15.
| **Sheep** |            |
| 1 ram with full curl horn or larger | Aug. 25—Sept. 20. |
| **Moose** |            |
| Unit 17(A)—1 bull by State registration permit | Aug. 20—Sept. 15. |
| Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chilikna River drainage—1 bull by State registration permit. During the period Sept. 1—Sept. 15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket. | Aug. 20—Sept. 15. |
| Unit 17(C)—that portion that includes the lohithia drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit. During the period Sept. 1—Sept. 15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket. | Dec. 1—Dec. 31. |
| Unit 17(B)—remainder and 17(C)—remainder—1 bull by State registration permit. During the period Sept. 1—Sept. 15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket. |            |
**U.S. Fish and Wildlife Serv., Interior**

§ 100.26

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coyote: 2 coyotes</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): No limit</td>
<td>Dec. 1–Mar. 15.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 2 foxes</td>
<td>Sept. 1–Feb. 15.</td>
</tr>
<tr>
<td>Hare (Snowshoe and Tundra): No limit</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Aug. 10–Feb. 28.</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Grouse (Spruce and Ruffed): 15 per day, 30 in possession Aug. 10–Apr. 30.</td>
<td></td>
</tr>
<tr>
<td>Ptarmigan (Rock and Willow): 20 per day, 40 in possession</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
</tbody>
</table>

**Trapping**

<table>
<thead>
<tr>
<th>Trapping</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Beaver:</td>
<td></td>
</tr>
<tr>
<td>Unit 17—40 beaver per season—2 beaver per day. Only firearms may be used</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td></td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
<tr>
<td>Muskrat: 2 muskrats</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 10–Mar. 31.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 10–Feb. 28.</td>
</tr>
</tbody>
</table>

(18) **Unit 18.** (i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag, you may not use aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 18 from Apr. 1–Jun. 10;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou south of the Yukon River on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take caribou from a boat moving under power in Unit 18.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Bear: 3 bears</td>
<td>July 1–June 30.</td>
</tr>
</tbody>
</table>
(19) **Unit 19. (i) Unit 19 consists of the Kuskokwim River drainage upstream from a straight line drawn between Lower Kalskag and Piamut:**

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Hoholitna River drainage upstream from and including the Bakbuk Creek drainage to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed
prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonazina River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50' W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Musaitli Ridge to elevation 1,610, then north to Dyckman Mountain and follow the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf benchmark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area, which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:
(A) You may use bait to hunt black bear between April 15 and June 30.
(B) [Reserved]

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Black Bear:</strong></td>
<td></td>
</tr>
<tr>
<td>3 bears</td>
<td>July 1—June 30.</td>
</tr>
<tr>
<td><strong>Brown Bear:</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 19(A) and (B)—those portions which are downstream of and including the Aniak River drainage—1 bear by State registration permit.</td>
<td>Sept. 1–May 31.</td>
</tr>
<tr>
<td>Unit 19(A)—remainder, 19(B)—remainder, and Unit 19(D)—1 bear</td>
<td>Sept. 1–May 31.</td>
</tr>
<tr>
<td><strong>Caribou</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 19(A)—north of Kuskokwim River—1 caribou</td>
<td>Aug. 10–Sept. 30.</td>
</tr>
<tr>
<td>Unit 19(A)—south of the Kuskokwim River and Unit 19(B) (excluding rural Alaska residents of Lime Village)—5 caribou</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Unit 19(C)—1 caribou</td>
<td>Aug. 1–April 15.</td>
</tr>
<tr>
<td>Unit 19(D)—south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou</td>
<td>Aug. 10–Oct. 10.</td>
</tr>
<tr>
<td>Unit 19(D)—remainder—1 caribou</td>
<td>Aug. 10–Sept. 30.</td>
</tr>
<tr>
<td>Unit 19—rural Alaska residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.</td>
<td>July 1–June 30.</td>
</tr>
</tbody>
</table>

| **Sheep:**     |             |
| 1 ram with 1/4 curl horn or larger | Aug. 10–Sept. 20. |

| **Moose:**     |             |
| 1 bull         | July 1–June 30. |
| 1 antlered bull | Sept. 1–Sept. 20. |
| 1 antlered bull | Nov. 20–Nov. 30. |
| 1 bull by State registration permit | Jan. 1–Jan. 10. |
| 1 bull         | Feb. 1–Feb. 10. |
| 1 bull         | Sept. 1–Sept. 20. |
| 1 bull         | Nov. 20–Nov. 30. |
| 1 bull         | Jan. 1–Jan. 10. |
| 1 bull         | Feb. 1–Feb. 10. |
| 1 bull         | Sept. 1–Sept. 30. |
| 1 bull         | Sept. 1–Oct. 10. |
| 1 bull         | Jan. 15–Feb. 15. |
(20) Unit 20. (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages, and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980:

(B) You may not use motorized vehicles or pack animals for hunting from

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Hare (Snowshoe): No limit</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Wolf: Unit 19(D)—10 wolves per day</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Unit 19(B)—remainder—5 wolves</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession</td>
<td>Sept. 1–Sept. 30.</td>
</tr>
<tr>
<td>Piiqmiq (Rock, Willow, and White-tailed): 20 per day, 40 in possession</td>
<td>Sept. 1–Sept. 30.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Trapping</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver: No limit</td>
<td>Nov. 1–Jun. 10.</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit 4</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
</tbody>
</table>
Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: A line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 230.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River.

(C) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.

(E) You may not use any motorized vehicle for hunting from August 5–September 20 in the Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then north along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport.

(E) You may by permit only hunt moose on the Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hot Springs Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning.

(F) You may hunt moose by bow and arrow only in the Fairbanks Management Area, which consists of that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to Isberg Road, then northeasterly on Isberg Road to Cripple Creek Road, then northeasterly on Cripple Creek Road to the Parks Highway, then north on the Parks Highway to Alder Creek, then westerly along Alder Creek to its confluence with Emma Creek, then upstream along Emma Creek to its headwaters, then northerly along the hydrographic divide between Goldstream Creek drainages and Cripple Creek drainages to the summit of Ester Dome, then west across Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to Sheep Creek Road, then north on Sheep Creek Road.
to Murphy Dome Road, then west on Murphy Dome Road to Old Murphy Dome Road, then east on Old Murphy Dome Road to the Elliot Highway, then south on the Elliot Highway to Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its confluence with Ruby Creek, then upstream along Ruby Creek to Esro Road, then south on Esro Road to Chena Hot Springs Road, then east on Chena Hot Springs Road to Nordale Road, then south on Nordale Road to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along the Moose Creek dike to its intersection with

<table>
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<tr>
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<tbody>
<tr>
<td>Hunting</td>
<td></td>
</tr>
<tr>
<td>Black Bear: 3</td>
<td></td>
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<tr>
<td>bears</td>
<td></td>
</tr>
<tr>
<td>Brown Bear:</td>
<td></td>
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<tr>
<td>Unit 20(E)—1</td>
<td></td>
</tr>
<tr>
<td>bear</td>
<td></td>
</tr>
<tr>
<td>Unit 20—remainder—1</td>
<td></td>
</tr>
<tr>
<td>bear every four regulatory years</td>
<td></td>
</tr>
<tr>
<td>Caribou:</td>
<td></td>
</tr>
<tr>
<td>Unit 20(E)—1</td>
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<tr>
<td>caribou by joint State/Federal registration permit only. Up to 900 caribou may be taken under a State/Federal harvest quota. During the winter season, area closures or hunt restrictions may be announced when Nencha caribou are present in a mix of more than 1 Nencha caribou to 15 Forty-mile caribou, except when the number of caribou present is low enough that less than 50 Nencha caribou will be harvested regardless of the mixing ratio for the two herds. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management, after consultation with the National Park Service and Alaska Department of Fish and Game.</td>
<td></td>
</tr>
<tr>
<td>Unit 20(F)—north of the Yukon River—1 caribou</td>
<td></td>
</tr>
<tr>
<td>Unit 20(F)—east of the Dalton Highway and south of the Yukon River—1 caribou. However, during the November 1–March 31 season a State registration permit is required.</td>
<td></td>
</tr>
<tr>
<td>Moose:</td>
<td></td>
</tr>
<tr>
<td>Unit 20(A)—1</td>
<td></td>
</tr>
<tr>
<td>antlered bull</td>
<td></td>
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<tr>
<td>Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only.</td>
<td></td>
</tr>
<tr>
<td>Unit 20(B)—remainder—1</td>
<td></td>
</tr>
<tr>
<td>antlered bull</td>
<td></td>
</tr>
<tr>
<td>Unit 20(C)—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.</td>
<td></td>
</tr>
<tr>
<td>Unit 20(C)—remainder—1</td>
<td></td>
</tr>
<tr>
<td>antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.</td>
<td></td>
</tr>
<tr>
<td>Unit 20(E)—that portion drained by the Forty-mile River (all forks) from Mile 9 1/2 to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 bull.</td>
<td></td>
</tr>
<tr>
<td>Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.</td>
<td></td>
</tr>
<tr>
<td>Unit 20(F)—remainder—1</td>
<td></td>
</tr>
<tr>
<td>antlered bull</td>
<td></td>
</tr>
<tr>
<td>Coyote: 2 coyotes.</td>
<td></td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.</td>
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<tr>
<td>Hare (Snowshoe): No limit</td>
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<tr>
<td>Lynx:</td>
<td></td>
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<tr>
<td>Unit 20(E)—2</td>
<td></td>
</tr>
<tr>
<td>lynx</td>
<td></td>
</tr>
<tr>
<td>Unit 20—remainder—2</td>
<td></td>
</tr>
<tr>
<td>lynx</td>
<td></td>
</tr>
<tr>
<td>Wolf: 10 wolves</td>
<td></td>
</tr>
<tr>
<td>Wolverine: 1 wolverine</td>
<td></td>
</tr>
<tr>
<td>Grouse (Spruce, Ruffed, and Sharp-tailed):</td>
<td></td>
</tr>
<tr>
<td>Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that no more than 5 per day and 10 in possession are sharp-tailed grouse.</td>
<td></td>
</tr>
</tbody>
</table>

Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 20(E) during April and October;

(C) Residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State.
(21) **Unit 21.** (i) **Unit 21** consists of drainages into the Yukon River upstream from Paimiut to, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River drainage upstream from the Dubi River drainage:

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dubi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dubi River drainage, and excluding the Dubi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57' N. lat., 156°41' W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the

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### Harvest limits

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 20—remainder—15 per day, 30 in possession</td>
<td>Aug. 10–Mar. 31.</td>
</tr>
<tr>
<td>Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.</td>
<td>Aug. 10–Mar. 31.</td>
</tr>
<tr>
<td>Unit 20—remainder—20 per day, 40 in possession</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
</tbody>
</table>

### Trapping

<table>
<thead>
<tr>
<th>Trapping</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver: Units 20(A), 20(B), Unit 20(C), and 20(F)—No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Remaner Unit 20—No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Coyote: Unit 20(E)—No limit</td>
<td>Oct. 15–Apr. 15.</td>
</tr>
<tr>
<td>Remainder Unit 20—No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Lynx: Unit 20(A), (B), (D), and (E) east of the Teklanika River—No limit</td>
<td>Dec. 1–Jan. 31.</td>
</tr>
<tr>
<td>Unit 20(E)—No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30.</td>
<td>Nov. 1–Jan. 31.</td>
</tr>
<tr>
<td>Unit 20(F) and the remainder of 20(C)—No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Muskrat: Unit 20(E)—No limit</td>
<td>Sept. 20–June 10.</td>
</tr>
<tr>
<td>Unit 20—Remaner—No limit</td>
<td>Nov. 1–June 10.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Unit 20(D)—No limit</td>
<td>Oct. 15–Apr. 30.</td>
</tr>
<tr>
<td>Unit 20(E)—No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
</tbody>
</table>
crest of Hochandoctla Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella’s Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station.

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 21(D), Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) You may use a firearm to take beaver in Unit 21(E) from Nov. 1–June 10;

(C) The residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;

(D) The residents of Unit 21 may take up to three moose per regulatory year for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State;

(E) You may take wildlife outside the seasons or harvest limits provided in this section for food in traditional religious ceremonies that are part of a funerary or mortuary cycle, including memorial potlatches, under the following conditions:

(I) The harvester is an Alaska rural resident with customary and traditional use in that area where the harvesting will occur. No permit or harvest ticket is required for taking under this section;
(2) The person who takes wildlife under this section, as soon as practicable, and not more than 20 days after the harvesting, submits or ensures the submission of a written report to the nearest Federal office, specifying the harvester’s name and address, the number, sex, and species of wildlife taken, the dates and locations of the taking, and the identity of the decedent or decedents for whom the ceremony was held;

(3) The harvested meat is used in a customary and traditional rural Alaskan religious ceremony; and

(4) The taking does not violate recognized principles of wildlife conservation.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting</td>
<td></td>
</tr>
<tr>
<td>Black Bear:</td>
<td></td>
</tr>
<tr>
<td>3 bears</td>
<td>July 1–June 30</td>
</tr>
<tr>
<td>Brown Bear:</td>
<td></td>
</tr>
<tr>
<td>Unit 21(D):</td>
<td></td>
</tr>
<tr>
<td>1 bear by State registration permit only</td>
<td>Sept. 1–June 15</td>
</tr>
<tr>
<td>Unit 21:</td>
<td></td>
</tr>
<tr>
<td>remainder—1 bear every four regulatory years</td>
<td>Sept. 1–May 31</td>
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<tr>
<td>Caribou:</td>
<td></td>
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<tr>
<td>Unit 21(A):</td>
<td></td>
</tr>
<tr>
<td>1 caribou</td>
<td></td>
</tr>
<tr>
<td>Unit 21(B), (C), and (E):</td>
<td>Aug. 10–Sept. 30</td>
</tr>
<tr>
<td>1 caribou</td>
<td></td>
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<tr>
<td>Unit 21(D):</td>
<td></td>
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<tr>
<td>north of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.</td>
<td>Aug. 10–Sept. 30</td>
</tr>
<tr>
<td>Unit 21(D):</td>
<td></td>
</tr>
<tr>
<td>remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30</td>
<td>Winter season to be announced.</td>
</tr>
<tr>
<td>Moose:</td>
<td></td>
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<tr>
<td>Unit 21(A):</td>
<td></td>
</tr>
<tr>
<td>1 bull</td>
<td>Aug. 20–Sept. 25</td>
</tr>
<tr>
<td>Unit 21(B) and (C):</td>
<td>Sept. 5–Sept. 25</td>
</tr>
<tr>
<td>1 antlered bull</td>
<td></td>
</tr>
<tr>
<td>Unit 21(D):</td>
<td></td>
</tr>
<tr>
<td>Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only during Aug. 27–31 and the February season. During the Aug. 27–Sept. 30 season a State registration permit is required. Moose may not be taken within one-half mile of the mainstem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&amp;G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon Fish and Game Advisory Committee.</td>
<td>Aug. 27–Sept. 20</td>
</tr>
<tr>
<td>Unit 21(D):</td>
<td></td>
</tr>
<tr>
<td>remainder—1 moose; however, antlerless moose may be taken only during Sept. 21–25 and the February season. Moose may not be taken within one-half mile of the mainstem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&amp;G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon Fish and Game Advisory Committee.</td>
<td>Winter season to be announced.</td>
</tr>
<tr>
<td>Unit 21(E):</td>
<td></td>
</tr>
<tr>
<td>1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.</td>
<td>Sept. 5–Sept. 25</td>
</tr>
<tr>
<td>Beaver:</td>
<td></td>
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<tr>
<td>Unit 21(E):</td>
<td></td>
</tr>
<tr>
<td>No Limit</td>
<td>Nov. 1–June 10</td>
</tr>
<tr>
<td>Unit 21:</td>
<td></td>
</tr>
<tr>
<td>remainder</td>
<td>No open season</td>
</tr>
<tr>
<td>Coyote:</td>
<td></td>
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<tr>
<td>10 coyotes; however, no more than 2 coyotes may be taken before October 1</td>
<td>Sept. 1–Apr. 30</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases):</td>
<td>Sept. 1–Mar. 15</td>
</tr>
<tr>
<td>10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1</td>
<td></td>
</tr>
<tr>
<td>Hare (Snowshoe and Tundra): No limit</td>
<td>July 1–June 30</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Nov. 1–Feb. 28</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Aug. 10–Apr. 30</td>
</tr>
<tr>
<td>Wolverine:</td>
<td></td>
</tr>
<tr>
<td>1 wolverine</td>
<td>Sept. 1–Mar. 31</td>
</tr>
<tr>
<td>Grouse (Spruce, Ruffed, and Sharp-tailed):</td>
<td>Aug. 10–Apr. 30</td>
</tr>
<tr>
<td>15 per day, 30 in possession</td>
<td></td>
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<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed):</td>
<td>Aug. 10–Apr. 30</td>
</tr>
<tr>
<td>20 per day, 40 in possession</td>
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<tr>
<td>Trapping</td>
<td></td>
</tr>
<tr>
<td>Beaver:</td>
<td></td>
</tr>
<tr>
<td>No Limit</td>
<td>Nov. 1–June 10</td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Nov. 1–Mar. 31</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Nov. 1–Feb. 28</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Nov. 1–Feb. 28</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 1–Feb. 28</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 1–Feb. 28</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 1–June 10</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 1–Apr. 15</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 1–Apr. 30</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 1–Mar. 31</td>
</tr>
</tbody>
</table>
§ 100.26  

(22) Unit 22. (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock.

(ii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 22 during the established seasons;

(B) Coyote, incidentally taken with a trap or snare intended for red fox or wolf, may be used for subsistence purposes;

(C) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine;

(D) The taking of one bull moose and one muskox by the community of Wales is allowed for the celebration of the Kingikmiut Dance Festival under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Wales. The harvest may only occur between November 15 and December 31 in Unit 22 for moose and in Unit 22(E) for muskox. The harvest will count against any established quota for the area.

Harvest limits

<table>
<thead>
<tr>
<th>Hunting</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Bear: 3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Brown Bear:</td>
<td></td>
</tr>
<tr>
<td>Unit 22(A), (B), (D), and (E)</td>
<td>1 bear by State registration permit only</td>
</tr>
<tr>
<td>Unit 22(C)</td>
<td>1 bear by State registration permit only</td>
</tr>
<tr>
<td>Caribou: Unit 22(A) and (B)</td>
<td>5 caribou per day; however, cow caribou may not be taken May 16—June 30.</td>
</tr>
<tr>
<td>Moose:</td>
<td></td>
</tr>
<tr>
<td>Unit 22(A)—1 bull; however, the period of Dec. 1—Jan. 31 is closed to hunting except by residents of Unit 22(A) only.</td>
<td>Aug. 1–Sept. 30.</td>
</tr>
</tbody>
</table>
### Harvest Limits

**Beaver:**
- Unit 22(B)—West of the Darby Mountains—1 bull by either Federal or State registration permit. Federal public lands are closed to the taking of moose except by residents of White Mountain and Golovin. Jan. 1–Jan. 31.
- Unit 22(B)—Remainder—1 bull Aug. 1–Jan. 31.
- Unit 22(C)—1 antlered bull Sept. 1–Sept. 14.
- Unit 22(D)—That portion within the Kougouruk, Kuzitrin, and Pilgrim River drainages—1 bull by Federal registration permit. The combined State/Federal harvest may not exceed 33 moose. Federal public lands are closed to the taking of moose except by residents of Units 22(D) and 22(C). Aug. 20–Sept. 30.
- Unit 22(D)—That portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal registration permit. The combined State/Federal harvest may not exceed 6 moose. Dec. 1–Dec. 31.
- Unit 22(E)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf. Federal public lands are closed to the taking of moose except by Federally-qualified subsistence users. Aug. 1–Jan. 31.
- Unit 22(E)—1 bull. Federal public lands are closed to the taking of moose except by Federally-qualified subsistence users. Aug. 1–Dec. 31.

**Muskox:**
- Unit 22(B)—1 bull by Federal permit or State Tier II permit. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM. Aug. 1–Mar. 15.
- Unit 22(D)—That portion west of the Tisuk River drainage and Canyon Creek—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM. Sept. 1–Mar. 15.
- Remainder of Unit 22(D)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM. Aug. 1–Mar. 15.
- Unit 22(E)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM. Aug. 1–Mar. 15.
- Unit 22—remainder No open season.

### Trapping

**Beaver:**
- Unit 22(A), (B), (D), and (E)—50 beaver Nov. 1–June 10.
- Unit 22(C)—No limit Nov. 1–Jan. 31.

**Mink and Weasel:**
- No limit Nov. 1–Jan. 31.

**Otter:**
- No limit Nov. 1–Jan. 31.

**Wolf:**
- No limit Nov. 1–Jan. 31.
§ 100.26 50 CFR Ch. I (10–1–02 Edition)

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coyote: Federal public lands are closed to the taking of coyotes</td>
<td>No open season.</td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 1–June 10.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 1–Apr. 30.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
</tbody>
</table>

(23) Unit 23. (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek, is closed for the period August 25–September 15.

This does not apply to the transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 23;

(B) In addition to other restrictions on method of take found in this §100.26, you may also take swimming caribou with a firearm using rimfire cartridges.

(C) If you have a trapping license, you may take beaver with a firearm in all of Unit 23 from Nov. 1–Jun. 10;

(D) For the Baird and DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.
<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Caribou</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 23—remainder—1 bear every four regulatory years ...............................</td>
<td>Sept. 1-Oct 10.</td>
</tr>
<tr>
<td>Caribou: 15 caribou per day; however, cow caribou may not be taken May 16–June 30 ..........</td>
<td>Apr. 15-May 25.</td>
</tr>
<tr>
<td></td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td><strong>Sheep</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 23—south of Rabbit Creek, Kyak Creek, and the Noatak River, and west of the</td>
<td>(a) Aug. 1–Sept. 30. The season will be closed when half of the</td>
</tr>
<tr>
<td>Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by</td>
<td>total fall/winter quota has been harvested.</td>
</tr>
<tr>
<td>Federal registration permit. The hunter must deliver the horns attached to the skull to</td>
<td>(b) Dates of the winter season to</td>
</tr>
<tr>
<td>the National Park Service or NPS representative within 30 days of harvesting the ani-</td>
<td>be announced by the Super-</td>
</tr>
<tr>
<td>mal. The NPS or NPS representative will destroy the trophy value by removing and</td>
<td>intendent of Western Arctic</td>
</tr>
<tr>
<td>destroying four inches from the base of one horn. The Superintendent of the Western</td>
<td>National Parklands. The sea-</td>
</tr>
<tr>
<td>Arctic National Parklands will announce the fall/winter harvest quota, if any, prior to the</td>
<td>son will be closed on April or</td>
</tr>
<tr>
<td>the fall season. All harvest quota and season announcements will be done in con-</td>
<td>when the total quota of sheep</td>
</tr>
<tr>
<td>sultation with ADF&amp;G and BLM. Federal public lands are closed to the taking of sheep</td>
<td>has been harvested, whichever</td>
</tr>
<tr>
<td>except by Federally-qualified subsistence users.</td>
<td>comes first.</td>
</tr>
<tr>
<td>Gets of the winter season to be announced by Super-</td>
<td>(a) Aug. 1–Sept. 30. The season will</td>
</tr>
<tr>
<td>intendent of Western Arctic National Parklands. The sea-</td>
<td>be closed when half of the</td>
</tr>
<tr>
<td>son will be closed in the DeLong Mountains on April 1 or when the total quota of sheep</td>
<td></td>
</tr>
<tr>
<td>has been harvested, whichever comes first.</td>
<td></td>
</tr>
<tr>
<td><strong>Wolf</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 23—south of Rabbit Creek, Kyak Creek, and the Noatak River, and west of the</td>
<td>(a) Aug. 1–Sept. 30. The season will be closed when half of the</td>
</tr>
<tr>
<td>Aniuk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal reg-</td>
<td>total fall/winter quota has been</td>
</tr>
<tr>
<td>istration permit. The hunter must deliver the horns attached to the skull to the</td>
<td>harvested in the DeLong</td>
</tr>
<tr>
<td>National Park Service or NPS representative within 30 days of harvesting the animal. The</td>
<td>Mountains.</td>
</tr>
<tr>
<td>NPS or NPS representative will destroy the trophy value by removing and destroying 4</td>
<td>(b) Dates of the winter season to</td>
</tr>
<tr>
<td>inches from the base of one horn. The Superintendent of the Western Arctic National</td>
<td>be announced by the Super-</td>
</tr>
<tr>
<td>Parklands will announce the fall/winter harvest quota, if any, prior to the fall season.</td>
<td>intendent of Western Arctic</td>
</tr>
<tr>
<td>All harvest quota and season announcements will be done in consultation with ADF&amp;G</td>
<td>National Parklands. The sea-</td>
</tr>
<tr>
<td>and BLM.</td>
<td>son will be closed on April or</td>
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<td></td>
<td>when the total quota of sheep</td>
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<tr>
<td></td>
<td>has been harvested, whichever</td>
</tr>
<tr>
<td></td>
<td>comes first.</td>
</tr>
<tr>
<td><strong>Beaver</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 23—remainder (Schwatka Mountains)—1 ram with ½ curl horn or larger ..........</td>
<td>Aug. 10–Sept. 20.</td>
</tr>
<tr>
<td></td>
<td>Oct. 1–Apr. 30.</td>
</tr>
<tr>
<td><strong>Moose</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 23—remainder (Schwatka Mountains)—1 sheep ........................................</td>
<td>July 1–Mar. 31.</td>
</tr>
<tr>
<td>Moose:</td>
<td></td>
</tr>
<tr>
<td>Unit 23—that portion north and west of and including the Singoálk River drainage, and</td>
<td>(a) Aug. 1–Sept. 15.</td>
</tr>
<tr>
<td>all lands draining into the Kukpuk and Ipekik Rivers —1 moose; no person may take a</td>
<td>Oct. 1–Mar. 31.</td>
</tr>
<tr>
<td>Unit 23—that portion lying within the Noatak River drainage—1 moose; however,</td>
<td>Aug. 1–Mar. 15.</td>
</tr>
<tr>
<td>antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a cow</td>
<td></td>
</tr>
<tr>
<td>accompanied by a calf.</td>
<td></td>
</tr>
<tr>
<td>Unit 23—remainder—1 moose; no person may take a cow accompanied by a calf ..........</td>
<td></td>
</tr>
<tr>
<td><strong>Muskox</strong></td>
<td></td>
</tr>
<tr>
<td>Unit 23—south of Kotzebue Sound and west of and including the Buckland River drain-</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>age—1 muskox by Federal permit or State Tier II permit; however, cows may only be</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking</td>
<td></td>
</tr>
<tr>
<td>of muskox except by Federally-qualified subsistence users. Annual harvest quotas</td>
<td></td>
</tr>
<tr>
<td>and any needed closures will be announced by the Superintendent of the Western</td>
<td></td>
</tr>
<tr>
<td>Arctic National Parklands, in consultation with ADF&amp;G and BLM.</td>
<td></td>
</tr>
<tr>
<td><strong>Trapping</strong></td>
<td></td>
</tr>
<tr>
<td>Beaver: Unit 23—the Kobuk and Selawik River drainages 50 beaver ..........................</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Coyote: 2 coyotes ..................................................................................................</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): 2 foxes .......................................................</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>foxes may be taken prior to Oct 1. ........................................................................</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>Hare (Snowshoe and Tundra) No limit .....................................................................</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>Lynx: 2 lynx. ..........................................................................................................</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>Wolf: 5 wolves .........................................................................................................</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>Grouse (Spruce and Ruffled): 15 per day, 30 in possession. ...............................</td>
<td>Jul 1–June 30.</td>
</tr>
<tr>
<td>Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession. ..........</td>
<td>Jul 1–June 30.</td>
</tr>
</tbody>
</table>

467
(24) Unit 24. Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes;
(C) You may take wildlife outside the seasons or harvest limits provided in this section for food in traditional religious ceremonies that are part of a funerary or mortuary cycle, including memorial potlatches, under the following conditions:

(1) The harvester is an Alaska rural resident with customary and traditional use in that area where the harvesting will occur. No permit or harvest ticket is required for taking under this section;

(2) The person who takes wildlife under this section, as soon as practicable, and not more than 20 days after the harvesting, submits or ensures the submission of a written report to the nearest Federal office, specifying the harvester’s name and address, the number, sex, and species of wildlife taken, the dates and locations of the taking, and the identity of the decedent or decedents for whom the ceremony was held;

(3) The harvested meat is used in a customary and traditional rural Alaskan religious ceremony; and

(4) The taking does not violate recognized principles of wildlife conservation.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear: 3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Caribou: Unit 24—that portion south of the south bank of the Kanuti River, upstream from and including that portion of the Kanuti-Kilolina River drainage, bounded by the southeast bank of the Kodosin-Nolitna Creek, then downstream along the east bank of the Kanuti-Kilolina River to its confluence with the Kanuti River—1 caribou. Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30.</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Sheep: Unit 24—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe. Unit 24—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep. Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with 7/8 curl horn or larger by Federal registration permit only. Unit 24—remainder—1 ram with 7/8 curl horn or larger</td>
<td>July 15–Dec. 31.</td>
</tr>
<tr>
<td>Moose: Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may only be taken during the periods of Aug. 27–31, Dec. 1–Dec. 10, and Mar. 1–Mar. 10. During Aug. 27–Sept. 30, a State registration permit is required. Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose. Unit 24—that portion within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Aug. 10, a State registration permit is required. Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Aug. 10, a State registration permit is required. Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 antlered bull by Federal registration permit only. Unit 24—remainder—1 antlered bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents.</td>
<td>Aug. 1–Sept. 20.</td>
</tr>
<tr>
<td>Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1</td>
<td>Sept. 1–Mar. 15.</td>
</tr>
<tr>
<td>Hare (Snowshoe): No limit</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Wolf: 5 wolves</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Wolverine: 1 wolverine</td>
<td>Sept. 1–Mar. 15.</td>
</tr>
<tr>
<td>Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Ptarmigan (Rock and Willow): 20 per day, 40 in possession</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
</tbody>
</table>

| Trapping | |
| Beaver: No limit | Nov. 1–June 10. |
| Coyote: No limit | Nov. 1–Mar. 31. |
(25) **Unit 25.** (i) **Unit 25** consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) **Unit 25(A)** consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) **Unit 25(B)** consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) **Unit 25(C)** consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) **Unit 25(D)** consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) **The Arctic Village Sheep Management Area** consists of that portion of Unit 25(A) north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into 2 roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and north-easterly approximately 62 miles along the divide to the headwaters of the most northerly tributary of Red Sheep Creek; then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases): No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Lynx: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 1–Feb. 28.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td>Nov. 1–Mar. 31.</td>
</tr>
</tbody>
</table>
(iii) Unit-specific regulations:
(A) You may use bait to hunt black bear between April 15 and June 30;
(B) You may take caribou and moose from a boat moving under power in Unit 25;
(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25(D) west provided that:

1. The person organizing the religious ceremony or cultural event contacts the Refuge Manager, Yukon Flats National Wildlife Refuge prior to taking or attempting to take bull moose and provide to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, the general area in which the taking will occur;
2. Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge not more than 15 days after the harvest specifying the harvester’s name and address, and the date(s) and location(s) of the taking(s);
3. No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25(D) west;
4. Any moose taken under this provision counts against the annual quota of 60 bulls.

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
</tr>
<tr>
<td>Black Bear: 3 bears</td>
<td>July 1–June 30</td>
</tr>
<tr>
<td>Brown Bear: Unit 25(D)—1 bear</td>
<td>July 1–June 30</td>
</tr>
<tr>
<td>Unit 25—remainder—1 bear</td>
<td>Sept. 1–May 31</td>
</tr>
<tr>
<td>Caribou: Unit 25(C)—that portion west of the east bank of the mainstem of Preacher Creek to its confluence with American Creek, then west of the east bank of American Creek—1 caribou. However, during the November 1—March 31 season, a State registration permit is required.</td>
<td>Aug. 10–Sept. 30</td>
</tr>
<tr>
<td>25(C)—remainder—1 caribou by joint State/Federal registration permit only. Up to 600 caribou may be taken under a State/Federal harvest quota. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management, after consultation with the National Park Service and Alaska Department of Fish and Game.</td>
<td>Nov. 1–Feb. 28</td>
</tr>
<tr>
<td>Unit 25 (D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long—1 bull</td>
<td>Aug. 10–Sept. 30</td>
</tr>
<tr>
<td>Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou</td>
<td>July 1–Apr. 30</td>
</tr>
<tr>
<td>Sheep: Unit 25(A)—that portion within the Dalton Highway Corridor Management Area</td>
<td>No open season</td>
</tr>
<tr>
<td>Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik during seasons identified above.</td>
<td>Aug. 10–Apr. 30</td>
</tr>
<tr>
<td>Unit 25(A)—remainder—3 sheep by Federal registration permit only</td>
<td>Aug. 10–Apr. 30</td>
</tr>
<tr>
<td>Unit 25(B)—that portion within Yukon Charley National Preserve—1 bull</td>
<td>Aug. 20–Sept. 30</td>
</tr>
<tr>
<td>Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Colleen River drainage—1 antlered bull.</td>
<td>Aug. 25–Sept. 30</td>
</tr>
<tr>
<td>Unit 25(B)—that portion, other than Yukon Charley National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.</td>
<td>Sept. 5–Sept. 30, Dec. 1–Dec. 15</td>
</tr>
<tr>
<td>Unit 25(B)—remainder—1 antlered bull</td>
<td>Aug. 25–Sept. 25, Dec. 1–Dec. 15</td>
</tr>
<tr>
<td>Unit 25(C)—1 antlered bull</td>
<td>Sept. 1–Sept. 15</td>
</tr>
</tbody>
</table>
Table: Harvest limits and Open season

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unit 25(D)(West)</strong>—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweeznik River, then upstream along the west bank of the Hadweeznik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in SubUnit 25(D) West. Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Additional permits for residents of 25(D) West who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician. Moose hunting on public land in Unit 25(D)(West) is closed at all times except for residents of Unit 25(D) West during seasons identified above. The moose season will be closed when 60 moose have been harvested in the Entirety (from Federal and non-Federal lands) of Unit 25(D)(West).**</td>
<td>Aug. 25-Feb. 28.</td>
</tr>
<tr>
<td><strong>Unit 26.</strong> (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:**</td>
<td></td>
</tr>
<tr>
<td>(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;</td>
<td></td>
</tr>
<tr>
<td>(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;</td>
<td></td>
</tr>
<tr>
<td>(C) Unit 26(C) consists of the remainder of Unit 26;</td>
<td></td>
</tr>
<tr>
<td>(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:**</td>
<td></td>
</tr>
<tr>
<td>(A) You may not use aircraft in any manner for moose hunting, including</td>
<td></td>
</tr>
</tbody>
</table>
transportation of moose hunters or parts of moose from Aug. 1–Sept. 14 and from Jan. 1–Mar. 31 in Unit 26(A); however, this does not apply to transportation of moose hunters, their gear, or moose parts by aircraft between publicly owned airports;

(B) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Atalna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(C) You may take caribou from a boat moving under power in Unit 26;

(B) In addition to other restrictions on method of take found in this §100.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) In Kaktovik, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) For the DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 26;

(B) In addition to other restrictions on method of take found in this §100.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) In Kaktovik, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) For the DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting</td>
<td></td>
</tr>
<tr>
<td>Black Bear:</td>
<td></td>
</tr>
<tr>
<td>3 bears</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Brown Bear:</td>
<td></td>
</tr>
<tr>
<td>Unit 26(A)—1 bear by State registration permit</td>
<td>Sept. 1–May 31.</td>
</tr>
<tr>
<td>Unit 26(B) and (C)—1 bear</td>
<td>Sept. 1–May 31.</td>
</tr>
<tr>
<td>Caribou:</td>
<td></td>
</tr>
<tr>
<td>Unit 26(A)—10 caribou per day; however, cow caribou may not be taken May 16–June 30. Federal lands south of the Colville River and east of the Kilik River are closed to the taking of caribou by non-Federally qualified subsistence users from Aug. 1–Sept. 30.</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Unit 26(B)—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30.</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Unit 26(C)—10 caribou per day</td>
<td>July 1–Apr. 30.</td>
</tr>
</tbody>
</table>
§ 100.27 50 CFR Ch. I (10–1–02 Edition)

<table>
<thead>
<tr>
<th>Harvest limits</th>
<th>Open season</th>
</tr>
</thead>
<tbody>
<tr>
<td>(You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass.)</td>
<td></td>
</tr>
<tr>
<td>Sheep:</td>
<td></td>
</tr>
<tr>
<td>Unit 26(A) and (B)—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.</td>
<td>July 15–Dec. 31.</td>
</tr>
<tr>
<td>Unit 26(A)—(excluding Anaktuvuk Pass residents)—those portions within the Gates of the Arctic National Park—3 sheep.</td>
<td>Aug. 1–Apr. 30.</td>
</tr>
<tr>
<td>Unit 26(B)—that portion west of Howard Pass and the Efivuk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The hunter must deliver the horns attached to the skull to the National Park Service or NPS representative within 30 days of harvesting the animal. The NPS or NPS representative will destroy the trophy value by removing and destroying 4 inches from the base of one horn. The Superintendent of the Western Arctic National Parklands will announce the fall/winter harvest quota, if any, prior to the fall season. All harvest quota and season announcements will be done in consultation with ADF&amp;G and BLM.</td>
<td>(a) Aug. 1–Sept. 30. The season will be closed when half of the total fall/winter quota has been harvested in the DeLong Mountains. (b) Dates of the winter season to be announced by the Superintendent of the Western Arctic National Parklands. The season will be closed in the DeLong Mountains on April 1 or when the total quota of sheep has been harvested, whichever comes first.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with 3⁄4 curl horn or larger by Federal registration permit only.</td>
<td>Aug. 1–Sept. 20.</td>
</tr>
<tr>
<td>Unit 26(A)—remained and 26(B)—remained—including the Gates of the Arctic National Preserve—1 ram with 3⁄4 curl horn or larger.</td>
<td>Aug. 1–Sept. 20.</td>
</tr>
<tr>
<td>Unit 26(C)—3 sheep per regulatory year; the Aug. 10–Sept 20 season is restricted to 1 ram with 3⁄4 curl horn or larger. A Federal registration permit is required for the Oct. 1–Apr. 30 season.</td>
<td>Oct. 1–Apr. 30.</td>
</tr>
<tr>
<td>Moose:</td>
<td></td>
</tr>
<tr>
<td>Unit 26(A)—that portion of the Colville River drainage downstream from and including the Chandler River—1 bull. Federal public lands are closed to the taking of moose except by Federally qualified users.</td>
<td>Aug. 1–Sept. 14.</td>
</tr>
<tr>
<td>Unit 26(A)—remainder—1 bull</td>
<td>Sept. 1–Sept. 14.</td>
</tr>
<tr>
<td>Unit 26—remainder</td>
<td>No open season.</td>
</tr>
<tr>
<td>Muskox: Unit 26(C)—1 muskox by Federal registration permit only; 12 permits for bulls and 3 permits for cows may be issued to rural Alaska residents of the village of Kaktovik only. However, cows may be taken only from September 15–March 31. Public lands are closed to the taking of muskox, except by rural Alaska residents of the village of Kaktovik during open seasons.</td>
<td>July 15–Mar. 31.</td>
</tr>
<tr>
<td>Coyote: 2 coyotes</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): 2 foxes</td>
<td>Sept. 1–Apr. 30.</td>
</tr>
<tr>
<td>Fox, Red (including Cross, Black and Silver Phases):</td>
<td></td>
</tr>
<tr>
<td>Unit 26(A) and (B)—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.</td>
<td>Sept. 1–Mar. 15.</td>
</tr>
<tr>
<td>Unit 26(C)—10 foxes</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Hare (Snowshoe and Tundra): No limit</td>
<td>July 1–June 30.</td>
</tr>
<tr>
<td>Lynx: 2 lynx</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Wolverine: 5 wolverine</td>
<td>Sept. 1–Mar. 31.</td>
</tr>
<tr>
<td>Ptarmigan (Rock and Willow): 20 per day, 40 in possession</td>
<td>Aug. 10–Apr. 30.</td>
</tr>
<tr>
<td>Trapping</td>
<td></td>
</tr>
<tr>
<td>Coyote: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Fox, Arctic (Blue and White Phase): No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Lync: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Marten: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Mink and Weasel: No limit</td>
<td>Nov. 1–June 10.</td>
</tr>
<tr>
<td>Muskrat: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Otter: No limit</td>
<td>Nov. 1–Apr. 30.</td>
</tr>
<tr>
<td>Wolf: No limit</td>
<td>Nov. 1–Apr. 15.</td>
</tr>
<tr>
<td>Wolverine: No limit</td>
<td></td>
</tr>
</tbody>
</table>

[67 FR 43726, June 28, 2002]

EFFECTIVE DATE NOTE: At 67 FR 43726, June 28, 2002, § 100.26 was added, effective July 1, 2002 through June 30, 2003.

§ 100.27 Subsistence taking of fish.

(a) Applicability. (1) Regulations in this section apply to the taking of fish or their parts for subsistence uses.
(2) You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.

(b) [Reserved]

(c) Methods, means, and general restrictions. (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear for subsistence fishing:

(i) A set gillnet;
(ii) A drift gillnet;
(iii) A purse seine;
(iv) A hand purse seine;
(v) A beach seine;
(vi) Troll gear;
(vii) A fish wheel;
(viii) A handline;
(ix) A pot;
(x) A longline;
(xi) A fyke net;
(xii) A lead;
(xiii) A herring pound;
(xiv) A dip net;
(xv) A mechanical jiggng gear;
(xvi) A herring pound;
(xvii) A handline;
(xviii) A cast net;
(xix) A rod and reel; and
(xx) A spear.

(2) You must include an escape mechanism on all pots used to take fish or shellfish. The escape mechanisms are as follows:

(i) A sidewalk, which may include the tunnel, of all shellfish and bottomfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of 6 inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine no larger than 60 thread, or the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(ii) All king crab, Tanner crab, shrimp, miscellaneous shellfish and bottomfish pots may, instead of complying with paragraph (c)(2)(i) of this section, satisfy the following: a sidewalk, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least 6 inches in length. The opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread. A galvanic timed release device, designed to release in no more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot. The twine may be knotted only at each end and at the attachment points on the galvanic timed release device. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The twine may not be tied or looped around the web bars.

(3) For subsistence fishing for salmon, you may not use a gillnet exceeding 50 fathoms in length, unless otherwise specified in this section. The gillnet web must contain at least 30 filaments of equal diameter or at least 6 filaments, each of which must be at least 0.20 millimeter in diameter.

(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(5) You may not use live non-indigenous fish as bait.

(6) You must have your first initial, last name, and address plainly and legibly inscribed on the side of your fishwheel facing midstream of the river.

475
(7) You may use kegs or buoys of any color but red on any permitted gear.

(8) You must have your first initial, last name, and address plainly and legibly inscribed on each keg, buoy, stakes attached to gillnets, stakes identifying gear fished under the ice, and any other unattended fishing gear which you use to take fish for subsistence uses.

(9) You may not use explosives or chemicals to take fish for subsistence uses.

(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

(11) The limited exchange for cash of subsistence-harvested fish, their parts, or their eggs, legally taken under Federal subsistence management regulations to support personal and family needs is permitted as customary trade, so long as it does not constitute a significant commercial enterprise. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) Individuals, businesses, or organizations may not purchase subsistence-taken fish, their parts, or their eggs for use in, or resale to, a significant commercial enterprise.

(13) Individuals, businesses, or organizations may not receive through barter subsistence-taken fish, their parts, or their eggs for use in, or resale to, a significant commercial enterprise.

(14) Except as provided elsewhere in this section, you may not take rainbow/steelhead trout.

(15) You may not use fish taken for subsistence use or under subsistence regulations in this part as bait for commercial or sport fishing purposes.

(16) You may not accumulate harvest limits authorized in this section or §100.28 with harvest limits authorized under State regulations.

(17) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) If you are required to obtain a subsistence fishing permit for an area, that permit is required to take fish for subsistence uses with rod and reel in that area. The harvest and possession limits for taking fish with a rod and reel in those areas are the same as indicated on the permit issued for subsistence fishing with other gear types;

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

(18) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish for subsistence uses at any time.

(19) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which harvest limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally-taken subsistence fish.

(d) Fishing by designated harvest permit. (1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated harvest permit when taking, attempting to take, or transporting fish taken...
under this section, on behalf of a benefactor.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) Fishing permits and reports. (1) You may take salmon only under the authority of a subsistence fishing permit, unless a permit is specifically not required in a particular area by the subsistence regulations in this part, or unless you are retaining salmon from your commercial catch consistent with paragraph (f) of this section.

(2) The U.S. Fish and Wildlife Service, Office of Subsistence Management may issue a permit to harvest fish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous 5 years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than 25 fish per culture/education camp. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous 5 years, or when there is a request for harvest in excess of that provided in this paragraph (e)(2), will be considered by the Federal Subsistence Board.

(ii) If a subsistence fishing permit is required by this section, the following permit conditions apply unless otherwise specified in this section:

(i) You may not take more fish for subsistence use than the limits set out in the permit;

(ii) You must obtain the permit prior to fishing;

(iii) You must have the permit in your possession and readily available for inspection while fishing or transporting subsistence-taken fish;

(iv) If specified on the permit, you shall keep accurate daily records of the catch, showing the number of fish taken by species, location and date of catch, and other such information as may be required for management or conservation purposes; and

(v) If the return of catch information necessary for management and conservation purposes is required by a fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances. You must also return any tags or transmitters that have been attached to fish for management and conservation purposes.

(f) Relation to commercial fishing activities. (1) If you are a Federally-qualified subsistence user who also commercial fishes, you may retain fish for subsistence purposes from your lawfully-taken commercial catch.

(2) When participating in a commercial and subsistence fishery at the same time, you may not use an amount of combined fishing gear in excess of that allowed under the appropriate commercial fishing regulations.

(g) You may not possess, transport, give, receive, or barter subsistence-taken fish or their parts which have been taken contrary to Federal law or regulation or State law or regulation (unless superseded by regulations in this part).

(h) [Reserved]

(i) Fishery management area restrictions—(1) Kotzebue Area. The Kotzebue Area includes all waters of Alaska between the latitude of the westernmost tip of Point Hope and the latitude of the westernmost tip of Cape Prince of Wales, including those waters draining into the Chukchi Sea.

(ii) You may take fish for subsistence purposes without a permit.

(iii) You may take salmon only by gillnets, beach seines, or a rod and reel.
§ 100.27

(iii) In the Kotzebue District, you may take sheefish with gillnets that are not more than 50 fathoms in length, nor more than 12 meshes in depth, nor have a mesh size larger than 7 inches.

(iv) You may not obstruct more than one-half the width of a stream, creek, or slough with any gear used to take fish for subsistence uses, except from May 15 to July 15 and August 15 to October 31 when taking whitefish or pike in streams, creeks, or sloughs within the Kobuk River drainage and from May 15 to October 31 in the Selawik River drainage. Only one gillnet 100 feet or less in length with a mesh size from $2\frac{1}{2}$ to $4\frac{1}{2}$ inches may be used per site. You must check your net at least once in every 24-hour period.

(2) Norton Sound-Port Clarence Area. The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Point Romanof, including those waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you take fish at any time in the Port Clarence District.

(ii) In the Norton Sound District, you may take fish at any time except as follows:

(A) In Subdistricts 2 through 6, if you are a commercial fishermen, you may not fish for subsistence purposes during the weekly closures of the State commercial salmon fishing season, except that from July 15 through August 1, you may take salmon for subsistence purposes 7 days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a mesh size that does not exceed 4½ inches, and with beach seines;

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;

(C) In Subdistricts 1–3, you may take salmon other than chum salmon by beach seine during periods established by emergency action.

(iii) You may take salmon only by gillnets, beach seines, fishwheel, or a rod and reel.

(iv) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, jigging gear, spear, lead, or a rod and reel.

(v) You may fish in the Unalakleet River from June 1 through July 15, you may not operate more than 25 fathoms of gillnet in the aggregate nor may you operate an unanchored fishing net.

(vi) You must have a subsistence fishing permit for net fishing in all waters from Cape Douglas to Rocky Point.

(vii) Only one subsistence fishing permit will be issued to each household per year.

(3) Yukon-Northern Area. The Yukon-Northern Area includes all waters of Alaska between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea, and all waters of Alaska north of the latitude of the westernmost point of Point Hope and west of 141° W. long., including those waters draining into the Arctic Ocean and the Chukchi Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time.

(ii) In the following locations, you may take salmon during the open weekly fishing periods of the State commercial salmon fishing season and may not take them for 24 hours before the opening of the State commercial salmon fishing season:

(A) In District 4, excluding the Koyukuk River drainage;

(B) In Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(C) In District 6, excluding the Kantishna River drainage, salmon may be taken from 6:00 p.m. Friday until 6:00 p.m. Wednesday.

(iii) During any State commercial salmon fishing season closure of greater than five days in duration, you may not take salmon during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;
(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5-D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

(iv) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

(v) In Districts 1, 2, 3, and Subdistrict 4-A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.

(vi) In Districts 1, 2, and 3:
(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;
(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.

(vii) In Subdistrict 4-A after the opening of the State commercial salmon fishing season, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period; however, you may take king salmon during the State commercial fishing season, with drift gillnet gear only, from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday.
(viii) You may not subsistence fish in the following drainages located north of the main Yukon River:
(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;
(B) Bonanza Creek;
(C) Jim River including Prospect and Douglas Creeks.

(ix) You may not subsistence fish in Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3-inches stretch-measure may be used from June 15–September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed). From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used. From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10 grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.

(x) You may not subsistence fish in the Toklat River drainage from August 15 through May 15.

(xii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(xiii) In District 4, if you are a commercial fisherman, you may not take salmon for subsistence purposes during the State commercial salmon fishing season using gillnets with mesh larger than six-inches after a date specified by ADF&G emergency order issued between July 10 and July 31.

(xiv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:
(A) In Subdistrict 4-A upstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;
(B) In Subdistrict 4-A downstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

(xv) Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:
(A) During the open weekly fishing periods of the State commercial salmon fishing season, if you are a commercial fisherman, you may not operate more than one type of gear at a time,
§ 100.27

for commercial, personal use, and subsistence purposes:

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms and each drift gillnet may not exceed 50 fathoms in length;

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other operating commercial, personal use, or subsistence fishing gear except that, at the site approximately 1 mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the “Slide,” you may set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear and in District 4, from Old Paradise Village upstream to a point 4 miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(D) During the State commercial salmon fishing season, within the Yukon River and the Tanana River below the confluence of the Wood River, you may use drift gillnets and fish wheels only during open subsistence salmon fishing periods;

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure.

(xvi) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

(xvii) You must possess a subsistence fishing permit for the following locations:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;

(C) Only for salmon in the Tanana River drainage above the mouth of the Wood River.

(xviii) Only one subsistence fishing permit will be issued to each household per year.

(xix) In Districts 1, 2, and 3, you may not possess king salmon taken for subsistence purposes unless the dorsal fin has been removed immediately after landing.

(xx) In the Yukon River drainage, chinook (king) salmon must be used primarily for human consumption and may not be targeted for dog food. Dried chinook salmon may not be used for dogfood anywhere in the Yukon River drainage. Whole fish unfit for human consumption (due to disease, deterioration, deformities), scraps, and small fish (16 inches or less) may be fed to dogs. Also, whole chinook salmon caught incidentally during a subsistence chum salmon fishery in the following time periods and locations may be fed to dogs:

(A) After July 10 in the Koyukuk River drainage;

(B) After August 10, in Subdistrict 5-D, upstream of Circle City.

(4) Kuskokwim Area. The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Unalaska and St. Matthew Islands and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Kuskokwim Area at any time without a subsistence fishing permit.

(ii) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, you may not take salmon for 16 hours before, during, and for 6 hours after the State open commercial salmon fishing period for District 1.

(iii) In District 1, Kuskokuak Slough only from June 1 through July 31, you may not take salmon for 16 hours before and during each State open commercial salmon fishing period in the district.

(iv) In Districts 4 and 5, from June 1 through September 8, you may not take salmon for 16 hours before, during, and 6 hours after each State open commercial salmon fishing period in each district.

(v) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8, you may not take salmon for 16 hours before, during, and 6 hours after each State open commercial salmon fishing period in the district.

(vi) You may not take subsistence fish by nets in the Goodnews River east
§ 100.27

of a line between ADF&G regulatory markers placed near the mouth of the Ugigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before, during, and 6 hours after each State open commercial salmon fishing period.

(vii) You may not take subsistence fish by nets in the Kanektok River upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and 6 hours after each State open commercial salmon fishing period.

(viii) You may not take subsistence fish by nets in the Arolik River upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and 6 hours after each State open commercial salmon fishing period.

(ix) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Holitna, Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.

(x) You may not use an aggregate length of set gillnets or drift gillnets in excess of 50 fathoms for taking salmon.

(xi) You may take fish other than salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Holitna, Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.

(xii) You must attach to the bank each subsistence gillnet operated in tributaries of the Kuskokwim River and fish it substantially perpendicular to the bank and in a substantially straight line.

(xiii) Within a tributary to the Kuskokwim River in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, you may not set or operate any part of a set gillnet within 150 feet of any part of another set gillnet.

(xiv) The maximum depth of gillnets is as follows:

(A) Gillnets with 6-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than 6-inch mesh may not be more than 35 meshes in depth.

(xv) You may take halibut only by a single hand-held line with no more than two hooks attached to it.

(xvi) You may not use subsistence set and drift gillnets exceeding 15 fathoms in length in Whitefish Lake in the Ophir Creek drainage. You may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. You must check the net at least once every 24 hours.

(xvii) Rainbow trout may be taken by only residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak. The following restrictions apply:

(A) You may take rainbow trout only by the use of gillnets, dip nets, fyke nets, handline, spear, rod and reel, or jigging through the ice;

(B) You may not use gillnets, dip nets, or fyke nets for targeting rainbow trout from March 15–June 15;

(C) If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes;

(D) There are no harvest limits with handline, spear, rod and reel, or jigging.

(5) Bristol Bay Area. The Bristol Bay Area includes all waters of Bristol Bay including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

(i) Unless restricted in this section, or unless under the terms of a subsistence fishing permit, you may take fish at any time in the Bristol Bay area.

(ii) In all State commercial salmon districts, from May 1 through May 31 and October 1 through October 31, you may subsistence fish for salmon only from 9:00 a.m. Monday until 9:00 a.m. Friday. From June 1 through September 30, within the waters of a commercial salmon district, you may take salmon only during State open commercial salmon fishing periods.

(iii) In the Egegik River from 9:00 a.m. June 23 through 9:00 a.m. July 17, you may take salmon only from 9:00 a.m. Tuesday to 9:00 a.m. Wednesday and 9:00 a.m. Saturday to 9:00 a.m. Sunday.

(iv) You may not take fish from waters within 300 feet of a stream mouth used by salmon.
§ 100.27

(v) You may not subsistence fish with nets in the Tazimina River and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14.

(vi) Within any district, you may take salmon, herring, and capelin only by drift and set gillnets.

(vii) Outside the boundaries of any district, you may take salmon only by set gillnet, except that you may also take salmon by spear in the Togiak River excluding its tributaries.

(viii) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik, River;

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

(ix) You may not operate any part of a set gillnet within 300 feet of any part of another set gillnet.

(x) You must stake and buoy each set gillnet. Instead of having the identifying information on a keg or buoy attached to the gillnet, you may plainly and legibly inscribe your first initial, last name, and subsistence permit number on a sign at or near the set gillnet.

(xi) You may not operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(xii) During State closed commercial herring fishing periods, you may not use gillnets exceeding 25 fathoms in length for the subsistence taking of herring or capelin.

(xiii) You may take fish other than salmon, herring, capelin, and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(xiv) You may take salmon and char only under authority of a subsistence fishing permit.

(xv) Only one subsistence fishing permit may be issued to each household per year.

(xvi) In the Togiak River section and the Togiak River drainage, you may not possess coho salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) or the dorsal fin have been removed.

(6) Aleutian Islands Area. The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36’ North latitude.

(i) You may take fish, other than salmon and rainbow/steelhead trout, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, except:

(A) That from June 1 through September 15, you may not use a salmon seine vessel to take salmon for subsistence 24 hours before, during, or 24 hours after a State open commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing;

(B) That from June 1 through September 15, you may use a purse seine vessel to take salmon only with a gillnet and you may not have any other type of salmon gear on board the vessel while subsistence fishing; or

(C) As may be specified on a subsistence fishing permit.

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

(B) The waters between Unalaska and Amaknak Islands, including Margaret’s Bay, west of a line from the “Bishop’s House” at 53°52.64’ N. lat., 166°32.30’ W. long. to a point on Amaknak Island at 53°52.82’ N. lat., 166°32.13’ W. long., and north of line from a point south of Agnes Beach at 53°52.28’ N. lat., 166°32.68’ W. long. to a point at 53°52.35’ N. lat., 166°32.95’ W. long. on Amaknak Island;

(C) Within Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point, waters within 250 yards of any
anadromous stream, except the outlet stream of Unalaska Lake, which is closed under paragraph (i)(6)(iv)(A) of this section;

(D) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(E) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point;

(F) Waters of McLees Lake and its tributaries and outlet stream;

(G) Waters in Reese Bay from July 1 through July 9, within 500 yards of the outlet stream terminus to McLees Lake;

(H) All freshwater on Adak Island and Kagalaska Island in the Adak District.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(ix) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(x) You may take salmon at any time except within 24 hours before and within 12 hours following each State open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(xi) You may not subsistence fish for salmon in the following waters:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth.

(xii) You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit.

(xiii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(xiv) You may not use a set gillnet exceeding 100 fathoms in length.

(xv) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(xvi) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.

(7) Alaska Peninsula Area. The Alaska Peninsula Area includes all Pacific Ocean waters of Alaska between a line extending southeast (135°) from the tip of Kupreanof Point and the longitude of the tip of Cape Sarichef, and all Bering Sea waters of Alaska east of the longitude of the tip of Cape Sarichef and south of the latitude of the tip of Cape Menshikof.

(i) You may take fish, other than salmon and rainbow/steelhead trout, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries or through the ice, you may retain them for subsistence purposes.

(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iii) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(iv) You may take salmon at any time except within 24 hours before and within 12 hours following each State open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(v) You may not subsistence fish for salmon in the following waters:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth.

(vi) You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may not use a set gillnet exceeding 100 fathoms in length.

(ix) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(x) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.
§ 100.27

(x) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(ii) Chignik Area. The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula enclosed by 156°20.22′ West longitude (the longitude of the southern entrance to Imuya Bay near Kilokak Rocks) and a line extending southeast (135°) from the tip of Kupreanof Point.

(i) You may take fish, other than rainbow/steelhead trout, at any time, except as may be specified by a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take salmon in the Chignik River, upstream from the ADF&G weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iv) You must keep a record on your permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(v) If you hold a commercial fishing license, you may not subsistence fish for salmon from 48 hours before the first State commercial salmon fishing opening in the Chignik Area through September 30.

(vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake you may not use purse seines.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon by seines, gillnets, rod and reel, or with gear listed in this part only by a single handheld line with no more than two hooks attached.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(x) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(9) Kodiak Area. The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58°51.10′ N. lat.), west of 150° W. long., north of 55°30.00′ N. lat.; and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156°20.22′ W. long.).

(i) You may take fish, other than salmon and rainbow/steelhead trout, at any time unless restricted by the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels to take subsistence salmon for 24 hours before, during, and for 24 hours after any State open commercial salmon fishing period. The use of skiffs from any type of vessel is allowed;

(B) From June 1 through September 15, you may use purse seine vessels to take salmon only with gillnets, and you may have no other type of salmon gear on board the vessel.

(iii) You may not subsistence fish for salmon in the following locations:

(A) Womens Bay closed waters—all waters inside a line from the tip of the Nyman Peninsula (57°43.23′ N. lat., 152°31.51′ W. long.), to the northeastern tip of Mary’s Island (57°42.40′ N. lat., 152°32.00′ W. long.), to the southeastern shore of Womens Bay at 57°41.95′ N. lat., 152°31.50′ W. long.;

(B) Buskin River closed waters—all waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80′ N. lat., 152°28.38′ W. long., to a point offshore at 57°45.35′ N. lat., 152°28.15′ W. long., to a marker located onshore south of the river mouth at approximately 57°45.15′ N. lat., 152°28.63′ W. long.;
§ 100.27

(C) All waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek;

(D) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island.

(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.

(v) With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed.

(vi) You must record on your subsistence permit the number of subsistence fish taken. You must complete the record immediately upon landing subsistence-caught fish, and must return it by February 1 of the year following the year the permit was issued.

(vii) You may take fish other than salmon and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit (as may be modified by this section).

(viii) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56).

(ix) You may only take smelt with dip nets or gillnets in fresh water from April 1 through June 15. You may not use a gillnet exceeding 20 feet in length and 2 inches in mesh size. You must attend the net at all times when it is being used. There are no harvest or possession limits for smelt.

(x) Gillnets may not be used in freshwater, except for the taking of whitefish in the Tyone River drainage or for the taking of smelt.

(xi) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(10) Cook Inlet Area. The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51'06” N. lat.) and a line extending south from Cape Fairfield (148°50'15” W. long.).

(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take grayling or burbot for subsistence purposes.

(iii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit (as may be modified by this section).

(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56).

(v) You may only take smelt with dip nets or gillnets in fresh water from April 1 through June 15. You may not use a gillnet exceeding 20 feet in length and 2 inches in mesh size. You must attend the net at all times when it is being used. There are no harvest or possession limits for smelt.

(vi) Gillnets may not be used in freshwater, except for the taking of whitefish in the Tyone River drainage or for the taking of smelt.

(11) Prince William Sound Area. The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Prince William Sound Area.

(ii) You may take salmon in the Glennallen and Chitina Subdistricts only from May 15 through September 30.

(iii) You may take salmon in the vicinity of the former Native village of Batzulnetas only under the authority of a Batzulnetas subsistence salmon fishing permit available from the National Park Service under the following conditions:

(A) You may take salmon only in those waters of the Copper River between National Park Service regulatory markers located near the mouth

485
§ 100.27

50 CFR Ch. I (10–1–02 Edition)

of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek;

(B) You may use only fish wheels, dip nets, and rod and reel on the Copper River and only dip nets, spears, and rod and reel in Tanada Creek;

(C) You may take salmon only from May 15 through September 30 or until the season is closed by special action;

(D) You may retain chinook salmon taken in a fishwheel in the Copper River. You may not take chinook salmon in Tanada Creek;

(E) You must return the permit to the National Park Service no later than October 15.

(iv) You may take salmon for subsistence purposes with no harvest or possession limits in those waters of the Southwestern District and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip, only as follows:

(A) You may use seines up to 50 fathoms in length and 100 meshes deep with a maximum mesh size of 4 inches, or gillnets up to 150 fathoms in length, except that you may only take pink salmon in fresh water using dip nets;

(B) You may take salmon only from May 15 until 2 days before the State commercial opening of the Southwestern District, 7 days per week; during the State commercial salmon fishing season, only during State open commercial salmon fishing periods; and from 2 days following the closure of the State commercial salmon season until October 31, 7 days per week;

(C) You may not fish within the closed waters areas for commercial salmon fisheries.

(vi) If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, except when taken by dip net in the Upper Copper River District, where they must be immediately released, unharmed to the water. Rainbow/steelhead trout caught incidental to other species by fish wheel may be retained. Rainbow/steelhead trout retained for subsistence purposes will have the anal (ventral) fin removed immediately.

(vii) In the upper Copper River drainage, you may only take salmon in the waters of the Glennallen and Chitina Subdistricts, or in the vicinity of the Native Village of Batzulnetas.

(viii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(ix) In the Glennallen and Chitina Subdistricts, you may take salmon only by fish wheels, rod and reel, or dip nets.

(x) You may not rent, lease, or otherwise use your fish wheel used for subsistence fishing for personal gain. You must register your fish wheel with ADF&G or the National Park Service. Your registration number and name and address must be permanently affixed and plainly visible on the fish wheel when the fish wheel is in the water; only the current year’s registration number may be affixed to the fish wheel; you must remove any other registration number from the fish wheel.

You must remove the fish wheel from the water at the end of the permit period. You may operate only one fish wheel at any one time. You may not set or operate a fish wheel within 75
feet of another fish wheel. No fish wheel may have more than two baskets. If you are a permittee other than the owner, a wood or metal plate at least 12 inches high by 12 inches wide, bearing your name and address in letters and numerals at least 1 inch high, must be attached to each fish wheel so that the name and address are plainly visible.

(xi) You must personally operate the fish wheel or dip net. You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

(xii) Except as provided in this section, you may take fish other than salmon and freshwater fish species for subsistence purposes without a subsistence fishing permit.

(xiii) You may take salmon and freshwater fish species only under authority of a subsistence fishing permit.

(xiv) Only one Federal subsistence fishing permit per subdistrict will be issued to each household per year. If a household has been issued permits for both subdistricts in the same year, both permits must be in your possession and readily available for inspection while fishing or transporting subsistence-taken fish in either subdistrict. A qualified household may also be issued a Batzulnetas salmon fishery permit in the same year.

(xv) The following apply to Upper Copper River District Federal subsistence salmon fishing permits:

(A) Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at any one time;

(B) You must return your permit no later than October 31, or you may be denied a permit for the following year;

(C) A fish wheel may be operated only by one permit holder at one time; that permit holder must have the fish wheel marked as required by this section and during fishing operations;

(D) Only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

(E) A permit holder must record on the appropriate form all salmon taken immediately after landing the salmon.

(xvi) The total annual harvest limit for salmon in combination for the Glennallen Subdistrict and the Chitina Subdistrict is as follows:

(A) For a household with 1 person, 30 salmon, of which no more than 5 may be chinook salmon if taken by dip net;

(B) For a household with 2 persons, 60 salmon, of which no more than 5 may be chinook salmon if taken by dip net; plus 10 salmon for each additional person in a household over 2 persons, except that the household’s limit for chinook salmon taken by dip net does not increase;

(C) Upon request, permits for additional salmon will be issued for no more than a total of 200 salmon for a permit issued to a household with 1 person, of which no more than 5 may be chinook salmon if taken by dip net; or no more than a total of 500 salmon for a permit issued to a household with 2 or more persons, of which no more than 5 may be chinook salmon if taken by dip net.

(xvii) A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Upper Copper River District, to operate fish wheels on behalf of members of its village or organization. A permit may only be issued following approval by ADF&G or the Federal Subsistence Board of a harvest assessment plan to be administered by the permitted council or organization. The harvest assessment plan must include: provisions for recording daily catches for each fish wheel; sample data collection forms; location and number of fish wheels; the full legal name of the individual responsible for the lawful operation of each fish wheel; and other information determined to be necessary for effective resource management. The following additional provisions apply to subsistence fishing permits issued under this paragraph (i)(11)(xvii):

(A) The permit will list all households and household members for whom the fish wheel is being operated;

(B) The allowable harvest may not exceed the combined seasonal limits for the households listed on the permit; the permittee will notify the ADF&G or the Federal Subsistence Board when households are added to the list, and
§ 100.27

the seasonal limit may be adjusted accordingly:

(C) Members of households listed on a permit issued to a village council or other similarly qualified organization, are not eligible for a separate household subsistence fishing permit for the Upper Copper River District.

(xviii) You may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless the anal (ventral) fin has been immediately removed from the salmon.

(xix) In locations open to State commercial salmon fishing other than described for the Upper Copper River District, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of 1 person;

(B) 30 salmon for a household of 2 persons and 10 salmon for each additional person in a household;

(C) No more than five king salmon may be taken per permit.

(12) Yakutat Area. The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling and the longitude of Cape Fairweather.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Yakutat Area.

(ii) You may not take salmon during the period commencing 48 hours before a State opening of commercial salmon net fishing season until 48 hours after the closure. This applies to each river or bay fishery individually.

(iii) When the length of the weekly State commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery, the subsistence fishing period is from 6:00 a.m. to 6:00 p.m. on Saturday in that location.

(iv) You may take salmon, trout (other than steelhead,) and char only under authority of a subsistence fishing permit. You may only take steelhead trout in the Situk and Ahrnklin Rivers and only under authority of a Federal subsistence fishing permit.

(v) If you take salmon, trout, or char incidentally by gear operated under the terms of a subsistence permit for salmon, you may retain them for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(vi) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(vii) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gill net at all times when it is being used to take salmon.

(viii) You may block up to two-thirds of a stream with a gillnet or seine used for subsistence fishing.

(ix) You must remove the dorsal fin from subsistence-caught salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xi) With a subsistence fishing permit, you may harvest at any time up to 10 Dolly Varden with no minimum size. (13) Southeastern Alaska Area. The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, you may take fish, other than rainbow/steelhead trout, in the Southeastern Alaska Area at any time.

(ii) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

(iii) You must possess a subsistence fishing permit to take salmon. You must possess a Federal subsistence fishing permit to take coho salmon, trout, or char. You must possess a Federal subsistence fishing permit to take steelhead in Hamilton Bay and Kadake Bay Rivers. You must possess a Federal subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1-C or 1-D.

(iv) You may take steelhead trout on Prince of Wales Island only under the terms of a Federal subsistence fishing permit. The annual harvest limit is two fish, 36 inches or larger. You may use only a dip net or rod and reel with artificial lure or fly. You may not use bait.

488
(v) You may take coho salmon in Subdistricts 3 (A), (B), and (C) only under the terms of a Federal subsistence fishing permit. There is no closed season. The daily harvest limit is 20 fish per household. Only spears, dip net, and rod and reel may be used. Bait may be used only from September 15 through November 15.

(vi) In the Southeastern Alaska Area, except for sections 3A, 3B, and 3C, you may take coho salmon in Southeast Alaska waters under Federal jurisdiction under the terms of a Federal subsistence fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household, and the annual limit is 40 coho salmon per household. Only dipnets, spears, gaffs, and rod and reel may be used. Bait may only be used from September 15 through November 15. You may not retain incidentally caught trout and sockeye salmon unless taken by gaff or spear.

(vii) If you take salmon, trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(viii) No permits for the use of nets will be issued for the salmon streams flowing across or adjacent to the road systems within the city limits of Petersburg, Wrangell, and Sitka.

(ix) You shall immediately remove the pelvic fins of all salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xi) For the Salmon Bay Lake system, the daily harvest and season limit per household is 30 sockeye salmon.

(xii) For Virginia Lake (Mill Creek), the daily harvest limit per household is 20 sockeye salmon, and the season limit per household is 40 sockeye salmon.

(xiii) For Thoms Creek, the daily harvest limit per household is 20 sockeye salmon, and the season limit per household is 40 sockeye salmon.

(xiv) The Sarkar River system above the bridge is closed to the use of all nets by both Federally-qualified and non-Federally qualified users.

(xv) Only Federally-qualified subsistence users may harvest sockeye salmon in streams draining into Falls Lake Bay, Gut Bay, or Pillar Bay. In the Falls Lake Bay and Gut Bay drainages, the possession limit is 10 sockeye salmon per household. In the Pillar Bay drainage, the individual possession limit is 15 sockeye salmon with a household possession limit of 25 sockeye salmon.

(xvi) The Redoubt Lake watershed is closed to sockeye salmon fishing except by Federally-qualified subsistence fishermen. You may fish for sockeye salmon in these waters only under the terms of a Federal subsistence permit. Open season is from June 1 to August 15. For the Redoubt Lake watershed, the possession limit per individual is 10 sockeye, and the possession limit per household is 10 sockeye salmon per household. Only spears, gaffs, dip net and rod and reel may be used. Steelhead incidentally speared or gaffed may be retained.

(xvii) In Baranof Lake, Florence Lake, Hasselborg Lake and River, Mirror Lake, Virginia Lake, and Wilson Lake, in addition to the requirement for a Federal subsistence fishing permit, the following restrictions for the harvest of Dolly Varden, cutthroat, and rainbow trout apply:

(A) You may harvest at any time up to 10 Dolly Varden of any size;

(B) You may harvest at any time six cutthroat or rainbow trout in combination. You may only retain fish between 11” and 22”. You may only use a rod and reel without bait.

(xviii) In all waters, other than those identified in paragraph (i)(13)(xvii) of this section, in addition to the requirement for a subsistence fishing permit, you may harvest Dolly Varden and cutthroat and rainbow trout in accordance with the seasons and harvest limits delineated in the Alaska Administrative Code, 5 AAC 47. You may only use a rod and reel without bait unless the use of bait is specifically permitted in 5 AAC 47.


§ 100.28 Subsistence taking of shellfish.

(a) Regulations in this section apply to subsistence taking of Dungeness crab, king crab, Tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) [Reserved]

(c) You may take shellfish for subsistence uses at any time in any area of the public lands by any method unless restricted by this section.

(d) Methods, means, and general restrictions. (1) The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional shellfish of that species under any other harvest limit specified for a State season.

(2) Unless otherwise provided in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear to take shellfish:

(i) Abalone iron;
(ii) Diving gear;
(iii) A grappling hook;
(iv) A handline;
(v) A hydraulic clam digger;
(vi) A mechanical clam digger;
(vii) A pot;
(viii) A ring net;
(ix) A scallop dredge;
(x) A sea urchin rake;
(xi) A shovel; and
(xii) A trawl.

(3) You are prohibited from buying or selling subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) You may not use explosives and chemicals, except that you may use chemical baits or lures to attract shellfish.

(5) Marking requirements for subsistence shellfish gear are as follows:

(i) You shall plainly and legibly inscribe your first initial, last name, and address on a keg or buoy attached to unattended subsistence fishing gear, except when fishing through the ice, you may substitute for the keg or buoy, a stake inscribed with your first initial, last name, and address inserted in the ice near the hole; subsistence fishing gear may not display a permanent ADF&G vessel license number;

(ii) kegs or buoys attached to subsistence crab pots also must be inscribed with the name or United States Coast Guard number of the vessel used to operate the pots.

(6) Pots used for subsistence fishing must comply with the escape mechanism requirements found in §100.27(c)(2).

(7) You may not mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(e) Taking shellfish by designated harvest permit. (1) Any species of shellfish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user (beneficiary), you may designate another Federally-qualified subsistence user to take shellfish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest shellfish and must return a completed harvest report. The designated fisherman may harvest for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated harvest permit when taking, attempting to take, or transporting shellfish taken under this section, on behalf of a beneficiary.

(4) You may not fish with more than one legal limit of gear as established by this section.

(5) You may not designate more than one person to take or attempt to take shellfish on your behalf at one time. You may not personally take or attempt to take shellfish at the same time that a designated fisherman is taking or attempting to take shellfish on your behalf.
§ 100.28

(f) If a subsistence shellfishing permit is required by this section, the following conditions apply unless otherwise specified by the subsistence regulations in this section:

(1) You may not take shellfish for subsistence in excess of the limits set out in the permit unless a different limit is specified in this section;
(2) You must obtain a permit prior to subsistence fishing;
(3) You must have the permit in your possession and readily available for inspection while taking or transporting the species for which the permit is issued;
(4) The permit may designate the species and numbers of shellfish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;
(5) If specified on the permit, you shall keep accurate daily records of the catch involved, showing the number of shellfish taken by species, location and date of the catch, and such other information as may be required for management or conservation purposes;
(6) You must complete and submit subsistence fishing reports at the time specified for each particular area and fishery;
(7) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(g) Subsistence take by commercial vessels.

No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, Tanner crab, or Dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered. However, if you are a commercial fisherman, you may retain shellfish for your own use from your lawfully taken commercial catch.

(h) You may not take or possess shellfish smaller than the minimum legal size limits.

(i) Unlawful possession of subsistence shellfish. You may not possess, transport, give, receive, or barter shellfish or their parts taken in violation of Federal or State regulations.

(j)(1) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this section, unless:

(i) The shellfish has been taken with gear deployed and retrieved by the client or guest who is a federally-qualified subsistence user;
(ii) The gear has been marked with the client’s or guest’s name and address; and
(iii) The shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(2) The captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a subsistence shellfish fishery when that vessel is being chartered.

(k) Subsistence shellfish areas and pertinent restrictions.

(1) Southeastern Alaska-Yakutat Area. No marine waters are currently identified under Federal subsistence management jurisdiction.

(2) Prince William Sound Area. No marine waters are currently identified under Federal subsistence management jurisdiction.

(3) Cook Inlet Area. You may not take shellfish for subsistence purposes.

(4) Kodiak Area. (i) You may take crab for subsistence purposes only under the authority of a subsistence crab fishing permit issued by the ADF&G.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a State closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.
§ 100.28

(iii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only male Dungeness crabs with a shell width of 6½ inches or greater may be taken or possessed. Taking of Dungeness crab is prohibited in water 25 fathoms or more in depth during the 14 days immediately before the State opening of a commercial king or Tanner crab fishing season in the location.

(iv) In the subsistence taking of king crab:

(A) The annual limit is six crabs per household; only male king crab may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) You may not use more than five crab pots, each being no more than 75 cubic feet in capacity to take king crab;

(D) You may take king crab only from June 1–January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after State open commercial fishing seasons for red king crab, blue king crab, or Tanner crab in the location;

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified subsistence users.

(v) In the subsistence taking of Tanner crab:

(A) You may not use more than five crab pots to take Tanner crab;

(B) You may not take Tanner crab in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a State commercial king or Tanner crab fishing season in the location;

(C) The daily harvest and possession limit is 12 male crab with a shell width 5½ inches or greater per person.

(5) Alaska Peninsula-Aleutian Islands Area. (i) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed State commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(ii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(iii) In the subsistence taking of king crab:

(A) The daily harvest and possession limit is six male crabs per person; only crabs with a shell width of 6½ inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) You may take crabs only from June 1–January 31.

(iv) The daily harvest and possession limit is 12 male Tanner crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(6) Bering Sea Area. (i) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jiggling gear, pots, and ring net.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male Dungeness crabs per person.
APPENDIX A TO CHAPTER I

(iv) In the subsistence taking of king crab:
(A) In waters south of 60° N. lat., the daily harvest and possession limit is six male crabs per person;
(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;
(C) In waters south of 60° N. lat., you may take crab only from June 1–January 31;
(D) In the Norton Sound Section of the Northern District, you must have a subsistence permit.
(v) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male Tanner crabs.

[67 FR 5896, Feb. 7, 2002]


PARTS 101–199 [RESERVED]

APPENDIX A TO CHAPTER I—CODES FOR THE REPRESENTATION OF NAMES OF COUNTRIES (ESTABLISHED BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION)

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<td>NZ</td>
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493
<table>
<thead>
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<th>2-Letter code</th>
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<tbody>
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<td>KR.</td>
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<td>Romania</td>
<td>RO.</td>
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<tr>
<td>Rwanda</td>
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<td>Samoa</td>
<td>WS.</td>
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<tr>
<td>San Marino</td>
<td>SM.</td>
</tr>
<tr>
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<td>ST.</td>
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<tr>
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<td>ZA.</td>
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<td>Union of Soviet Socialist Republics</td>
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<td>GB.</td>
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[47 FR 31388, July 20, 1982]
A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected
Table of CFR Titles and Chapters
(Revised as of October 1, 2002)

Title 1—General Provisions

I Administrative Committee of the Federal Register (Parts 1—49)
II Office of the Federal Register (Parts 50—299)
IV Miscellaneous Agencies (Parts 400—500)

Title 2 [Reserved]

Title 3—The President

I Executive Office of the President (Parts 100—199)

Title 4—Accounts

I General Accounting Office (Parts 1—99)

Title 5—Administrative Personnel

I Office of Personnel Management (Parts 1—1199)
II Merit Systems Protection Board (Parts 1200—1299)
III Office of Management and Budget (Parts 1300—1399)
V The International Organizations Employees Loyalty Board (Parts 1500—1599)
VI Federal Retirement Thrift Investment Board (Parts 1600—1699)
VIII Office of Special Counsel (Parts 1800—1899)
IX Appalachian Regional Commission (Parts 1900—1999)
XI Armed Forces Retirement Home (Part 2100)
XIV Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400—2499)
XV Office of Administration, Executive Office of the President (Parts 2500—2599)
XVI Office of Government Ethics (Parts 2600—2699)
XXI Department of the Treasury (Parts 3100—3199)
XXII Federal Deposit Insurance Corporation (Part 3201)
XXIII Department of Energy (Part 3301)
XXIV Federal Energy Regulatory Commission (Part 3401)
XXV Department of the Interior (Part 3501)
XXVI Department of Defense (Part 3601)
Chap.  Title 5—Administrative Personnel—Continued

XXVIII  Department of Justice (Part 3801)
XXIX  Federal Communications Commission (Parts 3900—3999)
XXX  Farm Credit System Insurance Corporation (Parts 4000—4099)
XXXI  Farm Credit Administration (Parts 4100—4199)
XXXIII  Overseas Private Investment Corporation (Part 4301)
XXXV  Office of Personnel Management (Part 4501)
XL  Interstate Commerce Commission (Part 5001)
XLI  Commodity Futures Trading Commission (Part 5101)
XLII  Department of Labor (Part 5201)
XLIII  National Science Foundation (Part 5301)
XLV  Department of Health and Human Services (Part 5501)
XLVI  Postal Rate Commission (Part 5601)
XLVII  Federal Trade Commission (Part 5701)
XLVIII  Nuclear Regulatory Commission (Part 5801)
L  Department of Transportation (Part 6001)
LI  Export-Import Bank of the United States (Part 6201)
LII  Department of Education (Parts 6300—6399)
LIV  Environmental Protection Agency (Part 6401)
LVII  General Services Administration (Part 6701)
LVIII  Board of Governors of the Federal Reserve System (Part 6801)
LIX  National Aeronautics and Space Administration (Part 6901)
LXI  United States Postal Service (Part 7001)
LXII  National Labor Relations Board (Part 7101)
LXIII  Equal Employment Opportunity Commission (Part 7201)
LXIV  Inter-American Foundation (Part 7301)
LXV  Department of Housing and Urban Development (Part 7501)
LXVII  Office of Management and Budget (Part 8701)

Title 6  [Reserved]

Title 7—Agriculture

Subtitle A—Office of the Secretary of Agriculture (Parts 0—26)

Subtitle B—Regulations of the Department of Agriculture

I  Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 27—209)
Title 7—Agriculture—Continued

II Food and Nutrition Service, Department of Agriculture (Parts 210—299)

III Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)

IV Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)

V Agricultural Research Service, Department of Agriculture (Parts 500—599)

VI Natural Resources Conservation Service, Department of Agriculture (Parts 600—699)

VII Farm Service Agency, Department of Agriculture (Parts 700—799)

VIII Grain Inspection, Packers and Stockyards Administration (Federal Grain Inspection Service), Department of Agriculture (Parts 800—899)

IX Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)

X Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)

XI Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)

XIV Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)

XV Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)

XVI Rural Telephone Bank, Department of Agriculture (Parts 1600—1699)

XVII Rural Utilities Service, Department of Agriculture (Parts 1700—1799)

XVIII Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture (Parts 1800—2099)

XXVI Office of Inspector General, Department of Agriculture (Parts 2600—2699)

XXVII Office of Information Resources Management, Department of Agriculture (Parts 2700—2799)

XXVIII Office of Operations, Department of Agriculture (Parts 2800—2899)

XXIX Office of Energy, Department of Agriculture (Parts 2900—2999)

XXX Office of the Chief Financial Officer, Department of Agriculture (Parts 3000—3099)

XXXI Office of Environmental Quality, Department of Agriculture (Parts 3100—3199)

XXXII Office of Procurement and Property Management, Department of Agriculture (Parts 3200—3299)

XXXIII Office of Transportation, Department of Agriculture (Parts 3300—3399)

XXXIV Cooperative State Research, Education, and Extension Service, Department of Agriculture (Parts 3400—3499)
Title 7—Agriculture—Continued

XXXV Rural Housing Service, Department of Agriculture (Parts 3500—3599)
XXXVI National Agricultural Statistics Service, Department of Agriculture (Parts 3600—3699)
XXXVII Economic Research Service, Department of Agriculture (Parts 3700—3799)
XXXVIII World Agricultural Outlook Board, Department of Agriculture (Parts 3800—3899)
XLI [Reserved]
XLII Rural Business-Cooperative Service and Rural Utilities Service, Department of Agriculture (Parts 4200—4299)

Title 8—Aliens and Nationality

I Immigration and Naturalization Service, Department of Justice (Parts 1—599)

Title 9—Animals and Animal Products

I Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1—199)
II Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs), Department of Agriculture (Parts 200—299)
III Food Safety and Inspection Service, Department of Agriculture (Parts 300—599)

Title 10—Energy

I Nuclear Regulatory Commission (Parts 0—199)
II Department of Energy (Parts 200—699)
III Department of Energy (Parts 700—999)
X Department of Energy (General Provisions) (Parts 1000—1099)
XVII Defense Nuclear Facilities Safety Board (Parts 1700—1799)
XVIII Northeast Interstate Low-Level Radioactive Waste Commission (Part 1800)

Title 11—Federal Elections

I Federal Election Commission (Parts 1—9099)

Title 12—Banks and Banking

I Comptroller of the Currency, Department of the Treasury (Parts 1—199)
II Federal Reserve System (Parts 200—299)
III Federal Deposit Insurance Corporation (Parts 300—399)
IV Export-Import Bank of the United States (Parts 400—499)
Title 12—Banks and Banking—Continued

V Office of Thrift Supervision, Department of the Treasury (Parts 500—599)
VI Farm Credit Administration (Parts 600—699)
VII National Credit Union Administration (Parts 700—799)
VIII Federal Financing Bank (Parts 800—899)
IX Federal Housing Finance Board (Parts 900—999)
XI Federal Financial Institutions Examination Council (Parts 1100—1199)
XIV Farm Credit System Insurance Corporation (Parts 1400—1499)
XV Department of the Treasury (Parts 1500—1599)
XVII Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development (Parts 1700—1799)
XVIII Community Development Financial Institutions Fund, Department of the Treasury (Parts 1800—1899)

Title 13—Business Credit and Assistance

I Small Business Administration (Parts 1—199)
III Economic Development Administration, Department of Commerce (Parts 300—399)
IV Emergency Steel Guarantee Loan Board (Parts 400—499)
V Emergency Oil and Gas Guaranteed Loan Board (Parts 500—599)

Title 14—Aeronautics and Space

I Federal Aviation Administration, Department of Transportation (Parts 1—199)
II Office of the Secretary, Department of Transportation (Aviation Proceedings) (Parts 200—399)
III Commercial Space Transportation, Federal Aviation Administration, Department of Transportation (Parts 400—499)
V National Aeronautics and Space Administration (Parts 1200—1299)
VI Air Transportation System Stabilization (Parts 1300—1399)

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE (PARTS 0—29)
SUBTITLE B—REGULATIONS RELATING TO COMMERCE AND FOREIGN TRADE
I Bureau of the Census, Department of Commerce (Parts 30—199)
II National Institute of Standards and Technology, Department of Commerce (Parts 200—299)
III International Trade Administration, Department of Commerce (Parts 300—399)
IV Foreign Trade Zones Board, Department of Commerce (Parts 400—499)
Title 15—Commerce and Foreign Trade—Continued

VII Bureau of Industry and Security, Department of Commerce (Parts 700—799)
VIII Bureau of Economic Analysis, Department of Commerce (Parts 800—899)
IX National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)
XI Technology Administration, Department of Commerce (Parts 1100—1199)
XIII East-West Foreign Trade Board (Parts 1300—1399)
XIV Minority Business Development Agency (Parts 1400—1499)

SUBTITLE C—REGULATIONS RELATING TO FOREIGN TRADE AGREEMENTS

XX Office of the United States Trade Representative (Parts 2000—2099)

SUBTITLE D—REGULATIONS RELATING TO TELECOMMUNICATIONS AND INFORMATION

XXIII National Telecommunications and Information Administration, Department of Commerce (Parts 2300—2399)

Title 16—Commercial Practices

I Federal Trade Commission (Parts 0—999)
II Consumer Product Safety Commission (Parts 1000—1799)

Title 17—Commodity and Securities Exchanges

I Commodity Futures Trading Commission (Parts 1—199)
II Securities and Exchange Commission (Parts 200—399)
IV Department of the Treasury (Parts 400—499)

Title 18—Conservation of Power and Water Resources

I Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)
III Delaware River Basin Commission (Parts 400—499)
VI Water Resources Council (Parts 700—799)
VIII Susquehanna River Basin Commission (Parts 800—899)
XIII Tennessee Valley Authority (Parts 1300—1399)

Title 19—Customs Duties

I United States Customs Service, Department of the Treasury (Parts 1—199)
II United States International Trade Commission (Parts 200—299)
III International Trade Administration, Department of Commerce (Parts 300—399)
Title 20—Employees’ Benefits

I Office of Workers’ Compensation Programs, Department of Labor (Parts 1—199)
II Railroad Retirement Board (Parts 200—399)
III Social Security Administration (Parts 400—499)
IV Employees’ Compensation Appeals Board, Department of Labor (Parts 500—599)
V Employment and Training Administration, Department of Labor (Parts 600—699)
VI Employment Standards Administration, Department of Labor (Parts 700—799)
VII Benefits Review Board, Department of Labor (Parts 800—899)
VIII Joint Board for the Enrollment of Actuaries (Parts 900—999)
IX Office of the Assistant Secretary for Veterans’ Employment and Training, Department of Labor (Parts 1000—1099)

Title 21—Food and Drugs

I Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)
II Drug Enforcement Administration, Department of Justice (Parts 1300—1399)
III Office of National Drug Control Policy (Parts 1400—1499)

Title 22—Foreign Relations

I Department of State (Parts 1—199)
II Agency for International Development (Parts 200—299)
III Peace Corps (Parts 300—399)
IV International Joint Commission, United States and Canada (Parts 400—499)
V Broadcasting Board of Governors (Parts 500—599)
VII Overseas Private Investment Corporation (Parts 700—799)
IX Foreign Service Grievance Board (Parts 900—999)
X Inter-American Foundation (Parts 1000—1099)
XI International Boundary and Water Commission, United States and Mexico, United States Section (Parts 1100—1199)
XII United States International Development Cooperation Agency (Parts 1200—1299)
XIV Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel (Parts 1400—1499)
XV African Development Foundation (Parts 1500—1599)
XVI Japan-United States Friendship Commission (Parts 1600—1699)
XVII United States Institute of Peace (Parts 1700—1799)
<table>
<thead>
<tr>
<th>Title 23—Highways</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Federal Highway Administration, Department of Transportation (Parts 1—999)</td>
</tr>
<tr>
<td>II National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200—1299)</td>
</tr>
<tr>
<td>III National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 24—Housing and Urban Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (PARTS 0—99)</td>
</tr>
<tr>
<td>SUBTITLE B—REGULATIONS RELATING TO HOUSING AND URBAN DEVELOPMENT</td>
</tr>
<tr>
<td>I Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)</td>
</tr>
<tr>
<td>II Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 200—299)</td>
</tr>
<tr>
<td>III Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)</td>
</tr>
<tr>
<td>IV Office of Housing and Office of Multifamily Housing Assistance Restructuring, Department of Housing and Urban Development (Parts 400—499)</td>
</tr>
<tr>
<td>V Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500—599)</td>
</tr>
<tr>
<td>VI Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 600—699) [Reserved]</td>
</tr>
<tr>
<td>VII Office of the Secretary, Department of Housing and Urban Development (Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)</td>
</tr>
<tr>
<td>VIII Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs, Section 202 Direct Loan Program, Section 202 Supportive Housing for the Elderly Program and Section 811 Supportive Housing for Persons With Disabilities Program) (Parts 800—899)</td>
</tr>
<tr>
<td>IX Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—1699)</td>
</tr>
<tr>
<td>X Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Interstate Land Sales Registration Program) (Parts 1700—1799)</td>
</tr>
<tr>
<td>XII Office of Inspector General, Department of Housing and Urban Development (Parts 2000—2099)</td>
</tr>
<tr>
<td>XX Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 3200—3899)</td>
</tr>
<tr>
<td>XXV Neighborhood Reinvestment Corporation (Parts 4100—4199)</td>
</tr>
</tbody>
</table>
Title 25—Indians

I Bureau of Indian Affairs, Department of the Interior (Parts 1–299)

II Indian Arts and Crafts Board, Department of the Interior (Parts 300–399)

III National Indian Gaming Commission, Department of the Interior (Parts 500–599)

IV Office of Navajo and Hopi Indian Relocation (Parts 700–799)

V Bureau of Indian Affairs, Department of the Interior, and Indian Health Service, Department of Health and Human Services (Part 900)

VI Office of the Assistant Secretary-Indian Affairs, Department of the Interior (Parts 1000–1199)

VII Office of the Special Trustee for American Indians, Department of the Interior (Part 1200)

Title 26—Internal Revenue

I Internal Revenue Service, Department of the Treasury (Parts 1–899)

Title 27—Alcohol, Tobacco Products and Firearms

I Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury (Parts 1–299)

Title 28—Judicial Administration

I Department of Justice (Parts 0–199)

III Federal Prison Industries, Inc., Department of Justice (Parts 300–399)

V Bureau of Prisons, Department of Justice (Parts 500–599)

VI Offices of Independent Counsel, Department of Justice (Parts 600–699)

VII Office of Independent Counsel (Parts 700–799)

VIII Court Services and Offender Supervision Agency for the District of Columbia (Parts 800–899)

IX National Crime Prevention and Privacy Compact Council (Parts 900–999)

XI Department of Justice and Department of State (Parts 1100–1199)

Title 29—Labor

SUBTITLE A—Office of the Secretary of Labor (Parts 0–99)

SUBTITLE B—Regulations Relating to Labor

I National Labor Relations Board (Parts 100–199)

II Office of Labor-Management Standards, Department of Labor (Parts 200–299)

III National Railroad Adjustment Board (Parts 300–399)
Title 29—Labor—Continued

IV Office of Labor-Management Standards, Department of Labor (Parts 400—499)
V Wage and Hour Division, Department of Labor (Parts 500—899)
IX Construction Industry Collective Bargaining Commission (Parts 900—999)
X National Mediation Board (Parts 1200—1299)
XII Federal Mediation and Conciliation Service (Parts 1400—1499)
XIV Equal Employment Opportunity Commission (Parts 1600—1699)
XVII Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)
XX Occupational Safety and Health Review Commission (Parts 2200—2499)
XXV Pension and Welfare Benefits Administration, Department of Labor (Parts 2500—2599)
XXVII Federal Mine Safety and Health Review Commission (Parts 2700—2799)
XL Pension Benefit Guaranty Corporation (Parts 4000—4999)

Title 30—Mineral Resources

I Mine Safety and Health Administration, Department of Labor (Parts 1—199)
II Minerals Management Service, Department of the Interior (Parts 200—299)
III Board of Surface Mining and Reclamation Appeals, Department of the Interior (Parts 300—399)
IV Geological Survey, Department of the Interior (Parts 400—499)
VII Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—799)

Title 31—Money and Finance: Treasury

Subtitle A—Office of the Secretary of the Treasury (Parts 0—50)
Subtitle B—Regulations Relating to Money and Finance
I Monetary Offices, Department of the Treasury (Parts 51—199)
II Fiscal Service, Department of the Treasury (Parts 200—399)
IV Secret Service, Department of the Treasury (Parts 400—499)
V Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)
VI Bureau of Engraving and Printing, Department of the Treasury (Parts 600—699)
VII Federal Law Enforcement Training Center, Department of the Treasury (Parts 700—799)
VIII Office of International Investment, Department of the Treasury (Parts 800—899)
IX Federal Claims Collection Standards (Department of the Treasury—Department of Justice) (Parts 900—999)
Title 32—National Defense

Subtitle A—Department of Defense
I Office of the Secretary of Defense (Parts 1—399)
V Department of the Army (Parts 400—699)
VI Department of the Navy (Parts 700—799)
VII Department of the Air Force (Parts 800—1099)

Subtitle B—Other Regulations Relating to National Defense
XII Defense Logistics Agency (Parts 1200—1299)
XVI Selective Service System (Parts 1600—1699)
XVIII National Counterintelligence Center (Parts 1800—1899)
XX Information Security Oversight Office, National Archives and Records Administration (Parts 2000—2099)
XXI National Security Council (Parts 2100—2199)
XXIV Office of Science and Technology Policy (Parts 2400—2499)
XXVII Office for Micronesian Status Negotiations (Parts 2700—2799)
XXVIII Office of the Vice President of the United States (Parts 2800—2899)

Title 33—Navigation and Navigable Waters
I Coast Guard, Department of Transportation (Parts 1—199)
II Corps of Engineers, Department of the Army (Parts 200—399)
IV Saint Lawrence Seaway Development Corporation, Department of Transportation (Parts 400—499)

Title 34—Education

Subtitle A—Office of the Secretary, Department of Education (Parts 1—99)
Subtitle B—Regulations of the Offices of the Department of Education
I Office for Civil Rights, Department of Education (Parts 100—199)
II Office of Elementary and Secondary Education, Department of Education (Parts 200—299)
III Office of Special Education and Rehabilitative Services, Department of Education (Parts 300—399)
IV Office of Vocational and Adult Education, Department of Education (Parts 400—499)
V Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500—599)
VI Office of Postsecondary Education, Department of Education (Parts 600—699)
VII Office of Educational Research and Improvement, Department of Education (Parts 700—799)
XI National Institute for Literacy (Parts 1100—1199)
Subtitle C—Regulations Relating to Education
XII National Council on Disability (Parts 1200—1299)
Title 35—Panama Canal

I Panama Canal Regulations (Parts 1—299)

Title 36—Parks, Forests, and Public Property

I National Park Service, Department of the Interior (Parts 1—199)
II Forest Service, Department of Agriculture (Parts 200—299)
III Corps of Engineers, Department of the Army (Parts 300—399)
IV American Battle Monuments Commission (Parts 400—499)
V Smithsonian Institution (Parts 500—599)
VII Library of Congress (Parts 700—799)
VIII Advisory Council on Historic Preservation (Parts 800—899)
IX Pennsylvania Avenue Development Corporation (Parts 900—999)
X Presidio Trust (Parts 1000—1099)
XI Architectural and Transportation Barriers Compliance Board (Parts 1100—1199)
XII National Archives and Records Administration (Parts 1200—1299)
XV Oklahoma City National Memorial Trust (Part 1501)
XVI Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (Parts 1600—1699)

Title 37—Patents, Trademarks, and Copyrights

I United States Patent and Trademark Office, Department of Commerce (Parts 1—199)
II Copyright Office, Library of Congress (Parts 200—299)
IV Assistant Secretary for Technology Policy, Department of Commerce (Parts 400—499)
V Under Secretary for Technology, Department of Commerce (Parts 500—599)

Title 38—Pensions, Bonuses, and Veterans' Relief

I Department of Veterans Affairs (Parts 0—99)

Title 39—Postal Service

I United States Postal Service (Parts 1—999)
III Postal Rate Commission (Parts 3000—3099)

Title 40—Protection of Environment

I Environmental Protection Agency (Parts 1—799)
IV Environmental Protection Agency and Department of Justice (Parts 1400—1499)
V Council on Environmental Quality (Parts 1500—1599)
VI Chemical Safety and Hazard Investigation Board (Parts 1600—1699)
Title 40—Protection of Environment—Continued

VII Environmental Protection Agency and Department of Defense; Uniform National Discharge Standards for Vessels of the Armed Forces (Parts 1700—1799)

Title 41—Public Contracts and Property Management

Subtitle B—Other Provisions Relating to Public Contracts
50 Public Contracts, Department of Labor (Parts 50–1—50–999)
51 Committee for Purchase From People Who Are Blind or Severely Disabled (Parts 51–1—51–99)
60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Parts 60–1—60–999)
61 Office of the Assistant Secretary for Veterans’ Employment and Training Service, Department of Labor (Parts 61–1—61–999)

Subtitle C—Federal Property Management Regulations System
101 Federal Property Management Regulations (Parts 101–1—101–99)
102 Federal Management Regulation (Parts 102–1—102–299)
105 General Services Administration (Parts 105–1—105–999)
109 Department of Energy Property Management Regulations (Parts 109–1—109–99)
114 Department of the Interior (Parts 114–1—114–99)
115 Environmental Protection Agency (Parts 115–1—115–99)
128 Department of Justice (Parts 128–1—128–99)

Subtitle D—Other Provisions Relating to Property Management [Reserved]

Subtitle E—Federal Information Resources Management Regulations System
201 Federal Information Resources Management Regulation (Parts 201–1—201–99) [Reserved]

Subtitle F—Federal Travel Regulation System
300 General (Parts 300–1—300–99)
301 Temporary Duty (TDY) Travel Allowances (Parts 301–1—301–99)
302 Relocation Allowances (Parts 302–1—302–99)
303 Payment of Expenses Connected with the Death of Certain Employees (Part 303–70)
304 Payment from a Non-Federal Source for Travel Expenses (Parts 304–1—304–99)

Title 42—Public Health

I Public Health Service, Department of Health and Human Services (Parts 1—199)
IV Centers for Medicare & Medicaid Services, Department of Health and Human Services (Parts 400—499)
V Office of Inspector General—Health Care, Department of Health and Human Services (Parts 1000—1999)
Title 43—Public Lands: Interior

Subtitle A—Office of the Secretary of the Interior (Parts 1—199)
Subtitle B—Regulations Relating to Public Lands
I Bureau of Reclamation, Department of the Interior (Parts 200—499)
II Bureau of Land Management, Department of the Interior (Parts 1000—9999)
III Utah Reclamation Mitigation and Conservation Commission (Parts 10000—10005)

Title 44—Emergency Management and Assistance

I Federal Emergency Management Agency (Parts 0—399)
IV Department of Commerce and Department of Transportation (Parts 400—499)

Title 45—Public Welfare

Subtitle A—Department of Health and Human Services (Parts 1—199)
Subtitle B—Regulations Relating to Public Welfare
II Office of Family Assistance (Assistance Programs), Administration for Children and Families, Department of Health and Human Services (Parts 200—299)
III Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services (Parts 300—399)
IV Office of Refugee Resettlement, Administration for Children and Families Department of Health and Human Services (Parts 400—499)
V Foreign Claims Settlement Commission of the United States, Department of Justice (Parts 500—599)
VI National Science Foundation (Parts 600—699)
VII Commission on Civil Rights (Parts 700—799)
VIII Office of Personnel Management (Parts 800—899)
X Office of Community Services, Administration for Children and Families, Department of Health and Human Services (Parts 1000—1099)
XI National Foundation on the Arts and the Humanities (Parts 1100—1199)
XII Corporation for National and Community Service (Parts 1200—1299)
XIII Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)
XVI Legal Services Corporation (Parts 1600—1699)
XVII National Commission on Libraries and Information Science (Parts 1700—1799)
XVIII Harry S. Truman Scholarship Foundation (Parts 1800—1899)
XXI Commission on Fine Arts (Parts 2100—2199)

510
Title 45—Public Welfare—Continued

XXIII Arctic Research Commission (Part 2301)
XXIV James Madison Memorial Fellowship Foundation (Parts 2400—2499)
XXV Corporation for National and Community Service (Parts 2500—2599)

Title 46—Shipping

I Coast Guard, Department of Transportation (Parts 1—199)
II Maritime Administration, Department of Transportation (Parts 200—399)
III Coast Guard (Great Lakes Pilotage), Department of Transportation (Parts 400—499)
IV Federal Maritime Commission (Parts 500—599)

Title 47—Telecommunication

I Federal Communications Commission (Parts 0—199)
II Office of Science and Technology Policy and National Security Council (Parts 200—299)
III National Telecommunications and Information Administration, Department of Commerce (Parts 300—399)

Title 48—Federal Acquisition Regulations System

1 Federal Acquisition Regulation (Parts 1—99)
2 Department of Defense (Parts 200—299)
3 Department of Health and Human Services (Parts 300—399)
4 Department of Agriculture (Parts 400—499)
5 General Services Administration (Parts 500—599)
6 Department of State (Parts 600—699)
7 United States Agency for International Development (Parts 700—799)
8 Department of Veterans Affairs (Parts 800—899)
9 Department of Energy (Parts 900—999)
10 Department of the Treasury (Parts 1000—1099)
12 Department of Transportation (Parts 1200—1299)
13 Department of Commerce (Parts 1300—1399)
14 Department of the Interior (Parts 1400—1499)
15 Environmental Protection Agency (Parts 1500—1599)
16 Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)
17 Office of Personnel Management (Parts 1700—1799)
18 National Aeronautics and Space Administration (Parts 1800—1899)
19 Broadcasting Board of Governors (Parts 1900—1999)
20 Nuclear Regulatory Commission (Parts 2000—2099)
Title 48—Federal Acquisition Regulations System—Continued

23 Social Security Administration (Parts 2300–2399)
24 Department of Housing and Urban Development (Parts 2400–2499)
25 National Science Foundation (Parts 2500–2599)
28 Department of Justice (Parts 2800–2899)
29 Department of Labor (Parts 2900–2999)
34 Department of Education Acquisition Regulation (Parts 3400–3499)
35 Panama Canal Commission (Parts 3500–3599)
44 Federal Emergency Management Agency (Parts 4400–4499)
51 Department of the Army Acquisition Regulations (Parts 5100–5199)
52 Department of the Navy Acquisition Regulations (Parts 5200–5299)
53 Department of the Air Force Federal Acquisition Regulation Supplement (Parts 5300–5399)
54 Defense Logistics Agency, Department of Defense (Part 5452)
57 African Development Foundation (Parts 5700–5799)
61 General Services Administration Board of Contract Appeals (Parts 6100–6199)
63 Department of Transportation Board of Contract Appeals (Parts 6300–6399)
99 Cost Accounting Standards Board, Office of Federal Procurement Policy, Office of Management and Budget (Parts 9900–9999)

Title 49—Transportation

Subtitle A—Office of the Secretary of Transportation (Parts 1–99)
Subtitle B—Other Regulations Relating to Transportation
I Research and Special Programs Administration, Department of Transportation (Parts 100–199)
II Federal Railroad Administration, Department of Transportation (Parts 200–299)
III Federal Motor Carrier Safety Administration, Department of Transportation (Parts 300–399)
IV Coast Guard, Department of Transportation (Parts 400–499)
V National Highway Traffic Safety Administration, Department of Transportation (Parts 500–599)
VI Federal Transit Administration, Department of Transportation (Parts 600–699)
VII National Railroad Passenger Corporation (AMTRAK) (Parts 700–799)
VIII National Transportation Safety Board (Parts 800–999)
X Surface Transportation Board, Department of Transportation (Parts 1000–1399)
Title 49—Transportation—Continued

XI Bureau of Transportation Statistics, Department of Transportation (Parts 1400—1499)

XII Transportation Security Administration, Department of Transportation (Parts 1500—1599)

Title 50—Wildlife and Fisheries

I United States Fish and Wildlife Service, Department of the Interior (Parts 1—199)

II National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200—299)

III International Fishing and Related Activities (Parts 300—399)

IV Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations (Parts 400—499)

V Marine Mammal Commission (Parts 500—599)

VI Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 600—699)

CFR Index and Finding Aids

Subject/Agency Index
List of Agency Prepared Indexes
Parallel Tables of Statutory Authorities and Rules
List of CFR Titles, Chapters, Subchapters, and Parts
Alphabetical List of Agencies Appearing in the CFR
### Alphabetical List of Agencies Appearing in the CFR

(Revised as of October 1, 2002)

<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Committee of the Federal Register</td>
<td>1, I</td>
</tr>
<tr>
<td>Advanced Research Projects Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Advisory Council on Historic Preservation</td>
<td>36, VIII</td>
</tr>
<tr>
<td>African Development Foundation</td>
<td>22, XV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 57</td>
</tr>
<tr>
<td>Agency for International Development, United States</td>
<td>22, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 7</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, V</td>
</tr>
<tr>
<td>Agriculture Department</td>
<td>5, LXXIII</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, V</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III; 9, I</td>
</tr>
<tr>
<td>Chief Financial Officer, Office of</td>
<td>7, XXX</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Cooperative State Research, Education, and Extension Service</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>Economic Research Service</td>
<td>7, XXXVII</td>
</tr>
<tr>
<td>Energy, Office of</td>
<td>7, XXIX</td>
</tr>
<tr>
<td>Environmental Quality, Office of</td>
<td>7, XXXI</td>
</tr>
<tr>
<td>Farm Service Agency</td>
<td>7, VII, XVIII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 4</td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation</td>
<td>7, IV</td>
</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>7, II</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>9, III</td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>7, XV</td>
</tr>
<tr>
<td>Forest Service</td>
<td>36, II</td>
</tr>
<tr>
<td>Grain Inspection, Packers and Stockyards Administration</td>
<td>7, VIII; 9, II</td>
</tr>
<tr>
<td>Information Resources Management, Office of</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>7, XXVI</td>
</tr>
<tr>
<td>National Agricultural Library</td>
<td>7, XLI</td>
</tr>
<tr>
<td>National Agricultural Statistics Service</td>
<td>7, XXXVI</td>
</tr>
<tr>
<td>Natural Resources Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Operations, Office of</td>
<td>7, XXVIII</td>
</tr>
<tr>
<td>Procurement and Property Management, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Rural Business-Cooperative Service</td>
<td>7, XVIII, XLII</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XVIII, XXXV</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVIII, XVIII, XLII</td>
</tr>
<tr>
<td>Secretary of Agriculture, Office of</td>
<td>7, Subtitle A</td>
</tr>
<tr>
<td>Transportation, Office of</td>
<td>7, XXXIII</td>
</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>7, XXXVIII</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, VII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation Supplement</td>
<td>48, 53</td>
</tr>
<tr>
<td>Alcohol, Tobacco and Firearms, Bureau of</td>
<td>27, I</td>
</tr>
<tr>
<td>AMTRAK</td>
<td>49, VII</td>
</tr>
<tr>
<td>American Battle Monuments Commission</td>
<td>36, IV</td>
</tr>
<tr>
<td>American Indians, Office of the Special Trustee</td>
<td>25, VII</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III; 9, I</td>
</tr>
<tr>
<td>Appalachian Regional Commission</td>
<td>5, IX</td>
</tr>
<tr>
<td>Architectural and Transportation Barriers Compliance Board</td>
<td>36, XI</td>
</tr>
<tr>
<td>Arctic Research Commission</td>
<td>45, XXIII</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Armed Forces Retirement Home</td>
<td>5, XI</td>
</tr>
<tr>
<td>Army Department</td>
<td>32, V</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 51</td>
</tr>
<tr>
<td>Benefits Review Board</td>
<td>20, VII</td>
</tr>
<tr>
<td>Bilingual Education and Minority Languages Affairs, Office of</td>
<td>34, V</td>
</tr>
<tr>
<td>Blind or Severely Disabled, Committee for Purchase From</td>
<td>41, 51</td>
</tr>
<tr>
<td>People Who Are Broadcasting Board of Governors</td>
<td>22, V</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 19</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>15, I</td>
</tr>
<tr>
<td>Centers for Medicare &amp; Medicaid Services</td>
<td>42, IV</td>
</tr>
<tr>
<td>Central Intelligence Agency</td>
<td>32, XIX</td>
</tr>
<tr>
<td>Chief Financial Officer, Office of</td>
<td>7, XXX</td>
</tr>
<tr>
<td>Child Support Enforcement, Office of</td>
<td>45, III</td>
</tr>
<tr>
<td>Children and Families, Administration for</td>
<td>45, II, III, IV, X</td>
</tr>
<tr>
<td>Civil Rights, Commission on</td>
<td>45, VII</td>
</tr>
<tr>
<td>Civil Rights, Office for</td>
<td>34, I</td>
</tr>
<tr>
<td>Coast Guard</td>
<td>33, I; 46, I; 49, IV</td>
</tr>
<tr>
<td>Coast Guard (Great Lakes Pilotage)</td>
<td>46, III</td>
</tr>
<tr>
<td>Commerce Department</td>
<td>44, IV</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>15, I</td>
</tr>
<tr>
<td>Economic Affairs, Under Secretary</td>
<td>37, V</td>
</tr>
<tr>
<td>Economic Analysis, Bureau of</td>
<td>15, VIII</td>
</tr>
<tr>
<td>Economic Development Administration</td>
<td>13, III</td>
</tr>
<tr>
<td>Emergency Management and Assistance</td>
<td>44, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 13</td>
</tr>
<tr>
<td>Fishery Conservation and Management</td>
<td>50, VI</td>
</tr>
<tr>
<td>Foreign-Trade Zones Board</td>
<td>15, IV</td>
</tr>
<tr>
<td>Industry and Security, Bureau of</td>
<td>15, VII</td>
</tr>
<tr>
<td>International Trade Administration</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>National Institute of Standards and Technology</td>
<td>15, II</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV, VI</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
<tr>
<td>National Telecommunications and Information</td>
<td>15, XXXIII; 47, III</td>
</tr>
<tr>
<td>Administration</td>
<td></td>
</tr>
<tr>
<td>National Weather Service</td>
<td>15, IX</td>
</tr>
<tr>
<td>Patent and Trademark Office, United States</td>
<td>37, I</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant Secretary</td>
<td>37, IV</td>
</tr>
<tr>
<td>Secretary for Commerce, Office of</td>
<td>15, Subtitle A</td>
</tr>
<tr>
<td>Technology, Under Secretary</td>
<td>37, V</td>
</tr>
<tr>
<td>Technology Administration</td>
<td>15, XI</td>
</tr>
<tr>
<td>Technology Policy, Assistant Secretary</td>
<td>37, IV</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Commodity Futures Trading Commission</td>
<td>5, XLI; 17, I</td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant Secretary</td>
<td>24, V; VI</td>
</tr>
<tr>
<td>Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Controller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Construction Industry Collective Bargaining Commission</td>
<td>29, IX</td>
</tr>
<tr>
<td>Consumer Product Safety Commission</td>
<td>5, LXXI; 16, II</td>
</tr>
<tr>
<td>Cooperative State Research, Education, and Extension</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>Service</td>
<td></td>
</tr>
<tr>
<td>Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Corporation for National and Community Service</td>
<td>45, XII, XXV</td>
</tr>
<tr>
<td>Cost Accounting Standards Board</td>
<td>48, 99</td>
</tr>
<tr>
<td>Council on Environmental Quality</td>
<td>40, V</td>
</tr>
<tr>
<td>Court Services and Offender Supervision Agency for the District of Columbia</td>
<td>28, VIII</td>
</tr>
<tr>
<td>Customs Service, United States</td>
<td>19, I</td>
</tr>
<tr>
<td>Defense Contract Audit Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Department</td>
<td>5, XXVI; 32, Subtitle A;</td>
</tr>
<tr>
<td>Advanced Research Projects Agency</td>
<td>40, VII</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, I</td>
</tr>
</tbody>
</table>

516
Army Department
Defense Intelligence Agency
Defense Logistics Agency
Engineers, Corps of
Federal Acquisition Regulation
National Imagery and Mapping Agency
Navy Department
Secretary of Defense, Office of
Defense Contract Audit Agency
Defense Intelligence Agency
Defense Logistics Agency
Defense Nuclear Facilities Safety Board
Delaware River Basin Commission
District of Columbia, Court Services and Offender Supervision Agency for the
Drug Enforcement Administration
East-West Foreign Trade Board
Economic Affairs, Under Secretary
Economic Analysis, Bureau of
Economic Development Administration
Economic Research Service
Education, Department of
Bilingual Education and Minority Languages Affairs, Office of
Civil Rights, Office for
Educational Research and Improvement, Office of
Elementary and Secondary Education, Office of
Federal Acquisition Regulation
Postsecondary Education, Office of
Secretary of Education, Office of
Special Education and Rehabilitative Services, Office of
Vocational and Adult Education, Office of
Educational Research and Improvement, Office of
Elementary and Secondary Education, Office of
Emergency Oil and Gas Guaranteed Loan Board
Emergency Steel Guarantee Loan Board
Employees' Compensation Appeals Board
Employees Loyalty Board
Employment and Training Administration
Employment Standards Administration
Endangered Species Committee
Energy, Department of
Federal Acquisition Regulation
Federal Energy Regulatory Commission
Property Management Regulations
Energy, Office of
Engineers, Corps of
Engraving and Printing, Bureau of
Environmental Protection Agency
Federal Acquisition Regulation
Property Management Regulations
Environmental Quality, Office of
Equal Employment Opportunity Commission
Equal Opportunity, Office of Assistant Secretary for
Executive Office of the President
Administration, Office of
Environmental Quality, Council on
Management and Budget, Office of
National Drug Control Policy, Office of
National Security Council
Presidential Documents
Science and Technology Policy, Office of
Trade Representative, Office of the United States
Export-Import Bank of the United States
Family Assistance, Office of
Agency | CFR Title, Subtitle or Chapter
--- | ---
Farm Credit Administration | 5, XXXI; 12, VI
Farm Credit System Insurance Corporation | 5, XXX; 12, XIV
Farm Service Agency | 7, VII, XVIII
Federal Acquisition Regulation | 48, 1
Federal Aviation Administration | 14, I
  Commercial Space Transportation | 14, III
Federal Claims Collection Standards | 31, IX
Federal Communications Commission | 5, XXIX; 47, I
Federal Contract Compliance Programs, Office of | 41, 60
Federal Crop Insurance Corporation | 7, IV
Federal Deposit Insurance Corporation | 5, XXII; 12, III
Federal Election Commission | 11, I
Federal Emergency Management Agency | 44, I
  Federal Acquisition Regulation | 48, 44
Federal Employees Group Life Insurance | 48, 21
  Federal Acquisition Regulation | 48, 16
Federal Employees Health Benefits Acquisition Regulation | 5, XXIV; 18, I
Federal Energy Regulatory Commission | 12, XII
Federal Financial Institutions Examination Council | 12, IV
Federal Financing Bank | 12, VIII
Federal Highway Administration | 23, I, II
Federal Home Loan Mortgage Corporation | 1, IV
Federal Housing Enterprise Oversight Office | 12, XV
Federal Housing Finance Board | 12, III
  Federal Labor Relations Authority, and General Counsel of | 5, XIV; 22, XIV
  the Federal Labor Relations Authority | 31, VII
Federal Law Enforcement Training Center | 41, 102
Federal Management Regulation | 46, IV
Federal Maritime Commission | 29, XII
Federal Mediation and Conciliation Service | 5, LXXVI; 29, XXVII
Federal Mine Safety and Health Review Commission | 49, III
  Federal Motor Carrier Safety Administration | 28, III
  Federal Procurement Policy Office | 48, 99
  Federal Property Management Regulations | 41, 103
  Federal Railroad Administration | 49, II
  Federal Register, Administrative Committee of | 1, I
  Federal Register, Office of | 1, II
  Federal Reserve System | 12, I
  Board of Governors | 5, LVIII
  Federal Retirement Thrift Investment Board | 5, VI, LXXVI
  Federal Service Impasses Panel | 5, XLVII; 16, I
  Federal Trade Commission | 49, VI
  Federal Transit Administration | 41, Subtitle F
  Federal Travel Regulation System | 45, XXI
  Fine Arts, Commission on | 31, II
  Fiscal Service | 50, I, IV
  Fish and Wildlife Service, United States | 50, VI
  Fishery Conservation and Management | 21, I
  Food and Drug Administration | 7, II
  Food and Nutrition Service | 9, III
  Food Safety and Inspection Service | 7, XV
  Foreign Agricultural Service | 31, V
  Foreign Claims Settlement Commission of the United States | 45, V
  Foreign Service Grievance Board | 22, IX
  Foreign Service Impasse Disputes Panel | 22, XIV
  Foreign Service Labor Relations Board | 22, XIV
  Foreign-Trade Zones Board | 15, IV
  Forest Service | 36, II
  General Accounting Office | 4, I
  General Services Administration | 5, LVII; 41, 105
  Contract Appeals, Board of | 48, 61
  Federal Acquisition Regulation | 48, 5
  Federal Management Regulation | 41, 102
  Federal Property Management Regulation | 41, 103
  Federal Travel Regulation System | 41, Subtitle F
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td></td>
</tr>
<tr>
<td>Payment From a Non-Federal Source for Travel Expenses</td>
<td>41, 300</td>
</tr>
<tr>
<td>Payment of Expenses Connected With the Death of Certain</td>
<td>41, 303</td>
</tr>
<tr>
<td>Employees</td>
<td></td>
</tr>
<tr>
<td>Relocation Allowances</td>
<td>41, 302</td>
</tr>
<tr>
<td>Temporary Duty (TDY) Travel Allowances</td>
<td>41, 301</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Government Ethics, Office of</td>
<td>5, XVI</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, III</td>
</tr>
<tr>
<td>Grain Inspection, Packers and Stockyards Administration</td>
<td>7, VIII; 9, II</td>
</tr>
<tr>
<td>Harry S. Truman Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>Health and Human Services, Department of</td>
<td>5, XLV; 45, Subtitle A</td>
</tr>
<tr>
<td>Centers for Medicare &amp; Medicaid Services</td>
<td>42, IV</td>
</tr>
<tr>
<td>Child Support Enforcement, Office of</td>
<td>45, III</td>
</tr>
<tr>
<td>Children and Families, Administration for</td>
<td>45, II, III, IV, X</td>
</tr>
<tr>
<td>Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Family Assistance, Office of</td>
<td>45, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 3</td>
</tr>
<tr>
<td>Food and Drug Administration</td>
<td>21, I</td>
</tr>
<tr>
<td>Human Development Services, Office of</td>
<td>45, XIII</td>
</tr>
<tr>
<td>Indian Health Service</td>
<td>25, V</td>
</tr>
<tr>
<td>Inspector General (Health Care), Office of</td>
<td>42, V</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Housing and Urban Development, Department of</td>
<td>5, LXV; 24, Subtitle B</td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant</td>
<td>24, V, VI</td>
</tr>
<tr>
<td>Secretary for</td>
<td></td>
</tr>
<tr>
<td>Equal Opportunity, Office of Assistant Secretary for</td>
<td>24, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 3</td>
</tr>
<tr>
<td>Federal Housing Enterprise Oversight, Office of</td>
<td>12, XVII</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, III</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Assistant Secretary for</td>
<td></td>
</tr>
<tr>
<td>Housing, Office of, and Multifamily Housing Assistance</td>
<td>24, IV</td>
</tr>
<tr>
<td>Restructuring, Office of</td>
<td></td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>24, XII</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>24, IX</td>
</tr>
<tr>
<td>Secretary, Office of</td>
<td>24, Subtitle A, VII</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of Assistant</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Secretary for</td>
<td></td>
</tr>
<tr>
<td>Housing, Office of, and Multifamily Housing Assistance</td>
<td>24, IV</td>
</tr>
<tr>
<td>Restructuring, Office of</td>
<td></td>
</tr>
<tr>
<td>Human Development Services, Office of</td>
<td>45, XIII</td>
</tr>
<tr>
<td>Immigration and Naturalization Service</td>
<td>8, I</td>
</tr>
<tr>
<td>Independent Counsel, Office of</td>
<td>28, VII</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I, V</td>
</tr>
<tr>
<td>Indian Affairs, Office of the Assistant Secretary</td>
<td>25, VI</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Indian Health Service</td>
<td>25, V</td>
</tr>
<tr>
<td>Industry and Security, Bureau of</td>
<td>15, VII</td>
</tr>
<tr>
<td>Information Resources Management, Office of</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Information Security Oversight Office, National Archives and</td>
<td>32, XX</td>
</tr>
<tr>
<td>Records Administration</td>
<td></td>
</tr>
<tr>
<td>Inspector General</td>
<td></td>
</tr>
<tr>
<td>Agriculture Department</td>
<td>7, XXVI</td>
</tr>
<tr>
<td>Health and Human Services Department</td>
<td>42, V</td>
</tr>
<tr>
<td>Housing and Urban Development Department</td>
<td>24, XII</td>
</tr>
<tr>
<td>Institute of Peace, United States</td>
<td>22, XVII</td>
</tr>
<tr>
<td>Inter-American Foundation</td>
<td>5, LXIII; 22, X</td>
</tr>
<tr>
<td>Interior Department</td>
<td></td>
</tr>
<tr>
<td>American Indians, Office of the Special Trustee</td>
<td>25, VII</td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>50, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 14</td>
</tr>
<tr>
<td>Federal Property Management Regulations System</td>
<td>41, 114</td>
</tr>
<tr>
<td>Fish and Wildlife Service, United States</td>
<td>50, 1, IV</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I, V</td>
</tr>
</tbody>
</table>

519
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian Affairs, Office of the Assistant Secretary</td>
<td>25, VI</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Land Management, Bureau of</td>
<td>43, II</td>
</tr>
<tr>
<td>Minerals Management Service</td>
<td>30, II</td>
</tr>
<tr>
<td>National Indian Gaming Commission</td>
<td>25, III</td>
</tr>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>Reclamation, Bureau of</td>
<td>43, I</td>
</tr>
<tr>
<td>Secretary of the Interior, Office of</td>
<td>43, Subtitle A</td>
</tr>
<tr>
<td>Surface Mining and Reclamation Appeals, Board of</td>
<td>30, III</td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>30, VII</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>International Boundary and Water Commission, United States</td>
<td>22, XI</td>
</tr>
<tr>
<td>and Mexico, United States Section</td>
<td></td>
</tr>
<tr>
<td>International Development, United States Agency for</td>
<td>22, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 7</td>
</tr>
<tr>
<td>International Development Cooperation Agency, United States</td>
<td>22, XII</td>
</tr>
<tr>
<td>International Fishing and Related Activities</td>
<td>50, III</td>
</tr>
<tr>
<td>International Investment, Office of</td>
<td>31, VIII</td>
</tr>
<tr>
<td>International Joint Commission, United States and Canada</td>
<td>22, IV</td>
</tr>
<tr>
<td>International Organizations Employees Loyalty Board</td>
<td>5, V</td>
</tr>
<tr>
<td>International Trade Administration, United States</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>International Trade Commission, United States</td>
<td>19, II</td>
</tr>
<tr>
<td>Interstate Commerce Commission</td>
<td>5, XL</td>
</tr>
<tr>
<td>James Madison Memorial Fellowship Foundation</td>
<td>45, XXIV</td>
</tr>
<tr>
<td>Japan–United States Friendship Commission</td>
<td>22, XVI</td>
</tr>
<tr>
<td>Joint Board for the Enrollment of Actuaries</td>
<td>20, VIII</td>
</tr>
<tr>
<td>Justice Department</td>
<td>5, XXVIII; 28, I, XI; 40, IV</td>
</tr>
<tr>
<td>Drug Enforcement Administration</td>
<td>21, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 28</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>31, IX</td>
</tr>
<tr>
<td>Federal Prison Industries, Inc.</td>
<td>28, III</td>
</tr>
<tr>
<td>Foreign Claims Settlement Commission of the United States</td>
<td>45, V</td>
</tr>
<tr>
<td>Immigration and Naturalization Service</td>
<td>8, I</td>
</tr>
<tr>
<td>Offices of Independent Counsel</td>
<td>28, VI</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>26, V</td>
</tr>
<tr>
<td>Property Management Regulations</td>
<td>41, 128</td>
</tr>
<tr>
<td>Labor Department</td>
<td>5, XLII</td>
</tr>
<tr>
<td>Benefits Review Board</td>
<td>20, VII</td>
</tr>
<tr>
<td>Employees’ Compensation Appeals Board</td>
<td>20, IV</td>
</tr>
<tr>
<td>Employment and Training Administration</td>
<td>20, V</td>
</tr>
<tr>
<td>Employment Standards Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 29</td>
</tr>
<tr>
<td>Federal Contract Compliance Programs, Office of</td>
<td>41, 60</td>
</tr>
<tr>
<td>Federal Procurement Regulations System</td>
<td>41, 50</td>
</tr>
<tr>
<td>Labor-Management Standards, Office of</td>
<td>29, II, IV</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Pension and Welfare Benefits Administration</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Public Contracts</td>
<td>41, 50</td>
</tr>
<tr>
<td>Secretary of Labor, Office of</td>
<td>29, Subtitle A</td>
</tr>
<tr>
<td>Veterans’ Employment and Training Service, Office of the</td>
<td>41, 61; 20, IX</td>
</tr>
<tr>
<td>Assistant Secretary for Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Workers’ Compensation Programs, Office of</td>
<td>20, I</td>
</tr>
<tr>
<td>Labor-Management Standards, Office of</td>
<td>29, II, IV</td>
</tr>
<tr>
<td>Land Management, Bureau of</td>
<td>43, II</td>
</tr>
<tr>
<td>Legal Services Corporation</td>
<td>45, XVI</td>
</tr>
<tr>
<td>Library of Congress</td>
<td>36, VII</td>
</tr>
<tr>
<td>Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Management and Budget, Office of</td>
<td>5, III, LXXXVII; 14, VI; 48,</td>
</tr>
<tr>
<td>Management and Budget, Office of</td>
<td>99</td>
</tr>
<tr>
<td>Marine Mammal Commission</td>
<td>50, V</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, II</td>
</tr>
<tr>
<td>Merit Systems Protection Board</td>
<td>5, II</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Micronesian Status Negotiations, Office for</td>
<td>32, XXVII</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Minerals Management Service</td>
<td>30, II</td>
</tr>
<tr>
<td>Minority Business Development Agency</td>
<td>15, XIV</td>
</tr>
<tr>
<td>Miscellaneous Agencies</td>
<td>1, IV</td>
</tr>
<tr>
<td>Monetary Offices</td>
<td>31, I</td>
</tr>
<tr>
<td>Morris K. Udall Scholarship and Excellence in National</td>
<td>36, XVI</td>
</tr>
<tr>
<td>National Aeronautics and Space Administration</td>
<td>5, LIX; 14, V</td>
</tr>
<tr>
<td>National Agricultural Library</td>
<td>7, XLI</td>
</tr>
<tr>
<td>National Agricultural Statistics Service</td>
<td>7, XXXVI</td>
</tr>
<tr>
<td>National and Community Service, Corporation for</td>
<td>45, XII, XXV</td>
</tr>
<tr>
<td>National Archives and Records Administration</td>
<td>5, LXVI; 36, XII</td>
</tr>
<tr>
<td>National Capital Planning Commission</td>
<td>1, IV</td>
</tr>
<tr>
<td>National Commission for Employment Policy</td>
<td>1, IV</td>
</tr>
<tr>
<td>National Commission on Libraries and Information Science</td>
<td>45, XVII</td>
</tr>
<tr>
<td>National Council on Disability</td>
<td>34, XII</td>
</tr>
<tr>
<td>National Counterintelligence Center</td>
<td>32, XVIII</td>
</tr>
<tr>
<td>National Credit Union Administration</td>
<td>12, VII</td>
</tr>
<tr>
<td>National Crime Prevention and Privacy Compact Council</td>
<td>29, IX</td>
</tr>
<tr>
<td>National Drug Control Policy, Office of</td>
<td>21, III</td>
</tr>
<tr>
<td>National Foundation on the Arts and the Humanities</td>
<td>45, XI</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II; III; 49, V</td>
</tr>
<tr>
<td>National Imagery and Mapping Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>National Indian Gaming Commission</td>
<td>25, III</td>
</tr>
<tr>
<td>National Institute for Literacy</td>
<td>34, XI</td>
</tr>
<tr>
<td>National Institute of Standards and Technology</td>
<td>15, II</td>
</tr>
<tr>
<td>National Labor Relations Board</td>
<td>5, LXI; 29, I</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV, VI</td>
</tr>
<tr>
<td>National Mediation Board</td>
<td>29, X</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>National Railroad Adjustment Board</td>
<td>29, III</td>
</tr>
<tr>
<td>National Railroad Passenger Corporation (AMTRAK)</td>
<td>49, VII</td>
</tr>
<tr>
<td>National Science Foundation</td>
<td>5, XLIII; 45, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 25</td>
</tr>
<tr>
<td>National Security Council</td>
<td>32, XXI</td>
</tr>
<tr>
<td>National Security Council and Office of Science and Technology</td>
<td>47, II</td>
</tr>
<tr>
<td>National Telecommunications and Information Administration</td>
<td>15, XXIII; 47, III</td>
</tr>
<tr>
<td>National Transportation Safety Board</td>
<td>49, VIII</td>
</tr>
<tr>
<td>National Weather Service</td>
<td>15, IX</td>
</tr>
<tr>
<td>Natural Resources Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Navajo and Hopi Indian Relocation, Office of</td>
<td>25, IV</td>
</tr>
<tr>
<td>Navy Department</td>
<td>32, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 52</td>
</tr>
<tr>
<td>Neighborhood Reinvestment Corporation</td>
<td>24, XXV</td>
</tr>
<tr>
<td>Northeast Interstate Low-Level Radioactive Waste</td>
<td>10, XVIII</td>
</tr>
<tr>
<td>Commission</td>
<td>5, XLVIII; 10, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 20</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Occupational Safety and Health Review Commission</td>
<td>29, XX</td>
</tr>
<tr>
<td>Offices of Independent Counsel</td>
<td>26, VI</td>
</tr>
<tr>
<td>Oklahoma City National Memorial Trust</td>
<td>36, XV</td>
</tr>
<tr>
<td>Operations Office</td>
<td>7, XXVIII</td>
</tr>
<tr>
<td>Overseas Private Investment Corporation</td>
<td>5, XXXIII; 22, VII</td>
</tr>
<tr>
<td>Panama Canal Commission</td>
<td>48, 35</td>
</tr>
<tr>
<td>Panama Canal Regulations</td>
<td>35, I</td>
</tr>
<tr>
<td>Patent and Trademark Office, United States</td>
<td>37, I</td>
</tr>
<tr>
<td>Payment From a Non-Federal Source for Travel Expenses</td>
<td>41, 304</td>
</tr>
<tr>
<td>Payment of Expenses Connected With the Death of Certain Employees</td>
<td>41, 303</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Peace Corps</td>
<td>22, III</td>
</tr>
<tr>
<td>Pennsylvania Avenue Development Corporation</td>
<td>36, IX</td>
</tr>
<tr>
<td>Pension and Welfare Benefits Administration</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Pension Benefit Guaranty Corporation</td>
<td>29, XL</td>
</tr>
<tr>
<td>Personnel Management, Office of</td>
<td>5, I, XXXV; 45, VIII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 17</td>
</tr>
<tr>
<td>Federal Employees Group Life Insurance Federal Acquisition Regulation</td>
<td>48, 21</td>
</tr>
<tr>
<td>Federal Employees Health Benefits Acquisition Regulation</td>
<td>48, 16</td>
</tr>
<tr>
<td>Postal Rate Commission</td>
<td>5, XLVI; 39, III</td>
</tr>
<tr>
<td>Postal Service, United States</td>
<td>5, LX; 39, I</td>
</tr>
<tr>
<td>Postsecondary Education, Office of</td>
<td>34, VI</td>
</tr>
<tr>
<td>President’s Commission on White House Fellowships</td>
<td>1, IV</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>3</td>
</tr>
<tr>
<td>Presidio Trust</td>
<td>36, X</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>29, V</td>
</tr>
<tr>
<td>Procurement and Property Management, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant Secretary</td>
<td>37, IV</td>
</tr>
<tr>
<td>Public Contracts, Department of Labor</td>
<td>41, 50</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>24, IX</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Railroad Retirement Board</td>
<td>20, II</td>
</tr>
<tr>
<td>Reclamation, Bureau of</td>
<td>43, I</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Regional Action Planning Commissions</td>
<td>13, V</td>
</tr>
<tr>
<td>Relocation Allowances</td>
<td>41, 392</td>
</tr>
<tr>
<td>Research and Special Programs Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Rural Business-Cooperative Service</td>
<td>7, XVIII, XLII</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XVIII, XXXV</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVII, XVIII, XLII</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of</td>
<td>32, XXIV</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of, and National Security Council</td>
<td>47, II</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Securities and Exchange Commission</td>
<td>37, II</td>
</tr>
<tr>
<td>Selective Service System</td>
<td>32, XVI</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td>13, I</td>
</tr>
<tr>
<td>Smithsonian Institution</td>
<td>36, V</td>
</tr>
<tr>
<td>Social Security Administration</td>
<td>20, III; 48, 23</td>
</tr>
<tr>
<td>Soldiers’ and Airmen’s Home, United States</td>
<td>5, XI</td>
</tr>
<tr>
<td>Special Counsel, Office of</td>
<td>5, VIII</td>
</tr>
<tr>
<td>Special Education and Rehabilitative Services, Office of</td>
<td>34, III</td>
</tr>
<tr>
<td>State Department</td>
<td>22, I; 28, XI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 6</td>
</tr>
<tr>
<td>Surface Mining and Reclamation Appeals, Board of</td>
<td>30, III</td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>30, VII</td>
</tr>
<tr>
<td>Surface Transportation Board</td>
<td>49, X</td>
</tr>
<tr>
<td>Susquehanna River Basin Commission</td>
<td>18, VIII</td>
</tr>
<tr>
<td>Technology Administration</td>
<td>15, XI</td>
</tr>
<tr>
<td>Technology Policy, Assistant Secretary for</td>
<td>37, IV</td>
</tr>
<tr>
<td>Technology, Under Secretary for</td>
<td>37, V</td>
</tr>
<tr>
<td>Tennessee Valley Authority</td>
<td>5, LXIX; 18, XIII</td>
</tr>
<tr>
<td>Thrift Supervision Office, Department of the Treasury</td>
<td>12, V</td>
</tr>
<tr>
<td>Trade Representative, United States, Office of</td>
<td>15, XX</td>
</tr>
<tr>
<td>Transportation, Department of</td>
<td>5, I</td>
</tr>
<tr>
<td>Coast Guard</td>
<td>33, I; 46, I; 49, IV</td>
</tr>
<tr>
<td>Coast Guard (Great Lakes Pilotage)</td>
<td>46, III</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Contract Appeals, Board of</td>
<td>48, 63</td>
</tr>
<tr>
<td>Emergency Management and Assistance</td>
<td>44, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 12</td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>14, I</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>23, I, II</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Federal Motor Carrier Safety Administration</td>
<td>49, III</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>49, II</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>49, VI</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, II</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II, III; 49, V</td>
</tr>
<tr>
<td>Research and Special Programs Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Secretary of Transportation, Office of</td>
<td>14, II; 49, Subtitle A</td>
</tr>
<tr>
<td>Surface Transportation Board</td>
<td>49, X</td>
</tr>
<tr>
<td>Transportation Security Administration</td>
<td>49, XII</td>
</tr>
<tr>
<td>Transportation Statistics Bureau</td>
<td>49, XI</td>
</tr>
<tr>
<td>Transportation, Office of</td>
<td>7, XXXIII</td>
</tr>
<tr>
<td>Transportation Security Administration</td>
<td>49, XII</td>
</tr>
<tr>
<td>Transportation Statistics Bureau</td>
<td>49, XI</td>
</tr>
<tr>
<td>Travel Allowances, Temporary Duty (TDY)</td>
<td>41, 501</td>
</tr>
<tr>
<td>Treasury Department</td>
<td>5, XXI; 12, XV; 17, IV; 31, IX</td>
</tr>
<tr>
<td>Alcohol, Tobacco and Firearms, Bureau of</td>
<td>27, I</td>
</tr>
<tr>
<td>Community Development Financial Institutions Fund</td>
<td>12, XVIII</td>
</tr>
<tr>
<td>Comptroller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Customs Service, United States</td>
<td>19, I</td>
</tr>
<tr>
<td>Engraving and Printing, Bureau of</td>
<td>31, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>46, 10</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center</td>
<td>31, VII</td>
</tr>
<tr>
<td>Fiscal Service</td>
<td>31, II</td>
</tr>
<tr>
<td>Foreign Assets Control, Office of</td>
<td>31, V</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>International Investment, Office of</td>
<td>31, VIII</td>
</tr>
<tr>
<td>Monetary Offices</td>
<td>31, I</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Secretary of the Treasury, Office of</td>
<td>31, Subtitle A</td>
</tr>
<tr>
<td>Thrift Supervision, Office of</td>
<td>12, V</td>
</tr>
<tr>
<td>Truman, Harry S. Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>United States and Canada, International Joint Commission</td>
<td>22, IV</td>
</tr>
<tr>
<td>United States and Mexico, International Boundary and Water Commission, United States Section</td>
<td>22, XI</td>
</tr>
<tr>
<td>Utah Reclamation Mitigation and Conservation Commission</td>
<td>43, III</td>
</tr>
<tr>
<td>Veterans Affairs Department</td>
<td>38, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>46, 8</td>
</tr>
<tr>
<td>Veterans’ Employment and Training Service, Office of the</td>
<td>41, 61; 20, IX</td>
</tr>
<tr>
<td>Assistant Secretary for</td>
<td></td>
</tr>
<tr>
<td>Vice President of the United States, Office of</td>
<td>32, XXVIII</td>
</tr>
<tr>
<td>Vocational and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Water Resources Council</td>
<td>18, VI</td>
</tr>
<tr>
<td>Workers’ Compensation Programs, Office of</td>
<td>20, I</td>
</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>7, XXXVIII</td>
</tr>
</tbody>
</table>
List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations which were made by documents published in the Federal Register since January 1, 2001, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to Federal Register pages. The user should consult the entries for chapters and parts as well as sections for revisions.


50 CFR

Page
Chapter I
18.30 (a)(4)(i), (ii), (iv) and (i)(1) introductory text revised; interim 1907
20 Frameworks 44018, 49478
20.21 (j) revised 742
(b) and (g) added 32265
20.22 Revised 32265
20.101 Seasonal hunting adjustments 45732
20.102 Seasonal hunting adjustments 45732
20.103 Seasonal hunting adjustments 45733
20.104 Seasonal hunting adjustments; correction 1052
Seasonal hunting adjustments 45736, 49750
20.105 Seasonal hunting adjustments; correction 1052, 56780
Seasonal hunting adjustments 45737, 49751
20.106 Seasonal hunting adjustments 45744, 49767
20.107 Seasonal hunting adjustments; correction 1052
Seasonal hunting adjustments 49768
20.109 Seasonal hunting adjustments; correction 1052
Seasonal hunting adjustments 45745, 49768
20.110 Seasonal hunting adjustments 46280, 49776
21.60 (Subpart E) Added 32265
23.23 (f) table amended 27610

50 CFR—Continued

Page
Chapter I—Continued
32.7 Amended 46353
32.20 Amended 46353
32.22 Amended 46353
32.24 Amended 46354
32.27 Amended 46355
32.28 Amended 46355
32.29 Amended 46355
32.31 Amended 46355
32.32 Amended 46356
32.33 Amended 46356
32.34 Amended 46356
32.36 Amended 46357
32.37 Amended 46357
32.38 Amended 46358
32.40 Amended 46358
32.42 Amended 46358
32.43 Amended 46358
32.44 Amended 46359
32.47 Amended 46360
32.49 Amended 46360
32.50 Amended 46360
32.52 Amended 46360
32.53 Amended 46360
32.55 Amended 46361
32.56 Amended 46361
32.57 Amended 46361
32.60 Amended 46361
32.61 Amended 46361
32.62 Amended 46361
32.63 Amended 46361
32.67 Amended 46362
32.69 Amended 46362
32.72 Amended 46363
80.15 Revised 18212
80.27 Added 18212
86 Added 5286

525
## 50 CFR—Continued

### Chapter I—Continued

<table>
<thead>
<tr>
<th>Regulation at 66 FR 5286 eff. date delayed</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 Emergency closures and adjustments...</td>
<td>9534</td>
</tr>
</tbody>
</table>

| 100.1—100.9 (Subpart A) Revised; interim | 31536 |
| 100.10—100.21 (Subpart B) Revised; interim | 31536 |
| 100.22 Revised | 31543 |
| 100.23 Revised | 31543 |
| 100.24 (a)(2) revised | 10145 |
| (a) introductory text revised | 31544 |
| (a)(1) revised | 33748 |

| 100.25 (c) revised; eff. 3–1–01 through 6–30–01 | 10148 |
| Added | 33755 |

| 100.26 Added; eff. 7–1–01 through 6–30–02 | 33759 |
| 100.27 Added; eff. 3–1–01 through 2–28–02 | 10148 |
| 100.28 Added; eff. 3–1–01 through 2–28–02 | 10148 |

### 2002

(Regulations published from January 1, 2002, through October 1, 2002)

### 50 CFR

<table>
<thead>
<tr>
<th>20 Frameworks</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.109 Seasonal hunting adjustments</td>
<td>55635, 59380</td>
</tr>
<tr>
<td>20.110 Seasonal hunting adjustments</td>
<td>55684, 59388</td>
</tr>
</tbody>
</table>

| 25.41 Revised | 58942 |
| 25.49 Revised | 58943 |

| 32.2 Section heading and (f) revised; (l) added | 58943 |
| 32.3 Section heading and (e) revised | 58943 |
| 32.5 Section heading and (e) revised | 58943 |
| 32.6 Section heading and (e) revised | 58943 |

| 32.7 Section heading and introductory text revised; amended | 58943 |
| 32.22 Amended | 58943 |
| 32.24 Amended | 58943 |
| 32.28 Amended | 58944 |
| 32.29 Amended | 58944 |
| 32.32 Amended | 58945 |
| 32.35 Amended | 58945 |
| 32.37 Amended | 58945 |
| 32.38 Amended | 58946 |
| 32.41 Amended | 58946 |
| 32.42 Amended | 58946 |
| 32.45 Amended | 58946 |
| 32.47 Amended | 58948 |
| 32.50 Amended | 58948 |
| 32.52 Amended | 58948 |
| 32.53 Amended | 58949 |
| 32.55 Amended | 58949 |
| 32.56 Amended | 58949 |
| 32.57 Amended | 58949 |
| 32.60 Amended | 58949 |
| 32.62 Amended | 58950 |
| 32.63 Amended | 58950 |
| 32.64 Amended | 58950 |
| 32.66 Amended | 58951 |
| 32.67 Amended | 58952 |
| 32.69 Amended | 58952 |
| 32.70 Amended | 58952 |
| 32.72 Amended | 58953 |
| 37.47 Amended | 38208 |
| 84 Added | 49267 |
| 92 Added | 53917 |
### List of CFR Sections Affected

#### 50 CFR—Continued Page 67 FR

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>42185, 54572</td>
</tr>
<tr>
<td>100.1—100.9</td>
<td>30563</td>
</tr>
<tr>
<td>100.22</td>
<td>30570</td>
</tr>
<tr>
<td>100.24 (a)</td>
<td>5893</td>
</tr>
<tr>
<td>(a)</td>
<td>30570</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.10—100.21</td>
<td>30563</td>
</tr>
<tr>
<td>100.22</td>
<td>30570</td>
</tr>
<tr>
<td>100.24 (a)</td>
<td>5893</td>
</tr>
<tr>
<td>(a)</td>
<td>30570</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.25</td>
<td>43714</td>
</tr>
<tr>
<td>100.26</td>
<td>43722</td>
</tr>
<tr>
<td>100.27</td>
<td>43726</td>
</tr>
<tr>
<td>(i)(1)(xii)</td>
<td>36810</td>
</tr>
<tr>
<td>(i)(1)(xii)</td>
<td>5896</td>
</tr>
<tr>
<td>(xiii)</td>
<td>5896</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.28</td>
<td>30-03</td>
</tr>
<tr>
<td>100.29</td>
<td>6-30</td>
</tr>
<tr>
<td>100.30</td>
<td>3-1-02 through 2-28-03</td>
</tr>
<tr>
<td>100.31</td>
<td>3-1-02 through 2-28-03</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.22</td>
<td>30570</td>
</tr>
<tr>
<td>100.24 (a)</td>
<td>5893</td>
</tr>
<tr>
<td>(a)</td>
<td>30570</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.25</td>
<td>43714</td>
</tr>
<tr>
<td>100.26</td>
<td>43722</td>
</tr>
<tr>
<td>100.27</td>
<td>43726</td>
</tr>
<tr>
<td>(i)(1)(xii)</td>
<td>36810</td>
</tr>
<tr>
<td>(i)(1)(xii)</td>
<td>5896</td>
</tr>
<tr>
<td>(xiii)</td>
<td>5896</td>
</tr>
</tbody>
</table>