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Title 50—Wildlife and Fisheries

(This book contains parts 18 to 199)

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

SOURCE: 39 FR 7262, Feb. 25, 1974, unless otherwise noted.

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:

Act means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407; Pub. L. 92–522.

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 Metlaktla 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 Native 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 that (a) are composed wholly or in some significant respect of natural materials and (b) are significantly altered from their natural form and 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.

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.

Endangered species means a species of marine mammal listed as ''endangered'' pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205 (see part 17 of this subchapter).

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 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:

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

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.

Threatened species means a species of marine mammal listed as ''threatened'' pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

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.

[39 FR 7262, Feb. 25, 1974, as amended at 43 FR 13066, Mar. 29, 1978; 55 FR 14978, Apr. 20, 1990; 70 FR 48323, Aug. 17, 2005]

§ 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.

[62 FR 7329, Feb. 18, 1997]

Subpart B—Prohibitions

§ 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.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 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.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

§ 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.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 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 in 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.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

Subpart C—General Exceptions

§ 18.21 Actions permitted by international treaty, convention, or agreement.

The Act and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same, relating to the taking or importation of marine mammals or marine mammal products, which was existent and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in subpart B of this part and the provisions of the Act shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed in Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151–1187, as, in each case, from time to time amended.

§ 18.22 Taking by Federal, State or local government officials.

(a) A Federal, State or local government official or employee may take a marine mammal in the course of his duties as an official or employee and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or from the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat. In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking.

(b) Each taking permitted under this section should be included in a written report, to be submitted to the Director every six months, beginning December 31, 1973. Unless otherwise permitted by the Director, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has

been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and

(6) Such other information as the Director may require.

The reports shall be mailed to the Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, DC 20240.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 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 or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native 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 Alaskan Native; 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 (*Odobenis 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;

(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 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 process and until the skin has been severed into parts for crafting into handicrafts or for as long as is practical during the handicrafting process.

(ii) Marking, tagging, and reporting of walrus or specified parts thereof.

(A) The paired tusks of the animal(s) must, to the maximum extent practical, accompany each other when presented for marking, tagging, and reporting purposes, except that paired tusks 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 walrus, or specified parts thereof, for marking and tagging: date of take, sex of animal, whether live-killed, floating-dead, or beach-found, and location of the take or location of animal if found floating and dead or beach-found.

(C) Marks and/or tags must remain affixed to the tusks until they have been crafted into a handicraft or for as long as is practical during the handicrafting process.

(iii) Marking, tagging, and reporting of sea otter 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 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 sea otters, or specified parts thereof, for marking and tagging: date of kill, sex of animal, and location of kill.

(C) Both the skin and 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, or penal sheath or baculum, must be visible.

(E) Marks and tags must remain affixed to the skin through the tanning process and until the skin has been severed into parts for crafting into handicrafts or for as long as is practical during the handicrafting process.

(10) No person may falsify any information required to be set forth on the reporting form when the marine mammal(s), or specified parts thereof, are presented as required by these regulations.

(11) Possession by any person of marine mammal(s), or any parts thereof, in violation of the provisions and conditions of this § 18.23(f) is subject to punishment under the penalties provided for in section 105(a)(1) of the Act.

(12) The information collection requirements contained in this § 18.23(f) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0066. The information is mandatory in order to have the marine mammal parts ''marked and tagged,'' and thereby made eligible for continued lawful possession. Non-response may result in the Service determining the wildlife to be illegally possessed and subject the individual to penalties under this title.

[39 FR 7262, Feb. 25, 1974, as amended at 40 FR 59444, Dec. 24, 1975; 45 FR 54057, Aug. 14, 1980; 51 FR 17981, May 16, 1986; 53 FR 24283, June 28, 1988]

§ 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 ¼ 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.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 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 with an average of 10 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., Washington, DC 20240, and the Office of Management and Budget, Paperwork Reduction Project (Clearance No. 1018–0070), Washington, DC 20503.

(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 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.

(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).

[48 FR 31225, July 7, 1983, as amended at 54 FR 40348, Sept. 29, 1989; 55 FR 28765, July 13, 1990; 56 FR 27463, June 14, 1991]

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 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 31, 2000), Lancaster Sound, and Norwegian Bay, and that:

(i) For the Southern Beaufort Sea population, no bears are taken west of the equidistant line of the Beaufort Sea;

(ii) For all populations, females with cubs, cubs, or polar bears moving into denning areas or already in dens are protected from taking by hunting activities; and

(iii) For all populations, management agreements among all management entities with scientifically sound quotas are in place; and

(2) Any sport-hunted trophy taken in the Northwest Territories, Canada, between December 21, 1972, and April 30, 1994, may be issued an import permit when:

(i) From an approved population listed in paragraph (i)(1); and

(ii) The issuance criteria of paragraph (d) (1), (2), (3), and (6) of this section are met.

[62 FR 7329, Feb. 18, 1997, as amended at 64 FR 1539, Jan. 11, 1999; 66 FR 1907, Jan. 10, 2001; 66 FR 50851, Oct. 5, 2001]

§ 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; and

(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 the display permit and its educational, and scientific qualifications, if any.

(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 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.

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

(1) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(i) The time of the authorized taking or importation;

(ii) The period of any transit of such person or agent which is incidental to such taking or importation; and

(iii) Any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

(2) A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(e) *Tenure of permits.* The tenure of permits for scientific research or public display shall be designated on the face of the permit.

§ 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 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 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

SOURCE: 41 FR 5396, Feb. 6, 1976, unless otherwise noted.

§ 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, along with appropriate references to any other documents;

(9) The final date for filing with the Director a notice of intent to participate in the hearing pursuant to § 18.75;

(10) The final date for submission of direct testimony on the proposed regulations and waiver, if applicable, and the number of copies required;

(11) The docket number assigned to the case which shall be used in all subsequent proceedings; and

(12) The place and date of the prehearing conference.

§ 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. If 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

SOURCE: 41 FR 14373, Apr. 5, 1976, unless otherwise noted.

§ 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 § 18.31 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 I [Reserved]

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

SOURCE: 71 FR 43950, Aug. 2, 2006, unless otherwise noted.

EFFECTIVE DATE NOTE: At 71 FR 43950, Aug. 2, 2006, Subpart J was added, effective Aug. 2, 2006 through Aug. 2, 2011.

§ 18.121 What specified activities does this subpart cover?

Regulations in this subpart apply to the nonlethal 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 in the Beaufort Sea and adjacent northern coast of Alaska.

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

This subpart applies to the specified geographic region defined by a north-south line at Barrow, Alaska, and includes all Alaska coastal areas, State waters, and 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 east. The Arctic National Wildlife Refuge is not included in the area covered by this subpart. Figure 1 shows the area where this subpart applies.

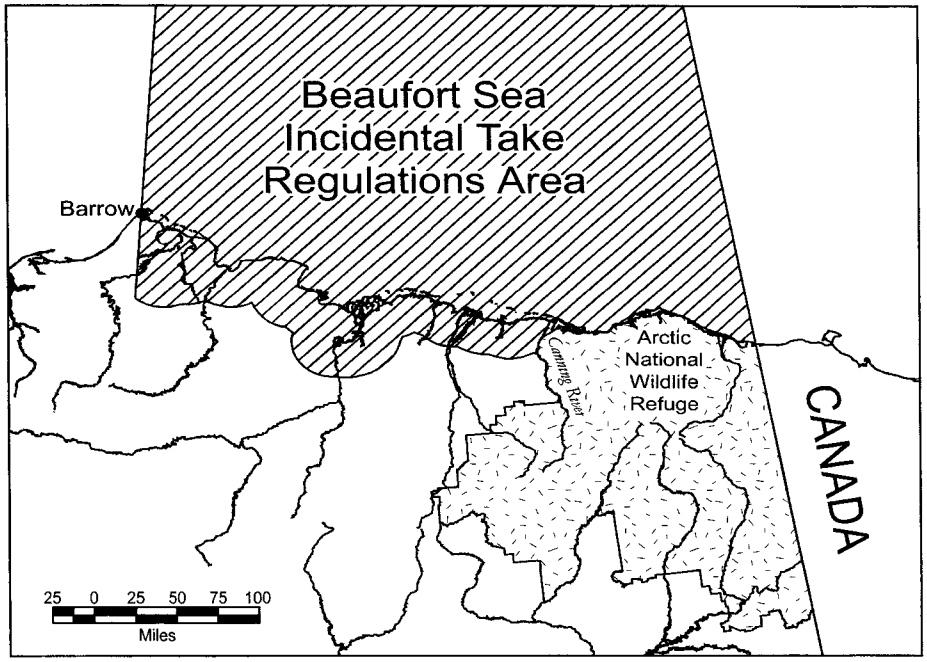

Figure 1. Specific geographic region covered by the Beaufort Sea incidental take regulations.

§ 18.123 When is this subpart effective?

Regulations in this subpart are effective from August 2, 2006 through August 2, 2011 for year-round oil and gas exploration, development, and production activities.

§ 18.124 How do I obtain a Letter of Authorization?

(a) You must be a U.S. citizen as defined in § 18.27(c).

(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 cause the taking of polar bear or Pacific walrus in execution of those activities and you want nonlethal incidental take authorization under this rule, you must apply for a Letter of Authorization for each exploration activity or a Letter of Authorization for activities in each development or production area. You must submit the application for authorization to our Alaska Regional Director (see 50 CFR 2.2 for address) at least 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, i.e., a Plan of Operation.

(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 site-specific polar bear awareness and interaction plan.

(4) A Plan of Cooperation to mitigate potential conflicts between the proposed activity and subsistence hunting, where relevant. 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. Some of these measures may include, but are not limited to, mitigation measures described in § 18.128.

§ 18.125 What criteria does the Service use to evaluate Letter of Authorization requests?

(a) 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 analyzed 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 reevaluate 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 grant the authorization, add further conditions, or deny the authorization.

(b) In accordance with § 18.27(f)(5), 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 paragraph (b) of this section 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 nonlethal 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;

(5) Conducting environmental monitoring activities associated with exploration, development, and production activities to determine specific impacts of each activity;

(6) Conducting restoration, remediation, demobilization programs, and associated activities.

(b) You must use methods and conduct activities identified in your Letter of Authorization in a manner that minimizes to the greatest extent practicable adverse impacts on polar bear and Pacific walrus, their habitat, and on the availability of these marine mammals for subsistence uses.

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

§ 18.127 What activities are prohibited?

(a) Intentional take and lethal incidental take of polar bear or Pacific walrus; and

(b) Any take that fails to comply with this part or with the terms and conditions of your Letter of Authorization.

§ 18.128 What are the mitigation, 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 of oil and gas exploration, development, and production activities on polar bear and Pacific walrus.

(b) Holders 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) All holders of Letters of Authorization are required to have an approved polar bear and/or walrus interaction plan on file with the Service and on-site, and polar bear awareness training will also be required of certain personnel. Interaction plans must include:

(1) The type of activity and, where and when the activity will occur, i.e., a Plan of Operation;

(2) A food and waste management plan;

(3) Personnel training materials and procedures;

(4) Site at-risk locations and situations;

(5) Walrus/bear observation and reporting procedures; and

(6) Bear/walrus avoidance and encounter procedures.

(d) All applicants for a Letter of Authorization must contact affected subsistence communities to discuss potential conflicts caused by location, timing, and methods of proposed operations and submit to us a record of communication that documents these discussions. If appropriate, the applicant for a Letter of Authorization must also submit to us a Plan of Cooperation that ensures that activities will not interfere with subsistence hunting and that adverse effects on the availability of polar bear or Pacific walrus are minimized.

(e) Mitigation measures that may be required on a case-by-case basis include:

(1) The use of trained marine mammal monitors associated with marine activities. We may require a monitor on the site of the activity or on board drill ships, drill rigs, aircraft, icebreakers, or other support vessels or vehicles to monitor the impacts of Industry's activity on polar bear and Pacific walrus.

(2) The use of den habitat map developed by the USGS. A map of potential coastal polar bear denning habitat can be found at: *http://www.absc.usgs.gov/research/sis_summaries/polar_bears_sis/mapping_dens.htm.* This measure ensures that the location of potential polar bear dens is considered when conducting activities in the coastal areas of the Beaufort Sea.

(3) The use of Forward Looking Infrared (FLIR) imagery, polar bear scent-trained dogs, or both to determine the presence or absence of polar bear dens in area of the activity.

(4) Restricting the timing of the activity to limit disturbance around dens.

(5) Requiring a 1-mile exclusion buffer surrounding known dens. If known occupied dens are located within an operator's area of activity, we will require a 1-mile exclusion buffer around the den to limit disturbance or require that the operator conduct activities after the female bears emerge from their dens. We will review these requirements for extenuating circumstances on a case-by-case basis.

(f) For exploratory and development activities, holders of a Letter of Authorization must submit a report to our Alaska Regional Director (Attn: Marine Mammals Management Office) within 90 days after completion of activities. For production activities, holders of a Letter of Authorization must submit a report to our Alaska Regional Director (Attn: Marine Mammals Management Office) 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 required under subsection (g) of this section, including an estimated level of take.

(g) Monitoring requirements include, but are not limited to:

(1) For all activities, all sightings of polar bears and walrus must be recorded. To the extent possible, the monitor will record group size, age, sex, reaction, duration of interaction, and closest approach to Industry activity.

(2) Activities within the coast of the geographic region may incorporate daily polar bear watch logs.

(3) Polar bear monitors will be required under the monitoring plan if polar bears are known to frequent the area or known polar bear dens are present in the area. Monitors will act as an early detection system in regards to proximate bear activity to Industry facilities.

(4) Offshore sites may require systematic monitoring protocols for polar bears and walrus due to their nearshore locations. Systematic monitoring may be implemented to statistically monitor observation trends of walrus or polar bears in the nearshore areas where they usually occur.

§ 18.129 What are the information collection requirements?

(a) The Office of Management and Budget has approved the collection of information contained in this subpart and assigned control number 1018–0070. You must respond to this information collection request to obtain a benefit pursuant to section 101(a)(5) of the Marine Mammal Protection Act (MMPA). We will use the information to (1) evaluate the application and determine whether or not to issue specific Letters of Authorization and (2) monitor impacts of activities conducted under the Letters of Authorization.

(b) 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, Mail Stop 222 ARLSQ, 1849 C Street, NW., Washington, DC 20240.

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.

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

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

Subpart A—Introduction

§ 19.1 Purpose of regulations.

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

§ 19.2 Scope of regulations.

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

§ 19.3 Relation to other laws.

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

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

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

Subpart C—Federal Permits

§ 19.21 Limitation on Federal permits.

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

Subpart D—State Permits and Annual Report Requirements

§ 19.31 State permits.

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

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

§ 19.32 Annual reporting requirements.

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

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

(1) The name and address of each person to whom a permit was issued.

(2) Permit number and inclusive dates during which permit was valid.

(3) The aircraft number of the aircraft used and the location where such aircraft was based.

(4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.

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

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

(c) A compilation of all annual reports required by this section shall be

made by the Director and furnished to any State filing such annual report.

PART 20—MIGRATORY BIRD HUNTING

Subpart A—Introduction

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

Subpart B—Definitions

20.11 What terms do I need to understand?

Subpart C—Taking

20.20 Migratory Bird Harvest Information Program.
20.21 What hunting methods are illegal?
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20.25 Wanton waste of migratory game birds.
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Subpart D—Possession

20.31 Prohibited if taken in violation of subpart C.
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Subpart E—Transportation Within the United States

20.41 Prohibited if taken in violation of subpart C.
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20.71 Violation of Federal law.
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20.100 General provisions.
20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.
20.102 Seasons, limits, and shooting hours for Alaska.
20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.
20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.
20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.
20.106 Seasons, limits, and shooting hours for sandhill cranes.
20.107 Seasons, limits, and shooting hours for tundra swans.
20.108 Nontoxic shot zones.
20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.
20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

Subpart L—Administrative and Miscellaneous Provisions

20.131 Extension of seasons.
20.132 Subsistence use in Alaska.
20.133 Hunting regulations for crows.
20.134 Nontoxic shot.

Subpart M [Reserved]

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

20.151 Purpose and scope.
20.152 Definitions.
20.153 Regulations committee.
20.154 Flyway Councils.
20.155 Public file.

AUTHORITY: Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703–712; Fish and Wildlife

Act of 1956, 16 U.S.C. 742a–j; Public Law 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

SOURCE: 38 FR 22021, Aug. 15, 1973, unless otherwise noted.

Subpart A—Introduction

§ 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.

(e) *Migratory bird subsistence harvest in Alaska.* The provisions of this part, except for paragraphs (a) through (d) of this section, are not applicable to the regulations governing the migratory bird subsistence harvest in Alaska (part 92 of this subchapter) unless specifically referenced in part 92 of subchapter G of this chapter.

[38 FR 22021, Aug. 15, 1973, as amended at 68 FR 43027, July 21, 2003]

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);

(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 precribed 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 unpredetermined 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 and/or for more than one species 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 species or for any one specified geographic area in which taking occurs.

(4) *Possession limit* means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(5) *Aggregate possession limit* means the maximum number of migratory game birds of a single species or combination of species taken in the United States 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 aggegate 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 of 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.

(i) *Normal soil stabilization practice* means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

(j) *Baited area* means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed.

(k) *Baiting* means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain,

or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

(l) *Manipulation* means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term *manipulation* does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

(m) *Natural vegetation* means any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term *natural vegetation* does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered *natural vegetation*.

(n) *Resident Canada geese* means Canada geese that nest within the lower 48 States and the District of Columbia in the months of March, April, May, or June, or reside within the lower 48 States and the District of Columbia in the months of April, May, June, July, or August.

[53 FR 24290, June 28, 1988, as amended at 64 FR 29804, June 3, 1999; 71 FR 45986, Aug. 10, 2006; 72 FR 46407, Aug. 20, 2007]

Subpart C—Taking

§ 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 State in which they are hunting.

(e) *State responsibilities.* The State hunting licensing authority will ask each licensed migratory bird hunter in the respective State to report approximately how many ducks, geese, doves, and woodcock he or she bagged the previous year, whether he or she hunted coots, snipe, rails, and/or gallinules the previous year, and, in States that have band-tailed pigeon hunting seasons, whether he or she intends to hunt band-tailed pigeons during the current year.

[58 FR 15098, Mar. 19, 1993, as amended at 59 FR 53336, Oct. 21, 1994; 61 FR 46352, Aug. 30, 1996; 62 FR 45708, Aug. 28, 1997; 63 FR 46401, Sept. 1, 1998]

§ 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. However, this restriction does not apply during:

(1) A light-goose-only season (greater and lesser snow geese 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.

(2) A Canada goose only season when all other waterfowl and crane hunting seasons, excluding falconry, are closed in the Atlantic, Central, and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, as set forth below:

(i) During the period of September 1 to September 15; and

(ii) During the period of September 16 to September 30, when approved in the annual regulatory schedule in subpart K of this part.

(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. However, this restriction does not apply during:

(1) A light-goose-only season (greater and lesser snow geese 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.

(2) A Canada goose only season when all other waterfowl and crane hunting

seasons, excluding falconry, are closed in the Atlantic, Central, and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, as set forth below:

(i) During the period of September 1 to September 15; and

(ii) During the period of September 16 to September 30, when approved in the annual regulatory schedule in subpart K of this part.

(h) By means or aid of any motordriven 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 loose shot for muzzle loading or shotshells containing other than the following approved shot types.

Approved shot type*	Percent composition by weight	Field testing device**
bismuth-tin	97 bismuth, 3 tin	HOT*SHOT®.***
iron (steel)	iron and carbon	Magnet or HOT*SHOT®.
iron-tungsten	any proportion of tungsten, ≥1 iron	Magnet or HOT*SHOT®.
iron-tungsten-nickel	≥1 iron, any proportion of tungsten, up to 40 nickel.	Magnet or HOT*SHOT®.**
tungsten-bronze	51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron.	Rare Earth Magnet.
tungsten-iron-copper-nickel	40–76 tungsten, 10–37 iron, 9–16 copper, 5–7 nickel.	HOT*SHOT® or Rare Earth Magnet.
tungsten-matrix	95.9 tungsten, 4.1 polymer	HOT*SHOT®.
tungsten-polymer	95.5 tungsten, 4.5 Nylon 6 or 11	HOT*SHOT®.
tungsten-tin-iron	any proportions of tungsten and tin, ≥1 iron.	Magnet or HOT*SHOT®.
tungsten-tin-bismuth	any proportions of tungsten, tin, and bismuth..	Rare Earth Magnet.
tungsten-tin-iron-nickel	65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel.	Magnet.

*Coatings of copper, nickel, tin, zinc, zinc chloride, and zinc chrome on approved nontoxic shot types also are approved.
**The information in the ''Field Testing Device'' column is strictly informational, not regulatory.
***The ''HOT*SHOT'' field testing device is from Stream Systems of Concord, CA.

(2) Each approved shot type must contain less than 1 percent residual lead (see § 20.134).

(3) This shot type restriction applies to the taking of ducks, geese (including brant), swans, coots (Fulica americana), and any other species that make up aggregate bag limits with these migratory game birds during concurrent seasons in areas described in § 20.108 as nontoxic shot zones.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22896, Aug. 27, 1973; 44 FR 2599, Jan. 12, 1979; 45 FR 70275, Oct. 23, 1980; 49 FR 4079, Feb. 2, 1984; 52 FR 27364, July 21, 1987; 53 FR 24290, June 28, 1988; 60 FR 64, Jan. 3, 1995; 60 FR 43316, Aug. 18, 1995; 61 FR 42494, Aug. 15, 1996; 62 FR 43447, Aug. 13, 1997; 64 FR 29804, June 3, 1999; 64 FR 32780, June 17, 1999; 64 FR 45405, Aug. 19, 1999; 64 FR 71237, Dec. 20, 1999; 65 FR 53940, Sept. 6, 2000; 66 FR 742, Jan. 4, 2001; 66 FR 32265, June 14, 2001; 68 FR 1392, Jan. 10, 2003; 69 FR 48165, Aug. 9, 2004; 70 FR 49196, Aug. 23, 2005; 71 FR 4297, Jan. 26, 2006; 71 FR 45986, Aug. 10, 2006; 72 FR 46407, Aug. 20, 2007]

§ 20.22 Closed seasons.

No person may take migratory game birds during the closed season established in this part except as provided in parts 21 and 92 of this chapter.

[68 FR 43027, July 21, 2003]

§ 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.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22626, Aug. 23, 1973]

§ 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.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22626, Aug. 23, 1973]

§ 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 a 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.

[41 FR 31536, July 29, 1976]

Subpart D—Possession

§ 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.

[41 FR 31536, July 29, 1976]

§ 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.

Subpart G—Importations

§ 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 date-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 date-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.

[40 FR 36346, Aug. 20, 1975]

§ 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.

[41 FR 31537, July 19, 1976]

§ 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.

§ 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 bird 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 38510, 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.

[38 FR 22021, Aug. 15, 1973, as amended at 45 FR 70275, Oct. 23, 1980]

§ 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 are established for seasons, daily bag and possession limits, and shooting (or hawking) hours. Migratory game bird population levels, including production and habitat conditions, vary annually. These conditions differ over North America, and within the United States, by flyways, States, and frequently areas within States. Thus, it is necessary to make annual adjustments in the schedules to limit the harvests of migratory game birds to permissible levels.

(b) The development of these schedules involves annual data gathering programs to determine migratory game bird population status and trends, evaluations of habitat conditions, harvest information, and other factors having a bearing on the anticipated size of the fall flights of these birds. The proposed hunting schedules are announced early in the spring, and following consideration of additional information as it becomes available, as well as public comment, they are modified and published as supplemental proposals. These are also open to public comment. Public hearings are held for the purpose of providing additional opportunity for public participation in the rulemaking process.

[44 FR 7147, Feb. 6, 1979]

§ 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.

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

This section provides for the annual hunting of certain doves and pigeons in the 48 contiguous United States. The mourning dove hunting regulations are arranged by the Eastern, Central, and Western Management Units.

[44 FR 7147, 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.

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.

This section provides for the annual hunting of certain rails, woodcock, and snipe in the 48 contiguous United States.

[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.

§ 20.105 Seasons, limits and shooting hours for waterfowl, coots, and gallinules.

This section provides for the annual hunting of certain waterfowl (ducks, geese [including brant]), coots and gallinules in the 48 contiguous United States. The regulations are arranged by the Atlantic, Mississippi, Central and Pacific Flyways. These regulations often vary within Flyways or States, and by time periods. Those areas of the United States outside of State boundaries, i.e., the United States' territorial waters seaward of county boundaries, and including coastal waters claimed by the separate States, if not already included under the zones contained in § 20.108, are designated for the purposes of § 20.21(j) as nontoxic shot zones for waterfowl hunting beginning in the 1991–92 season.

[53 FR 24290, June 28, 1988, as amended at 56 FR 22102, May 13, 1991]

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 39829, 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.

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.

In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner, from September 1 through April 1, snowy owls and cormorants for food and their skins for clothing, but birds and their parts may not be sold or offered for sale.

[68 FR 43027, July 21, 2003]

§ 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 20.21(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)(A) Applicant provides statements of use, chemical characterization, production variability, volume of use of candidate material and shot sample as listed in paragraphs (b)(2)(i)(A)(*1*) through (*5*), (b)(2)(i)(B)(*1*) through (*5*), and (b)(2)(i)(C)(*1*) through (*3*) 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.

(*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:

(*1*) 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 = slightly toxic, >15,000 mg/kg = practically nontoxic) with citations.

(*2*) A summary of known acute, chronic, and reproductive toxicological data of the chemicals comprising the shot or shot coating with respect to birds, particularly waterfowl (include LD50 or LC50 data, and sublethal effects) with citations.

(*3*) A narrative description, with citations to relevant data, predicting the toxic effect in waterfowl of complete erosion and absorption of one shot or coated shot in a 24-hour period. Define the nature of toxic effect (e.g., mortality, impaired reproduction, substantial weight loss, disorientation and

other relevant associated clinical observations).

(*4*) A statement, with supporting rationale and citations to relevant data, that there is or is not any reasonable basis for concern for shot or coated shot ingestion by fish, amphibians, reptiles or mammals. If there is some recognized impact on fish, amphibians, reptiles, or mammals, the Service may require additional study.

(*5*) Summarize the toxicity data of chemicals comprising the shot or shot coating to aquatic and terrestrial invertebrates, fish, amphibians, reptiles, and mammals.

(C) Applicant provides information on the environmental fate and transport, if any, of the shot or shot coating as follows:

(*1*) A statement of the alteration of the shot or shot coating, chemically or physically, upon firing. The statement must describe any alterations.

(*2*) 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 1959; 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 $0.1 \leq Q \leq 10.0$ = 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 be in a standardized test under *in vitro* conditions (see paragraph (b)(3)(ii)(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 No. 4 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 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, the applicant is advised to proceed with the additional testing in Tier 3. A *Notice of Review* advises the public that, in conjunction with Tier 1 data, Tier 2 test results are inconclusive and Tier 3 testing is required for continued consideration.

(iv) If review of the Tier 2 test data results in 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. If the applicant chooses not to proceed, the determination denying approval of the candidate shot or shot coating will appear in the FEDERAL REGISTER.

(4) *Tier 3.* (i) If the Director determines that the Tier 1 or Tier 2 information is inconclusive, the Director will notify the applicant to submit a Tier 3 testing plan for conducting further testing as outlined in paragraphs (b)(4)(i) (A) and (B) of this section. Review, by the Director, of the Tier 3 testing plan submitted by the applicant will occur 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 procedure to disregard and any modifications to incorporate into the Tier 3 plan in order to gain plan approval. All testing procedures should 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 and/or shot coating if the facility is not in compliance with the Good Laboratory Practices Standards. After acceptance of the plan, Tier 3 testing will commence. Required analyses and reports 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.

(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 organs 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 an *ad libitum* diet of corn for 60 days and then pair birds (one pair/pen) and provide commercial breeder mash. Dosing of the 3 groups with one pellet of No. 4 lead shot (positive control); eight pellets of No. 4 steel shot (negative control); and eight pellets of No. 4 candidate shot or coated shot will occur after the acclimation period (day 0) and redosed after 30, 60, and 90 days. Few, if any, of the lead-dosed birds (positive control) should survive and reproduce.

(*ii*) Fluoroscope birds 1 week after dosage to check for shot retention. Weigh males and females the day of initial dosing (day 0), at each subsequent dosing, and at death. Measure blood parameters identified in the 30-Day Acute Toxicity Test in this test using samples drawn at time of weighing. Note the date of first egg and the mean number of days per egg laid. Conclude laying after 21 normal, uncracked eggs are laid or after 150 days. Sacrifice adults after completion of laying period. Remove the liver and other appropriate organs from sacrificed birds and from other birds that died prior to sacrifice for histopathological analysis. Analyze organs and the 11th egg for compounds contained in the shot or shot coating. Necropsy all birds to determine any pathological conditions. Check nests daily to collect eggs. Discard any eggs laid before pairing. Artificially incubate eggs and calculate the percent shell thickness, percent eggs cracked, percent fertility (as determined by candling), and percent hatch of fertile eggs for each female. Provide ducklings with starter mash after hatching. Sacrifice all ducklings at 14 days of age. Measure survival to day 14 and weight of the ducklings at hatching and sacrifice. Measure blood parameters identified in the 30-Day Acute Toxicity Test using samples drawn at sacrificing.

(*3*) *Typical test analyses.* (*i*) Any mortality, reproductive inhibition or effects on the physiological parameters

in paragraph (b)(4) by the shot or shot coating must not be significantly greater than those caused by steel shot. Percentage data is subject to an arcsine, square root transformation prior to statistical analyses. Physiological and reproductive data is analyzed 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 determines that all of the information gathered 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 are inconclusive. If the applicant chooses not to repeat the tests, approval of the candidate shot or shot coating is denied. A *Notice of Review* will inform the public that Tier 3 results are inconclusive, the applicant'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 public with the opportunity to comment. The rulemaking will include a description 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, therefore, illegal.

(6) *Field detection device.* Before approval of any shot for use in migratory game bird hunting, a noninvasive field testing device must be available for enforcement officers to determine the shot material in a given shell in the field.

(Information collection requirements approved by the Office of Management and Budget under control no. 1018–0067)

[51 FR 42100, Nov. 21, 1986, as amended at 62 FR 63611, Dec. 1, 1997]

Subpart M [Reserved]

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

SOURCE: 46 FR 62079, Dec. 22, 1981, unless otherwise noted.

§ 20.151 Purpose and scope.

The rules of this subpart N apply to the issuance of the annual regulations establishing seasons, bag limits, and other requirements for the seasonal hunting of migratory birds. The rules of this subpart N do not apply to the issuance of regulations under part 21 of this title or under subparts A through J and L through M of this part 20.

§ 20.152 Definitions.

As used in this subpart N:

(a) *Flyway Council* means the Atlantic, Mississippi, Central, or Pacific Flyway Council;

(b) *Regulations Committee* means the Migratory Bird Regulations Committee of the Fish and Wildlife Service; and

(c) *Significant,* as used in reference to a communication or other form of information or data, means related to the merits of the regulation and received, utilized, or transmitted by an official of the Department who is or may reasonably be expected to be involved in the decisional process on the regulation.

§ 20.153 Regulations committee.

(a) *Notice of meetings.* Notice of each meeting of the Regulations Committee to be attended by any person outside

the Department will be published in the FEDERAL REGISTER at least two weeks before the meeting. The notice will state the time, place, and general subject(s) of the meeting, as well as the extent of public involvement.

(b) *Public observation and written comment.* Each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section will be open to the public for observation and the submission of written comments.

(c) *Public participation.* Except for the mid-summer meetings held in Washington, DC, in conjuction with the public hearing on waterfowl and other late season frameworks, the public may participate in any meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section through the submission of oral statements that comply with the rules stated in the notice.

(d) *Minutes of meetings.* Minutes will be made of each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section.

§ 20.154 Flyway Councils.

(a) *Notice of meetings.* Notice of each meeting of a Flyway Council to be attended by any official of the Department will be published in the FEDERAL REGISTER at least two weeks before the meeting or as soon as practicable after the Department learns of the meeting. The notice will state the time, place, and general subject(s) of the meeting.

(b) [Reserved]

§ 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 occure after the notice of proposed rulemaking; and

(4) Copies of or references to any other significant data or information.

PART 21—MIGRATORY BIRD PERMITS

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AUTHORITY: Migratory Bird Treaty Act, 40 Stat. 755 (16 U.S.C. 703); Public Law 95–616, 92 Stat. 3112 (16 U.S.C. 712(2)); Public Law 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

SOURCE: 39 FR 1178, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 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, transporation, 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, except for § 21.12(a), (c), and (d) (general permit exceptions); § 21.22 (banding or marking); § 21.29 (Federal falconry standards); and § 21.31 (rehabilitation), 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).

[39 FR 1178, Jan. 4, 1974, as amended at 46 FR 42680, Aug. 24, 1981; 68 FR 61137, Oct. 27, 2003]

§ 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:

Armed Forces means the Army, Navy, Air Force, Marine Corps, Coast Guard, and the National Guard of any State.

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.

Conservation measures, as used in § 21.15, means project design or mitigation activities that are reasonable from a scientific, technological, and economic standpoint, and are necessary to avoid, minimize, or mitigate the take of migratory birds or other adverse impacts. Conservation measures should be implemented in a reasonable period of time.

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

Military readiness activity, as defined in Pub. L. 107–314, § 315(f), 116 Stat. 2458

(Dec. 2, 2002) [Pub. L. §319 (c)(1)], includes all training and operations of the Armed Forces that relate to combat, and the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use. It does not include (a) routine operation of installation operating support functions, such as: administrative offices; military exchanges; commissaries; water treatment facilities; storage facilities; schools; housing; motor pools; laundries; morale, welfare, and recreation activities; shops; and mess halls, (b) operation of industrial activities, or (c) construction or demolition of facilities listed above.

Population, as used in §21.15, means a group of distinct, coexisting, conspecific individuals, whose breeding site fidelity, migration routes, and wintering areas are temporally and spatially stable, sufficiently distinct geographically (at some time of the year), and adequately described so that the population can be effectively monitored to discern changes in its status.

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 lower 48 States and the District of Columbia in the months of March, April, May, or June, or reside within the lower 48 States and the District of Columbia in the months of April, May, June, July, or August.

Secretary of Defense means the Secretary of Defense or any other national defense official who has been nominated by the President and confirmed by the Senate.

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

Significant adverse effect on a population, as used in §21.15, means an effect that could, within a reasonable period of time, diminish the capacity of a population of migratory bird species to sustain itself at a biologically viable level. A population is ''biologically viable'' when its ability to maintain its genetic diversity, to reproduce, and to function effectively in its native ecosystem is not significantly harmed. This effect may be characterized by increased risk to the population from actions that cause direct mortality or a reduction in fecundity. Assessment of impacts should take into account yearly variations and migratory movements of the impacted species. Due to the significant variability in potential military readiness activities and the species that may be impacted, determinations of significant measurable decline will be made on a case-by-case basis.

[48 FR 31607, July 8, 1983, as amended at 64 FR 32774, June 17, 1999; 71 FR 45986, Aug. 10, 2006; 72 FR 8949, Feb. 28. 2007; 72 FR 46408, Aug. 20, 2007]

§21.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 21 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 Migratory Bird Treaty Act, 16 U.S.C. 703–712 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 15 minutes to 4 hours per response, with an average of 0.803 hours 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 and Exceptions

§ 21.11 General permit requirements.

No person may take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit issued pursuant to the provisions of this part and part 13 of this chapter, or as permitted by regulations in this part, or part 20 of this subchapter (the hunting regulations), or part 92 of subchapter G of this chapter (the Alaska subsistence harvest regulations). Birds taken or possessed under this part in ''included areas'' of Alaska as defined in § 92.5(a) are subject to this part and not to part 92 of subchapter G of this chapter.

[68 FR 43027, July 21, 2003]

§ 21.12 General exceptions to permit requirements.

The following exceptions to the permit requirement are allowed.

(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 public scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit: *Provided*, That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, r sick or injured birds. Any such birds, acquired without a permit, and any progeny therefrom may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep accurate records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. Records shall be maintained or reproducible in English on a calendar year basis and shall be retained for a period of five (5) years following the end of the calendar year covered by the records.

(c) Employees of Federal, State, and local wildlife and land management agencies; employees of Federal, State, and local public health agencies; and laboratories under contract to such agencies may in the course of official business collect, possess, transport, and dispose of sick or dead migratory birds or their parts for analysis to confirm the presence of infectious disease. Nothing in this paragraph authorizes the take of uninjured or healthy birds without prior authorization from the Service. Additionally, nothing in this paragraph authorizes the taking, collection, or possession of migratory birds when circumstances indicate reasonable probability that death, injury, or disability was caused by factors other than infectious disease and/or natural toxins. These factors may include, but are not limited to, oil or chemical contamination, electrocution, shooting, or pesticides. If the cause of death of a bird is determined to be other than natural causes or disease, Service law enforcement officials must be contacted without delay.

(d) Licensed veterinarians are not required to obtain a Federal migratory bird permit to temporarily possess, stabilize, or euthanize sick and injured migratory birds. However, a veterinarian without a migratory bird rehabilitation permit must transfer any such bird to a federally permitted migratory bird rehabilitator within 24 hours after the bird's condition is stabilized, unless the bird is euthanized. If a veterinarian is unable to locate a permitted rehabilitator within that time,

the veterinarian must contact his or her Regional Migratory Bird Permit Office for assistance in locating a permitted migratory bird rehabilitator and/or to obtain authorization to continue to hold the bird. In addition, veterinarians must:

(1) Notify the local U.S. Fish and Wildlife Service Ecological Services Office immediately upon receiving a threatened or endangered migratory bird species. Contact information for Ecological Services offices can be located on the Internet at *http://offices.fws.gov*;

(2) Euthanize migratory birds as required by §21.31(e)(4)(iii) and §21.31(e)(4)(iv), and dispose of dead migratory birds in accordance with §21.31(e)(4)(vi); and

(3) Keep records for 5 years of all migratory birds that die while in their care, including those they euthanize. The records must include: the species of bird, the type of injury, the date of acquisition, the date of death, and whether the bird was euthanized.

[39 FR 1178, Jan. 4, 1974, as amended at 50 FR 8638, Mar. 4, 1985; 54 FR 38151, Sept. 14, 1989; 68 FR 61137, Oct. 27, 2003]

§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 first been legibly stamped in ink on the back of each carcass and on the 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. When properly marked, such carcasses may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

[40 FR 28459, July 7, 1975, as amended at 46 FR 42680, Aug. 24, 1981; 54 FR 36798, Sept. 5, 1989]

§ 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.

[40 FR 28459, July 7, 1975, as amended at 46 FR 42680, Aug. 24, 1981]

§ 21.15 Authorization of take incidental to military readiness activities.

(a) *Take authorization and monitoring.* (1) Except to the extent authorization is withdrawn or suspended pursuant to paragraph (b) of this section, the Armed Forces may take migratory birds incidental to military readiness activities provided that, for those ongoing or proposed activities that the Armed Forces determine may result in a significant adverse effect on a population of a migratory bird species, the Armed Forces must confer and cooperate with the Service to develop and implement appropriate conservation measures to minimize or mitigate such significant adverse effects.

(2) When conservation measures implemented under paragraph (a)(1) of this section require monitoring, the Armed Forces must retain records of any monitoring data for five years from the date the Armed Forces commence their action. During Integrated Natural Resource Management Plan reviews, the Armed Forces will also report to the Service migratory bird conservation measures implemented and the effectiveness of the conservation measures in avoiding, minimizing, or mitigating take of migratory birds.

(b) *Suspension or Withdrawal of take authorization.* (1) If the Secretary determines, after seeking the views of the Secretary of Defense and consulting with the Secretary of State, that incidental take of migratory birds during a specific military readiness activity likely would not be compatible with one or more of the migratory bird treaties, the Secretary will suspend authorization of the take associated with that activity.

(2) The Secretary may propose to withdraw, and may withdraw in accordance with the procedures provided in paragraph (b)(4) of this section the authorization for any take incidental to a specific military readiness activity if the Secretary determines that a proposed military readiness activity is likely to result in a significant adverse effect on the population of a migratory bird species and one or more of the following circumstances exists:

(i) The Armed Forces have not implemented conservation measures that:

(A) Are directly related to protecting the migratory bird species affected by the proposed military readiness activity;

(B) Would significantly reduce take of the migratory bird species affected by the military readiness activity;

(C) Are economically feasible; and

(D) Do not limit the effectiveness of the military readiness activity;

(ii) The Armed Forces fail to conduct mutually agreed upon monitoring to determine the effects of a military readiness activity on migratory bird species and/or the efficacy of the conservation measures implemented by the Armed Forces; or

(iii) The Armed Forces have not provided reasonably available information that the Secretary has determined is necessary to evaluate whether withdrawal of take authorization for the specific military readiness activity is appropriate.

(3) When the Secretary proposes to withdraw authorization with respect to a specific military readiness activity, the Secretary will first provide written notice to the Secretary of Defense. Any such notice will include the basis for the Secretary's determination that withdrawal is warranted in accordance with the criteria contained in paragraph (b)(2) of this section, and will identify any conservation measures or other measures that would, if implemented by the Armed Forces, permit the Secretary to cancel the proposed withdrawal of authorization.

(4) Within 15 days of receipt of the notice specified in paragraph (b)(3) of this section, the Secretary of Defense may notify the Secretary in writing of the Armed Forces' objections, if any, to the proposed withdrawal, specifying the reasons therefore. The Secretary will give due consideration to any objections raised by the Armed Forces. If the Secretary continues to believe that withdrawal is appropriate, he or she will provide written notice to the Secretary of Defense of the rationale for withdrawal and response to any objections to the withdrawal. If objections to the withdrawal remain, the withdrawal will not become effective until the Secretary of Defense has had the opportunity to meet with the Secretary within 30 days of the original notice from the Secretary proposing withdrawal. A final determination regarding whether authorization will be withdrawn will occur within 45 days of the original notice.

(5) Any authorized take incidental to a military readiness activity subject to a proposed withdrawal of authorization will continue to be authorized by this regulation until the Secretary makes a final determination on the withdrawal.

(6) The Secretary may, at his or her discretion, cancel a suspension or withdrawal of authorization at any time. A suspension may be cancelled in the event new information is provided that the proposed activity would be compatible with the migratory bird treaties. A proposed withdrawal may be cancelled if the Armed Forces modify the proposed activity to alleviate significant adverse effects on the population of a migratory bird species or the circumstances in paragraphs (b)(2)(i) through (iii) of this section no longer exist. Cancellation of suspension or withdrawal of authorization becomes effective upon delivery of written notice from the Secretary to the Department of Defense.

(7) The responsibilities of the Secretary under paragraph (b) of this section may be fulfilled by his/her

delegatee who must be an official nominated by the President and confirmed by the Senate.

[72 FR 8949, Feb. 28, 2007]

Subpart C—Specific Permit Provisions

§ 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 paragraph, however, exempts any person from the permit requirements of parts 17, 22, and 23 of this subchapter.

(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, import and export permits shall be subject to any requirements set forth in the permit.

(d) *Term of permit.* An import or export 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 38151, Sept. 14, 1989]

§ 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 that are salvaged 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 a public scientific or educational institution at least every 6 months or within 60 days of the time such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

(4) Permittees must keep accurate records of their operations and file reports as set forth in the North American Bird Banding Manual, or supplements thereto, in accordance with instructions contained therein.

(d) *Term of permit.* A banding or marking 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.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38151, Sept. 14, 1989]

§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.

(d) *Term of permit.* A scientific collecting 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.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38151, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

§ 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) The address of premises where taxidermist services will be provided;

(2) A statement of the applicant's qualifications and experience as a taxidermist; and

(3) 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 will not exceed five (5) years from the date of issuance or renewal.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38151, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998; 70 FR 18320, Apr. 11, 2005]

§ 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) *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 will not exceed five (5) years from the date of issuance or renewal.

[40 FR 28460, July 7, 1975, as amended at 54 FR 38151, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998; 70 FR 18320, Apr. 11, 2005]

§ 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 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 geese 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 conterminous United States.

(iv) States may 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 to be 360 hours. States may 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, Fish and Wildlife Service, ms 224–ARLSQ, 1849 C Street N.W., Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018–0099, Washington, DC 20503.

[64 FR 32774, June 17, 1999]

§ 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.* Inaddition 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 followng 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 unless such permittee submits a Service form 3–186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) days of such transaction.

(6) No permittee, who is authorized to sell or barter migratory game birds pursuant to a permit issued under this section, may sell or barter such birds to any person unless that person is authorized to purchase and possess such migratory game birds under a permit issued pursuant to this part and part 13, or as permitted by regulations in this part.

(d) *Term of permit.* A special purpose 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.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38152, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

§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 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 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 prevent a State from making and enforcing laws or regulations not inconsistent with the standards contained in any convention between the United States and any foreign country for the protection of raptors or with the Migratory Bird Treaty Act, and which shall give further protection to raptors.

(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.* Statelaws or regulations shall provide that before a State falconry permit is issued the applicant's raptor housing facilities 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 excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches 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.

(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 shall be removed and surrendered to the State wildlife department. The marker from an intentionally 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 by a signed, dated statement from the permittee authorizing 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 (*).

*Alabama, *Alaska, Arizona, *Arkansas, *California, *Colorado, Connecticut, *Delaware, *Florida, *Georgia, *Idaho, *Illinois, *Indiana, *Iowa, *Kansas, *Kentucky, *Louisiana, Maine, Maryland, Massachusetts, *Michigan, *Minnesota, *Mississippi, Missouri, *Montana, *Nebraska, *Nevada, *New Hampshire, *New Jersey, New Mexico, New York, *North Carolina, *North Dakota, *Ohio, Oklahoma, *Oregon, Pennsylvania, Rhode Island, *South Carolina, *South Dakota, *Tennessee, Texas, Utah, *Vermont, *Virginia, *Washington, West Virginia, *Wisconsin, *Wyoming.

[41 FR 2238, Jan. 15, 1976; 41 FR 8053, Feb. 24, 1976, as amended at 42 FR 42353, Aug. 23, 1977; 43 FR 968, Jan. 5, 1978; 43 FR 10566, Mar. 14, 1978; 43 FR 34150, Aug. 3, 1978; 43 FR 57606, Dec. 8, 1978; 45 FR 25066, Apr. 14, 1980; 45 FR 70276, Oct. 23, 1980; 48 FR 31608, July 8, 1983; 48 FR 42820, Sept. 20, 1983; 54 FR 38153, Sept. 14, 1989; 59 FR 11204, Mar. 10, 1994; 64 FR 48566, Sept. 7, 1999; 65 FR 49509, Aug. 14, 2000; 70 FR 34698, June 15, 2005]

§ 21.30 Raptor propagation permits.

(a) *Permit requirement.* A raptor propagation permit is required before any 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:

(i) Whether issuance of the permit would have a significant effect on any wild population of raptors;

(ii) Whether suitable captive stock is available; and

(iii) 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:

(i) 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;

(ii) 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

(iii) 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 bands 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 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 nonreuseable 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 raptor semen collected from the wild, or 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.* (i) 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.

(ii) 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,

(*2*) First date, and

(*3*) Last date.

(E) Young raised to 2 weeks of age:

(*1*) Total produced, and

(*2*) Marker number and date marked for each raptor.

(16) *Annual report.* A permittee must submit an annual report by January 31 of each year for the preceding year to the Director. The report must include the following information for each species possessed by the permittee:

(i) Number of raptors possessed as of December 31 (including the species, marker number, sex, and age of each raptor).

(ii) Number of females laying eggs.

(iii) Number of eggs laid.

(iv) Number of eggs hatched.

(v) Number of young raised to 2 weeks of age.

(vi) Number of raptors purchased, sold, bartered, received, or transferred (including the species, marker number, sex, and age of each raptor) the date of the transaction, and the name, address and permit number of each purchaser, seller, barterer, transferor, or transferee.

(e) *Term of permit.* A raptor propagation 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.

[48 FR 31608, July 8, 1983, as amended at 49 FR 9736, Mar. 15, 1984; 54 FR 38154, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

§ 21.31 Rehabilitation permits.

(a) *What is the permit requirement?* Except as provided in § 21.12, a rehabilitation permit is required to take, temporarily possess, or transport any migratory bird for rehabilitation purposes. However, any person who finds a sick, injured, or orphaned migratory bird may, without a permit, take possession of the bird in order to immediately transport it to a permitted rehabilitator.

(b) *What are the general permit provisions?* (1) The permit authorizes you to:

(i) Take from the wild or receive from another person sick, injured, or orphaned migratory birds and to possess them and provide rehabilitative care for them for up to 180 days;

(ii) Transport such birds to a suitable habitat for release, to another permitted rehabilitator's facilities, or to a veterinarian;

(iii) Transfer, release, or euthanize such birds;

(iv) Transfer or otherwise dispose of dead specimens; and

(v) Receive, stabilize, and transfer within 48 hours types of migratory bird species not authorized by your permit, in cases of emergency. If a rehabilitator authorized to care for the bird is not available within that timeframe, you must contact the issuing office for authorization to retain the bird until it can be transferred.

(2) The permit does not authorize the use of migratory birds for educational purposes.

(c) *How do I apply for a migratory bird rehabilitation permit?* You must apply to the appropriate Regional Director—Attention Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in § 2.2 of subchapter A of this chapter. Your application package must consist of the following:

(1) A completed application (Form 3–200–10b);

(2) A copy of your State rehabilitation permit, license, or other authorization, if one is required in your State; and

(3) A check or money order made payable to the ''U.S. Fish and Wildlife Service'' in the amount of the application fee for permits issued under this section listed in §13.11 of this chapter.

(d) *What criteria will the Service consider before issuing a permit?* (1) Upon receiving an application completed in accordance with paragraph (c) of this section, the Regional Director will decide whether to issue you a permit based on the general criteria of §13.21 of this chapter and whether you meet the following requirements:

(i) You must be at least 18 years of age with at least 100 hours of hands-on experience, gained over the course of at least 1 whole year, rehabilitating the types of migratory birds you intend to rehabilitate (e.g., waterbirds, raptors), or comparable experience. Up to 20 hours of the 100-hour time requirement may be fulfilled by participation in migratory bird rehabilitation seminars and courses.

(ii) Your facilities must be adequate to properly care for the type(s) of migratory bird species you intend to rehabilitate, or you must have a working relationship with a person or organization with such facilities.

(iii) You must have an agreement with a licensed veterinarian to provide medical care for the birds you intend to rehabilitate, unless you are a licensed veterinarian.

(iv) You must have a State permit, license, or other authorization to rehabilitate migratory birds if such authorization required by your State.

(2) In issuing a permit, the Regional Director may place restrictions on the types of migratory bird species you are authorized to rehabilitate, based on your experience and facilities as well as on the specific physical requirements and behavioral traits of particular species.

(e) *What are the standard conditions for this permit?* In addition to the general permit conditions set forth in part 13 of this chapter, rehabilitation permits are subject to the following conditions:

(1) *Facilities.* You must conduct the activities authorized by this permit in appropriate facilities that are approved and identified on the face of your permit. In evaluating whether caging dimensions are adequate, the Service will use as a guideline the standards developed by the National Wildlife Rehabilitators Association and the International Wildlife Rehabilitation Council (*Minimum Standards for Wildlife Rehabilitation, 2000*).[1] The Regional Migratory Bird Permit Office will authorize variation from the standards where doing so is reasonable and necessary to accommodate a particular rehabilitator's circumstances, unless a determination is made that such variation will jeopardize migratory birds. However, except as provided by paragraph (f)(2)(i) of this section, all facilities must adhere to the following criteria:

(i) Rehabilitation facilities for migratory birds must be secure and provide protection from predators, domestic animals, undue human disturbance, sun, wind, and inclement weather.

(ii) Caging must be made of a material that will not entangle or cause injury to the type of birds that will be housed within.

(iii) Enclosures must be kept clean, well-ventilated, and hygienic.

(iv) Birds must not be overcrowded, and must be provided enough perches, if applicable.

(v) Birds must be housed only with compatible migratory bird species.

(vi) Birds may not be displayed to the public unless you use video equipment, barriers, or other methods to reduce noise and exposure to humans to levels the birds would normally encounter in their habitat. You may not use any equipment for this purpose that causes stress or harm, or impedes the rehabilitation of any bird.

(2) *Dietary requirements.* You must provide the birds in your care with a

[1] Copies may be obtained by contacting either the National Wildlife Rehabilitators Association: 14 North 7th Avenue, St. Cloud MN 56303–4766, *http://www.nwawildlife.org/default.asp;* or the International Wildlife Rehabilitation Council: 829 Bancroft Way, Berkeley, CA 94710, *http://www.iwrc-online.org.*

diet that is appropriate and nutritionally approximates the natural diet consumed by the species in the wild, with consideration for the age and health of the individual bird.

(3) *Subpermittees.* Except as provided by paragraph (f)(2)(ii) of this section, anyone who will be performing activities that require permit authorization under paragraph (b)(1) of this section when you or a subpermittee are not present, including any individual who transports birds to or from your facility on a regular basis, must either possess his or her own Federal rehabilitation permit, or be authorized as your subpermittee by being named in writing to your issuing Migratory Bird Permit Office. Subpermittees must be at least 18 years of age and possess sufficient experience to tend the species in their care. Subpermittees authorized to care for migratory birds at a site other than your facility must have facilities adequate to house the species in their care, based on the criteria of paragraph (e)(1) of this section. All such facilities must be approved by the issuing office. As the primary permittee, you are legally responsible for ensuring that your subpermittees, staff, and volunteers adhere to the terms of your permit when conducting migratory bird rehabilitation activities.

(4) *Disposition of birds under your care.* (i) You must take every precaution to avoid imprinting or habituating birds in your care to humans. If a bird becomes imprinted to humans while under your care, you will be required to transfer the bird as directed by the issuing office.

(ii) You may not retain migratory birds longer than 180 days without additional authorization from your Regional Migratory Bird Permit Office. You must release all recuperated birds to suitable habitat as soon as seasonal conditions allow, following recovery of the bird. If the appropriate season for release is outside the 180-day timeframe, you must seek authorization from the Service to hold the bird until the appropriate season. Before releasing a threatened or endangered migratory bird, you must coordinate with your issuing Migratory Bird Permit Office.

(iii) You must euthanize any bird that cannot feed itself, perch upright, or ambulate without inflicting additional injuries to itself where medical and/or rehabilitative care will not reverse such conditions. You must euthanize any bird that is completely blind, and any bird that has sustained injuries that would require amputation of a leg, a foot, or a wing at the elbow or above (humero-ulnar joint) rather than performing such surgery, unless:

(A) A licensed veterinarian submits a written recommendation that the bird should be kept alive, including an analysis of why the bird is not expected to experience the injuries and/or ailments that typically occur in birds with these injuries and a commitment (from the veterinarian) to provide medical care for the bird for the duration of its life, including complete examinations at least once a year;

(B) A placement is available for the bird with a person or facility authorized to possess it, where it will receive the veterinary care described in paragraph (e)(4)(iii)(A) of this section; and

(C) The issuing office specifically authorizes continued possession, medical treatment, and rehabilitative care of the bird.

(iv) You must obtain authorization from your issuing Migratory Bird Permit Office before euthanizing endangered and threatened migratory bird species. In rare cases, the Service may designate a disposition other than euthanasia for those birds. If Service personnel are not available, you may euthanize endangered and threatened migratory birds without Service authorization when prompt euthanasia is warranted by humane consideration for the welfare of the bird.

(v) You may place nonreleasable live birds that are suitable for use in educational programs, foster parenting, research projects, or other permitted activities with persons permitted or otherwise authorized to possess such birds, with prior approval from your issuing Migratory Bird Permit Office.

(vi)(A) You may donate dead birds and parts thereof, except threatened and endangered species, and bald and golden eagles, to persons authorized by

permit to possess migratory bird specimens or exempted from permit requirements under §21.12.

(B) You must obtain approval from your issuing office before disposing of or transferring any live or dead endangered or threatened migratory bird specimen, parts, or feathers.

(C) You must send all dead bald and golden eagles, and their parts and feathers to: National Eagle Repository, Building 128, Rocky Mountain Arsenal, Commerce City, CO 80022. If your State requires you to notify State wildlife officers of a dead bald or golden eagle before sending the eagle to the Repository you must comply with State regulations. States may assume temporary possession of the carcasses for purposes of necropsy.

(D) Unless specifically required to do otherwise by the Service, you must promptly destroy all other dead specimens by such means as are necessary to prevent any exposure of the specimens to animals in the wild.

(vii) With authorization from your issuing Migratory Bird Permit Office, you may hold a nonreleasable bird longer than 180 days for the purpose of fostering juveniles during their rehabilitation. You may also use birds you possess under an educational permit to foster juveniles.

(viii) You may possess a reasonable number of feathers for imping purposes, based on the numbers and species of birds for which you regularly provide care.

(ix) You may draw blood and take other medical samples for purposes of the diagnosis and recovery of birds under your care, or for transfer to authorized facilities conducting research pertaining to a contagious disease or other public health hazard.

(x) You may conduct necropsies on dead specimens in your possession, except that you must obtain approval from your Regional Migratory Bird Permit Office before conducting necropsies on threatened or endangered species.

(xi) This permit does not confer ownership of any migratory bird. All birds held under this permit remain under the stewardship of the U.S. Fish and Wildlife Service.

(5) *Notification to the U.S. Fish and Wildlife Service.* (i) You must notify your issuing Migratory Bird Permit Office within 24 hours of acquiring a threatened or endangered migratory bird species, or bald or golden eagle, whether live or dead. You may be required to transfer these birds to another facility designated by the Service.

(ii) You must immediately notify the local U.S. Fish and Wildlife Service Law Enforcement Office if you have reason to believe a bird has been poisoned, electrocuted, shot, or otherwise subjected to criminal activity. Contact information for your local Service Law Enforcement office is listed on your permit, or you can obtain it on the Internet at *http://offices.fws.gov*.

(iii) If the sickness, injury, or death of any bird is due or likely due to avian virus, or other contagious disease or public health hazard, you must notify and comply with the instructions given by the State or local authority that is responsible for tracking the suspected disease or hazard in your location, if that agency is currently collecting such information from the public.

(6) You must maintain a working relationship with a licensed veterinarian. If your working relationship with your original cooperating veterinarian is dissolved, you must establish an agreement within 30 days with another licensed veterinarian to provide medical services to the birds in your care, and furnish a copy of this agreement to the issuing office.

(7) *Recordkeeping.* You must maintain complete and accurate records of all migratory birds that you receive, including for each bird the date received, type of injury or illness, disposition, and date of disposition. You must retain these records for 5 years following the end of the calendar year covered by the records.

(8) *Annual report.* You must submit an annual report that includes the information required by paragraph (e)(7) for the preceding calendar year to your issuing Migratory Bird Permit Office by the date required on your permit. You may complete Service Form 3–202–4, or submit your annual report from a database you maintain, provided your

report contains all, and only, the information required by Form 3–202–4.

(9) At the discretion of the Regional Director, we may stipulate on the face of your permit additional conditions compatible with the permit conditions set forth in this section, to place limits on numbers and/or types of birds you may possess under your permit, to stipulate authorized location(s) for your rehabilitation activities, or otherwise specify permitted activities, based on your experience and facilities.

(f) *How does this permit apply to oil and hazardous waste spills?* Prior to entering the location of an oil or hazardous material spill, you must obtain authorization from the U.S. Fish and Wildlife Service Field Response Coordinator or other designated Service representative and obtain permission from the On-Scene Coordinator. All activities within the location of the spill are subject to the authority of the On-Scene Coordinator. The U.S. Fish and Wildlife Service is responsible for the disposition of all migratory birds, dead or alive.

(1) *Permit provisions in oil or hazardous material spills.* (i) In addition to the rehabilitation permit provisions set forth in paragraph (b) of this section, when under the authority of the designated U.S. Fish and Wildlife Service representative this permit further authorizes you to temporarily possess healthy, unaffected birds for the purpose of removing them from imminent danger.

(ii) This permit does not authorize salvage of dead migratory birds. When dead migratory birds are discovered, a Service law enforcement officer must be notified immediately in order to coordinate the handling and collection of evidence. Contact information for your local Service Law Enforcement office is listed on your permit and on the Internet at *http://offices.fws.gov*. The designated Service representative will have direct control and responsibility over all live migratory birds, and will coordinate the collection, storage, and handling of any dead migratory birds with the Service's Division of Law Enforcement.

(iii) You must notify your issuing Migratory Bird Permit Office of any migratory birds in your possession within 24 hours of removing such birds from the area.

(2) *Conditions specific to oil and hazardous waste spills*—(i) *Facilities.* Facilities used at the scene of oil or hazardous waste spills may be temporary and/or mobile, and may provide less space and protection from noise and disturbance than facilities authorized under paragraph (e)(1) of this section. Such facilities should conform as closely as possible with the facility specifications contained in the Service policy titled *Best Practices for Migratory Bird Care During Oil Spill Response.*[2]

(ii) *Subpermittees.* In cases of oil and hazardous waste spills, persons who assist with cleaning or treating migratory birds at the on-scene facility will not be required to have a rehabilitation permit or be a subpermittee; however, volunteers must be trained in rescue protocol for migratory birds affected by oil and hazardous waste spills. A permit (or subpermittee designation) is required to perform extended rehabilitation of such birds, after initial cleaning and treating, at a subsequent location.

(g) *Will I also need a permit from the State in which I live?* If your State requires a license, permit, or other authorization to rehabilitate migratory birds, your Federal migratory bird rehabilitation permit will not be valid if you do not also possess and adhere to the terms of the required State authorization, in addition to the Federal permit. Nothing in this section prevents a State from making and enforcing laws or regulations consistent with this section that are more restrictive or give further protection to migratory birds.

(h) *How long is a migratory bird rehabilitation permit valid?* Your rehabilitation permit will expire on the date designated on the face of the permit unless amended or revoked. No rehabilitation permit will have a term exceeding 5 years.

(i) *Will I need to apply for a new permit under this section if I already have a special purpose permit to rehabilitate migratory birds, issued under § 21.27 (Special*

[2] You can obtain copies of this document by writing to the U.S. Fish and Wildlife Service, Division of Environmental Quality, 4401 North Fairfax Drive, MS 322, Arlington, VA, 22203.

purpose permits)? (1) If you had a valid Special Purpose—Migratory Bird Rehabilitation Permit issued under §21.27 on November 26, 2003, your permit will remain valid until the expiration date listed on its face. If you renew your permit, it will be issued under this section.

(2) If your original permit authorization predates permit application procedures requiring submission of photographs and diagrams for approval of your facilities, and your facilities have never been approved by the migratory bird permit office on the basis of such photographs and diagrams, you must submit photographs and diagrams of your facilities as part of your renewal application. If those facilities do not meet the criteria set forth under this section, your permit may be renewed for only 1 year. We will re-evaluate your facilities when you seek renewal in a year. If you have made the improvements necessary to bring your facilities into compliance with paragraph (e)(1) of this section, and the other criteria within this section for permit issuance are met, your permit may be renewed for up to the full 5-year tenure.

(3) If your facilities have already been approved on the basis of photographs and diagrams, and authorized under a valid §21.27 special purpose permit, then they are preapproved to be authorized under your new permit issued under this section, unless those facilities have materially diminished in size or quality from what was authorized when you last renewed your permit, or unless you wish to expand the authorizations granted by your permit (e.g., the number or types of birds you rehabilitate). Regulations governing permit renewal are set forth in §13.22 of this chapter.

[68 FR 61137, Oct. 27, 2003]

Subpart D—Control of Depredating and Otherwise Injurious Birds

§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 general information and certification required in §13.12(a) of this subchapter, and 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.* Inaddition to the general conditions set forth in part 13 of this subchapter B, depredation permits shall be subject to requires, in this section:

(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.

[39 FR 1178, Jan. 4, 1974, as amended at 42 FR 17122, Mar. 31, 1977; 63 FR 52637, Oct. 1, 1998]

§ 21.42 Authority to issue depredating orders to permit the killing of migratory game birds.

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director is authorized to issue 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.

§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows and magpies.

A Federal permit shall not be required to control yellow-headed red-winged, rusty, and Brewer's blackbirds, cowbirds, all grackles, crows, and magpies, when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance: *Provided:*

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

(b) 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.

(c) That nothing in this section shall be construed to authorize the killing of such 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 concerned.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 47525, Nov. 15, 1989]

§ 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, except that any specimens needed for scientific purposes, as determined by the State or the Director shall not be destroyed.

(b) That any Commissioner of Agriculture exercising the privileges granted by this section shall keep records of the persons authorized by the Commissioner to kill such migratory birds, and the estimated number of such birds killed pursuant to the exercise of his authority, and the Commissioner shall submit a report thereof to the Director on or before December 31 of each year or whenever the Director so requests.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 47525, Nov. 15, 1989; 55 FR 17352, Apr. 24, 1990]

§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 (*Ionornis 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 killed as may be needed for scientific investigations.

(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 § 10.22 of this subchapter).

[39 FR 31326, Aug. 28, 1974]

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

(a) *What is the purpose of this depredation order?* The purpose of this depredation order is to help reduce depredation of aquacultural stock by double-crested cormorants at private fish farms and State and Federal fish hatcheries.

(b) *In what areas can this depredation order be implemented?* This depredation order applies to commercial freshwater aquaculture facilities and to State and Federal fish hatcheries in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

(c) *What does this depredation order allow and who can participate?* (1) This depredation order authorizes landowners, operators, and tenants (or their employees or agents) actually engaged in the commercial, Federal, or State production of freshwater aquaculture stocks to take, without a Federal permit, double-crested cormorants when they are found committing or about to commit depredations to aquaculture stocks. This authority is applicable only during daylight hours and only within the boundaries of freshwater commercial aquaculture facilities or State and Federal hatcheries.

(2) This depredation order authorizes employees of the Wildlife Services program of the U.S. Department of Agriculture Animal and Plant Health Inspection Service to take double-crested cormorants, with appropriate landowner permission, at roost sites in the vicinity of aquaculture facilities, at any time, day or night, during the months of October, November, December, January, February, March, and April.

(3) Authorized employees of the Wildlife Services program of the U.S. Department of Agriculture Animal and Plant Health Inspection Service may designate agents to carry out control, provided these individuals act under the conditions of the order.

(d) *What are the terms and conditions of this order?* (1) Persons operating under paragraph (c)(1) of this section may only do so in conjunction with an established nonlethal harassment program as certified by officials of the Wildlife Services program of the U.S. Department of Agriculture Animal and Plant Health Inspection Service. Wildlife Services directive 2.330 outlines this certification process.

(2) Double-crested cormorants may be taken only by shooting with firearms, including rifles. Persons using

shotguns are required to use nontoxic shot as listed in 50 CFR 20.21(j).

(3) Persons operating under this depredation order may use decoys, taped calls, or other devices to lure within gun range birds committing or about to commit depredations.

(4) Persons operating under this depredation order must obtain appropriate landowner permission before implementing activities authorized by the order.

(5) Double-crested cormorants may not be killed contrary to the laws or regulations of any State, and none of the privileges of this section may be exercised unless the person possesses the appropriate State or other permits, if required.

(6) Persons operating under this depredation order must properly dispose of double-crested cormorants killed in control efforts:

(i) Individuals may donate birds killed under authority of this order to museums or other such scientific and educational institutions for the purposes of scientific or educational exhibition;

(ii) Individuals may also bury or incinerate birds taken; and

(iii) Individuals may not allow birds taken under this order, or their plumage, to be sold, offered for sale, bartered, or shipped for purpose of sale or barter.

(7) Nothing in this depredation order authorizes the take of any migratory bird species other than double-crested cormorants. Two look-alike species co-occur with double-crested cormorants in the southeastern States: the anhinga, which occurs across the southeastern United States, and the neotropic cormorant, which is found in varying numbers in Texas, Louisiana, and Oklahoma. Both species can be mistaken for double-crested cormorants, but take of these two species is not authorized under this depredation order. Persons operating under this order must immediately report the take of a migratory bird species other than double-crested cormorants to the appropriate Service Regional Migratory Bird Permit Office.

(8) Nothing in this depredation order authorizes the take of any species protected by the Endangered Species Act. Persons operating under this order must immediately report the take of species protected under the Endangered Species Act to the Service.

(i) To protect wood storks and bald eagles, the following conservation measures must be observed within any geographic area where Endangered Species Act protection applies to these species: All control activities are allowed if the activities occur more than 1,500 feet from active wood stork nesting colonies, more than 1,000 feet from active wood stork roost sites, and more than 750 feet from feeding wood storks, and if they occur more than 750 feet from active bald eagle nests.

(ii) At their discretion, landowners, operators, and tenants may contact the Regional Migratory Bird Permit Office to request modification of the measures listed in paragraph (d)(8)(i) of this section. Such modification can occur only if the Regional Director determines, on the basis of coordination between the Regional Migratory Bird Permit Office and the Endangered Species Field Office, that wood storks and bald eagles will not be adversely affected.

(iii) If adverse effects are anticipated from the control activities in a geographical area where Endangered Species Act protection applies to wood storks or bald eagles, either during the intra-Service coordination discussions described above or at any other time, the Regional Migratory Bird Permit Office will initiate consultation with the Endangered Species Field Offices.

(9) Persons operating under this depredation order must:

(i) Keep a log recording the date, number, and location of all birds killed each year under this authorization;

(ii) Maintain this log for a period of 3 years (and maintain records for 3 previous years of takings at all times thereafter); and

(iii) Each year, provide the previous year's log to the appropriate Service Regional Migratory Bird Permit Office. Regional Office addresses are found in §2.2 of subchapter A of this chapter.

(10) We reserve the right to suspend or revoke the authority of any Agency or individual granted by this order if we find that the specified purpose, terms, and conditions have not been

adhered to by that Agency or individual or if the long-term sustainability of double-crested cormorant populations is threatened by that Agency's or individual's action(s). The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§ 13.27 through 13.29 of this subchapter. For the purposes of this section, ''issuing officer'' means the Regional Director and ''permit'' means the authority to act under this depredation order. For purposes of § 13.29(e), appeals shall be made to the Director.

(e) *Does this section contain information collection requirements?* Yes, the information collection requirements in this section are approved by the Office of Management and Budget (OMB) under OMB control number 1018–0121. Federal agencies 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.

(f) *When does this depredation order expire?* This depredation order will automatically expire on April 30, 2009, unless revoked or extended prior to that date.

[68 FR 58034, Oct. 8, 2003]

§ 21.48 Depredation order for double-crested cormorants to protect public resources.

(a) *What is the purpose of this depredation order?* The purpose of this depredation order is to reduce the occurrence and/or minimize the risk of adverse impacts to public resources (fish, wildlife, plants, and their habitats) caused by double-crested cormorants.

(b) *In what areas can this depredation order be implemented?* This depredation order applies to all lands and freshwaters in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Vermont, West Virginia, and Wisconsin.

(c) *What does this depredation order allow and who can participate?* (1) This depredation order authorizes State fish and wildlife agencies, Federally recognized Tribes, and State Directors of the Wildlife Services program of the U.S. Department of Agriculture Animal and Plant Health Inspection Service (collectively termed ''Agencies'') to prevent depredations on the public resources of fish (including hatchery stock at Federal, State, and Tribal facilities), wildlife, plants, and their habitats by taking without a permit double-crested cormorants found committing or about to commit, such depredations.

(2) Agencies may designate agents to carry out control, provided those individuals act under the conditions of the order.

(3) Federally recognized Tribes and their agents may carry out control only on reservation lands or ceded lands within their jurisdiction.

(d) *What are the terms and conditions of this order?* (1) Persons operating under this order should first utilize nonlethal control methods such as harassment and exclusion devices when these are considered effective and practicable and not harmful to other nesting birds by the responsible Agency.

(2) Double-crested cormorants may be taken only by means of egg oiling, egg and nest destruction, cervical dislocation, firearms, and CO_2 asphyxiation. Persons using shotguns must use nontoxic shot, as listed in 50 CFR 20.21(j). Persons using egg oiling must use 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.

(3) Persons operating under this depredation order may use decoys, taped calls, or other devices to lure within gun range birds committing or about to commit depredation of public resources.

(4) Persons operating under this depredation order must obtain appropriate landowner permission before implementing activities authorized by the order.

(5) Persons operating under this depredation order may not take double-crested cormorants contrary to the laws or regulations of any State, and none of the privileges of this section may be exercised unless the person possesses the appropriate State or other permits, if required.

(6) Persons operating under this depredation order must properly dispose of double-crested cormorants killed in control efforts:

(i) Individuals may donate birds killed under authority of this order to museums or other such scientific and educational institutions for the purposes of scientific or educational exhibition;

(ii) Individuals may also bury or incinerate birds taken; and

(iii) Individuals may not allow birds taken under this order, or their plumage, to be sold, offered for sale, bartered, or shipped for purpose of sale or barter.

(7) Nothing in this depredation order authorizes the take of any migratory bird species other than double-crested cormorants. Two look-alike species co-occur with double-crested cormorants in the southeastern States: the anhinga, which occurs across the southeastern United States, and the neotropic cormorant, which is found in varying numbers in Texas, Louisiana, Kansas, and Oklahoma. Both species can be mistaken for double-crested cormorants, but take of these two species is not authorized under this depredation order. Persons operating under this order must immediately report the take of a migratory bird species other than double-crested cormorants to the appropriate Service Regional Migratory Bird Permit Office.

(8) Nothing in this depredation order authorizes the take of any species protected by the Endangered Species Act. Persons operating under this order must immediately report the take of species protected under the Endangered Species Act to the Service.

(i) To protect piping plovers, interior least terns, wood storks, and bald eagles, the following conservation measures must be observed within any geographic area where Endangered Species Act protection applies to these species:

(A) The discharge/use of firearms to kill or harass double-crested cormorants or use of other harassment methods are allowed if the control activities occur more than 1,000 feet from active piping plover or interior least tern nests or colonies; occur more than 1,500 feet from active wood stork nesting colonies, more than 1,000 feet from active wood stork roost sites, and more than 750 feet from feeding wood storks; or occur more than 750 feet from active bald eagle nests;

(B) Other control activities such as egg oiling, cervical dislocation, CO_2 asphyxiation, egg destruction, or nest destruction are allowed if these activities occur more than 500 feet from active piping plover or interior least tern nests or colonies; occur more than 1,500 feet from active wood stork nesting colonies, more than 1,000 feet from active wood stork roost sites, and more than 750 feet from feeding wood storks; or occur more than 750 feet from active bald eagle nests;

(C) To ensure adequate protection of piping plovers, any Agency or its agents who plan to implement control activities that may affect areas designated as piping plover critical habitat in the Great Lakes Region are to obtain prior approval from the appropriate Regional Director. Requests for approval of activities in these areas must be submitted to the Regional Migratory Bird Permit Office. The Regional Migratory Bird Permit Office will then coordinate with the Endangered Species Field Office staff to assess whether the measures in paragraph (d)(8)(i)(B) of this section are adequate.

(ii) At their discretion, Agencies or their agents may contact the Regional Migratory Bird Permit Office to request modification of the above measures. Such modification can occur only if the Regional Director determines, on the basis of coordination between the Regional Migratory Bird Permit Office and the Endangered Species Field Office, that the species listed in paragraph (d)(8)(i) of this section will not be adversely affected.

(iii) If adverse effects are anticipated from the control activities in a geographical area where Endangered Species Act protection applies to any of the four species listed in paragraph (d)(8)(i) of this section, either during the intra-Service coordination discussions described in paragraph (d)(8)(i)(C) of this section or at any other time, the Regional Migratory Bird Permit Office will initiate consultation with the Endangered Species Field Offices.

(9) Responsible Agencies must, before they initiate any control activities in a given year, provide a one-time written notice to the appropriate Service Regional Migratory Bird Permit Office indicating that they intend to act under this order.

(i) Additionally, if any Agency plans a single control action that would individually, or a succession of such actions that would cumulatively, kill more than 10 percent of the double-crested cormorants in a breeding colony, it must first provide written notification to the appropriate Service Regional Migratory Bird Permit Office. This letter must be received no later than 30 days in advance of the activity and must provide:

(A) The location (indicating specific colonies, if applicable) of the proposed control activity;

(B) A description of the proposed control activity, specifying what public resources are being impacted, how many birds are likely to be taken and what approximate percentage they are of total DCCOs present, and which species of other birds are present; and

(C) Contact information for the person in charge of the control action.

(ii) The Regional Director may prevent any such activity by notifying the agency in writing if the Regional Director deems the activity a threat to the long-term sustainability of double-crested cormorants or any other migratory bird species.

(10) Persons operating under this order must keep records of all activities, including those of designated agents, carried out under this order. On an annual basis, Agencies must provide the Service Regional Migratory Bird Permit Office with a report detailing activities conducted under the authority of this order, including:

(i) By date and location, a summary of the number of double-crested cormorants killed and/or number of nests in which eggs were oiled;

(ii) A statement of efforts being made to minimize incidental take of nontarget species and a report of the number and species of migratory birds involved in such take, if any;

(iii) A description of the impacts or anticipated impacts to public resources by double-crested cormorants and a statement of the management objectives for the area in question;

(iv) A description of the evidence supporting the conclusion that double-crested cormorants are causing or will cause these impacts;

(v) A discussion of other limiting factors affecting the resource (e.g., biological, environmental, and socio-economic); and

(vi) A discussion of how control efforts are expected to, or actually did, alleviate resource impacts.

(11) Agencies must provide annual reports to the appropriate Service Regional Migratory Bird Permit Office, as described in paragraph (d)(10) of this section, by December 31 for the reporting period October 1 of the previous year to September 30 of the same year. For example, reports for the period October 1, 2003, to September 30, 2004, would be due on or before December 31, 2004. The Service will regularly review Agency reports and will periodically assess the overall impact of this program to ensure compatibility with the long-term conservation of double-crested cormorants and other resources.

(12) In some situations, Agencies may deem it necessary to reduce or eliminate local breeding populations of double-crested cormorants to reduce the occurrence of resource impacts.

(i) For such actions, Agencies must:

(A) Comply with paragraph (d)(9) of this section;

(B) Carefully plan activities to avoid disturbance of nontarget species;

(C) Evaluate effects of management activities on cormorants at the control site;

(D) Evaluate, by means of collecting data or using best available information, effects of management activities on the public resources being protected and on nontarget species; and

(E) Include this information in the report described in paragraph (d)(10) of this section.

(ii) Agencies may coordinate with the appropriate Service Regional Migratory Bird Permit Office in the preparation of this information to attain technical or other assistance.

(13) We reserve the right to suspend or revoke the authority of any Agency, Tribe, or State Director granted by

this order if we find that the specified purpose, terms, and conditions have not been adhered to or if the long-term sustainability of double-crested cormorant populations is threatened by the action(s) of that Agency, Tribe, or State Director. The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§13.27 through 13.29 of this subchapter. For the purposes of this section, ''issuing officer'' means the Regional Director and ''permit'' means the authority to act under this depredation order. For purposes of §13.29(e), appeals shall be made to the Director.

(e) *Does this section contain information collection requirements?* Yes, the information collection requirements in this section are approved by the Office of Management and Budget (OMB) under OMB control number 1018–0121. Federal agencies 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.

(f) *When does this depredation order expire?* This depredation order will automatically expire on April 30, 2009, unless revoked or extended prior to that date.

[68 FR 58035, Oct. 8, 2003]

§21.49 Control order for resident Canada geese at airports and military airfields.

(a) *Which Canada geese are covered by this order?* This regulation addresses the control and management of resident Canada geese, as defined in §21.3.

(b) *What is the control order for resident Canada geese at airports, and what is its purpose?* The airport control order authorizes managers at commercial, public, and private airports (airports) (and their employees or their agents) and military air operation facilities (military airfields) (and their employees or their agents) to establish and implement a control and management program when necessary to resolve or prevent threats to public safety from resident Canada geese. Control and management activities include indirect and/or direct control strategies such as trapping and relocation, nest and egg destruction, gosling and adult trapping and culling programs, or other lethal and non-lethal control strategies.

(c) *Who may participate in the program?* To be designated as an airport that is authorized to participate in this program, an airport must be part of the National Plan of Integrated Airport Systems and have received Federal grant-in-aid assistance, or a military airfield, meaning an airfield or air station that is under the jurisdiction, custody, or control of the Secretary of a military department. Only airports and military airfields in the lower 48 States and the District of Columbia are eligible to conduct and implement the various resident Canada goose control and management program components.

(d) *What are the restrictions of the control order for resident Canada geese at airports and military airfields?* The airport control order for resident Canada geese is subject to the following restrictions:

(1) Airports and military airfields should use nonlethal goose management tools to the extent they deem appropriate. To minimize lethal take, airports and military airfields should follow this procedure:

(i) Assess the problem to determine its extent or magnitude, its impact on current operations, and the appropriate control method to be used.

(ii) Base control methods on sound biological, environmental, social, and cultural factors.

(iii) Formulate appropriate methods into a control strategy that uses several control techniques rather than relying on a single method.

(iv) Implement all appropriate nonlethal management techniques (such as harassment and habitat modification) in conjunction with take authorized under this order.

(2)(i) Methods of take for the control of resident Canada geese are at the airport's and military airfield's discretion from among the following:

(A) Egg oiling,

(B) Egg and nest destruction,

(C) Shooting,

(D) Lethal and live traps,

(E) Nets,

(F) Registered animal drugs, pesticides, and repellants,

(G) Cervical dislocation, and

(H) CO_2 asphyxiation.

(ii) Birds caught live may be euthanized or transported and relocated to another site approved by the State or Tribal wildlife agency, if required.

(iii) All techniques used must be in accordance with other Federal, State, and local laws, and their use must comply with any labeling restrictions.

(iv) Persons using shotguns must use nontoxic shot, as listed in §20.21(j) of this subchapter.

(v) Persons using egg oiling must use 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.

(3) Airports and military airfields may conduct management and control activities, involving the take of resident Canada geese, under this section between April 1 and September 15. The destruction of resident Canada goose nests and eggs may take place between March 1 and June 30.

(4) Airports and military airfields and their employees and agents may possess, transport, and otherwise dispose of resident Canada geese taken under this section. Disposal of birds taken under this order may be by donation to public museums or public institutions for scientific or educational purposes, processing for human consumption and subsequent distribution free of charge to charitable organizations, or burial or incineration. Airports/military airfields, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada geese taken under this section, nor their plumage or eggs. Any specimens needed for scientific purposes as determined by the Regional Director must not be destroyed, and information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263).

(5) Resident Canada geese may be taken only within the airport, or the military base on which a military airfield is located, or within a 3-mile radius of the outer boundary of such a facility. Airports and military airfields or their agents must first obtain all necessary authorizations from landowners for all management activities conducted outside the airport or military airfield's boundaries and be in compliance with all State and local laws and regulations.

(6) Nothing in this section authorizes the killing of resident Canada geese or destruction of their nests and eggs contrary to the laws or regulations of any State or Tribe, and none of the privileges of this section may be exercised unless the airport or military airfield possesses the appropriate State or Tribal authorization or other permits required by the State or Tribe. Moreover, this section does not authorize the killing of any migratory bird species or destruction of their nest or eggs other than resident Canada geese.

(7) Authorized airports and military airfields, and their employees and agents operating under the provisions of this section may not use decoys, calls, or other devices to lure birds within gun range.

(8) Airports and military airfields exercising the privileges granted by this section must submit an annual report summarizing activities, including the date and numbers and location of birds, nests, and eggs taken, by December 31 of each year to the Regional Migratory Bird Permit Office listed in §2.2 of this subchapter.

(9) Nothing in this section applies to any Federal land without written permission of the Federal agency with jurisdiction.

(10) Airports and military airfields may not undertake any actions 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. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, airports and military airfields must:

(i) Follow the Federal-State Contingency Plan for the whooping crane;

(ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest;

(iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities;

(iv) Contact the Arizona Ecological Services Office (for the Colorado River and Arizona sites) or the Carlsbad Fish and Wildlife Office (for Salton Sea sites) if control activities are proposed in or around occupied habitats (cattail or cattail bulrush marshes) to discuss the proposed activity and ensure that implementation will not adversely affect clapper rails or their habitats; and

(v) In California, any control activities of resident Canada geese in areas used by the following species listed under the Endangered Species Act must be done in coordination with the appropriate local FWS field office and in accordance with standard local operating procedures for avoiding adverse effects to the species or its critical habitat:

(A) *Birds:* Light-footed clapper rail, California clapper rail, Yuma clapper rail, California least tern, southwestern willow flycatcher, least Bell's vireo, western snowy plover, California gnatcatcher.

(B) *Amphibians:* California red-legged frog and California tiger salamander.

(C) *Insects:* Valley elderberry longhorn beetle and delta green ground beetle.

(D) *Crustaceans:* Vernal pool fairy shrimp, conservancy fairy shrimp, longhorn fairy shrimp, vernal pool tadpole shrimp, San Diego fairy shrimp, and Riverside fairy shrimp.

(E) *Plants:* Butte County meadowfoam, large-flowered wooly meadowfoam, Cook's lomatium, Contra Costa goldfields, Hoover's spurge, fleshy owl's clover, Colusa grass, hairy Orcutt grass, Solano grass, Greene's tuctoria, Sacramento Valley Orcutt grass, San Joaquin Valley Orcutt grass, slender Orcutt grass, California Orcutt grass, spreading navarretia, and San Jacinto Valley crownscale.

(e) *Can the control order be suspended?* We reserve the right to suspend or revoke an airport's or military airfield's authority under this control order if we find that the terms and conditions specified in the control order have not been adhered to by that airport or military airfield. Final decisions to revoke authority will be made by the appropriate Regional Director. The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§13.27 through 13.29 of this subchapter. For the purposes of this section, ''issuing officer'' means the Regional Director and ''permit'' means the authority to act under this control order. For purposes of §13.29(e), appeals must be made to the Director.

(f) *Has the Office of Management and Budget (OMB) approved the information collection requirements of the control order?* OMB has approved the information collection and recordkeeping requirements of the control order under OMB control number 1018–0133. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222—ARLSQ, 1849 C Street NW., Washington, DC 20240.

[71 FR 45986, Aug. 10, 2006, as amended at 72 FR 46408, Aug. 20, 2007]

§21.50 Depredation order for resident Canada geese nests and eggs.

(a) *Which Canada geese are covered by this order?* This regulation addresses the control and management of resident Canada geese, as defined in §21.3.

(b) *What is the depredation order for resident Canada geese nests and eggs, and what is its purpose?* The nest and egg depredation order for resident Canada geese authorizes private landowners and managers of public lands (landowners); homeowners' associations; and village, town, municipality, and county governments (local governments); and the employees or agents of any of these persons or entities to destroy resident Canada goose nests and eggs on property under their jurisdiction when necessary to resolve or prevent injury to people, property, agricultural crops, or other interests.

(c) *Who may participate in the depredation order?* Only landowners, homeowners' associations, and local governments (and their employees or their agents) in the lower 48 States and the

District of Columbia are eligible to implement the resident Canada goose nest and egg depredation order.

(d) *What are the restrictions of the depredation order for resident Canada goose nests and eggs?* The resident Canada goose nest and egg depredation order is subject to the following restrictions:

(1) Before any management actions can be taken, landowners, homeowners' associations, and local governments must register with the Service at *https://epermits.fws.gov/eRCGR*. Landowners, homeowners' associations, and local governments (collectively termed ''registrants'') must also register each employee or agent working on their behalf. Once registered, registrants and agents will be authorized to act under the depredation order.

(2) Registrants authorized to operate under the depredation order must use nonlethal goose management techniques to the extent they deem appropriate in an effort to minimize take.

(3) Methods of nest and egg destruction or take are at the registrant's discretion from among the following:

(i) Egg oiling, using 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, and

(ii) Egg and nest destruction, including but not limited to the removal and disposal of eggs and nest material.

(4) Registrants may conduct resident Canada goose nest and egg destruction activities between March 1 and June 30. Homeowners' associations and local governments or their agents must obtain landowner consent prior to destroying nests and eggs on private property within the homeowners' association or local government's jurisdiction and be in compliance with all State and local laws and regulations.

(5) Registrants authorized to operate under the depredation order may possess, transport, and dispose of resident Canada goose nests and eggs taken under this section. Registrants authorized to operate under the program may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada goose nest or egg taken under this section.

(6) Registrants exercising the privileges granted by this section must submit an annual report summarizing activities, including the date, numbers, and location of nests and eggs taken by October 31 of each year at *https://epermits.fws.gov/eRCGR* before any subsequent registration for the following year.

(7) Nothing in this section authorizes the destruction of resident Canada goose nests or the take of resident Canada goose eggs contrary to the laws or regulations of any State or Tribe, and none of the privileges of this section may be exercised unless the registrant is authorized to operate under the program and possesses the appropriate State or Tribal permits, when required. Moreover, this section does not authorize the killing of any migratory bird species or destruction of their nest or eggs other than resident Canada geese.

(8) Registrants may not undertake any actions under this section if the activities adversely affect species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, registrants must:

(i) Follow the Federal-State Contingency Plan for the whooping crane;

(ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest;

(iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities;

(iv) Contact the Arizona Ecological Services Office (for the Colorado River and Arizona sites) or the Carlsbad Fish and Wildlife Office (for Salton Sea sites) if control activities are proposed in or around occupied habitats (cattail or cattail bulrush marshes) to discuss the proposed activity and ensure that implementation will not adversely affect clapper rails or their habitats; and

(v) In California, any control activities of resident Canada geese in areas used by the following species listed under the Endangered Species Act must be done in coordination with the

appropriate local FWS field office and in accordance with standard local operating procedures for avoiding adverse effects to the species or its critical habitat:

(A) *Birds:* Light-footed clapper rail, California clapper rail, Yuma clapper rail, California least tern, southwestern willow flycatcher, least Bell's vireo, western snowy plover, California gnatcatcher.

(B) *Amphibians:* California red-legged frog and California tiger salamander.

(C) *Insects:* Valley elderberry longhorn beetle and delta green ground beetle.

(D) *Crustaceans:* Vernal pool fairy shrimp, conservancy fairy shrimp, longhorn fairy shrimp, vernal pool tadpole shrimp, San Diego fairy shrimp, and Riverside fairy shrimp.

(E) *Plants:* Butte County meadowfoam, large-flowered wooly meadowfoam, Cook's lomatium, Contra Costa goldfields, Hoover's spurge, fleshy owl's clover, Colusa grass, hairy Orcutt grass, Solano grass, Greene's tuctoria, Sacramento Valley Orcutt grass, San Joaquin Valley Orcutt grass, slender Orcutt grass, California Orcutt grass, spreading navarretia, and San Jacinto Valley crownscale.

(e) *Can the depredation order be suspended?* We reserve the right to suspend or revoke this authorization for a particular landowner, homeowners' association, or local government if we find that the registrant has not adhered to the terms and conditions specified in the depredation order. Final decisions to revoke authority will be made by the appropriate Regional Director. The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§13.27 through 13.29 of this subchapter. For the purposes of this section, ''issuing officer'' means the Regional Director and ''permit'' means the authority to act under this depredation order. For purposes of §13.29(e), appeals must be made to the Director. Additionally, at such time that we determine that resident Canada goose populations no longer need to be reduced in order to resolve or prevent injury to people, property, agricultural crops, or other interests, we may choose to terminate part or all of the depredation order by subsequent regulation. In all cases, we will annually review the necessity and effectiveness of the depredation order.

(f) *Has the Office of Management and Budget (OMB) approved the information collection requirements of the depredation order?* OMB has approved the information collection and recordkeeping requirements of the depredation order under OMB control number 1018–0133. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222—ARLSQ, 1849 C Street NW., Washington, DC 20240.

[71 FR 45988, Aug. 10, 2006, as amended by 72 FR 46408, Aug. 20, 2007]

§21.51 Depredation order for resident Canada geese at agricultural facilities.

(a) *Which Canada geese are covered by this order?* This regulation addresses the control and management of resident Canada geese, as defined in §21.3.

(b) *What is the depredation order for resident Canada geese at agricultural facilities, and what is its purpose?* The depredation order for resident Canada geese at agricultural facilities authorizes States and Tribes, via the State or Tribal wildlife agency, to implement a program to allow landowners, operators, and tenants actively engaged in commercial agriculture (agricultural producers) (or their employees or agents) to conduct direct damage management actions such as nest and egg destruction, gosling and adult trapping and culling programs, or other lethal and non-lethal wildlife-damage management strategies on resident Canada geese when the geese are committing depredations to agricultural crops and when necessary to resolve or prevent injury to agricultural crops or other agricultural interests from resident Canada geese.

(c) *Who may participate in the depredation order?* State and Tribal wildlife agencies in the following States may authorize agricultural producers (or their employees or agents) to conduct

and implement various components of the depredation order at agricultural facilities in the Atlantic, Central, and Mississippi Flyway portions of these States: Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

(d) *What are the restrictions of the depredation order for resident Canada geese at agricultural facilities?* The depredation order for resident Canada geese at agricultural facilities is subject to the following restrictions:

(1) Only landowners, operators, and tenants (or their employees or agents) actively engaged in commercial activities (agricultural producers) so designated by the States may act under this order.

(2) Authorized agricultural producers should use nonlethal goose management tools to the extent they deem appropriate. To minimize lethal take, agricultural producers should adhere to the following procedure:

(i) Assess the problem to determine its extent or magnitude, its impact to current operations, and the appropriate control method to be used.

(ii) Base control methods on sound biological, environmental, social, and cultural factors.

(iii) Formulate appropriate methods into a control strategy that uses the approach/concept that encourages the use of several control techniques rather than relying on a single method.

(iv) Implement all appropriate nonlethal management techniques (such as harassment and habitat modification) in conjunction with take authorized under this order.

(3)(i) Methods of take for the control of resident Canada geese are at the State's or Tribe's discretion among the following:

(A) Egg oiling,

(B) Egg and nest destruction,

(C) Shotguns,

(D) Lethal and live traps,

(E) Nets,

(F) Registered animal drugs, pesticides, and repellants,

(G) Cervical dislocation, and

(H) CO_2 asphyxiation.

(ii) Birds caught live may be euthanized or transported and relocated to another site approved by the State or Tribal wildlife agency, if required.

(iii) All techniques used must be in accordance with other Federal, State, Tribal, and local laws, and their use must comply with any labeling restrictions.

(iv) Persons using shotguns must use nontoxic shot, as listed in § 20.21(j) of this subchapter.

(v) Persons using egg oiling must use 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.

(4) Authorized agricultural producers and their employees and agents may conduct management and control activities, involving the take of resident Canada geese, under this section between May 1 and August 31. The destruction of resident Canada goose nests and eggs may take place between March 1 and June 30.

(5) Authorized agricultural producers and their employees and agents may possess, transport, and otherwise dispose of resident Canada geese taken under this section. Disposal of birds taken under this order may be by donation to public museums or public institutions for scientific or educational purposes, processing for human consumption and subsequent distribution free of charge to charitable organizations, or burial or incineration. Agricultural producers, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada geese taken under this section, nor their plumage or eggs. Any specimens needed for scientific purposes as determined by the Director must not be destroyed, and information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263).

(6) Resident Canada geese may be taken only on land which an authorized agricultural producer personally controls and where geese are committing depredations to agricultural crops.

(7) Authorized agricultural producers, and their employees and agents, operating under the provisions of this section may not use decoys, calls, or other devices to lure birds within gun range.

(8) Any authorized agricultural producer exercising the privileges of this section must keep and maintain a log that indicates the date and number of birds killed and the date and number of nests and eggs taken under this authorization. The log must be maintained for a period of 3 years (and records for 3 previous years of takings must be maintained at all times thereafter). The log and any related records must be made available to Federal, State, or Tribal wildlife enforcement officers upon request during normal business hours.

(9) Nothing in this section authorizes the killing of resident Canada geese or the destruction of their nests and eggs contrary to the laws or regulations of any State or Tribe, and none of the privileges of this section may be exercised unless the agricultural producer possesses the appropriate State or Tribal permits, when required. Moreover, this regulation does not authorize the killing of any migratory bird species or destruction of their nests or eggs other than resident Canada geese.

(10) States and Tribes exercising the privileges granted by this section must submit an annual report summarizing activities, including the numbers and County of birds, nests, and eggs taken, by December 31 of each year to the Regional Migratory Bird Permit Office listed in §2.2 of this subchapter.

(11) Nothing in this section applies to any Federal land without written permission of the Federal agency with jurisdiction.

(12) Authorized agricultural producers may not undertake any actions 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. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, agricultural producers must:

(i) Follow the Federal-State Contingency Plan for the whooping crane;

(ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest; and

(iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities.

(e) *Can the depredation order be suspended?* We reserve the right to suspend or revoke a State, Tribal, or agricultural producer's authority under this program if we find that the terms and conditions specified in the depredation order have not been adhered to by that State or Tribe. Final decisions to revoke authority will be made by the appropriate Regional Director. The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§13.27 through 13.29 of this subchapter. For the purposes of this section, ''issuing officer'' means the Regional Director and ''permit'' means the authority to act under this depredation order. For purposes of §13.29(e), appeals must be made to the Director. Additionally, at such time that we determine that resident Canada geese populations no longer pose a threat to agricultural crops or no longer need to be reduced in order to resolve or prevent injury to agricultural crops or other agricultural interests, we may choose to terminate part or all of the depredation order by subsequent regulation. In all cases, we will annually review the necessity and effectiveness of the depredation order.

(f) *Has the Office of Management and Budget (OMB) approved the information collection requirements of the depredation order?* OMB has approved the information collection and recordkeeping requirements of the depredation order under OMB control number 1018–0133. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. You may send comments on

the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ, 1849 C Street, NW., Washington, DC 20240.

[71 FR 45989, Aug. 10, 2006]

§ 21.52 Public health control order for resident Canada geese.

(a) *Which Canada geese are covered by this order?* This regulation addresses the control and management of resident Canada geese, as defined in § 21.3.

(b) *What is the public health control order for resident Canada geese, and what is its purpose?* The public health control order for resident Canada geese authorizes States, Tribes, and the District of Columbia, via the State or Tribal wildlife agency, to conduct resident Canada goose control and management activities including direct control strategies such as trapping and relocation, nest and egg destruction, gosling and adult trapping and culling programs, or other lethal and non-lethal wildlife damage-management strategies when resident Canada geese are posing a direct threat to human health.

(c) *What is a direct threat to human health?* A direct threat to human health is one where a Federal, State, Tribal, or local public health agency has determined that resident Canada geese pose a specific, immediate human health threat by creating conditions conducive to the transmission of human or zoonotic pathogens. The State or Tribe may not use this control order for situations in which resident Canada geese are merely causing a nuisance.

(d) *Who may participate in the program?* Only State and Tribal wildlife agencies in the lower 48 States and the District of Columbia (or their employees or agents) may conduct and implement the various components of the public health control order for resident Canada geese.

(e) *What are the restrictions of the public health depredation order for resident Canada geese?* The public health control order for resident Canada geese is subject to the following restrictions:

(1) Authorized State and Tribal wildlife agencies should use nonlethal goose management tools to the extent they deem appropriate.

(2)(i) Methods of take for the control of resident Canada geese are at the State's and Tribe's discretion from among the following:

(A) Egg oiling,

(B) Egg and nest destruction,

(C) Shotguns,

(D) Lethal and live traps,

(E) Nets,

(F) Registered animal drugs, pesticides, and repellants,

(G) Cervical dislocation, and

(H) CO_2 asphyxiation.

(ii) Birds caught live may be euthanized or transported and relocated to another site approved by the State or Tribal wildlife agency, if required.

(iii) All techniques used must be in accordance with other Federal, State, Tribal, and local laws, and their use must comply with any labeling restrictions.

(iv) Persons using shotguns must use nontoxic shot, as listed in § 20.21(j) of this subchapter.

(v) Persons using egg oiling must use 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.

(3) Authorized State and Tribal wildlife agencies and their employees and agents may conduct management and control activities, involving the take of resident Canada geese, under this section between April 1 and August 31. The destruction of resident Canada goose nests and eggs may take place between March 1 and June 30.

(4) Authorized State and Tribal wildlife agencies and their employees and agents may possess, transport, and otherwise dispose of resident Canada geese taken under this section. Disposal of birds taken under this order may be by donation to public museums or public institutions for scientific or educational purposes, processing for human consumption and subsequent distribution free of charge to charitable organizations, or burial or incineration. States, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada

geese taken under this section, nor their plumage or eggs. Any specimens needed for scientific purposes as determined by the Regional Director must not be destroyed, and information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263).

(5) Resident Canada geese may be taken only within the specified area of the direct threat to human health.

(6) Authorized State and Tribal wildlife agencies, and their employees and agents operating under the provisions of this section may not use decoys, calls, or other devices to lure birds within gun range.

(7) No person conducting activities under this section should construe the program as authorizing the killing of resident Canada geese or destruction of their nests and eggs contrary to any State law or regulation, nor may any control activities be conducted 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.

(8) Any State or Tribal employee or designated agent authorized to carry out activities under this section must have a copy of the State's or Tribal authorization and designation in their possession when carrying out any activities. If the State or Tribe is conducting operations on private property, the State or Tribe must also require the property owner or occupant on whose premises resident Canada goose activities are being conducted to allow, at all reasonable times, including during actual operations, free and unrestricted access to any Service special agent or refuge officer, State or Tribal wildlife or deputy wildlife agent, warden, protector, or other wildlife law enforcement officer on the premises where they are, or were, conducting activities. Furthermore, any State or Tribal employee or designated agent conducting such activities must promptly furnish whatever information is required concerning such activities to any such wildlife officer.

(9) States and Tribes exercising the privileges granted by this section must submit an annual report summarizing activities, including the numbers and County of birds taken, by December 31 of each year to the Regional Migratory Bird Permit Office listed in §2.2 of this subchapter.

(10) Authorized State and Tribal wildlife agencies may not undertake any actions 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. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, State and Tribal wildlife agencies must:

(i) Follow the Federal-State Contingency Plan for the whooping crane;

(ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest;

(iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities;

(iv) Contact the Arizona Fish and Wildlife Service Ecological Services Office (for the Colorado River and Arizona sites) or the Carlsbad Fish and Wildlife Office (for Salton Sea sites) if control activities are proposed in or around occupied habitats (cattail or cattail bulrush marshes) to discuss the proposed activity and ensure that implementation will not adversely affect clapper rails or their habitats; and

(v) In California, any control activities of resident Canada geese in areas used by the following species listed under the Endangered Species Act must be done in coordination with the appropriate local FWS field office and in accordance with standard local operating procedures for avoiding adverse effects to the species or its critical habitat:

(A) *Birds:* Light-footed clapper rail, California clapper rail, Yuma clapper rail, California least tern, southwestern willow flycatcher, least Bell's vireo, western snowy plover, California gnatcatcher.

(B) *Amphibians:* California red-legged frog and California tiger salamander.

(C) *Insects:* Valley elderberry longhorn beetle and delta green ground beetle.

(D) *Crustaceans:* Vernal pool fairy shrimp, conservancy fairy shrimp, longhorn fairy shrimp, vernal pool tadpole shrimp, San Diego fairy shrimp, and Riverside fairy shrimp.

(E) *Plants:* Butte County meadowfoam, large-flowered wooly meadowfoam, Cook's lomatium, Contra Costa goldfields, Hoover's spurge, fleshy owl's clover, Colusa grass, hairy Orcutt grass, Solano grass, Greene's tuctoria, Sacramento Valley Orcutt grass, San Joaquin Valley Orcutt grass, slender Orcutt grass, California Orcutt grass, spreading navarretia, and San Jacinto Valley crownscale.

(f) *Can the control order be suspended?* We reserve the right to suspend or revoke a State's or Tribe's authority under this program if we find that the terms and conditions specified in the depredation order have not been adhered to by that agency. Final decisions to revoke authority will be made by the appropriate Regional Director. The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§ 13.27 through 13.29 of this subchapter. For the purposes of this section, ''issuing officer'' means the Regional Director and ''permit'' means the authority to act under this control order. For purposes of § 13.29(e), appeals must be made to the Director. Additionally, at such time that we determine that resident Canada geese populations no longer pose direct threats to human health, we may choose to terminate part or all of the control order by subsequent regulation. In all cases, we will annually review the necessity and effectiveness of the control order.

(g) *Has the Office of Management and Budget (OMB) approved the information collection requirements of the control order?* OMB has approved the information collection and recordkeeping requirements of the control order under OMB control number 1018–0133. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ, 1849 C Street, NW., Washington, DC 20240.

[71 FR 45990, Aug. 10, 2006]

Subpart E—Control of Overabundant Migratory Bird Populations

§ 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]

§21.61 Population control of resident Canada geese.

(a) *Which Canada geese are covered by this regulation?* This regulation addresses the population control of resident Canada geese, as defined in §21.3.

(b) *What is the resident Canada goose population control program, and what is its purpose?* The resident Canada goose population control program is a managed take program implemented under the authority of the Migratory Bird Treaty Act to reduce and stabilize resident Canada goose populations when traditional and otherwise authorized management measures are unsuccessful, not feasible for dealing with, or applicable, in preventing injury to property, agricultural crops, public health, and other interests from resident Canada geese. The Director is authorized to allow States and Tribes to implement a population control, or managed take, program to remedy these injuries. When authorized by the Director, managed take allows additional methods of taking resident Canada geese, allows shooting hours for resident Canada geese to extend to one-half hour after sunset, and removes daily bag limits for resident Canada geese inside or outside the migratory bird hunting season frameworks as described in this section. The intent of the program is to reduce resident Canada goose populations in order to protect personal property and agricultural crops and other interests from injury and to resolve potential concerns about human health. The management and control activities allowed or conducted under the program are intended to relieve or prevent damage and injurious situations. No person should construe this program as opening, reopening, or extending any hunting season contrary to any regulations established under section 3 of the Migratory Bird Treaty Act.

(c) *What areas are eligible to participate in the program?* When approved by the Director, the State and Tribal wildlife agencies of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming may implement the resident Canada goose population control program components in the Atlantic, Central, and Mississippi Flyway portions of these States.

(d) *What is required in order for State governments to participate in a managed take program?* Following the conclusion of the first full operational year of §§21.49 through 21.52 of this part, any wildlife agency from a State listed in 21.61(c) may request approval for the population control program. A request must include a discussion of the State's or Tribe's efforts to address its injurious situations utilizing the methods approved in this rule or a discussion of the reasons why the methods authorized by these rules are not feasible for dealing with, or applicable to, the injurious situations that require further action. Discussions should be detailed and provide the Service with a clear understanding of the injuries that continue, why the authorized methods utilized have not worked, and why methods not utilized could not effectuate resolution of the injuries. A State's request for approval may be for an area or areas smaller than the entire State. Upon written approval by the Director, 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, resident Canada geese under the following conditions:

(1) Activities conducted under the managed take program may not affect endangered or threatened species as designated under the Endangered Species Act.

(2) Control activities may be conducted under this section only between August 1 and August 31.

(3) 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.

(4) Nothing in the program may limit or initiate management actions on

Federal land without concurrence of the Federal agency with jurisdiction.

(5) States and Tribes must designate participants who must operate under the conditions of the managed take program.

(6) States and Tribes must inform participants of the requirements/conditions of the program that apply.

(7) States and Tribes must keep annual records of activities carried out under the authority of the program. Specifically, information must be collected on:

(i) The number of individuals participating in the program;

(ii) The number of days individuals participated in the program;

(iii) The total number of resident Canada geese shot and retrieved during the program; and

(iv) The number of resident Canada geese shot but not retrieved. The States and Tribes must submit an annual report summarizing activities conducted under the program and an assessment of the continuation of the injuries on or before June 1 of each year to the Chief, Division of Migratory Bird Management, 4401 North Fairfax Drive, ms–MBSP–4107, Arlington, Virginia 22203.

(e) *What is required for individuals to participate in the program?* Individual participants in State and Tribal programs covered by the managed take program must comply with the following requirements:

(1) Participants must comply with all applicable State and Tribal laws or regulations including possession of whatever permit(s) or other authorization(s) may be required by the State or Tribal government concerned.

(2) Participants who take resident Canada geese under the program may not sell or offer for sale those birds or their plumage, but may possess, transport, and otherwise properly use them.

(3) Participants must permit at all reasonable times, including during actual operations, any Service special agent or refuge officer, State or Tribal wildlife or deputy wildlife agent, warden, protector, or other wildlife 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 may take resident Canada 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 paraplegic persons 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 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. No person may take resident Canada 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 resident Canada 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 resident Canada geese.

(vii) 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 as described in § 20.11(j) and (k) of this part. Resident Canada geese may not be taken on or over lands or areas that are 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 as described in §20.11(h) and (l) of this part. However, nothing in this paragraph prohibits the taking of resident Canada geese on or over the following lands or areas that are not otherwise baited areas:

(A) 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 as described in §20.11(g), (i), (l), and (m) of this part;

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

(C) 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

(D) 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.

(E) Participants may not possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot, bismuth-tin, tungsten-iron, tungsten-polymer, tungsten-matrix, tungsten-nickel iron, or other shots that are authorized in §20.21(j) of this part.

(f) *Under what conditions would we suspend the managed take program?* Following authorization by the Director, we will annually assess the overall impact and effectiveness of the program on resident Canada goose populations to ensure compatibility with long-term conservation of this resource. If at any time evidence is presented that clearly demonstrates that resident Canada geese populations no longer need to be reduced in order to allow resolution or prevention of injury to people, property, agricultural crops, or other interests, the Director, in writing, will suspend the program for the resident Canada goose population in question. However, resumption of injuries caused by growth of the population and not otherwise addressable by the methods available in part 21 may warrant reinstatement of such regulations. A State must reapply for approval, including the same information and discussions noted in 21.61(d). Depending on the location of the injury or threat or injury, the Director, in writing, may suspend or reinstate this authorization for one or more resident Canada goose populations, but not others.

(g) *What population information is the State or Tribe required to collect concerning the resident Canada goose managed take program?* Participating States and Tribes must provide an annual estimate of the breeding population and distribution of resident Canada geese in their State. The States and Tribes must submit this estimate on or before August 1 of each year, to the Chief, Division of Migratory Bird Management, 4401 N. Fairfax Dr., MBSP–4107, Arlington, Virginia 22203.

(h) *What are the general program conditions and restrictions?* The program is subject to the conditions elsewhere in this section, and, unless otherwise specifically authorized, the following conditions:

(1) Nothing in this section applies to any Federal land within a State's or Tribe's boundaries without written permission of the Federal agency with jurisdiction.

(2) States may not undertake any actions 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. Persons operating under this section must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, States must:

(i) Follow the Federal State Contingency Plan for the whooping crane;

(ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest; and

(iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities.

(i) *Has the Office of Management and Budget (OMB) approved the information collection requirements of the program?* OMB has approved the information collection and recordkeeping requirements of the program under OMB control number 1018–0133. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222—ARLSQ, 1849 C Street, NW., Washington, DC 20240.

[71 FR 45992, Aug. 10, 2006, as amended by 72 FR 46409, Aug. 20, 2007]

PART 22—EAGLE PERMITS

Subpart A—Introduction

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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.

AUTHORITY: 16 U.S.C. 668a; 16 U.S.C. 703–712; 16 U.S.C. 1531–1544.

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).

[39 FR 1183, Jan. 4, 1974, as amended at 64 FR 50472, Sept. 17, 1999]

§ 22.3 Definitions.

In addition to definitions contained in part 10 of this subchapter, the following definitions apply within 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.

Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

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.

[39 FR 1183, Jan. 4, 1974, as amended at 48 FR 57300, Dec. 29, 1983; 64 FR 50472, Sept. 17, 1999; 72 FR 31139, June 5, 2007]

§ 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, 50 CFR part 13, and/or 50 CFR part 21 as provided by § 21.2, 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.

[64 FR 50472, Sept. 17, 1999, as amended at 68 FR 61140, Oct. 27, 2003]

§ 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.

(3) 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:

(i) Species of eagle and number of such birds, nests, or eggs proposed to be taken, possessed, or transported;

(ii) Specific locality in which taking is proposed, if any;

(iii) Method taking proposed, if any;

(iv) If not taken, the source of eagles and other circumstances surrounding the proposed acquisition or transportation;

(v) Name and address of the public museum, public scientific societies, or public zoological park for which they are intended;

(vi) Complete explanation and justification of request, nature of project or study, number of specimens now at institution, reason these are inadequate, and other appropriate explanations.

(b) *What are the 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 scientific or exhibition purposes, are also subject to the following condition: In addition to any reporting requirement specifically noted in the permit, you must submit a report of activities conducted under the permit to the Regional Director—Attention: Migratory Bird Permit Office, within 30 days after the permit expires.

(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 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 accomplish the objectives stated in the application;

(3) Whether the justification of the purpose for which the permit is being requested is adequate to justify the removal of the eagle from the wild or otherwise change its status; and

(4) Whether the applicant has demonstrated that the permit is being requested for *bona fide* scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks.

(d) *Tenure of permits.* The tenure of permits to take bald or golden eagles for scientific or exhibition purposes shall be that shown on the face of the permit.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50472, Sept. 17, 1999]

§ 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 regligious 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.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50473, Sept. 17, 1999]

§ 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 B, 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 the permit, and the injury complained of is substantial; and

(3) Whether the only way to abate the damage caused by the bald or golden eagle is to take some or all of the offending birds.

(d) *Tenure of permits.* The tenure of any permit to take bald or golden eagles for depredation control purposes shall be that shown on the face thereof, and shall in no case be longer than 90 days from date of issue.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50473, Sept. 17, 1999]

§ 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.

(8) To obtain additional or replacement golden eagles, a request in writing to the appropriate special agent in charge must be tendered, identifying the existing permit and, for replacement eagles, the reason for such replacement.

(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 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.

(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 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 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 proposed to be taken 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 reoccupy 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 activity which required a permit is not performed.

(c) *Issuance criteria.* The Director shall conduct an investigation and not issue a permit to take any golden eagle nest unless such taking is compatible with the preservation of the area nesting population of golden eagles. In making such determination, the Director shall consider the following:

(1) Whether the applicant can reasonably conduct the resource development or recovery operation in a manner that avoids taking any golden eagle nest;

(2) The total number of golden eagle nests proposed to be taken;

(3) The size of the area nesting population of golden eagles;

(4) Whether suitable golden eagle nesting and foraging habitat unaffected by the resource development or recovery operation is available to the area nesting population of golden eagles to accommodate any golden eagles displaced by the resource development or recovery operation;

(5) Whether feasible mitigation measures compatible with the resource development or recovery operation are available to encourage golden eagles to reoccupy 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 golden eagle nest taken, or establishing one or more nest sites; and

(6) Whether the area nesting population is widely dispersed or locally concentrated.

(d) *Tenure of permits.* The tenure of any permit to take golden eagle nests is 2 years from the date of issuance, unless a shorter period of time is prescribed on the face of the permit. Permits may be renewed in accordance with part 13 of this chapter.

[48 FR 57300, Dec. 29, 1983, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50474, Sept. 17, 1999]

Subpart D—Depredation Control Orders on Golden Eagles

§ 22.31 Golden eagle depredations control order on request of Governor of a State.

(a) Whenever the Governor of any State requests permission to take golden eagles to seasonally protect domesticated flocks and herds in such State, the Director shall make an investigation and if he determines that such taking is necessary to and will seasonally protect domesticated flocks and herds in such States he shall authorize such taking in whatever part or parts of the State and for such periods as he determines necessary to protect such interests.

(b) Requests from the Governor of a State to take golden eagles to seasonally protect domesticated flocks and herds must be submitted in writing to the Director listing the periods of time during which the taking of such birds is recommended, and including a map of the State indicating the boundaries of the proposed area of taking. Such requests should include a statement of the facts and the source of such facts that in the Governor's opinion justifies the request. After a decision by the Director, the Governor will be advised in writing concerning the request and a notice will be published in the FEDERAL REGISTER.

§ 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—CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

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AUTHORITY: Convention on International Trade in Endangered Species of Wild Fauna and Flora (March 3, 1973), 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

SOURCE: 72 FR 48448, Aug. 23, 2007, unless otherwise noted.

Subpart A—Introduction

§ 23.1 What are the purposes of these regulations and CITES?

(a) *Treaty*. The regulations in this part implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as CITES, the Convention, the Treaty, or the Washington Convention, TIAS (Treaties and Other International Acts Series) 8249.

(b) *Purpose*. The aim of CITES is to regulate international trade in wildlife and plants, including parts, products, and derivatives, to ensure it is legal and does not threaten the survival of species in the wild. Parties, recognize that:

(1) Wildlife and plants are an irreplaceable part of the natural systems of the earth and must be protected for this and future generations.

(2) The value of wildlife and plants is ever-growing from the viewpoints of aesthetics, science, culture, recreation, and economics.

(3) Although countries should be the best protectors of their own wildlife and plants, international cooperation is essential to protect wildlife and plant species from over-exploitation through international trade.

(4) It is urgent that countries take appropriate measures to prevent illegal trade and ensure that any use of wildlife and plants is sustainable.

(c) *National legislation*. We, the U.S. Fish and Wildlife Service (FWS), implement CITES through the Endangered Species Act (ESA).

§ 23.2 How do I decide if these regulations apply to my shipment or me?

Answer the following questions to decide if the regulations in this part apply to your proposed activity:

Question on proposed activity	Answer and action
(a) Is the wildlife or plant species (including parts, products, derivatives, whether wild-collected, or born or propagated in a controlled environment) listed in Appendix I, II, or III of CITES (see § 23.91)?	(1) **YES**. Continue to paragraph (b) of this section. (2) **NO**. The regulations in this part do not apply.
(b) Is the wildlife or plant specimen exempted from CITES (see § 23.92)?	(1) **YES**. The regulations in this part do not apply. (2) **NO**. Continue to paragraph (c) of this section.
(c) Do you want to import, export, re-export, engage in international trade, or introduce from the sea?	(1) **YES**. The regulations in this part apply. (2) **NO**. Continue to paragraph (d) of this section.
(d) Was the specimen that you possess or want to enter into intrastate or interstate commerce unlawfully acquired, illegally traded, or otherwise subject to conditions set out on a CITES document that authorized import?	(1) **YES**. The regulations in this part apply. See § 23.13(c) and (d) and sections 9(c)(1) and 11(a) and (b) of the ESA (16 U.S.C. 1538(c)(1) and 1540(a) and (b)). (2) **NO**. The regulations in this part do not apply.

§ 23.3 What other wildlife and plant regulations may apply?

(a) You may need to comply with other regulations in this subchapter that require a permit or have additional restrictions. Many CITES species are also covered by one or more parts of this subchapter or title and have additional requirements:

(1) Part 15 (exotic birds).

(2) Part 16 (injurious wildlife).

(3) Parts 17 of this subchapter and 222, 223, and 224 of this title (endangered and threatened species).

(4) Parts 18 of this subchapter and 216 of this title (marine mammals).

(5) Part 20 (migratory bird hunting).

(6) Part 21 (migratory birds).

(7) Part 22 (bald and golden eagles).

(b) If you are applying for a permit, you must comply with the general permit procedures in part 13 of this subchapter. Definitions and a list of birds protected under the Migratory Bird Treaty Act can be found in part 10 of this subchapter.

(c) If you are importing (including introduction from the sea), exporting, or re-exporting wildlife or plants, you must comply with the regulations in part 14 of this subchapter for wildlife or part 24 of this subchapter for plants. Activities with plants are also regulated by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) and Department of Homeland Security, U.S. Customs and Border Protection (CBP), in 7 CFR parts 319, 355, and 356.

(d) You may also need to comply with other Federal, State, tribal, or local requirements.

§ 23.4 What are Appendices I, II, and III?

Species are listed by the Parties in one of three Appendices to the Treaty (see subpart H of this part), each of which provides a different level of protection and is subject to different requirements. Parties regulate trade in specimens of Appendix-I, -II, and -III species and their parts, products, and derivatives through a system of permits and certificates (CITES documents). Such documents enable Parties to monitor the effects of the volume and type of trade to ensure trade is legal and not detrimental to the survival of the species.

(a) *Appendix I* includes species threatened with extinction that are or may be affected by trade. Trade in Appendix-I specimens may take place only in exceptional circumstances.

(b) *Appendix II* includes species that are not presently threatened with extinction, but may become so if their trade is not regulated. It also includes species that need to be regulated so that trade in certain other Appendix-I or -II species may be effectively controlled; these species are most commonly listed due to their similarity of appearance to other related CITES species.

(c) *Appendix III* includes species listed unilaterally by a range country to obtain international cooperation in controlling trade.

§ 23.5 How are the terms used in these regulations defined?

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

Affected by trade means that either a species is known to be in trade and the trade has or may have a detrimental impact on the status of the species, or a species is suspected to be in trade or there is demonstrable potential international demand for the species that may be detrimental to the survival of the species in the wild.

Annotation means an official footnote to the listing of a species in the CITES Appendices. A reference annotation provides information that further explains the listing (such as ''p.e.'' for possibly extinct). A substantive annotation is an integral part of a species listing. It designates whether the listing includes or excludes a geographically separate population, subspecies, species, group of species, or higher taxon, and the types of specimens included in or excluded from the listing, such as certain parts, products, or derivatives. A substantive annotation may designate export quotas adopted by the CoP. For species transferred from Appendix I to II subject to an annotation relating to specified types of specimens, other types of specimens that are not specifically included in

the annotation are treated as if they are Appendix-I specimens.

Appropriate and acceptable destination, when used in an Appendix-II listing annotation for the export of, or international trade in, live animals, means that the Management Authority of the importing country has certified, based on advice from the Scientific Authority of that country, that the proposed recipient is suitably equipped to house and care for the animal (see criteria in § 23.65). Such certification must be provided before a CITES document is issued by the Management Authority of the exporting or re-exporting country.

Artificially propagated means a cultivated plant that meets the criteria in § 23.64.

ATA carnet means a type of international customs document (see § 23.50). ATA is a combination of the French and English words ''Admission Temporaire/Temporary Admission.''

Bred for commercial purposes means any specimen of an Appendix-I wildlife species bred in captivity for commercial purposes. Any Appendix-I specimen that does not meet the definition of ''bred for noncommercial purposes'' is considered to be bred for commercial purposes.

Bred for noncommercial purposes means any specimen of an Appendix-I wildlife species bred in captivity for noncommercial purposes, where each donation, exchange, or loan of the specimen is noncommercial and is conducted between facilities that are involved in a cooperative conservation program.

Bred in captivity means wildlife that is captive-bred and meets the criteria in § 23.63.

Captive-bred means wildlife that is the offspring (first (F1) or subsequent generations) of parents that either mated or otherwise transferred egg and sperm under controlled conditions if reproduction is sexual, or of a parent that was maintained under controlled conditions when development of the offspring began if reproduction is asexual, but does not meet the bred-in-captivity criteria (see § 23.63).

Certificate means a CITES document or CITES exemption document that identifies on its face the type of certificate it is, including re-export certificate, introduction-from-the-sea certificate, and certificate of origin.

CITES document or CITES exemption document means any certificate, permit, or other document issued by a Management Authority of a Party or a competent authority of a non-Party whose name and address is on file with the Secretariat to authorize the international movement of CITES specimens.

Commercial means related to an activity, including actual or intended import, export, re-export, sale, offer for sale, purchase, transfer, donation, exchange, or provision of a service, that is reasonably likely to result in economic use, gain, or benefit, including, but not limited to, profit (whether in cash or in kind).

Cooperative conservation program means a program in which participating captive- breeding facilities produce Appendix-I specimens bred for noncommercial purposes and participate in or support a recovery activity for that species in cooperation with one or more of the species' range countries.

Coral (dead) means pieces of coral in which the skeletons of the individual polyps are still intact, but which contain no living coral tissue.

Coral fragments, including coral gravel and coral rubble, means loose pieces of broken finger-like coral between 2 and 30 mm in diameter that contain no living coral tissue (see § 23.92 for exemptions).

Coral (live) means pieces of coral that are alive.

Coral rock means hard consolidated material greater than 30 mm in diameter that consists of pieces of coral and possibly also cemented sand, coralline algae, or other sedimentary rocks that contain no living coral tissue. Coral rock includes *live rock* and *substrate*, which are terms for pieces of coral rock to which are attached live specimens of other invertebrate species or coralline algae that are not listed in the CITES Appendices.

Coral sand means material that consists entirely, or in part, of finely crushed coral no larger than 2 mm in diameter and that contains no living coral tissue (see § 23.92 for exemptions).

Country of origin means the country where the wildlife or plant was taken from the wild or was born or propagated in a controlled environment, except in the case of a plant specimen that qualified for an exemption under the provisions of CITES, the country of origin is the country in which the specimen ceased to qualify for the exemption.

Cultivar means a horticulturally derived plant variety that has been selected for specific morphological, physiological, or other characteristics, such as color, a large flower, or disease resistance.

Cultivated means a plant grown or tended by humans for human use. A cultivated plant can be treated as artificially propagated under CITES only if it meets the criteria in § 23.64.

Export means to send, ship, or carry a specimen out of a country (for export from the United States, see part 14 of this subchapter).

Flasked means plant material obtained *in vitro*, in solid or liquid media, transported in sterile containers.

Household effect means a dead wildlife or plant specimen that is part of a household move and meets the criteria in § 23.15.

Hybrid means any wildlife or plant that results from a cross of genetic material between two separate taxa when one or both are listed in Appendix I, II, or III. See § 23.42 for plant hybrids and § 23.43 for wildlife hybrids.

Import means to bring, ship, or carry a specimen into a country (for import into the United States, see part 14 of this subchapter).

International trade means the import, introduction from the sea, export, or re-export across jurisdictional or international boundaries for any purpose whether commercial or noncommercial.

In-transit shipment means the transshipment of any wildlife or plant through an intermediary country when the specimen remains under customs control and either the shipment meets the requirements of § 23.22 or the sample collection covered by an ATA carnet meets the requirements of § 23.50.

Introduction from the sea means transportation into a country of specimens of any species that were taken in the marine environment not under the jurisdiction of any country.

ISO country code means the two-letter country code developed by the International Organization for Standardization (ISO) to represent the name of a country and its subdivisions.

Live rock see the definition for *coral rock*.

Management Authority means a governmental agency officially designated by, and under the supervision of, either a Party to implement CITES, or a non-Party to serve in the role of a Management Authority, including the issuance of CITES documents on behalf of that country.

Noncommercial means related to an activity that is not commercial. Noncommercial includes, but is not limited to, personal use.

Non-Party means a country that has not deposited an instrument of ratification, acceptance, approval, or accession to CITES with the Depositary Government (Switzerland), or a country that was a Party but subsequently notified the Depositary Government of its denunciation of CITES and the denunciation is in effect.

Offspring of first generation (F1) means a wildlife specimen produced in a controlled environment from parents at least one of which was conceived in or taken from the wild.

Offspring of second generation (F2) or subsequent generations means a wildlife specimen produced in a controlled environment from parents that were also produced in a controlled environment.

Parental stock means the original breeding or propagating specimens that produced the subsequent generations of captive or cultivated specimens.

Party means a country that has given its consent to be bound by the provisions of CITES by depositing an instrument of ratification, acceptance, approval, or accession with the Depositary Government (Switzerland), and for which such consent is in effect.

Permit means a CITES document that identifies on its face import permit or export permit.

Personal effect means a dead wildlife or plant specimen, including a tourist souvenir, that is worn as clothing or

accessories or is contained in accompanying baggage and meets the criteria in § 23.15.

Personal use means use that is not commercial and is for an individual's own consumption or enjoyment.

Precautionary measures means the actions taken that will be in the best interest of the conservation of the species when there is uncertainty about the status of a species or the impact of trade on the conservation of a species.

Pre-Convention means a specimen that was acquired (removed from the wild or born or propagated in a controlled environment) before the date the provisions of the Convention first applied to the species and that meets the criteria in § 23.45, and any product (including a manufactured item) or derivative made from such specimen.

Primarily commercial purposes means an activity whose noncommercial aspects do not clearly predominate (see § 23.62).

Propagule means a structure, such as a cutting, seed, or spore, which is capable of propagating a plant.

Readily recognizable means any specimen that appears from a visual, physical, scientific, or forensic examination or test; an accompanying document, packaging, mark, or label; or any other circumstances to be a part, product, or derivative of any CITES wildlife or plant, unless such part, product, or derivative is specifically exempt from the provisions of CITES or this part.

Re-export means to send, ship, or carry out of a country any specimen previously imported into that country, whether or not the specimen has been altered since import.

Reservation means the action taken by a Party to inform the Secretariat that it is not bound by the effect of a specific listing (see § 23.21).

Scientific Authority means a governmental or independent scientific institution or entity officially designated by either a Party to implement CITES, or a non-Party to serve the role of a Scientific Authority, including making scientific findings.

Secretariat means the entity designated by the Treaty to perform certain administrative functions (see § 23.84).

Shipment means any CITES specimen in international trade whether for commercial or noncommercial use, including any personal item.

Species means any species, subspecies, hybrid, variety, cultivar, color or morphological variant, or geographically separate population of that species.

Specimen means any wildlife or plant, whether live or dead. This term includes any readily recognizable part, product, or derivative unless otherwise annotated in the Appendices.

Sustainable use means the use of a species in a manner and at a level that maintains wild populations at biologically viable levels for the long term. Such use involves a determination of the productive capacity of the species and its ecosystem to ensure that utilization does not exceed those capacities or the ability of the population to reproduce, maintain itself, and perform its role or function in its ecosystem.

Trade means the same as international trade.

Transit see the definition for *in-transit shipment*.

Traveling exhibition means a display of live or dead wildlife or plants for entertainment, educational, cultural, or other display purposes that is temporarily moving internationally.

§ 23.6 What are the roles of the Management and Scientific Authorities?

Under Article IX of the Treaty, each Party must designate a Management and Scientific Authority to implement CITES for that country. If a non-Party wants to trade with a Party, it must also designate such Authorities. The names and addresses of these offices must be sent to the Secretariat to be included in the Directory. In the United States, different offices within the FWS have been designated the Scientific Authority and Management Authority, which for purposes of this section includes FWS Law Enforcement. When offices share activities, the Management Authority is responsible for dealing primarily with management and regulatory issues and the Scientific Authority is responsible for dealing primarily with scientific issues. The offices do the following:

Roles	U.S. Scientific Authority	U.S. Management Authority
(a) Provide scientific advice and recommendations, including advice on biological findings for applications for certain CITES documents, registrations, and export program approvals. Evaluate the conservation status of species to determine if a species listing or change in a listing is warranted. Interpret listings and review nomenclatural issues.	x	
(b) Review applications for CITES documents and issue or deny them based on findings required by CITES.		x
(c) Communicate with the Secretariat and other countries on scientific, administrative, and enforcement issues.	x	x
(d) Ensure that export of Appendix-II specimens is at a level that maintains a species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which it might become eligible for inclusion in Appendix I.	x	
(e) Monitor trade in all CITES species and produce annual reports on CITES trade.		x
(f) Collect the cancelled foreign export permit or re-export certificate and any corresponding import permit presented for import of any CITES specimen. Collect a copy of the validated U.S. export permit or re-export certificate presented for export or re-export of any CITES specimen.		x
(g) Produce biennial reports on legislative, regulatory, and administrative measures taken by the United States to enforce the provisions of CITES.		x
(h) Coordinate with State and tribal governments and other Federal agencies on CITES issues, such as the status of native species, development of policies, negotiating positions, and law enforcement activities.	x	x
(i) Communicate with the scientific community, the public, and media about CITES issues. Conduct public meetings and publish notices to gather input from the public on the administration of CITES and the conservation and trade status of domestic and foreign species traded internationally.	x	x
(j) Represent the United States at the meetings of the CoP, on committees (see subpart G of this part), and on CITES working groups. Consult with other countries on CITES issues and the conservation status of species. Prepare discussion papers and proposals for new or amended resolutions and species listings for consideration at the CoP.	x	x
(k) Provide assistance to APHIS and CBP for the enforcement of CITES. Cooperate with enforcement officials to facilitate the exchange of information between enforcement bodies and for training purposes.	x	x
(l) Provide financial and technical assistance to other governmental agencies and CITES officials of other countries.	x	x

§ 23.7 What office do I contact for CITES information?

Contact the following offices to receive information about CITES:

Type of information	Office to contact
(a) *CITES administrative and management issues*: (1) CITES documents, including application forms and procedures; lists of registered scientific institutions and operations breeding Appendix-I wildlife for commercial purposes; and reservations (2) Information on the CoP (3) List of CITES species (4) Names and addresses of other countries' Management and Scientific Authority offices (5) Notifications, resolutions, and decisions (6) Standing Committee documents and issues (7) State and tribal export programs	U.S. Management Authority U.S. Fish and Wildlife Service 4401 North Fairfax Drive, Room 700 Arlington, Virginia 22203 Toll Free: (800) 358-2104/permit questions Tel: (703) 358-2095/other questions Fax: (703) 358-2281/permits Fax: (703) 358-2298/other issues E-mail: *managementauthority@fws.gov* Website: *http://www.fws.gov/international* and *http://www.fws.gov/permits*

Type of information	Office to contact
(b) *Scientific issues:* (1) Animals and Plants Committees documents and issues (2) Findings of non-detriment and suitability of facilities, and other scientific findings (3) Listing of species in the Appendices and relevant resolutions (4) Names and addresses of other countries' Scientific Authority offices and scientists involved with CITES-related issues (5) Nomenclatural issues U.S. Scientific Authority U.S. Fish and Wildlife Service 4401 North Fairfax Drive, Room 750 Arlington, Virginia 22203 Tel: (703) 358-1708 Fax: (703) 358-2276 E-mail: *scientificauthority@fws.gov* Website: *http://www.fws.gov/international*	
(c) *Wildlife clearance procedures:* (1) CITES replacement tags (2) Information about wildlife port office locations (3) Information bulletins (4) Inspection and clearance of wildlife shipments involving import, introduction from the sea, export, and re-export, and filing a Declaration of Importation or Exportation of Fish or Wildlife (Form 3–177) (5) Validation, certification, or cancellation of CITES wildlife documents Law Enforcement U.S. Fish and Wildlife Service 4401 North Fairfax Drive, Mail Stop LE–3000 Arlington, Virginia 22203 Tel: (703) 358-1949 Fax: (703) 358-2271 Website: *http://www.fws.gov/le*	
(d) *APHIS plant clearance procedures:* (1) Information about plant port office locations (2) Inspection and clearance of plant shipments involving: (i) Import and introduction from the sea of living plants (ii) Export and re-export of living and nonliving plants (3) Validation or cancellation of CITES plant documents for the type of shipments listed in paragraph (d)(2) of this section	U.S. Department of Agriculture APHIS/PPQ 4700 River Road Riverdale, Maryland 20737–1236 Toll Free: (877) 770-5990/permit questions Tel: (301) 734-8891/other CITES issues Fax: (301) 734-5786/permit questions Fax: (301) 734-5276/other CITES issues Website: *http://www.aphis.usda.gov/plant__health*
(e) *CBP plant clearance procedures:* (1) Inspection and clearance of plant shipments involving: (i) Import and introduction from the sea of nonliving plants (ii) Import of living plants from Canada at designated border ports (7 CFR 319.37–14(b) and 50 CFR 24.12(d)) (2) Cancellation of CITES plant documents for the type of shipments listed in paragraph (e)(1) of this section	Department of Homeland Security U.S. Customs and Border Protection Office of Field Operations Agriculture Programs and Liaison 1300 Pennsylvania Avenue, NW, Room 2.5 B Washington, DC 20229 Tel: (202) 344-3298 Fax: (202) 344-1442
(f) *General information on CITES:* (1) CITES export quota information (2) CITES'*Guidelines for transport and preparation for shipment of live wild animals and plants* (3) Information about the Secretariat (4) Names and addresses of other countries' Management and Scientific Authority offices (5) Official documents, including resolutions, decisions, notifications, CoP documents, and committee documents (6) Official list of CITES species and species database (7) Text of the Convention	CITES Secretariat Website: *http://www.cites.org*

§ 23.8 What are the information collection requirements?

The Office of Management and Budget approved the information collection requirements for application forms and reports contained in this part and assigned OMB Control Numbers 1018–0093 and 1018–0137. We cannot collect or sponsor a collection of information and you are not required to provide information unless it displays a currently valid OMB control number.

Subpart B—Prohibitions, Exemptions, and Requirements

§ 23.13 What is prohibited?

Except as provided in § 23.92, it is unlawful for any person subject to the jurisdiction of the United States to conduct any of the following activities unless they meet the requirements of this part:

(a) Import, export, re-export, or engage in international trade with any specimen of a species listed in Appendix I, II, or III of CITES.

(b) Introduce from the sea any specimen of a species listed in Appendix I or II of CITES.

(c) Possess any specimen of a species listed in Appendix I, II, or III of CITES imported, exported, re-exported, introduced from the sea, or traded contrary to the provisions of CITES, the ESA, or this part.

(d) Attempt to commit, solicit another to commit, or cause to be committed any of the activities described in paragraphs (a) through (c) of this section.

§ 23.14 [Reserved]

§ 23.15 How may I travel internationally with my personal or household effects, including tourist souvenirs?

(a) *Purpose.* Article VII(3) of the Treaty recognizes a limited exemption for the international movement of personal and household effects.

(b) *Stricter national measures.* The exemption for personal and household effects does not apply if a country prohibits or restricts the import, export, or re-export of the item.

(1) You or your shipment must be accompanied by any document required by a country under its stricter national measures.

(2) In the United States, you must obtain any permission needed under other regulations in this subchapter (see § 23.3).

(c) *Required CITES documents.* You must obtain a CITES document for personal or household effects and meet the requirements of this part if one of the following applies:

(1) The Management Authority of the importing, exporting, or re-exporting country requires a CITES document.

(2) You or your shipment does not meet all of the conditions for an exemption as provided in paragraphs (d) through (f) of this section.

(3) The personal or household effect for the following species exceeds the quantity indicated in paragraphs (c)(3)(i) through (vi) in the table below:

Major group	Species (Appendix II only)	Type of specimen	Quantity[1]
Fishes	(i) Acipenseriformes (sturgeon, including paddlefish)	Sturgeon caviar (see § 23.71)	250 gm
Fishes	(ii) *Hippocampus* spp. (seahorses)	Dead specimens, parts, products (including manufactured items), and derivatives	4
Reptiles	(iii) Crocodylia (alligators, caimans, crocodiles, gavial)	Dead specimens, parts, products (including manufactured items), and derivatives	4
Molluscs	(iv) *Strombus gigas* (queen conch)	Shells	3
Molluscs	(v) Tridacnidae (giant clams)	Shells, each of which may be one intact shell or two matching halves	3 shells, total not exceeding 3 kg
Plants	(vi) Cactaceae (cacti)	Rainsticks	3

[1] To import, export, or re-export more than the quantity listed in the table, you must have a valid CITES document for the entire quantity.

(d) *Personal effects.* You do not need a CITES document to import, export, or re-export any legally acquired specimen of a CITES species to or from the United States if all of the following conditions are met:

(1) No live wildlife or plant (including eggs or non-exempt seeds) is included.

(2) No specimen from an Appendix-I species is included, except for certain worked African elephant ivory as provided in paragraph (f) of this section.

(3) The specimen and quantity of specimens are reasonably necessary or appropriate for the nature of your trip or stay and, if the type of specimen is one listed in paragraph (c)(3) of this section, the quantity does not exceed the quantity given in the table.

(4) You own and possess the specimen for personal use, including any specimen intended as a personal gift.

(5) You are either wearing the specimen as clothing or an accessory or taking it as part of your personal baggage, which is being carried by you or checked as baggage on the same plane, boat, vehicle, or train as you.

(6) The specimen was not mailed or shipped separately.

(e) *Household effects.* You do not need a CITES document to import, export, or re-export any legally acquired specimen of a CITES species that is part of a shipment of your household effects when moving your residence to or from the United States, if all of the following conditions are met:

(1) The provisions of paragraphs (d)(1) through (3) of this section are met.

(2) You own the specimen and are moving it for personal use.

(3) You import or export your household effects within 1 year of changing your residence from one country to another.

(4) The shipment, or shipments if you cannot move all of your household effects at one time, contains only specimens purchased, inherited, or otherwise acquired before you changed your residence.

(f) *African elephant worked ivory.* You may export or re-export from the United States worked African elephant (*Loxodonta africana*) ivory and then re-import it without a CITES document if all of the following conditions are met:

(1) The worked ivory is a personal or household effect that meets the requirements of paragraphs (c) through (e) of this section and you are a U.S. resident who owned the worked ivory before leaving the United States and intend to bring the item back to the United States.

(2) The ivory is pre-Convention (see § 23.45). (The African elephant was first listed in CITES on February 26, 1976.)

(3) You may not sell or transfer the ivory while outside the United States.

(4) The ivory is substantially worked and is not raw. *Raw ivory* means an African elephant tusk, or any piece of tusk, the surface of which, polished or unpolished, is unaltered or minimally carved, including ivory mounted on a stand or part of a trophy.

(5) When you return, you are able to provide records, receipts, or other documents to show that the ivory is pre-Convention and that you owned and registered it before you left the United States. To register such an item you must obtain one of the following documents:

(i) U.S. CITES pre-Convention certificate.

(ii) FWS Declaration of Importation or Exportation of Fish or Wildlife (Form 3–177).

(iii) Customs and Border Protection Certificate of Registration for Personal Effects Taken Abroad (Form 4457).

§ 23.16 What are the U.S. CITES requirements for urine, feces, and synthetically derived DNA?

(a) *CITES documents.* We do not require CITES documents to trade in urine, feces, or synthetically derived DNA.

(1) You must obtain any collection permit and CITES document required by the foreign country.

(2) If the foreign country requires you to have a U.S. CITES document for these kinds of samples, you must apply for a CITES document and meet the requirements of this part.

(b) *Urine and feces.* Except as provided in paragraph (a) of this section, we consider urine and feces to be wildlife byproducts, rather than parts, products, or derivatives, and exempt them from the requirements of CITES and this part.

(c) *DNA*. We differentiate between DNA directly extracted from blood and tissue and DNA synthetically derived as follows:

(1) A DNA sample directly derived from wildlife or plant tissue is regulated by CITES and this part.

(2) A DNA sample synthetically derived that does not contain any part of the original template is exempt from the requirements of CITES and this part.

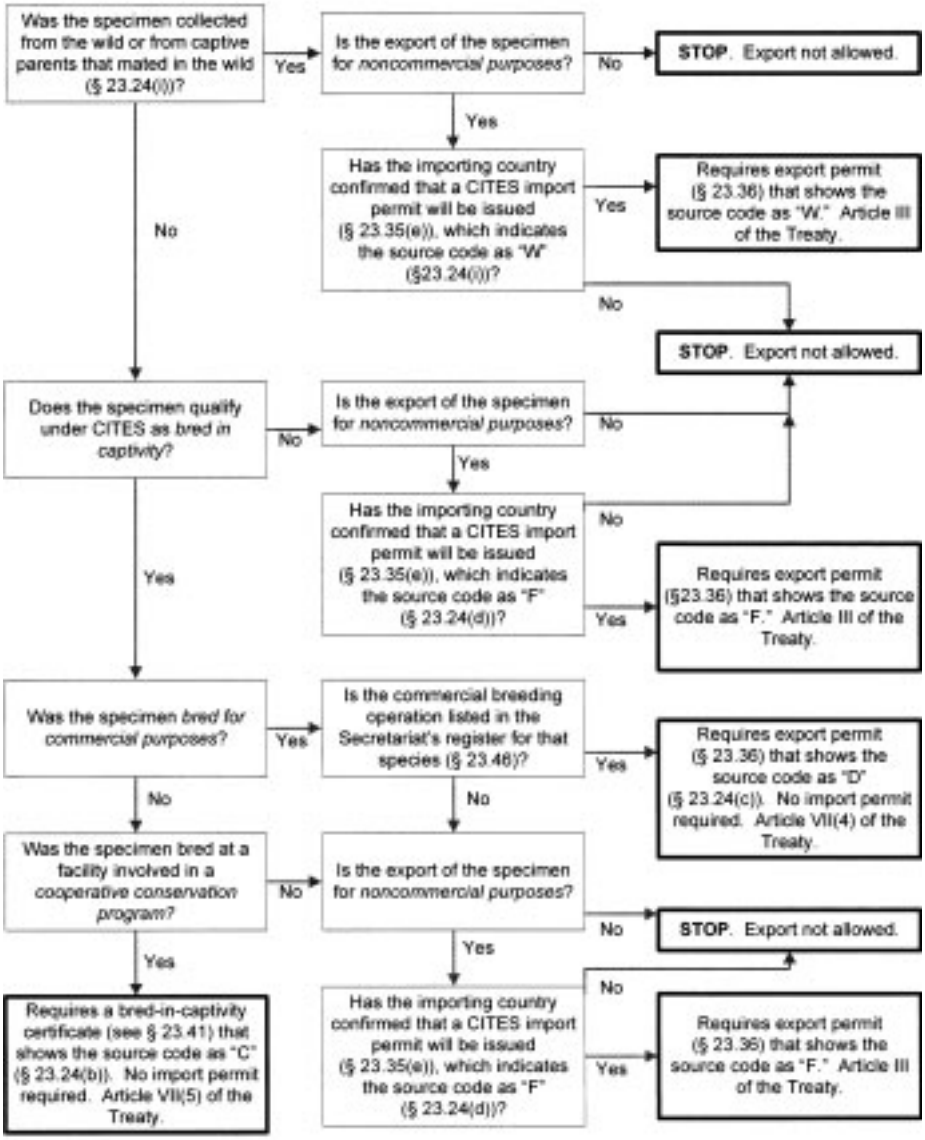
§ 23.17 What are the requirements for CITES specimens traded internationally by diplomatic, consular, military, and other persons exempt from customs duties or inspections?

A specimen of a CITES species imported, introduced from the sea, exported, or re-exported by a person receiving duty-free or inspection exemption privileges under customs laws must meet the requirements of CITES and the regulations in this part.

§ 23.18 What CITES documents are required to export Appendix-I wildlife?

Answer the questions in the following decision tree to find the section in this part that applies to the type of CITES document you need to export Appendix-I wildlife. See § 23.20(d) for CITES exemption documents or § 23.92 for specimens that are exempt from the requirements of CITES and do not need CITES documents.

Decision Tree for Export of Appendix-I Wildlife

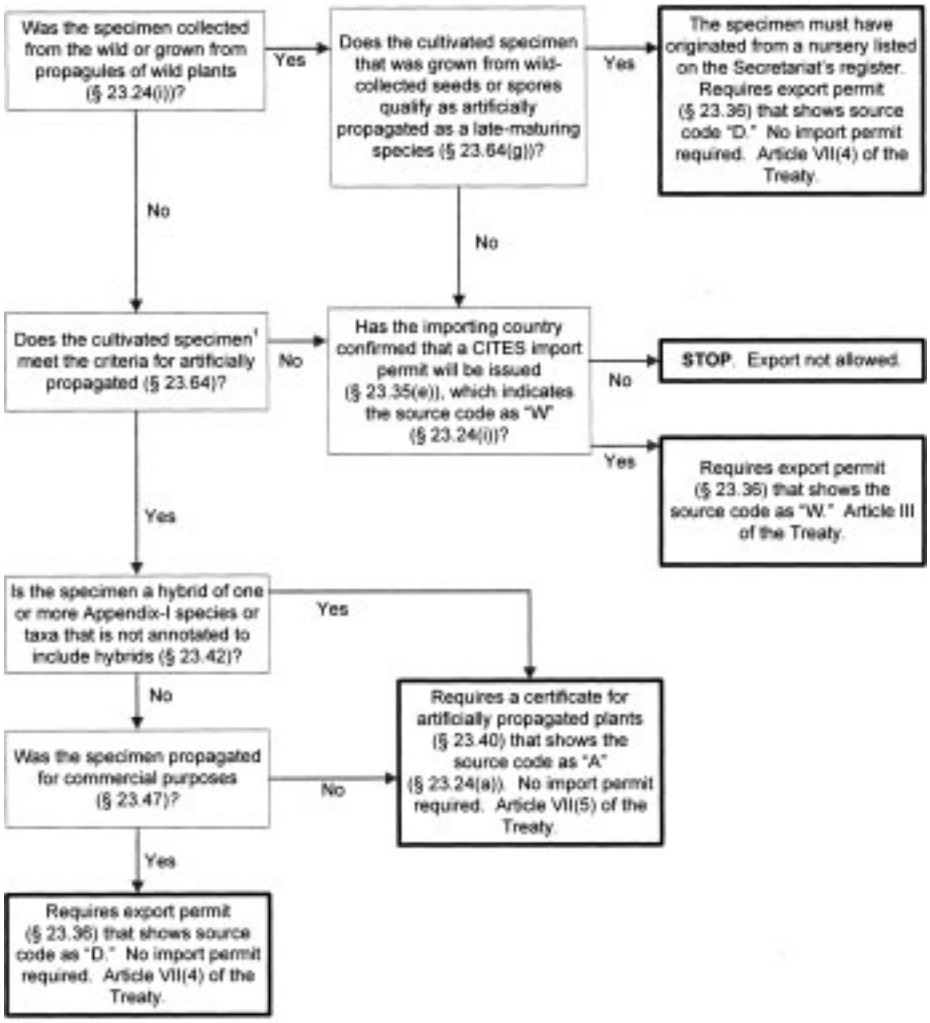


A

§ 23.19 What CITES documents are required to export Appendix-I plants?

Answer the questions in the following decision tree to find the section in this part that applies to the type of CITES document you need to export Appendix-I plants. See § 23.20(d) for CITES exemption documents or § 23.92 for specimens that are exempt from the requirements of CITES and do not need CITES documents.

Decision Tree for Export of Appendix-I Plants



[1] Cultivated specimens (see § 23.5) that do not meet the criteria as artificially propagated are treated as wild.

B

§23.20 What CITES documents are required for international trade?

(a) *Purpose.* Articles III, IV, and V of the Treaty give the types of standard CITES documents that must accompany an Appendix-I, -II, or -III specimen in international trade. Articles

VII and XIV recognize some exemptions and provide that a CITES document must accompany most exempt specimens.

(b) *Stricter national measures.* Before importing, introducing from the sea, exporting, or re-exporting a specimen, check with the Management Authorities of all countries concerned to obtain any documentation required under stricter national measures.

(c) *CITES documents.* Except as provided in the regulations in this part, you must have a valid CITES document to engage in international trade in any CITES specimen.

(d) *CITES exemption documents.* The following table lists the CITES exemption document that you must obtain before conducting a proposed activity with an exempt specimen (other than specimens exempted under § 23.92). If one of the exemptions does not apply to the specimen, you must obtain a CITES document as provided in paragraph (e) of this section. The first column in the following table alphabetically lists the type of specimen or activity that may qualify for a CITES exemption document. The last column indicates the section of this part that contains information on the application procedures, provisions, criteria, and conditions specific to each CITES exemption document, as follows:

Type of specimen or activity	Appendix	CITES exemption document	Section
(1) Artificially propagated plant (see paragraph (d)(4) of this section for an Appendix-I plant propagated for commercial purposes)	I, II, or III	CITES document with source code ''A''[1]	23.40
(2) Artificially propagated plant from a country that has provided copies of the certificates, stamps, and seals to the Secretariat	II or III	Phytosanitary certificate with CITES statement[1]	23.23(f)
(3) Bred-in-captivity wildlife (see paragraph (d)(5) of this section for Appendix-I wildlife bred in captivity for commercial purposes)	I, II, or III	CITES document with source code ''C''[1]	23.41
(4) Commercially propagated Appendix-I plant	I	CITES document with source code ''D''[1]	23.47
(5) Commercially bred Appendix-I wildlife from a breeding operation registered with the CITES Secretariat	I	CITES document with source code ''D''[1]	23.46
(6) Export of certain marine specimens protected under a pre-existing treaty, convention, or international agreement for that species	II	CITES document indicating that the specimen was taken in accordance with provisions of the applicable treaty, convention, or international agreement	23.36(e) 23.39(e)
(7) Hybrid plants	I, II, or III	CITES document unless the specimen qualifies as an exempt plant hybrid	23.42
(8) Hybrid wildlife	I, II, or III	CITES document unless the specimen qualifies as an exempt wildlife hybrid	23.43
(9) In-transit shipment (see paragraph (d)(14) of this section for sample collections covered by an ATA carnet)	I, II, or III	CITES document designating importer and country of final destination	23.22
(10) Introduction from the sea under a pre-existing treaty, convention, or international agreement for that species	II	Document required by applicable treaty, convention, or international agreement, if appropriate	23.39(d)
(11) Noncommercial loan, donation, or exchange of specimens between scientific institutions registered with the CITES Secretariat	I, II, or III	A label indicating CITES and the registration codes of both institutions and, in the United States, a CITES certificate of scientific exchange that registers the institution[3]	23.48
(12) Personally owned live wildlife for multiple cross-border movements	I, II, or III	CITES certificate of ownership[2]	23.44

Type of specimen or activity	Appendix	CITES exemption document	Section
(13) Pre-Convention specimen	I, II, or III	CITES document indicating pre-Convention status[1]	23.45
(14) Sample collection covered by an ATA carnet	I[4], II, or III	CITES document indicating sample collection[2]	23.50
(15) Traveling exhibition	I, II, or III	CITES document indicating specimens qualify as pre-Convention, bred in captivity, or artificially propagated[2]	23.49

[1] Issued by the Management Authority in the exporting or re-exporting country.
[2] Issued by the Management Authority in the owner's country of usual residence.
[3] Registration codes assigned by the Management Authorities in both exporting and importing countries.
[4] Appendix-I species bred in captivity or artificially propagated for commercial purposes (see §§ 23.46 and 23.47).

(e) *Import permits, export permits, re-export certificates, and certificates of origin.* Unless one of the exemptions under paragraph (d) of this section or § 23.92 applies, you must obtain the following CITES documents before conducting the proposed activity:

Appendix	Type of CITES document(s) required
I	Import permit (§ 23.35) and either an export permit (§ 23.36) or re-export certificate (§ 23.37)
II	Export permit (§ 23.36) or re-export certificate (§ 23.37)
III	Export permit (§ 23.36) if the specimen originated in a country that listed the species; certificate of origin (§ 23.38) if the specimen originated in a country other than the listing country, unless the listing annotation indicates otherwise; or re-export certificate for all re-exports (§ 23.37)

(f) *Introduction-from-the-sea certificates.* For introduction from the sea of Appendix-I or Appendix-II specimens, you must obtain an introduction-from-the-sea certificate before conducting the proposed activity, unless the exemption in paragraph (d)(10) of this section applies (see § 23.39). The export of a specimen that was previously introduced from the sea will be treated as an export (see § 23.36 for export, § 23.36(e) and § 23.39(e) for export of exempt specimens, or § 23.37 for re-export). Although an Appendix-III specimen does not require a CITES document to be introduced from the sea, the subsequent international trade of the specimen would be considered an export. For export of an Appendix-III specimen that was introduced from the sea you must obtain an export permit (§ 23.36) if the export is from the country that listed the species in Appendix III, a certificate of origin (§ 23.38) if the export is from a country other than the listing country, or a re-export certificate for all re-exports (§ 23.37).

§23.21 What happens if a country enters a reservation for a species?

(a) *Purpose.* CITES is not subject to general reservations. Articles XV, XVI, and XXIII of the Treaty allow a Party to enter a specific reservation on a species listed in Appendix I, II, or III, or on parts, products, or derivatives of a species listed in Appendix III.

(b) *General provision.* A Party can enter a reservation in one of the following ways:

(1) A Party must provide written notification to the Depositary Government (Switzerland) on a specific new or amended listing in the Appendices within 90 days after the CoP that adopted the listing, or at any time for Appendix-III species.

(2) A country must provide written notification on a specific species listing when the country ratifies, accepts, approves, or accedes to CITES.

(c) *Requesting the United States take a reservation.* You may submit information relevant to the issue of whether the United States should take a reservation on a species listing to the U.S. Management Authority. The request must be submitted within 30 calendar

days after the last day of the CoP where a new or amended listing of a species in Appendix I or II occurs, or at any time for a species (or its parts, products, or derivatives) listed in Appendix III.

(d) *Required CITES documents.* Except as provided in paragraph (d)(2) of this section, Parties treat a reserving Party as if it were a non-Party for trade in the species concerned (including parts, products, and derivatives, as appropriate). The following table indicates when CITES documents must accompany a shipment and which Appendix should appear on the face of the document:

If	Then
(1) The shipment is between a Party and a reserving Party, or the shipment is from a non-Party to a reserving Party and is in transit through a Party	The shipment must be accompanied by a valid CITES document(s) (see § 23.26) that indicates the CITES Appendix in which the species is listed.
(2) The shipment is from a reserving Party to another reserving Party[1] or non-Party and is in transit through a Party	The shipment must be accompanied by a valid CITES document(s) (see § 23.26) that indicates the CITES Appendix in which the species is listed.[2]
(3) The shipment is between a reserving Party and another reserving Party[1] or non-Party and is not in transit through a Party	No CITES document is required.[2]

[1] Both reserving Parties must have a reservation for the same species, and if the species is listed in Appendix III, a reservation for the same parts, products, and derivatives.

[2] CITES recommends that reserving Parties treat Appendix-I species as if listed in Appendix II and issue CITES documents based on Appendix-II permit criteria (see § 23.36). However, the CITES document must show the specimen as listed in Appendix I. If the United States entered a reservation, such a CITES document would be required.

(e) *Reservations taken by countries.* You may consult the CITES website or contact us (see § 23.7) for a list of countries that have taken reservations and the species involved.

§ 23.22 What are the requirements for in-transit shipments?

(a) *Purpose.* Article VII(1) of the Treaty allows for a shipment to transit an intermediary country that is a Party before reaching its final destination without the need for the intermediary Party to issue CITES documents. To control any illegal trade, Parties are to inspect, to the extent possible under their national legislation, specimens in transit through their territory to verify the presence of valid documentation. See § 23.50 for in-transit shipment of sample collections covered by an ATA carnet.

(b) *Document requirements.* An in-transit shipment does not require a CITES document from an intermediary country, but must be accompanied by all of the following documents:

(1) Unless the specimen qualifies for an exemption under § 23.92, a valid original CITES document, or a copy of the valid original CITES document, that designates the name of the importer in the country of final destination and is issued by the Management Authority of the exporting or re-exporting country. A copy of a CITES document is subject to verification.

(2) For shipment of an Appendix-I specimen, a copy of a valid import permit that designates the name of the importer in the country of final destination, unless the CITES document in paragraph (b)(1) of this section is a CITES exemption document (see § 23.20(d)).

(3) Transportation and routing documents that show the shipment has been consigned to the same importer and country of final destination as designated on the CITES document.

(c) *Shipment requirements.* An in-transit shipment, including items in an on-board store, must meet the following:

(1) When in an intermediary country, an in-transit shipment must stay only for the time needed to immediately transfer the specimen to the mode of transport used to continue to the final destination and remain under customs control. Other than during immediate transfer, the specimen may not be stored in a duty-free, bonded, or other kind of warehouse or a free trade zone.

(2) At any time during transit, an in-transit shipment must not be sold, manipulated, or split unless authorized by the Management Authority of the intermediary country for inspection or enforcement purposes.

(d) *Reserving Party or non-Party*. All the requirements of this section apply to shipments to or from a reserving Party or non-Party that are being transshipped through a Party. The CITES document must treat the specimen as listed in the Appendix as provided in § 23.21(d).

(e) *Specimen protected by other regulations*. Shipment of a specimen that is also listed as a migratory bird (part 10 of this subchapter), injurious wildlife (part 16 of this subchapter), endangered or threatened species (parts 17 of this subchapter and 222–224 of this title), marine mammal (parts 18 of this subchapter and 216 of this title), or bald or golden eagle (part 22 of this subchapter), and is moving through the United States is considered an import, and cannot be treated as an in-transit shipment (see § 23.3).

§ 23.23 What information is required on U.S. and foreign CITES documents?

(a) *Purpose*. Article VI of the Treaty provides standard information that must be on a permit and certificate issued under Articles III, IV, and V. To identify a false or invalid document, any CITES document, including a CITES exemption document issued under Article VII, must contain standardized information to allow a Party to verify that the specimen being shipped is the one listed on the document and that the trade is consistent with the provisions of the Treaty.

(b) *CITES form*. A CITES document issued by a Party must be on a form printed in one or more of the three working languages of CITES (English, Spanish, or French). A CITES document from a non-Party may be in the form of a permit or certificate, letter, or any other form that clearly indicates the nature of the document and includes the information in paragraphs (c) through (e) of this section and the additional information in § 23.25.

(c) *Required information*. Except for a phytosanitary certificate used as a CITES certificate for artificially propagated plants in paragraph (f) of this section, or a customs declaration label used to identify specimens being moved between registered scientific institutions (§ 23.48(e)(5)), a CITES document issued by a Party or non-Party must contain the information set out in this paragraph (listed alphabetically). Specific types of CITES documents must also contain the additional information identified in paragraph (e) of this section. A CITES document is valid only when it contains the following information:

Required information	Description
(1) Appendix	The CITES Appendix in which the species, subspecies, or population is listed (see § 23.21 when a Party has taken a reservation on a listing).
(2) Applicant's signature	The applicant's signature if the CITES document includes a place for it.
(3) Bill of lading, air waybill, or flight number	As applicable for export or re-export: (i) by ocean or air cargo, the bill of lading or air waybill number or (ii) in accompanying baggage, the flight number, as recorded on the CITES document by the inspecting official at the port, if known at the time of validation or certification.
(4) Dates	Date of issue and date of expiration (''valid until'' date on the standardized CITES form), which is midnight of the date on the CITES document. See § 23.54 for the length of validity for different types of CITES documents.
(5) Description of the specimen	A complete description of the specimen, including whether live or the type of goods. The sex and age of a live specimen should be recorded, if possible. Such information must be in English, Spanish, or French on a CITES document from a Party. If a code is used to indicate the type of specimen, it must agree with the *Guidelines for preparation and submission of CITES annual reports* available from the CITES website or us (see § 23.7).

Required information	Description
(6) Document number	A unique control number. We use a unique 12-character number. The first two characters are the last two digits of the year of issuance, the next two are the two-letter ISO country code, followed by a six-digit serial number, and two digits or letters used for national informational purposes.
(7) Humane transport of live wildlife	If the CITES document authorizes the export or re-export of live wildlife, a statement that the document is valid only if the transport conditions comply with CITES' *Guidelines for transport and preparation for shipment of live wild animals and plants*, or in the case of air transport of wildlife, with the *International Air Transport Association Live Animals Regulations*. The shipment must comply with the requirements of CITES'*Guidelines for transport and preparation for shipment of live wild animals and plants*, adopted by the Parties in 1979 and revised in 1981, or, in the case of air transport of wildlife, the Live Animals Regulations (LAR), 33rd edition, October 1, 2006, by the International Air Transport Association (IATA), Reference Number: 9105-33, ISBN 92-9195-818-2. The incorporation by reference of these documents was approved by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of CITES' *Guidelines for transport and preparation for shipment of live wild animals and plants* may be obtained from the CITES Secretariat, International Environment House, Chemin des Anémones, CH-1219, Châtelaine, Geneva, Switzerland, or through the Internet at *http://www.cites.org/eng/resources/transport/E-TranspGuide.pdf*. Copies of the IATA LAR may be obtained from IATA, 800 Place Victoria, P.O. Box 113, Montreal, Quebec, Canada H4Z 1M1, by calling 1-800-716-6326, or ordering through the Internet at *http://www.iata.org*. Copies of these documents may be inspected at the U.S. Management Authority, Fish and Wildlife Service, 4401 N. Fairfax Dr., Arlington, VA 22203 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.
(8) Identification of the specimen	Any unique identification number or mark (such as a tag, band, ring, microchip, label, or serial number), including any mark required under these regulations or a CITES listing annotation. For a microchip, the microchip code, trademark of the transponder manufacturer and, where possible, the location of the microchip in the specimen. If a microchip is used, we may, if necessary, ask the importer, exporter, or re-exporter to have equipment on hand to read the microchip at the time of import, export, or re-export.
(9) Management Authority	The complete name and address of the issuing Management Authority as included in the CITES directory, which is available from the CITES website or us (see § 23.7).
(10) Name and address	The complete name and address, including country, of the exporter and importer.
(11) Purpose of transaction	The purpose of the transaction identified either through a written description of the purpose of the transaction or by using one of the codes given in paragraph (d) of this section. The code is determined by the issuing Management Authority through information submitted with an application. This is not required for a certificate of origin.
(12) Quantity	The quantity of specimens authorized in the shipment and, if appropriate, the unit of measurement using the metric system: (i) The unit of measurement should be appropriate to the type of specimen and agree with the *Guidelines for the preparation and submission of CITES annual reports* available from the CITES website or us (see § 23.7). General descriptions such as ''one case'' or ''one batch'' are not acceptable. (ii) Weight should be in kilograms. If weight is used, net weight (weight of the specimen alone) must be stated, not gross weight that includes the weight of the container or packaging. (iii) Volume should be in cubic meters for logs and sawn wood and either square meters or cubic meters for veneer and plywood. (iv) For re-export, if the type of good has not changed since being imported, the same unit of measurement as on the export permit must be used, except to change to units that are to be used in the CITES annual report.

Required information	Description
(13) Scientific name	The scientific name of the species, including the subspecies when needed to determine the level of protection of the specimen under CITES, using standard nomenclature as it appears in the CITES Appendices or the references adopted by the CoP. A list of current references is available from the CITES website or us (see § 23.7). A CITES document may contain higher-taxon names in lieu of the species name only under one of the following circumstances: (i) The CoP has agreed that the use of a higher-taxon name is acceptable for use on CITES documents. (A) If the genus cannot be readily determined for coral rock, the scientific name to be used is the order Scleractinia. (B) Live and dead coral must be identified to the level of species except where the CoP has agreed that identification to genus is acceptable. A current list of coral taxa identifiable to genus is available from the CITES website or us (see § 23.7). (C) Re-export of worked skins or pieces of *Tupinambis* species that were imported before August 1, 2000, may indicate *Tupinambis* spp. (ii) The issuing Party can show the use of a higher-taxon name is well justified and has communicated the justification to the Secretariat. (iii) The item is a pre-Convention manufactured product containing a specimen that cannot be identified to the species level.
(14) Seal or stamp	The embossed seal or ink stamp of the issuing Management Authority.
(15) Security stamp	If a Party uses a security stamp, the stamp must be canceled by an authorized signature and a stamp or seal, preferably embossed. The number of the stamp must also be recorded on the CITES document.
(16) Signature	An original handwritten signature of a person authorized to sign CITES documents for the issuing Management Authority. The signature must be on file with the Secretariat.
(17) Signature name	The name of the person who signed the CITES document.
(18) Source	The source of the specimen. For re-export, unless there is information to indicate otherwise, the source code on the CITES document used for import of the specimen must be used. See § 23.24 for a list of codes.
(19) Treaty name	Either the full name or acronym of the Treaty, or the CITES logo.
(20) Type of CITES document	The type of CITES document (import, export, re-export, or other): (i) If marked ''other,'' the CITES document must indicate the type of document, such as certificate for artificially propagated plants, certificate for wildlife bred in captivity, certificate of origin, certificate of ownership, introduction-from-the-sea certificate, pre-Convention certificate, sample collection covered by an ATA carnet, scientific exchange certificate, or traveling-exhibition certificate. (ii) If multiple types are authorized on one CITES document, the type that applies to each specimen must be clearly indicated.
(21) Validation or certification	The actual quantity of specimens exported or re-exported: (i) Using the same units of measurement as those on the CITES document. (ii) Validated or certified by the stamp or seal and signature of the inspecting authority at the time of export or re-export.

(d) *Purpose of transaction*. If the purpose is not identified by a written description, the CITES document must contain one of the following codes:

Code	Purpose of transaction
B	Breeding in captivity or artificial propagation
E	Education
G	Botanical garden
H	Hunting trophy
L	Law enforcement/judicial/forensic
M	Medical research (including biomedical research)

Code	Purpose of transaction
N	Reintroduction or introduction into the wild
P	Personal
Q	Circus and traveling exhibition
S	Scientific
T	Commercial
Z	Zoo

(e) *Additional required information.* The following describes the additional information that is required for specific types of documents (listed alphabetically):

Type of document	Additional required information
(1) Annex (such as an attached inventory, conditions, or continuation pages of a CITES document)	The page number, document number, and date of issue on each page of an annex that is attached as an integral part of a CITES document. An authorized signature and ink stamp or seal, preferably embossed, of the Management Authority issuing the CITES document must also be included on each page of the annex. The CITES document must indicate an attached annex and the total number of pages.
(2) Certificate of origin (see § 23.38)	A statement that the specimen originated in the country that issued the certificate.
(3) Copy when used in place of the original CITES document	(i) Information required in paragraph (e)(7) of this section when the document authorizes export or re-export. (ii) A statement by the Management Authority on the face of the document authorizing the use of a copy when the document authorizes import.
(4) Export permit for a registered commercial breeding operation or nursery for Appendix-I specimens (see § 23.46)	The registration number of the operation or nursery assigned by the Secretariat, and if the exporter is not the registered operation or nursery, the name of the registered operation or nursery.
(5) Export permit with a quota	Number of specimens, such as 500/1,000, that were: (i) Exported thus far in the current calendar year, including those covered by the current permit (such as 500), and (ii) Included in the current annual quota (such as 1,000).
(6) Import permit (Appendix-I specimen) (see § 23.35)	A certification that the specimen will not be used for primarily commercial purposes and, for a live specimen, that the recipient has suitable facilities and expertise to house and care for it.
(7) Replacement CITES document (see § 23.52)	When a CITES document replaces an already issued CITES document that was lost, damaged, stolen, or accidentally destroyed: (i) If a newly issued CITES document, indication it is a ''replacement,'' the number and date of issuance of the CITES document that was replaced, and reason for replacement. (ii) If a copy of the original CITES document, indication it is a ''replacement'' and a ''true copy of the original,'' a new original signature of a person authorized to sign CITES documents for the issuing Management Authority, the date signed, and reason for replacement.
(8) Partially completed documents (see § 23.51)	(i) A list of the blocks that must be completed by the permit holder. (ii) If the list includes scientific names, an inventory of approved species must be included on the face of the CITES document or in an attached annex. (iii) A signature of the permit holder, which acts as a certification that the information entered is true and accurate.
(9) Pre-Convention document (see § 23.45)	(i) An indication on the face of the CITES document that the specimen is pre-Convention. (ii) A date that shows the specimen was acquired before the date the Convention first applied to it.
(10) Re-export certificate (see § 23.37)	(i) The country of origin, the export permit number, and the date of issue. (ii) If previously re-exported, the country of last re-export, the re-export certificate number, and the date of issue. (iii) If all or part of this information is not known, a justification must be given.
(11) Retrospective CITES document (see § 23.53)	A clear statement that the CITES document is issued retrospectively and the reason for issuance.
(12) Sample collection covered by an ATA carnet (see § 23.50)	(i) A statement that the document covers a sample collection and is invalid unless accompanied by a valid ATA carnet. (ii) The number of the accompanying ATA carnet recorded by the Management Authority, customs, or other responsible CITES inspecting official.

(f) *Phytosanitary certificate.* A Party may use a phytosanitary certificate as a CITES document under the following conditions:

(1) The Party has provided copies of the certificate, stamps, and seals to the Secretariat.

(2) The certificate is used only when all the following conditions are met:

(i) The plants are being exported, not re-exported.

(ii) The plants are Appendix-II species, or are hybrids of one or more Appendix-I species or taxa that are not annotated to include hybrids.

(iii) The plants were artificially propagated in the exporting country.

(3) The certificate contains the following information:

(i) The scientific name of the species, including the subspecies when needed to determine the level of protection of the specimen under CITES, using standard nomenclature as it appears in the CITES Appendices or the references adopted by the CoP.

(ii) The type (such as live plant or bulb) and quantity of the specimens authorized in the shipment.

(iii) A stamp, seal, or other specific indication stating that the specimen is artificially propagated (see § 23.64).

§ 23.24 What code is used to show the source of the specimen?

The Management Authority must indicate on the CITES document the source of the specimen using one of the following codes, except the code ''O'' for pre-Convention, which should be used in conjunction with another code:

Source of specimen	Code
(a) Artificially propagated plant (see § 23.40): (1) An Appendix-II or -III artificially propagated specimen. ..... (2) An Appendix-I plant specimen artificially propagated for noncommercial purposes or certain Appendix-I hybrids (see § 23.42) propagated for commercial purposes.	A
(b) Bred-in-captivity wildlife (see § 23.41): (1) An Appendix-II or -III specimen bred in captivity. (See paragraph (d)(1) of this section for wildlife that does not qualify as bred in captivity.) ..... (2) An Appendix-I specimen bred for noncommercial purposes. (See paragraph (c)(1) of this section for an Appendix-I specimen bred for commercial purposes.)	C
(c) Bred in captivity or artificially propagated for commercial purposes (see §§ 23.46 and 23.47): (1) An Appendix-I wildlife specimen bred in captivity for commercial purposes at an operation registered with the Secretariat. ..... (2) An Appendix-I plant specimen artificially propagated for commercial purposes at a nursery that is registered with the Secretariat or a commercial propagating operation that meets the requirements of § 23.47.	D
(d) Captive-bred wildlife (§ 23.36): (1) An Appendix-II or -III wildlife species that is captive-bred. ..... (2) An Appendix-I wildlife species that is one of the following: ..... (i) Captive-bred. ..... (ii) Bred for commercial purposes, but the commercial breeding operation is not registered with the Secretariat. .. (iii) Bred for noncommercial purposes, but the facility does not meet the definition in § 23.5 because it is not involved in a cooperative conservation program.	F
(e) Confiscated or seized specimen (see § 23.78).	I
(f) Pre-Convention specimen (see § 23.45) (code to be used in conjunction with another code).	O
(g) Ranched wildlife (wildlife that originated from a ranching operation).	R
(h) Source unknown (must be justified on the face of the CITES document).	U
(i) Specimen taken from the wild: (1) For wildlife, this includes a specimen born in captivity from an egg collected from the wild or from wildlife that mated or exchanged genetic material in the wild. ..... (2) For a plant, it includes a specimen propagated from a propagule collected from a wild plant, except as provided in § 23.64.	W

§ 23.25 What additional information is required on a non-Party CITES document?

(a) *Purpose.* Under Article X of the Treaty, a Party may accept a CITES document issued by a competent authority of a non-Party only if the document substantially conforms to the requirements of the Treaty.

(b) *Additional certifications.* In addition to the information in § 23.23(c) through (e), a CITES document issued

by a non-Party must contain the following certifications on the face of the document:

Activity by a non-Party	Certification
(1) Export	(i) For Appendix-I and -II specimens, the Scientific Authority has advised that the export will not be detrimental to the survival of the species. (ii) The Management Authority is satisfied that the specimen was legally acquired.
(2) Import	For Appendix-I specimens, the import will be for purposes that are not detrimental to the survival of the species.

§ 23.26 When is a U.S. or foreign CITES document valid?

(a) *Purpose.* Article VIII of the Treaty provides that Parties take appropriate measures to enforce the Convention to prevent illegal trafficking in wildlife and plants.

(b) *Original CITES documents.* A separate original or a true copy of a CITES document must be issued before the import, introduction from the sea, export, or re-export occurs, and the document must accompany each shipment. No copy may be used in place of an original except as provided in § 23.23(e)(3) or when a shipment is in transit (see § 23.22). Fax or electronic copies are not acceptable.

(c) *Acceptance of CITES documents.* We will accept a CITES document as valid for import, introduction from the sea, export, or re-export only if the document meets the requirements of this section, §§ 23.23 through 23.25, and the following conditions:

Key phrase	Conditions for an acceptable CITES document
(1) Altered or modified CITES document	The CITES document has not been altered (including by rubbing or scratching out), added to, or modified in any way unless the change is validated on the document by the stamp and authorized signature of the issuing Management Authority, or if the document was issued as a partially completed document, the Management Authority lists on the face of the document which blocks must be completed by the permit holder.
(2) Annual reports	The Party issuing the CITES document has submitted annual reports and is not subject to any action under Article VIII paragraph 7(a) that would not allow trade in CITES species.
(3) CITES document	U.S. and foreign CITES documents must meet the general provisions and criteria in subparts C and E.
(4) Conditions	All conditions on the CITES document are met.
(5) Convention implementation	The Party issuing the CITES document is not subject to any action under Article VIII or Article XIII paragraph 3 that would not allow trade in the species.
(6) Extension of validity	The validity of a CITES document may not be extended except as provided in § 23.73 for certain timber species.
(7) Fraudulent CITES document or CITES document containing false information.	The CITES document is authentic and does not contain erroneous or misleading information.
(8) Humane transport	Live wildlife or plants were transported in compliance with CITES' *Guidelines for transport and preparation for shipment of live wild animals and plants*or, in the case of air transport of wildlife, the *International Air Transport Association Live Animals Regulations*. (See § 23.23(c)(7).)
(9) Legal acquisition	The Party or non-Party issuing the CITES document has made the required legal acquisition finding.

Key phrase	Conditions for an acceptable CITES document
(10) Management Authority and Scientific Authority.	The CITES document was issued by a Party or non-Party that has designated a Management Authority and Scientific Authority and has provided information on these authorities to the Secretariat.
(11) Name of importer and exporter	A CITES document is specific to the name on the face of the document and may not be transferred or assigned to another person.
(12) Non-detriment	The Party or non-Party issuing the CITES document has made the required non-detriment finding.
(13) Phytosanitary certificate	A phytosanitary certificate may be used to export artificially propagated plants only if the issuing Party has provided copies of the certificates, stamps, and seals to the Secretariat.
(14) Quota	For species with a quota on file with the Secretariat, the quantity exported from a country does not exceed the quota.
(15) Registered commercial breeding operation for Appendix-I wildlife.	(i) The operation is included in the Secretariat's register. (ii) Each specimen is specifically marked, and the mark is described on the CITES document.
(16) Registered commercial nursery for Appendix-I plants.	The operation is included in the Secretariat's register.
(17) Retrospective CITES documents	A CITES document was not issued retrospectively except as provided in § 23.53.
(18) Shipment contents	The contents of the shipment match the description of specimens provided on the CITES document, including the units and species. A shipment cannot contain more or different specimens or species than certified or validated on the CITES document at the time of export or re-export; the quantity of specimens validated or certified may be less, but not more, than the quantity stated at the time of issuance.
(19) Wild-collected specimen	A wild-collected specimen (indicated on the CITES document with a source code of ''W'') is not coming from a country that is outside the range of the species, unless we have information indicating that the species has been established in the wild in that country through accidental introduction or other means.

(d) *Verification of a CITES document.* We may request verification of a CITES document from the Secretariat or a foreign Management Authority before deciding whether to accept it under some circumstances, including, but not limited to, the following:

(1) We receive reliable information that indicates the need for CITES document verification.

(2) We have reasonable grounds to believe that a CITES document is not valid or authentic because the species is being traded in a manner detrimental to the survival of the species or in violation of foreign wildlife or plant laws, or any applicable Management or Scientific Authority finding has not been made.

(3) The re-export certificate refers to an export permit that does not exist or is not valid.

(4) We have reasonable grounds to believe that the document is fraudulent, contains false information, or has unauthorized changes.

(5) We have reasonable grounds to believe that the specimen identified as bred in captivity or artificially propagated is a wild specimen, was produced from illegally acquired parental stock, or otherwise does not qualify for these exemptions.

(6) The import of a specimen designated as bred in captivity or artificially propagated is from a non-Party. For an Appendix-I specimen, we must consult with the Secretariat.

(7) For a retrospectively issued CITES document, both the importing and exporting or re-exporting countries' Management Authorities have not agreed to the issuance of the document.

(8) For a replacement CITES document, we need clarification of the reason the document was issued.

§ 23.27 What CITES documents do I present at the port?

(a) *Purpose.* Article VIII of the Treaty provides that Parties establish an inspection process that takes place at a port of exit and entry. Inspecting officials must verify that valid CITES documents accompany shipments and take enforcement action when shipments do not comply with the Convention.

(b) *U.S. port requirements.* In the United States, you must follow the clearance requirements for wildlife in part 14 of this subchapter and for plants in part 24 of this subchapter and 7 CFR parts 319, 352, and 355, and the specific requirement in paragraphs (c) and (d) of this section.

(c) *General validation or certification process.* Officials in each country inspect the shipment and validate or certify the CITES document. The table in this paragraph (c) provides information on:

(1) The types of original CITES documents you must present to be validated or certified by the inspecting official to export or re-export from a country.

(2) When you need to surrender a copy of the original CITES document to the inspecting official at the time of export or re-export.

(3) When you need to surrender the original CITES document to the inspecting official at the time of import or introduction from the sea.

Type of CITES document	Present original for export or re-export validation or certification	Surrender copy upon export or re-export	Surrender original upon import or introductionfrom the sea
Bred-in-captivity certificate	Required	Required	Required
Certificate for artificially propagated plants	Required	Required	Required
Certificate of origin	Required	Required	Required
Certificate of ownership	Required	Required	Not required; submit copy
Export permit	Required	Required	Required
Import permit	Not required	Required	Required
Introduction-from-the-sea certificate	Not applicable	Not applicable	Required
Multiple-use document	Required[1]	Required	Not required; submit copy
Phytosanitary certificate	Required	Required	Not required; submit copy
Pre-Convention document	Required	Required	Required
Re-export certificate	Required	Required	Required
Registered Appendix-I commercial breeding operation, export permit	Required	Required	Required
Registered Appendix-I nursery, export permit	Required	Required	Required
Replacement document where a shipment has been made and is in a foreign country	Not required	Not required	Required
Replacement document where a shipment has not left the United States	Required	Required	Required
Retrospective document	Not required	Not required	Required
Sample collection covered by an ATA carnet, CITES document	Required	Required	Not required; submit copy
Traveling-exhibition certificate	Required	Required	Not required; submit copy

[1] Original must be available for inspection, but permit conditions will indicate whether an original or copy is to be validated.

(d) *Customs declaration labels.* The customs declaration label used to identify specimens being moved between registered scientific institutions (§ 23.48) must be affixed to the shipping container. The label does not require export or re-export validation or certification at the port.

Subpart C—Application Procedures, Criteria, and Conditions

§ 23.32 How do I apply for a U.S. CITES document?

(a) To apply for a U.S. CITES document, you must complete a standard application form and submit it to the appropriate office shown on the top of the form.

(b) To determine the type of CITES document needed for your shipment, go to §§ 23.18 through 23.20 for further guidance.

(c) If a species is also regulated under another part of this subchapter (such as endangered or threatened species, see § 23.3), the requirements of all parts must be met. You may submit a single application that contains all the information needed to meet the requirements of CITES and other applicable parts.

(d) You must also follow the general permit procedures in part 13 of this subchapter.

(e) You should review the criteria in all applicable regulations in this subchapter that apply to the type of permit you are seeking before completing the application form.

(f) We will review your application to assess whether it contains the information needed to make the required findings.

(1) Based on available information, we will decide if any of the exemptions apply and what type of CITES document you need.

(2) If we need additional information, we will contact you. If you do not provide the information within 45 calendar days, we will abandon your application. If your application is abandoned and you wish to apply for a permit at a later time, you must submit a new application.

§ 23.33 How is the decision made to issue or deny a request for a U.S. CITES document?

(a) Upon receiving a complete application, we will decide whether to issue a CITES document by considering:

(1) The general criteria in § 13.21(b) of this subchapter and, if the species is protected under a separate law or treaty, criteria in any other applicable parts.

(2) The CITES issuance criteria provided in this subpart (see subpart D of this part for factors we consider in making certain findings).

(b) As needed, the U.S. Management Authority, including FWS Law Enforcement, will forward a copy of the application to the U.S. Scientific Authority; State, tribal, or other Federal government agencies; or other applicable experts. We may also query the Secretariat and foreign Management and Scientific Authorities for information to use in making the required findings.

(c) You must provide sufficient information to satisfy us that all criteria specific to the proposed activity are met before we can issue a CITES document.

(d) We will base our decision on whether to issue or deny the application on the best available information.

§ 23.34 What kinds of records may I use to show the origin of a specimen when I apply for a U.S. CITES document?

(a) When you apply for a U.S. CITES document, you will be asked to provide information on the origin of the specimen that will be covered by the CITES document.

(1) You need to provide sufficient information for us to determine if the issuance criteria in this part are met (see the sections in this subpart for each type of CITES document).

(2) We require less detailed information when the import, introduction from the sea, export, or re-export poses a low risk to a species in the wild and more detailed information when the proposed activity poses greater risk to a species in the wild (see Subpart D of this part for factors we consider in making certain findings).

(b) Information you may want to provide in a permit application includes, but is not limited to, the following:

Source of specimen	Types of records
(1) Captive-bred or cultivated[1]	(i) Records that identify the breeder or propagator of the specimens that have been identified by birth, hatch, or propagation date and for wildlife by sex, size, band number, or other mark, or for plants by size or other identifying feature: (A) Signed and dated statement by the breeder or propagator that the specimen was bred or propagated under controlled conditions. (B) Name and address of the breeder or propagator as shown by documents such as an International Species Information System (ISIS) record, veterinary certificate, or plant nursery license. (ii) Records that document the breeding or propagating of specimens at the facility: (A) Number of wildlife (by sex and age- or size-class) or plants at the facility. (B) How long the facility has been breeding or propagating the species. (C) Annual production and mortalities. (D) Number of specimens sold or transferred annually. (E) Number of specimens added from other sources annually. (F) Transaction records with the date, species, quantity of specimens, and name and address of seller. (G) Marking system, if applicable. (H) Photographs or video of facility, including for wildlife any activities during nesting and production and rearing of young, and for plants, different stages of growth.
(2) Confiscated or seized	Copy of remission decision, legal settlement, or disposal action after forfeiture or abandonment, which demonstrates the applicant's legal possession.
(3) Exempt plant material	Records that document how you obtained the exempt plant material, including the name and address of the person from whom you received the plant material.
(4) Imported previously	(i) A copy of the cancelled CITES document that accompanied the shipment into the United States. (ii) For wildlife, copies of cleared Declarations for Importation or Exportation of Fish or Wildlife (Form 3–177) associated with each specimen.
(5) Pre-Convention	Records that show the specimen was acquired before the date the provisions of the Convention first applied to it, such as: (i) Receipt or invoice. (ii) Catalog, inventory list, photograph, or art book. (iii) Statement from a qualified appraiser attesting to the age of a manufactured product. (iv) CBP (formerly U.S. Customs Service) import documents. (v) Phytosanitary certificate. (vi) Veterinary document or breeding or propagation logs.
(6) Sequential ownership or purchase	(i) Records that specifically identify the specimen, give the name and address of the owner, and show the specimen's origin (pre-Convention, previously imported, wild-collected, or born or propagated in a controlled environment in the United States). (ii) Records that document the history of all transfers in ownership (generally not required for pre-Convention specimens).
(7) Unknown origin, for noncommercial purposes	A complete description of the circumstances under which the specimen was acquired (where, when, and from whom the specimen was acquired), including efforts made to obtain information on the origin of the specimen.

Source of specimen	Types of records
(8) Wild-collected	Records, such as permits, licenses, and tags, that demonstrate the specimen or the parental stock was legally removed from the wild under relevant foreign, Federal, tribal, State, or local wildlife or plant conservation laws or regulations: (i) If taken on private or tribal land, permission of the landowner if required under applicable law. (ii) If taken in a national, State, or local park, refuge, or other protected area, permission from the applicable agency, if required.

[1] If the wildlife was born in captivity from an egg collected from the wild or from parents that mated or exchanged genetic material in the wild, or the plant was propagated from a non-exempt propagule collected from a wild plant, see paragraph (b)(8) of this section.

(c) If you intend to engage in international trade with a CITES specimen in the future, you should keep sufficient records to establish your eligibility for a CITES document for as long as you possess the specimen, and if you sell, donate, or transfer ownership of the specimen, you should provide such records on the origin of the specimen to the new owner.

§ 23.35 What are the requirements for an import permit?

(a) *Purpose.* Article III(3) of the Treaty sets out the conditions under which a Management Authority can issue an import permit.

(b) *U.S. application forms.* Complete the appropriate form for the proposed activity and submit it to the U.S. Management Authority:

Type of application for an import permit for an Appendix-I specimen	Form no.
(1) CITES: Southern African Leopard, African Elephant, and Namibian Southern White Rhinoceros Sport-hunted Trophies Appendix-I Plants Appendix-I Wildlife Appendix-I Biological Samples	
3–200–19 3–200–35 3–200–37 3–200–29	
(2) Endangered Species Act and CITES: ESA Plants ESA Sport-hunted Trophies ESA Wildlife	
3–200–36 3–200–20 3–200–37	
(3) Marine Mammal Protection Act and CITES: Marine Mammals	
3–200–43	
(4) Wild Bird Conservation Act and CITES: Personal Pet Bird Under an Approved Cooperative Breeding Program Scientific Research or Zoological Breeding/Display	
3–200–46 3–200–48 3–200–47	

(c) *Criteria.* The criteria in this paragraph (c) apply to the issuance and acceptance of U.S. and foreign import permits. When applying for a U.S. import permit, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for an import permit for an Appendix-I specimen	Section
(1) The proposed import would be for purposes that are not detrimental to the survival of the species.	23.61
(2) The specimen will not be used for primarily commercial purposes.	23.62
(3) The recipients are suitably equipped to house and care for any live wildlife or plant to be imported.	23.65
(4) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	23.23

(d) *U.S. standard conditions.* You must meet all of the provisions on use after import in § 23.55 and the standard conditions in § 23.56.

(e) *Prior issuance of an import permit.* For Appendix-I specimens, the Management Authority of the exporting country may:

(1) Issue an export permit for live or dead specimens or a re-export certificate for live specimens only after the Management Authority of the importing country has either issued an import permit or confirmed in writing that an import permit will be issued.

(2) Accept oral confirmation from the Management Authority of the importing country that an import permit will be issued in an emergency situation where the life or health of the specimen is threatened and no means of written communication is possible.

(3) Issue a re-export certificate for a dead specimen without confirmation that the import permit has been issued.

§ 23.36 What are the requirements for an export permit?

(a) *Purposes.* Articles III, IV, and V of the Treaty set out the conditions under which a Management Authority may issue an export permit for an Appendix-I, -II, or -III specimen. Article XIV sets out the conditions under which a Management Authority may issue a document for export of certain Appendix-II marine specimens protected under a pre-existing treaty, convention, or international agreement.

(b) *U.S. application forms.* Complete the appropriate form for the proposed activity and submit it to the U.S. Management Authority. Form 3–200–26 may also be submitted to FWS Law Enforcement at certain ports or regional offices:

Type of application for an export permit	Form no.
(1) CITES:	
American Ginseng	
Appendix-I Plants Artificially Propagated for Commercial Purposes	
Biological Specimens	
Captive-born Raptors	
Captive-born Wildlife (except raptors)	
Caviar/Meat of Paddlefish or Sturgeon, Removed from the Wild	
Export of Skins/Products of Bobcat, Canada Lynx, River Otter, Brown Bear, Gray Wolf, and American Alligator Taken under an Approved State or Tribal Program	
Personal Pets, One-time Export	
Plants	
Registration of a Native Species Production Facility	
Single-use Permits under a Master File or an Annual Program File	
Trophies by Taxidermists	
Wildlife, Removed from the Wild	
3–200–34	
3–200–33	
3–200–29	
3–200–25	
3–200–24	
3–200–76	
3–200–26	
3–200–46	
3–200–32	
3–200–75	
3–200–74	
3–200–28	
3–200–27	
(2) Endangered Species Act and CITES:	
ESA Plants	
ESA Wildlife	
3–200–36	
3–200–37	
(3) Marine Mammal Protection Act and CITES:	
Biological Samples	
Live Captive-held Marine Mammals	
Take from the Wild for Export	
3–200–29	
3–200–53	
3–200–43	

(c) *Criteria*. The criteria in this paragraph (c) apply to the issuance and acceptance of U.S. and foreign export permits except as provided for certain marine specimens in paragraph (d) of this section. When applying for a U.S. permit or certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for an export permit	Appendix of the specimen			Section
	I	II	III	
(1) The wildlife or plant was legally acquired.	Yes	Yes	Yes	23.60
(2) The proposed export would not be detrimental to the survival of the species.	Yes	Yes	n/a	23.61
(3) An import permit has already been issued or the Management Authority of the importing country has confirmed that it will be issued.	Yes	n/a	n/a	23.35

Criteria for an export permit	Appendix of the specimen			Section
	I	II	III	
(4) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	Yes	Yes	Yes	23.23
(5) Live wildlife or plants will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.	Yes	Yes	Yes	23.23
(6) The specimen originated in a country that listed the species.	n/a	n/a	Yes	23.20
(7) For wildlife with the source code "W" or "F," the export is for noncommercial purposes. (See § 23.46 for the export of specimens that originated at a commercial breeding operation for Appendix-I wildlife that is registered with the Secretariat.)	Yes	n/a	n/a	–

(d) *Export of certain exempt marine specimens.* Article XIV(4) and (5) of the Treaty provide a limited exemption for Appendix-II marine species that are protected under another treaty, convention, or international agreement that was in force at the time CITES entered into force. When all of the following conditions are met, export of exempt Appendix-II marine wildlife or plants requires only that the shipment is accompanied by a document issued by the Management Authority of the exporting country indicating that the specimens were taken in accordance with the provisions of the other international treaty, convention, or agreement:

(1) The exporting country is a CITES Party and is a party to an international treaty, convention, or agreement that affords protection to the species and was in force on July 1, 1975.

(2) The ship that harvested the specimen is registered in the exporting country.

(3) The specimen was taken within waters under the jurisdiction of the exporting country or in the marine environment not under the jurisdiction of any country.

(4) The specimen was taken in accordance with the other international treaty, convention, or agreement, including any quotas.

(5) The shipment is accompanied by any official document required under the other international treaty, convention, or agreement or otherwise required by law.

(e) *Export of exempt specimens from the United States.* To export a specimen exempted under paragraph (d) of this section, you must obtain a CITES document from the U.S. Management Authority that indicates the specimen was taken in accordance with the provisions of another international treaty, convention, or agreement that was in force on July 1, 1975.

(f) *U.S. application for export of exempt specimens.* To apply for a CITES exemption document under paragraph (e) of this section, complete the appropriate form for your activity and submit it to the U.S. Management Authority.

(g) *Criteria for certain exempt marine specimens.* The criteria in this paragraph (g) apply to the issuance and acceptance of U.S. and foreign export documents. To obtain a U.S. CITES document for export of specimens exempted under paragraph (d) of this section you must provide sufficient information for us to find that your proposed export meets all of the following issuance criteria:

(1) The specimen was taken in accordance with the provisions of an applicable international treaty, convention, or agreement that was in force on July 1, 1975.

(2) The scientific name of the CITES species is in the standard nomenclature in the CITES Appendices or references adopted by the CoP (see § 23.23).

(3) The ship that harvested the specimen is registered in the exporting country.

(4) The specimen was taken within waters under the jurisdiction of the exporting country or in the marine environment not under the jurisdiction of any country.

§ 23.37 What are the requirements for a re-export certificate?

(a) *Purposes.* Articles III, IV, and V of the Treaty set out the conditions under which a Management Authority may issue a re-export certificate for an Appendix-I, -II, or -III specimen.

(b) *U.S. application forms.* Complete the appropriate form for the proposed activity and submit it to the U.S. Management Authority. Form 3–200–73 may also be submitted to Law Enforcement at certain ports or regional offices:

Type of application for a re-export certificate	Form no.
(1) CITES: Biological Specimens Plants Single-use Permits under a Master File or an Annual Program File Trophies by Taxidermists Wildlife 3–200–29 3–200–32 3–200–74 3–200–28 3–200–73	
(2) Endangered Species Act and CITES: ESA Plants ESA Wildlife 3–200–36 3–200–37	
(3) Marine Mammal Protection Act and CITES: Biological Samples Live Captive-held Marine Mammals 3–200–29 3–200–53	

(c) *Criteria.* The criteria in this paragraph (c) apply to the issuance and acceptance of U.S. and foreign re-export certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for a re-export certificate	Appendix of the specimen			Section
	I	II	III	
(1) The wildlife or plant was legally acquired.	Yes	Yes	Yes	23.60
(2) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	Yes	Yes	Yes	23.23
(3) For a live specimen, an import permit has already been issued or the Management Authority of the importing country has confirmed that it will be issued. This criterion does not apply to a specimen with the source code ''D.''	Yes	n/a	n/a	23.35
(4) Live wildlife or plants will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.	Yes	Yes	Yes	23.23
(5) For re-export of a confiscated specimen, the proposed re-export would not be detrimental to the survival of the species.	Yes	Yes	n/a	23.61

Criteria for a re-export certificate	Appendix of the specimen			Section
	I	II	III	
(6) For wildlife with the source code ''W'' or ''F,'' the re-export is for noncommercial purposes.	Yes	n/a	n/a	–

§ 23.38 What are the requirements for a certificate of origin?

(a) *Purpose.* Article V(3) of the Treaty requires that a shipment of Appendix-III specimens be accompanied by a certificate of origin when the shipment is not from a country that listed the species in Appendix III and is not a re-export.

(b) *U.S. application forms.* For a certificate of origin, complete one of the following forms and submit it to the U.S. Management Authority:

(1) Form 3–200–27 for wildlife removed from the wild.

(2) Form 3–200–24 for captive-born wildlife.

(3) Form 3–200–32 for plants.

(c) *Criteria.* The criteria in this paragraph (c) apply to the issuance and acceptance of U.S. and foreign certificates of origin. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

(1) The specimen originated in the country of export, which is not a country that listed the species in Appendix III. In the case of a listing that is annotated to cover only a certain population, no CITES document is required if the listed population does not occur in the country of export. For U.S. applicants, the country of origin must be the United States.

(2) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP (see § 23.23).

(3) Live wildlife or plants will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen (see § 23.23).

§ 23.39 What are the requirements for an introduction-from-the-sea certificate?

(a) *Purpose.* Articles III(5), IV(6), and IV(7) of the Treaty set out the conditions under which a Management Authority may issue an introduction-from-the-sea certificate.

(b) *U.S. application form.* Complete Form 3–200–31 and submit it to the U.S. Management Authority.

(c) *Criteria.* The criteria in this paragraph (c) apply to the issuance and acceptance of U.S. certificates. You must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for an introduction-from-the-sea certificate	Appendix of the specimen		Section
	I	II	
(1) The specimen was taken in the marine environment not under the jurisdiction of any country.	Yes	Yes	–
(2) The proposed introduction from the sea would not be detrimental to the survival of the species.	Yes	Yes	23.61
(3) The specimen will not be used for primarily commercial purposes.	Yes	n/a	23.62
(4) The recipients are suitably equipped to house and care for live wildlife or plants.	Yes	n/a	23.65
(5) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	Yes	Yes	23.23

Criteria for an introduction-from-the-sea certificate	Appendix of the specimen		Section
	I	II	
(6) Live wildlife or plants will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.	Yes	Yes	23.23

(d) *Exemption*. As allowed under Article XIV(4) and (5) of the Treaty, you may directly introduce into the United States any Appendix-II wildlife or plant taken in the marine environment that is not under the jurisdiction of any country without a CITES document when all of the following conditions are met:

(1) The United States is a party to an international treaty, convention, or agreement that affords protection to the species and was in force on July 1, 1975.

(2) The ship that harvested the specimen is registered in the United States.

(3) The specimen was taken in accordance with the other international treaty, convention, or agreement, including any quotas.

(4) The shipment is accompanied by any official document required under the other international treaty, convention, or agreement or otherwise required by U.S. law.

(e) *Export of exempt specimens*. To export a specimen exempted under paragraph (d) of this section, you must obtain a CITES document from the U.S. Management Authority that indicates the specimen was taken in accordance with the provisions of the other international treaty, convention, or agreement that was in force on July 1, 1975. See requirements in § 23.36 (e) through (g).

(f) *Appendix III*. Appendix-III species introduced from the sea do not require introduction-from-the-sea certificates. However, the subsequent international trade of an Appendix-III specimen introduced from the sea would be considered an export requiring a CITES document (see § 23.20(f)).

§ 23.40 What are the requirements for a certificate for artificially propagated plants?

(a) *Purpose*. Article VII(5) of the Treaty grants an exemption to plants that are artificially propagated when a Management Authority issues a certificate.

(b) *U.S. and foreign general provisions*. The following provisions apply to the issuance and acceptance of a certificate for artificially propagated Appendix-I, -II, or -III plants:

(1) The certificate for artificially propagated plants and any subsequent re-export certificate must show the source code as ''A'' for artificially propagated.

(2) For an Appendix-I specimen that satisfies the requirements of this section, no CITES import permit is required.

(c) *U.S. application form*. Complete Form 3–200–33 and submit it to the U.S. Management Authority.

(d) *Criteria*. The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for a certificate for artificially propagated plants	Appendix of the specimen			Section
	I	II	III	
(1) The plant was artificially propagated.	Yes	Yes	Yes	23.64

Criteria for a certificate for artificially propagated plants	Appendix of the specimen			Section
	I	II	III	
(2) The plant specimen is one of the following: (i) Was propagated for noncommercial purposes. (ii) Is part of a traveling exhibition. (iii) Is a hybrid of one or more Appendix-I species or taxa that is not annotated to include hybrids in the listing and was propagated for commercial or noncommercial purposes.	Yes	n/a	n/a	
(3) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	Yes	Yes	Yes	23.23
(4) The live plant will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.	Yes	Yes	Yes	23.23

(e) *U.S. standard conditions.* In addition to the conditions in § 23.56, you must meet all of the following conditions:

(1) You may not export or re-export a plant (including its parts, products, or derivatives) under this certificate if the plant was removed from the wild or grown directly from a wild seed, except for plants grown from exempt plant materials that qualify as artificially propagated.

(2) You may not export an Appendix-I species that was propagated for commercial purposes under this certificate, except for hybrids of one or more Appendix-I species or taxa that are not annotated to include hybrids in the listing.

(3) You may export a native plant under this certificate only when specifically approved for export and listed on the certificate, inventory sheet, or an approved species list.

(4) You may export a specimen under a higher-taxon name only if you identified the taxon in your application and we approved it on this certificate.

§ 23.41 What are the requirements for a bred-in-captivity certificate?

(a) *Purpose.* Article VII(5) of the Treaty grants an exemption to wildlife that is bred in captivity when a Management Authority issues a certificate.

(b) *U.S. and foreign general provisions.* The following provisions apply to the issuance and acceptance of a certificate for Appendix-I, -II, or -III wildlife that was bred in captivity:

(1) The certificate and any subsequent re-export certificate must show the source code as ''C'' for bred in captivity.

(2) For an Appendix-I specimen that satisfies the requirements of this section, no CITES import permit is required.

(c) *U.S. application form.* Complete Form 3–200–24 and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for a bred-in-captivity certificate	Appendix of the specimen			Section
	I	II	III	
(1) The wildlife was bred in captivity.	Yes	Yes	Yes	23.63

Criteria for a bred-in-captivity certificate	Appendix of the specimen			Section
	I	II	III	
(2) The wildlife specimen was bred for noncommercial purposes or is part of a traveling exhibition.	Yes	n/a	n/a	23.5
(3) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	Yes	Yes	Yes	23.23
(4) Live wildlife will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.	Yes	Yes	Yes	23.23

§ 23.42 What are the requirements for a plant hybrid?

General provisions. Except as provided in § 23.92, the export, re-export, or import of a plant hybrid of a CITES species must be accompanied by a valid CITES document that shows the Appendix of the specimen as follows:

Question on a plant hybrid	Answer and status of specimen
(a) Is the specimen an artificially propagated hybrid of one or more Appendix-I species or taxa?	(1) **YES**. Continue to paragraph (b) of this section. (2) **NO**. Continue to paragraph (c) of this section.
(b) Is one or more of the Appendix-I species or taxa in paragraph (a) of this section annotated to include hybrids?	(1) **YES**. The hybrid is listed in Appendix I. (2) **NO**. The hybrid is listed in Appendix I, but may be granted a certificate for artificially propagated plants even if propagated for commercial purposes.
(c) Is the specimen a hybrid that includes two or more CITES species or taxa in its lineage?	(1) **YES**. Consider the specimen to be listed in the more restrictive Appendix, with Appendix I being the most restrictive and Appendix III the least. (2) **NO**. Continue to paragraph (d) of this section.
(d) Is the specimen a hybrid that includes one CITES species or taxon in its lineage?	(1) **YES**. Consider the specimen to be listed in the Appendix in which the species or taxon is listed in the CITES Appendices. (2) **NO**. The hybrid is not regulated by CITES.

§ 23.43 What are the requirements for a wildlife hybrid?

(a) *Definition.* For the purposes of this section, recent lineage means the last four generations of a specimen's ancestry (direct line of descent).

(b) *U.S. and foreign general provisions.* Except as provided in paragraph (f) of this section, the import, export, or re-export of a hybrid CITES wildlife specimen must be accompanied by a valid CITES document.

(c) *CITES documents.* All CITES documents must show the wildlife hybrid listed in the following Appendix:

If at least one specimen in the recent lineage is listed in:	Then the specimen is listed in:
(1) Appendix I	Appendix I
(2) Appendix II, and an Appendix-I species is not included in the recent lineage	Appendix II
(3) Appendix III, and an Appendix-I or -II species is not included in the recent lineage	Appendix III

(d) *U.S. application for wildlife hybrid.* To apply for a CITES document, complete the appropriate form for the proposed activity (see §§ 23.18 through

23.20) and submit it to the U.S. Management Authority.

(e) *Criteria.* For export of a hybrid that contains a CITES species in its recent lineage, you must meet the requirements of § 23.36.

(f) *Exempt wildlife hybrids.* The following provisions apply to import, export, or re-export of exempt wildlife hybrids:

(1) A hybrid between a CITES species and a non-CITES species may be exempt from CITES document requirements if there are no purebred CITES species in the previous four generations of the specimen's ancestry (direct line of descent). Under this section, a hybrid between two CITES species is not exempt.

(2) For import, export, or re-export of an exempt wildlife hybrid without CITES documents, you must provide information at the time of import or export to clearly demonstrate that your specimen has no purebred CITES species in the previous four generations of its ancestry. Although a CITES document is not required, you must follow the clearance requirements for wildlife in part 14 of this subchapter, including the prior notification requirements for live wildlife.

§ 23.44 What are the requirements to travel internationally with my personally owned live wildlife?

(a) *Purpose.* A Management Authority may use the exemption in Article VII(3) of the Treaty to issue a certificate of ownership that authorizes frequent cross-border movements of personally owned live wildlife for personal use.

(b) *U.S. and foreign general provisions.* The following provisions apply to the issuance and acceptance of a certificate of ownership for frequent international travel with live wildlife for personal use:

(1) The certificate must be obtained from the Management Authority in the country of the owner's primary residence.

(2) Parties should treat the certificate like a passport for import to and export or re-export from each country and should not collect the original certificate at the border.

(3) If offspring are born or an additional specimen is acquired while the owner is outside his or her country of primary residence, the owner must obtain the appropriate CITES document for the export or re-export of the wildlife, not a certificate of ownership, from the Management Authority of that country.

(4) Upon returning home, the owner may apply for a certificate of ownership for wildlife born or acquired overseas.

(c) *U.S. application form.* Complete Form 3–200–64 and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

(1) The traveler owns the live wildlife and it will accompany the owner.

(2) The cross-border movement will be frequent and for personal use, including, but not limited to, companionship or use in a noncommercial competition such as falconry.

(3) To apply for a U.S. certificate, the owner resides in the United States.

(4) The wildlife was legally acquired (see § 23.60).

(5) The owner does not intend to sell, donate, or transfer the wildlife while traveling internationally.

(6) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP (see § 23.23).

(7) The Management Authority of the country of import has agreed to the cross-border movement.

(8) The wildlife is securely marked or uniquely identified in such a manner that the border official can verify that the specimen and CITES document correspond.

(9) The wildlife is transported and cared for in a way that minimizes risk of injury, damage to health, or cruel treatment of the specimen (see § 23.23).

(e) *U.S. standard conditions.* In addition to the conditions in § 23.56, all of the following conditions must be met:

(1) You must accompany the wildlife during any cross-border movement.

(2) You must transport the wildlife for personal use only.

(3) You must not sell, donate, or transfer the specimen while traveling internationally.

(4) You must present the certificate to the official for validation at each border crossing.

(5) If the certificate is lost, stolen, or accidentally destroyed, you must obtain a replacement certificate from the issuing Management Authority.

(6) If you no longer own the live wildlife, you must immediately return the original document to the issuing Management Authority and report on the disposition of the wildlife, such as death, sale, or transfer.

§ 23.45 What are the requirements for a pre-Convention specimen?

(a) *Purpose.* Article VII(2) of the Treaty exempts a pre-Convention specimen from standard permitting requirements in Articles III, IV, and V of the Treaty when the exporting or re-exporting country is satisfied that the specimen was acquired before the provisions of CITES applied to it and issues a CITES document to that effect.

(b) *U.S. and foreign general provisions.* The following general provisions apply to the issuance and acceptance of pre-Convention documents:

(1) Trade in a specimen under the pre-Convention exemption is allowed only if the importing country will accept a pre-Convention certificate.

(2) The pre-Convention date is the date the species was first listed under CITES regardless of whether the species has subsequently been transferred from one Appendix to another.

(3) For a pre-Convention Appendix-I specimen, no CITES import permit is required.

(4) The pre-Convention exemption does not apply to offspring or cell lines of any wildlife or plant born or propagated after the date the species was first listed under CITES.

(c) *U.S. application form.* Complete Form 3–200–23 (wildlife) or Form 3–200–32 (plants) and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that the specimen meets all of the following criteria:

(1) The specimen was removed from the wild or born or propagated in a controlled environment before the date CITES first applied to it, or is a product (including a manufactured item) or derivative made from such specimen.

(2) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP (see § 23.23).

(3) Live wildlife or plants will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.

(4) For the re-export of a pre-Convention specimen previously imported under a CITES document, the wildlife or plant was legally imported.

§ 23.46 What are the requirements for registering a commercial breeding operation for Appendix-I wildlife and commercially exporting specimens?

(a) *Purpose.* Article VII(4) of the Treaty provides that Appendix-I specimens that are bred in captivity for commercial purposes shall be deemed to be listed in Appendix II. This means that an Appendix-I specimen originating from a commercial breeding operation that is registered with the CITES Secretariat may be traded under an export permit or re-export certificate based on Appendix-II criteria. The specimen is still listed in Appendix I and is not eligible for any exemption granted to an Appendix-II species or taxon, including any exemption granted by an annotation (see § 23.92).

(b) *U.S. and foreign general provisions.* The following provisions apply to the registration of U.S. and foreign commercial breeding operations for Appendix-I wildlife:

(1) If the Management Authority is satisfied that the operation in its country meets the conditions for registration in paragraph (d) of this section, it will send the request to register a breeding operation to the Secretariat.

(2) The Secretariat will verify that the application is complete and notify the Parties of the request.

(3) If any Party objects to or expresses concern about the registration within 90 days from the date of the Secretariat's notification, the Secretariat will refer the application to the Animals Committee. The Committee has 60 days to respond to objections. The Secretariat will provide the recommendations of the Committee to the Management Authority of the Party that submitted the application and the Party that objected to the registration, and will facilitate a dialogue for resolution of the identified problems within 60 days.

(4) If the objection is not withdrawn or the identified problems are not resolved, approval of the registration will require a two-thirds majority vote by the Parties at the next CoP or by a postal vote.

(5) If other operations have already been registered for the species, the Secretariat may send the request to appropriate experts for advice only if significant new information is available or if there are other reasons for concern.

(6) If the Secretariat is not satisfied that the operation meets the conditions for registration, it will provide the Management Authority that submitted the registration request with a full explanation of the reasons for rejection and indicate the specific conditions that must be met before the registration can be resubmitted for further consideration.

(7) When the Secretariat is satisfied that the operation meets the registration requirements, it will include the operation in its register.

(8) Operations are assigned an identification number and listed in the official register. Registration is not final until the Secretariat notifies all Parties.

(9) If a Party believes that a registered operation does not meet the bred-in-captivity requirements, it may, after consultation with the Secretariat and the Party concerned, propose that the CoP delete the operation from the register by a two-thirds vote of the Parties. Once an operation has been deleted, it must re-apply and meet the registration requirements to be reinstated.

(10) The Management Authority, in collaboration with the Scientific Authority, of a country where any registered operation is located must monitor the operation to ensure that it continues to meet the registration requirements. The Management Authority will advise the Secretariat of any major change in the nature of the operation or in the types of products being produced for export, and the Animals Committee will review the operation to determine whether it should remain registered.

(11) A Party may unilaterally request the removal of a registered operation within its jurisdiction by notifying the Secretariat.

(12) An Appendix-I specimen may not be imported for purposes of establishing or augmenting a commercial breeding operation, unless the specimen is pre-Convention (see § 23.45) or was bred at a commercial breeding operation that is registered with the CITES Secretariat as provided in this section.

(c) *U.S. application to register.* Complete Form 3–200–65 and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the registration of U.S. and foreign commercial breeding operations for Appendix-I wildlife. For your breeding operation to be registered in the United States, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for registering a commercial breeding operation for Appendix-I wildlife	Section
(1) The operation breeds wildlife for commercial purposes.	23.5
(2) The parental stock was legally acquired.	23.60
(3) The wildlife meets bred-in-captivity criteria.	23.63

Criteria for registering a commercial breeding operation for Appendix-I wildlife	Section
(4) Where the establishment of a breeding operation involves the removal of animals from the wild (allowable only under exceptional circumstances and only for native species), the operation must demonstrate to the satisfaction of the Management Authority, on advice of the Scientific Authority and of the Secretariat, that the removal is or was not detrimental to the conservation of the species.	–
(5) The potential escape of specimens or pathogens from the facility does not pose a risk to the ecosystem and native species.	–
(6) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	23.23
(7) The breeding operation will make a continuing, meaningful contribution to the conservation of the species according to the conservation needs of the species.	–
(8) The operation will be carried out at all stages in a humane (non-cruel) manner.	–

(e) *Standard conditions of the registration*. In addition to the conditions in § 23.56, you must meet all of the following conditions:

(1) You must uniquely mark all specimens from the breeding operation in the manner proposed at the time of registration. Birds may be marked with closed bands, although other methods may be used.

(2) You may not import Appendix-I specimens for primarily commercial purposes (such as to establish a commercial captive-breeding operation) except from breeding operations registered for that species.

(3) You must provide information to the Management Authority each year on the year's production and your current breeding stock. You may provide the information by mail, fax, or e-mail.

(4) You must allow our agents to enter the premises at any reasonable hour to inspect wildlife held or to inspect, audit, or copy applicable records.

(f) *U.S. and foreign general provisions for export of specimens that originated in a registered breeding operation*. The following provisions apply to the issuance and acceptance of export permits for Appendix-I specimens bred at an operation registered with the CITES Secretariat:

(1) An export permit may be issued to the registered operation or to persons who have purchased a specimen that originated at the registered operation if the specimen has the unique mark applied by the operation. If a microchip is used, we may, if necessary, ask the importer, exporter, or re-exporter to have equipment on hand to read the microchip at the time of import, export, or re-export.

(2) The export permit, and any subsequent re-export certificate, must show the specimen as listed in Appendix I and the source code as ''D,'' and give the identification number of the registered breeding operation where the specimen originated.

(3) No CITES import permit is required for a qualifying specimen.

(g) *U.S. application form*. Complete Form 3–200–24 and submit it to the U.S. Management Authority.

(h) *Criteria*. The criteria in this paragraph (h) apply to the issuance and acceptance of U.S. and foreign export permits. When applying for a U.S. permit, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for an export permit	Section
(1) The specimen was bred at a commercial operation for Appendix-I wildlife that is registered with the CITES Secretariat.	23.46
(2) The proposed export would not be detrimental to the survival of the species.	23.61

Criteria for an export permit	Section
(3) Live wildlife will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.	23.23

§ 23.47 What are the requirements for export of an Appendix-I plant artificially propagated for commercial purposes?

(a) *Purpose.* Article VII(4) of the Treaty provides that Appendix-I plants artificially propagated for commercial purposes shall be deemed to be listed in Appendix II. This means that an Appendix-I specimen originating from a commercial nursery that is registered with the CITES Secretariat or that meets the requirements of this section may be traded under an export permit or re-export certificate based on Appendix-II criteria. The specimen is still listed in Appendix I and is not eligible for any exemption granted to an Appendix-II species or taxon, including any exemption granted by an annotation.

(b) *U.S. and foreign general provisions.* The following provisions apply to the issuance and acceptance of export permits for Appendix-I specimens artificially propagated for commercial purposes:

(1) An Appendix-I specimen may not be imported for purposes of establishing or augmenting a nursery or commercial propagating operation, unless the specimen is pre-Convention (see § 23.45) or was propagated at a nursery that is registered with the CITES Secretariat or a commercial propagating operation that qualifies under paragraph (d) of this section, and the CITES document indicates the source code as ''D.''

(2) An export permit may be issued to a CITES-registered nursery, to a commercial propagating operation that qualifies under paragraph (d) of this section, or to persons who have acquired a specimen that originated at such a nursery or operation. No CITES import permit is required for a qualifying specimen.

(3) The export permit, and any subsequent re-export certificate, must show the specimen as listed in Appendix I and the source code as ''D,'' and if from a nursery registered with the Secretariat, give the identification number of the registered nursery where the specimen originated.

(c) *U.S. application form.* Complete Form 3–200–33 or Form 3–200–74 (for additional single-use permits under a master file or an annual export program file). Complete Form 3–200–32 for one-time export. Submit the completed form to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign export permits. When applying for a U.S. permit, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

Criteria for an export permit	Section
(1) The specimen was propagated for commercial purposes.	23.5
(2) The parental stock was legally acquired.	23.60
(3) The proposed export would not be detrimental to the survival of the species.	23.61
(4) The plant was artificially propagated.	23.64
(5) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP.	23.23
(6) The live plant will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen.	23.23

(e) *Nursery registration*. [Reserved]

§ 23.48 What are the requirements for a registered scientific institution?

(a) *Purpose.* Article VII(6) of the Treaty grants an exemption that allows international trade in certain specimens for noncommercial loan, donation, or exchange between registered scientific institutions.

(b) *U.S. and foreign general provisions.* The following provisions apply to the registration of scientific institutions and acceptance of shipments from registered scientific institutions:

(1) The receiving and sending scientific institutions must be registered with the Management Authority in their country. Scientists who wish to use this exemption must be affiliated with a registered scientific institution.

(i) When a Management Authority is satisfied that a scientific institution has met the criteria for registration, it will assign the institution a five-character code consisting of the ISO country code and a unique three-digit number. In the case of a non-Party, the Secretariat will ensure that the institution meets the standards and assign it a unique code.

(ii) The Management Authority must communicate the name, address, and assigned code to the Secretariat, which maintains a register of scientific institutions and provides that information to all Parties.

(2) A registered scientific institution does not need separate CITES documents for the noncommercial loan, donation, or exchange of preserved, frozen, dried, or embedded museum specimens, herbarium specimens, or live plant material with another registered institution. The shipment must have an external label that contains information specified in paragraph (e)(5) of this section.

(c) *U.S. application to register as a scientific institution.* To register, complete Form 3–200–39 and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the registration of U.S. and foreign institutions for scientific exchange. To be issued a certificate of scientific exchange as a registered U.S. scientific institution, you must provide sufficient information for us to find that your institution meets all of the following criteria:

(1) Collections of wildlife or plant specimens are permanently housed and professionally curated, and corresponding records are kept.

(2) Specimens are accessible to all qualified users, including those from other institutions.

(3) Specimens are properly accessioned in a permanent catalog.

(4) Records are permanently maintained for loans and transfers to and from other institutions.

(5) Specimens are acquired primarily for research that is to be reported in scientific publications, and CITES specimens are not used for commercial purposes or as decorations.

(6) Collections are prepared and arranged in a way that ensures their accessibility to researchers.

(7) Specimen labels, permanent catalogs, and other records are accurate.

(8) Specimens are legally acquired and lawfully possessed under a country's wildlife and plant laws.

(9) Appendix-I specimens are permanently and centrally housed under the direct control of the institution.

(e) *U.S. standard conditions.* In addition to the conditions in § 23.56, any activity conducted under a certificate of scientific exchange must meet all of the following conditions:

(1) Both scientific institutions involved in the exchange must be registered by the applicable Management Authorities (or the Secretariat in the case of a non-Party), and be included in the Secretariat's register of scientific institutions.

(2) An institution may send and receive only preserved, frozen, dried, or embedded museum specimens, herbarium specimens, or live plant materials that have been permanently and accurately recorded by one of the institutions involved in the exchange and that are traded as a noncommercial loan, donation, or exchange.

(3) An institution may use specimens acquired under a certificate of scientific exchange and their offspring only for scientific research or educational display at a scientific institution and may not use specimens for commercial purposes.

(4) The institution must keep records to show that the specimens were legally acquired.

(5) A customs declaration label must be affixed to the outside of each shipping container or package that contains all of the following:

(i) The acronym ''CITES.''

(ii) A description of the contents (such as ''herbarium specimens'').

(iii) The names and addresses of the sending and receiving registered institutions.

(iv) The signature of a responsible officer of the sending registered scientific institution.

(v) The scientific institution codes of both registered scientific institutions involved in the loan, donation, or exchange.

(6) A registered institution may destroy samples during analysis, provided that a portion of the sample is maintained and permanently recorded at a registered scientific institution for future scientific reference.

§ 23.49 What are the requirements for an exhibition traveling internationally?

(a) *Purpose.* Article VII(7) of the Treaty grants an exemption for specimens that qualify as bred in captivity, artificially propagated, or pre-Convention and are part of a traveling exhibition.

(b) *U.S. and foreign general provisions.* The following general provisions apply to the issuance and acceptance of a certificate for live wildlife and plants, or their parts, products, or derivatives in an exhibition that travels internationally:

(1) The Management Authority in the country of the exhibitor's primary place of business must have determined that the specimens are bred in captivity, artificially propagated, or pre-Convention and issued a traveling-exhibition certificate.

(2) The certificate must indicate that the wildlife or plant is part of a traveling exhibition.

(3) A separate certificate must be issued for each live wildlife specimen; a CITES document may be issued for more than one specimen for a traveling exhibition of live plants and dead parts, products, or derivatives of wildlife and plants.

(4) The certificate is not transferable.

(5) Parties should treat the certificate like a passport for import and export or re-export from each country, and should not collect the original certificate at the border.

(6) Parties should check specimens closely to determine that each specimen matches the certificate and ensure that each live specimen is being transported and cared for in a manner that minimizes the risk of injury, damage to health, or cruel treatment of the specimen.

(7) If offspring are born or a new specimen is acquired while the traveling exhibition is in another country, the exhibitor must obtain the appropriate CITES document for the export or re-export of the specimen from the Management Authority of that country.

(8) Upon returning home, the exhibitor may apply for a traveling-exhibition certificate for wildlife born overseas or for wildlife or plants acquired overseas.

(c) *U.S. application form.* Complete Form 3–200–30 for wildlife and Form 3–200–32 for plants, and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

(1) The traveling exhibition makes multiple cross-border movements, and will return to the country in which the exhibition is based before the certificate expires.

(2) The cross-border movement must be for exhibition, and not for breeding, propagating, or activities other than exhibition.

(3) The traveling exhibition is based in the country that issued the certificate.

(4) The specimen meets the criteria for a bred-in-captivity certificate, certificate for artificially propagated plants, or pre-Convention certificate.

(5) The exhibitor does not intend to sell or otherwise transfer the wildlife

or plant while traveling internationally.

(6) The wildlife or plant is securely marked or identified in such a way that border officials can verify that the certificate and specimen correspond. If a microchip is used, we may, if necessary, ask the importer, exporter, or re-exporter to have equipment on hand to read the microchip at the time of import, export, or re-export.

(e) *U.S. standard conditions.* In addition to the conditions in § 23.56, you must meet all of the following conditions:

(1) The certificate may be used by you, and you must not transfer or assign it to another person or traveling exhibition.

(2) You must transport the specimen internationally only for exhibition, not for breeding, propagating, or activities other than exhibition.

(3) You must present the certificate to the official for validation at each border crossing.

(4)For live plants, the quantity of plants must be reasonable for the purpose of the traveling exhibition.

(5) You must not sell or otherwise transfer the specimen, or any offspring born to such specimen, while traveling internationally.

(6) If the certificate is lost, stolen, or accidentally destroyed, you may obtain a replacement certificate only from the U.S. Management Authority.

(7) If you no longer own the wildlife or plants, or no longer plan to travel as a traveling exhibition, the original certificate must be immediately returned to the U.S. Management Authority.

(8) You must return the traveling exhibition to the United States before the certificate expires.

§ 23.50 What are the requirements for a sample collection covered by an ATA carnet?

(a) *Purpose.* Article VII(1) of the Treaty allows for the transit of specimens through or within a Party country while the specimens remain under customs control.

(b) *Definition.* For purposes of this section, *sample collection* means a set of legally acquired parts, products, or derivatives of Appendix-II or -III species, or Appendix-I species bred in captivity or artificially propagated for commercial purposes, that will:

(1) Cross international borders only for temporary exhibition or display purposes and return to the originating country.

(2) Be accompanied by a valid ATA carnet and remain under customs control.

(3) Not be sold or otherwise transferred while traveling internationally.

(c) *U.S. and foreign general provisions.* The following general provisions apply to the issuance and acceptance of a CITES document for the movement of sample collections:

(1) The Management Authority in the country where the sample collection originated must issue a CITES document that:

(i) Clearly specifies that the document was issued for a ''sample collection.''

(ii) Includes the condition in block 5, or an equivalent place, of the document that it is valid only if the shipment is accompanied by a valid ATA carnet and that the specimens must not be sold, donated, or otherwise transferred while outside the originating country.

(2) The number of the accompanying ATA carnet must be recorded on the CITES document, and if this number is not recorded by the Management Authority, it must be entered by a customs or other CITES enforcement official responsible for the original endorsement of the CITES document.

(3) The name and address of the exporter or re-exporter and importer must be identical, and the names of the countries to be visited must be indicated in block 5 or an equivalent place.

(4) The date of validity must not be later than that of the ATA carnet and the period of validity must not exceed 6 months from the date of issuance.

(5) At each border crossing, Parties must verify the presence of the CITES document, but allow it to remain with the shipment, and ensure that the ATA carnet is properly endorsed with an authorized stamp and signature by a customs official.

(6) The exporter or re-exporter must return the sample collection to the originating country prior to the expiration of the CITES document.

(7) Parties should check the CITES document and sample collection closely at the time of first export or re-export and upon its return to ensure that the contents of the sample collection have not been changed.

(8) For import into and export or re-export from the United States, the shipment must comply with the requirements for wildlife in part 14 of this subchapter and for plants in part 24 of this subchapter and 7 CFR parts 319, 352, and 355.

(d) *U.S. application form.* Complete Form 3–200–29 for wildlife and Form 3–200–32 for plants, and submit it to the U.S. Management Authority.

(e) *Criteria.* The criteria in this paragraph (e) apply to the issuance and acceptance of U.S. and foreign documents. When applying for a U.S. document, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

(1) The specimens meet the definition of a sample collection as provided in paragraph (b) of this section.

(2) The wildlife or plant specimens must be securely marked or identified in such a way that border officials can verify that the CITES document, ATA carnet, and specimens correspond.

(f) *U.S. standard conditions.* In addition to the conditions in § 23.56, you must meet all of the following conditions:

(1) You must transport the sample collection only for temporary exhibition or display purposes.

(2) You must not transfer or assign the CITES document to another person.

(3) You must not sell, donate, or transfer specimens while traveling internationally.

(4) You must present the CITES document and the ATA carnet to the official for validation at each border crossing.

(5) You must return the sample collection to the United States prior to the expiration of the CITES document.

(6) If the CITES document is lost, stolen, or accidentally destroyed, you may obtain a replacement certificate only from the U.S. Management Authority.

(7) If you no longer own the sample collection, or no longer plan to travel with the sample collection, you must immediately return the original document to the U.S. Management Authority.

§ 23.51 What are the requirements for issuing a partially completed CITES document?

(a) *Purpose.* Under Article VIII(3), Parties are to ensure that CITES specimens are traded with a minimum of delay.

(b) *U.S. and foreign general provisions.* The following provisions apply to the issuance and acceptance of partially completed CITES documents.

(1) A Management Authority may issue partially completed CITES documents only when:

(i) The permitted trade will have a negligible impact or no impact on the conservation of the species.

(ii) All provisions of CITES have been met.

(iii) The specimens are one of the following:

(A) Biological samples.

(B) Pre-Convention specimens.

(C) Specimens that qualify as bred in captivity or artificially propagated.

(D) Appendix-I specimens from registered commercial breeding operations.

(E) Appendix-I plants artificially propagated for commercial purposes.

(F) Other specimens that the Management Authority determines qualify for partially completed documents.

(2) A Management Authority may register applicants for species that may be traded under partially completed documents.

(3) Partially completed CITES documents require the permit holder to:

(i) Enter specific information on the CITES document or its annex as conditioned on the face of the CITES document.

(ii) Enter scientific names on the CITES document only if the Management Authority included an inventory of approved species on the face of the CITES document or an attached annex.

(iii) Sign the CITES document, which acts as a certification that the information entered is true and accurate.

(4) CITES documents issued for biological samples may be validated at the time of issuance provided that upon export the container is labeled with the CITES document number and indicates it contains CITES biological samples.

(c) *U.S. application form.* Complete the appropriate form for the proposed activity (see §§ 23.18 through 23.20) and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign CITES documents. When applying for a U.S. CITES document, you must provide sufficient information for us to find that your proposed activity meets the criteria in subpart C for the appropriate CITES document and the following criteria:

(1) The use of partially completed documents benefits both the permit holder and the issuing Management Authority.

(2) The proposed activity will have a negligible impact or no impact upon the conservation of the species.

(e) *U.S. standard conditions.* In addition to the conditions in § 23.56 and any standard conditions in this part that apply to the specific CITES document, the following conditions must be met:

(1) You must enter the information specified in block 5, either on the face of the CITES document or in an annex to the document.

(2) You may not alter or enter any information on the face of the CITES document or in an annex to the document that is not authorized in block 5 or an equivalent place.

(3) If you are authorized to enter a scientific name, it must be for a species authorized in block 5 or an equivalent place, or in an attached annex of the CITES document.

(4) You must sign the CITES document to certify that all information entered by you is true and correct.

§ 23.52 What are the requirements for replacing a lost, damaged, stolen, or accidentally destroyed CITES document?

(a) *Purpose.* A Management Authority may issue a duplicate document, either a copy of the original or a reissued original, when a CITES document has been lost, damaged, stolen, or accidentally destroyed. These provisions do not apply to a document that has expired or that requires amendment. To amend or renew a CITES document, see part 13 of this subchapter.

(b) *U.S. and foreign general provisions.* The following provisions apply to the issuance and acceptance of a replacement CITES document:

(1) The permittee must notify the issuing Management Authority that the document was lost, damaged, stolen, or accidentally destroyed.

(2) The issuing Management Authority must be satisfied that the CITES document was lost, damaged, stolen, or accidentally destroyed.

(3) The issuing Management Authority should immediately inform the Management Authority in the country of destination and, for commercial shipments, the Secretariat.

(4) If the replacement CITES document is a copy, it must indicate that it is a ''replacement'' and a ''true copy of the original,'' contain a new dated original signature of a person authorized to sign CITES documents for the issuing Management Authority, and give the reason for replacement.

(5) If the replacement CITES document is a newly issued original document, it must indicate that it is a ''replacement,'' include the number and date of issuance of the document being replaced, and give the reason for replacement.

(c) *U.S. application procedures.* To apply for a replacement CITES document, you must do all of the following:

(1) Complete application Form 3–200–66 and submit it to the U.S. Management Authority.

(2) Consult the list to find the types of information you need to provide (more than one circumstance may apply to you):

If	Then
(i) The shipment has already occurred	Provide copies of: (A) Any correspondence you have had with the shipper or importing country's Management Authority concerning the shipment. (B) For wildlife, the validated CITES document and cleared Declaration for Importation or Exportation of Fish or Wildlife (Form 3–177). (C) For plants, the validated CITES document.
(ii) The original CITES document no longer exists	Submit a signed, dated, and notarized statement that: (A) Provides the CITES document number and describes the circumstances that resulted in the loss or destruction of the original CITES document. (B) States whether the shipment has already occurred. (C) Requests a replacement U.S. CITES document.
(iii) An original CITES document exists but has been damaged	Submit the original damaged CITES document and a signed, dated, and notarized statement that: (A) Describes the circumstances that resulted in the CITES document being damaged. (B) States whether the shipment has already occurred. (C) Requests a replacement U.S. CITES document.

(d) *Criteria*. The criteria in this paragraph (d) apply to the issuance and acceptance of U.S and foreign documents. When applying for a U.S. replacement document, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

(1) The circumstances for the lost, damaged, stolen, or accidentally destroyed CITES document are reasonable.

(2) If the shipment has already been made, the wildlife or plant was legally exported or re-exported, and the Management Authority of the importing country has indicated it will accept the replacement CITES document.

(e) *U.S. standard conditions*. In addition to the conditions in § 23.56, the following conditions apply:

(1) If the original CITES document is found, you must return it to the U.S. Management Authority.

(2) A CITES document issued for a shipment that has already occurred does not require validation.

(f) *Validation*. For an export or re-export that has not left the United States, follow the procedures in § 23.27. If the shipment has left the United States and is in a foreign country, submit the unvalidated replacement CITES document to the appropriate foreign authorities. We will not validate the replacement CITES document for a shipment that has already been shipped to a foreign country. We do not require validation on replacement documents issued by foreign Management Authorities.

§ 23.53 What are the requirements for obtaining a retrospective CITES document?

(a) *Purpose*. Retrospective CITES documents may be issued and accepted in certain limited situations to authorize an export or re-export after that activity has occurred, but before the shipment is cleared for import.

(b) *U.S. and foreign general provisions*. The following provisions apply to the issuance and acceptance of a retrospective CITES document:

(1) A retrospective document may not be issued for Appendix-I specimens except for certain specimens for personal use as specified in paragraph (d)(7) of this section.

(2) The exporter or re-exporter must notify the Management Authority in the exporting or re-exporting country of the irregularities that have occurred.

(3) A retrospective document may be one of the following:

(i) An amended CITES document where it can be shown that the issuing Management Authority made a technical error that was not prompted by the applicant.

(ii) A newly issued CITES document where it can be shown that the applicant was misinformed by CITES officials or the circumstances in (d)(7) of this section apply and a shipment has occurred without a document.

(4) Retrospective documents can only be issued after consultation between the Management Authorities in both the exporting or re-exporting country and the importing country, including a thorough investigation of circumstances and agreement between them that criteria in paragraph (d) of this section have been met.

(5) The issuing Management Authority must provide all of the following information on any retrospective CITES document:

(i) A statement that it was issued retrospectively.

(ii) A statement specifying the reason for the issuance.

(iii) In the case of a document issued for personal use, a condition restricting sale of the specimen within 6 months following the import of the specimen.

(6) The issuing Management Authority must send a copy of the retrospective CITES document to the Secretariat.

(7) In general, except when the exporter or re-exporter and importer have demonstrated they were not responsible for the irregularities, any person who has been issued a CITES document in the past will not be eligible to receive a retrospective document.

(c) *U.S. application*. Complete application Form 3–200–58 and submit it to the U.S. Management Authority. In addition, submit one of the following:

(1) For a shipment that occurred under a document containing a technical error, the faulty CITES document.

(2) For a shipment that occurred without a CITES document, a completed application form for the type of activity you conducted (see §§ 23.18 through 23.20).

(d) *Criteria*. The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign documents. When applying for a U.S. document, you must provide sufficient information for us to find that your activity meets all of the following criteria:

(1) The specimens were exported or re-exported without a CITES document or with a CITES document that contained technical errors as provided in paragraph (d)(6)(ii) of this section.

(2) The specimens were presented to the appropriate official for inspection at the time of import and a request for a retrospective CITES document was made at that time.

(3) The export or re-export and import of the specimens was otherwise in compliance with CITES and the relevant national legislation of the countries involved.

(4) The importing Management Authority has agreed to accept the retrospectively issued CITES document.

(5) The specimens must be Appendix-II or -III wildlife or plants, except as provided in paragraph (d)(7) of this section.

(6) Except as provided in paragraph (d)(7) of this section, the exporter or re-exporter and importer were not responsible for the irregularities that occurred and have demonstrated one of the following:

(i) The Management Authority or officials designated to clear CITES shipments misinformed the exporter or re-exporter or the importer about the CITES requirements. In the United States, this would be an employee of the FWS (for any species) or APHIS or CBP (for plants).

(ii) The Management Authority unintentionally made a technical error that was not prompted by information provided by the applicant when issuing the CITES document.

(7) In the case of specimens for personal use, you must either show that you qualify under paragraph (d)(6) of this section, or that a genuine error was made and that there was no attempt to deceive. The following specimens for personal use may qualify for issuance of a retrospective document:

(i) Personal or household effects.

(ii) Live Appendix-II or -III specimens or live pre-Convention Appendix-I specimens that you own for your personal use, accompanied you, and number no more than two.

(iii) Parts, products, or derivatives of an Appendix-I species that qualify as pre-Convention when the following conditions are met:

(A) You own and possess the specimen for personal use.

(B) You either wore the specimen as clothing or an accessory or took it as part of your personal baggage, which was carried by you or checked as baggage on the same plane, boat, car, or train as you.

(C) The quantity is reasonably necessary or appropriate for the nature of your trip or stay.

(e) *U.S. standard conditions.* In addition to the conditions in § 23.56, the following condition applies: A CITES document issued for a shipment that has already occurred does not require validation.

(f) *Validation.* Submit the original unvalidated retrospective CITES document to the appropriate foreign authority. We will not validate the retrospective CITES document for a shipment that has already been shipped to a foreign country, and we do not require validation on retrospective documents issued by foreign Management Authorities.

§ 23.54 How long is a U.S. or foreign CITES document valid?

(a) *Purpose.* Article VI(2) of the Treaty sets the time period within which an export permit is valid. Validity periods for other CITES documents are prescribed in this section.

(b) *Period of validity.* CITES documents are valid only if presented for import or introduction from the sea within the period of validity (before midnight on the expiration date) noted on the face of the document.

(1) An export permit and re-export certificate will be valid for no longer than 6 months from the issuance date.

(2) An import permit, introduction-from-the-sea certificate, and certificate of origin will be valid for no longer than 12 months from the issuance date.

(3) A traveling-exhibition certificate and certificate of ownership will be valid for no longer than 3 years from the issuance date.

(4) Other CITES documents will state the period of their validity, but no U.S. CITES document will be valid for longer than 3 years from the issuance date.

(c) *Extension of validity.* The validity of a CITES document may not be extended beyond the expiration date on the face of the document, except under limited circumstances for certain timber species as outlined in § 23.73.

§ 23.55 How may I use a CITES specimen after import into the United States?

You may use CITES specimens after import into the United States for the following purposes:

If the species is listed in	Allowed use after import
(a) Appendix I, except for specimens imported with a CITES exemption document listed in paragraph (d) of this section. (b) Appendix II with an annotation for noncommercial purposes where other specimens of that species are treated as if listed in Appendix I. (c) Appendix II and threatened under the ESA, except as provided in a special rule in §§ 17.40 through 17.48 or under a permit granted under §§ 17.32 or 17.52.	The specimen may be used, including a transfer, donation, or exchange, only for noncommercial purposes.
(d) Appendix I, and imported with a CITES exemption document as follows: (1) U.S-issued certificate for personally owned wildlife. (2) Pre-Convention certificate. (3) Export permit or re-export certificate for wildlife from a registered commercial breeding operation. (4) Export permit or re-export certificate for a plant from a registered nursery or under a permit with a source code of ''D.'' (5) U.S.-issued traveling-exhibition certificate. (e) Appendix II, other than those in paragraphs (b) and (c) of this section. (f) Appendix III.	The specimen may be used for any purpose, except if the regulations in this part or other parts of this subchapter or a permit condition allowed the import only for noncommercial purposes, then the import and subsequent use must be only for noncommercial purposes.

§ 23.56 What U.S. CITES document conditions do I need to follow?

(a) *General conditions.* The following general conditions apply to all U.S. CITES documents:

(1) You must comply with the provisions of part 13 of this subchapter as conditions of the document, as well as other applicable regulations in this subchapter, including, but not limited to, any that require permits. You must comply with all applicable local, State, Federal, tribal, and foreign wildlife or plant conservation laws.

(2) For export and re-export of live wildlife and plants, transport conditions must comply with CITES'*Guidelines for transport and preparation for shipment of live wild animals and plants*or, in the case of air transport of live wildlife, with *International Air Transport Association Live Animals Regulations.*

(3) You must return the original CITES document to the issuing office if you do not use it, it expires, or you request renewal or amendment.

(4) When appropriate, a Management Authority may require that you identify Appendix-II and -III wildlife or plants with a mark. All live Appendix-I wildlife must be securely marked or uniquely identified. Such mark or identification must be made in a way that the border official can verify that the specimen and CITES document correspond. If a microchip is used, we may, if necessary, ask the importer, exporter, or re-exporter to have equipment on hand to read the microchip at the time of import, export, or re-export.

(b) *Standard conditions.* You must comply with the standard conditions provided in this part for specific types of CITES documents.

(c) *Special conditions.* We may place special conditions on a CITES document based on the needs of the species or the proposed activity. You must comply with any special conditions contained in or attached to a CITES document.

Subpart D—Factors Considered in Making Certain Findings

§ 23.60 What factors are considered in making a legal acquisition finding?

(a) *Purpose.* Articles III, IV, and V of the Treaty require a Management Authority to make a legal acquisition finding before issuing export permits and re-export certificates. The Parties have agreed that a legal acquisition finding must also be made before issuing certain CITES exemption documents.

(b) *Types of legal acquisition.* Legal acquisition refers to whether the specimen and its parental stock were:

(1) Obtained in accordance with the provisions of national laws for the protection of wildlife and plants. In the United States, these laws include all applicable local, State, Federal, tribal, and foreign laws; and

(2) If previously traded, traded internationally in accordance with the provisions of CITES.

(c) *How we make our findings.* We make a finding that a specimen was legally acquired in the following way:

(1) The applicant must provide sufficient information (see § 23.34) for us to make a legal acquisition finding.

(2) We make this finding after considering all available information.

(3) The amount of information we need to make the finding is based on our review of general factors described in paragraph (d) of this section and additional specific factors described in paragraphs (e) through (k) of this section.

(4) As necessary, we consult with foreign Management and Scientific Authorities, the CITES Secretariat, State conservation agencies, Tribes, FWS Law Enforcement, APHIS or CBP, and other appropriate experts.

(d) *Risk assessment.* We review the general factors listed in this paragraph and additional specific factors in paragraphs (e) through (k) of this section to assess the level of scrutiny and amount of information we need to make a finding of legal acquisition. We give less scrutiny and require less-detailed information when there is a low risk that specimens to be exported or re-exported were not legally acquired, and give more scrutiny and require more

detailed information when the proposed activity poses greater risk. We consider the cumulative risks, recognizing that each aspect of the international trade has a continuum of risk from high to low associated with it as follows:

(1) *Status of the species*: From Appendix I to Appendix III.

(2) *Origin of the specimen*: From wild-collected to born or propagated in a controlled environment to bred in captivity or artificially propagated.

(3) *Source of the propagule used to grow the plant*: From documentation that the plant was grown from a non-exempt seed or seedling to documentation that the plant was grown from an exempt seed or seedling.

(4) *Origin of the species*: From species native to the United States or its bordering countries of Mexico or Canada to nonnative species from other countries.

(5) *Volume of illegal trade*: From high to low occurrence of illegal trade.

(6) *Type of trade*: From commercial to noncommercial.

(7) *Trade by range countries*: From range countries that do not allow commercial export, or allow only limited noncommercial export of the species, to range countries that allow commercial export in high volumes.

(8) *Occurrence of the species in a controlled environment in the United States*: From uncommon to common in a controlled environment in the United States.

(9) *Ability of the species to be bred or propagated readily in a controlled environment*: From no documentation that the species can be bred or propagated readily in a controlled environment to widely accepted information that the species is commonly bred or propagated.

(10) *Genetic status of the specimen*: From a purebred species to a hybrid.

(e) *Captive-bred wildlife or a cultivated plant*. For a specimen that is captive-bred or cultivated, we may consider whether the parental stock was legally acquired.

(f) *Confiscated specimen*. For a confiscated Appendix-II or -III specimen, we consider whether information shows that the transfer of the confiscated specimen or its offspring met the conditions of the remission decision, legal settlement, or disposal action after forfeiture or abandonment.

(g) *Donated specimen of unknown origin*. For an unsolicited specimen of unknown origin donated to a public institution (see § 10.12 of this subchapter), we consider whether:

(1) The public institution follows standard recordkeeping practices and has made reasonable efforts to obtain supporting information on the origin of the specimen.

(2) The public institution provides sufficient information to show it made a reasonable effort to find a suitable recipient in the United States.

(3) The export will provide a conservation benefit to the species.

(4) No persuasive information exists on illegal transactions involving the specimen.

(5) The export is noncommercial, with no money or barter exchanged except for shipping costs.

(6) The institution has no history of receiving a series of rare and valuable specimens or a large quantity of wildlife or plants of unknown origin.

(h) *Imported previously*. For a specimen that was previously imported into the United States, we consider any reliable, relevant information we receive concerning the validity of a CITES document, regardless of whether the shipment was cleared by FWS, APHIS, or CBP.

(i) *Personal use*. For a wildlife or plant specimen that is being exported or re-exported for personal use by the applicant, we consider whether:

(1) The specimen was acquired in the United States and possessed for strictly personal use.

(2) The number of specimens is reasonably appropriate for the nature of your export or re-export as personal use.

(3) No persuasive evidence exists on illegal transactions involving the specimen.

(j) *Sequential ownership*. For a specimen that was previously possessed by someone other than the applicant, we may consider the history of ownership for a specimen and its parental stock, breeding stock, or cultivated parental stock.

(k) *Wild-collected in the United States.* For a specimen collected from the wild in the United States, we consider the site where the specimen was collected, whether the species is known to occur at that site, the abundance of the species at that site, and, if necessary, whether permission of the appropriate management agency or landowner was obtained to collect the specimen.

§ 23.61 What factors are considered in making a non-detriment finding?

(a) *Purpose.* Articles III and IV of the Treaty require that, before we issue a CITES document, we find that a proposed export or introduction from the sea of Appendix-I or -II specimens is not detrimental to the survival of the species and that a proposed import of an Appendix-I specimen is for purposes that would not be detrimental to the survival of the species.

(b) *Types of detriment.* Detrimental activities, depending on the species, could include, among other things, unsustainable use and any activities that would pose a net harm to the status of the species in the wild. For Appendix-I species, it also includes use or removal from the wild that results in habitat loss or destruction, interference with recovery efforts for a species, or stimulation of further trade.

(c) *General factors.* The applicant must provide sufficient information for us to make a finding of non-detriment. In addition to factors in paragraphs (d) and (e) of this section, we will consider whether:

(1) Biological and management information demonstrates that the proposed activity represents sustainable use.

(2) The removal of the animal or plant from the wild is part of a biologically based sustainable-use management plan that is designed to eliminate over-utilization of the species.

(3) If no sustainable-use management plan has been established, the removal of the animal or plant from the wild would not contribute to the over-utilization of the species, considering both domestic and international uses.

(4) The proposed activity, including the methods used to acquire the specimen, would pose no net harm to the status of the species in the wild.

(5) The proposed activity would not lead to long-term declines that would place the viability of the affected population in question.

(6) The proposed activity would not lead to significant habitat or range loss or restriction.

(d) *Additional factor for Appendix-II species.* In addition to the general factors in paragraph (c) of this section, we will consider whether the intended export of an Appendix-II species would cause a significant risk that the species would qualify for inclusion in Appendix I.

(e) *Additional factors for Appendix-I species.* In addition to the general factors in paragraph (c) of this section, we will consider whether the proposed activity:

(1) Would not cause an increased risk of extinction for either the species as a whole or the population from which the specimen was obtained.

(2) Would not interfere with the recovery of the species.

(3) Would not stimulate additional trade in the species. If the proposed activity does stimulate trade, we will consider whether the anticipated increase in trade would lead to the decline of the species.

(f) *How we make our findings.* We base the non-detriment finding on the best available biological information. We also consider trade information, including trade demand, and other scientific management information. We make a non-detriment finding in the following way:

(1) We consult with the States, Tribes, other Federal agencies, scientists, other experts, and the range countries of the species.

(2) We consult with the Secretariat and other Parties to monitor the level of trade that is occurring in the species.

(3) Based on the factors in paragraphs (c) through (e) of this section, we evaluate the biological impact of the proposed activity.

(4) In cases where insufficient information is available or the factors above are not satisfactorily addressed, we take precautionary measures and would be unable to make the required finding of non-detriment.

(g) *Risk assessment.* We review the status of the species in the wild and the degree of risk the proposed activity poses to the species to determine the level of scrutiny needed to make a finding. We give greater scrutiny and require more detailed information for activities that pose a greater risk to a species in the wild. We consider the cumulative risks, recognizing that each aspect of international trade has a continuum of risk (from high to low) associated with it as follows:

(1) *Status of the species*: From Appendix I to Appendix II.

(2) *Origin of the specimen*: From wild-collected to born or propagated in a controlled environment to bred in captivity or artificially propagated.

(3) *Source of the propagule used to grow the plant*: From documentation that the plant was grown from a non-exempt seed or seedling to documentation that the plant was grown from an exempt seed or seedling.

(4) *Origin of the species*: From native species to nonnative species.

(5) *Volume of legal trade*: From high to low occurrence of legal trade.

(6) *Volume of illegal trade*: From high to low occurrence of illegal trade.

(7) *Type of trade*: From commercial to noncommercial.

(8) *Genetic status of the specimen*: From a purebred species to a hybrid.

(9) *Risk of disease transmission*: From high to limited risk of disease transmission.

(10) *Basis for listing*: From listed under Article II(1) or II(2)(a) of the Treaty to listed under Article II(2)(b).

(h) *Quotas for Appendix-I species.* When an export quota has been set by the CoP for an Appendix-I species, we will consider the scientific and management basis of the quota together with the best available biological information when we make our non-detriment finding. We will contact the Scientific and Management Authorities of the exporting country for further information if needed.

§ 23.62 What factors are considered in making a finding of not for primarily commercial purposes?

(a) *Purpose.* Under Article III(3(c)) and (5(c)) of the Treaty, an import permit or an introduction-from-the-sea certificate for Appendix-I species can be issued only if the Management Authority is satisfied that the specimen is not to be used for primarily commercial purposes. Trade in Appendix-I species must be subject to particularly strict regulation and authorized only in exceptional circumstances.

(b) *How we make our findings.* We must find that the intended use of the Appendix-I specimen is not for primarily commercial purposes before we can issue a CITES document.

(1) We will make this decision on a case-by-case basis considering all available information.

(2) The applicant must provide sufficient information to satisfy us that the intended use is not for primarily commercial purposes.

(3) The definitions of ''commercial'' and ''primarily commercial purposes'' in § 23.5 apply.

(4) We will look at all aspects of the intended use of the specimen. If the noncommercial aspects do not clearly predominate, we will consider the import or introduction from the sea to be for primarily commercial purposes.

(5) While the nature of the transaction between the owner in the country of export and the recipient in the country of import or introduction from the sea may have some commercial aspects, such as the exchange of money to cover the costs of shipment and care of specimens during transport, it is the intended use of the specimen, including the purpose of the export, that must not be for primarily commercial purposes.

(6) We will conduct an assessment of factors listed in paragraph (d) of this section. For activities involving an anticipated measurable increase in revenue and other economic value associated with the intended use, we will conduct an analysis as described in paragraph (e) of this section.

(7) All net profits generated in the United States from activities associated with the import of an Appendix-I species must be used for conservation of that species.

(c) *Examples.* The following are examples of types of transactions in which the noncommercial aspects of the intended use of the specimen may predominate depending on the facts of

each situation. The discussions of each example provide further guidance in assessing the actual degree of commerciality on a case-by-case basis. These examples outline circumstances commonly encountered and do not cover all situations where import or introduction from the sea could be found to be not for primarily commercial purposes.

(1) *Personal use.* Import or introduction from the sea of an Appendix-I specimen for personal use generally is considered to be not for primarily commercial purposes. An example is the import of a personal sport-hunted trophy by the person who hunted the wildlife for display in his or her own home.

(2) *Scientific purposes.* The import or introduction from the sea of an Appendix-I specimen by a scientist or scientific institution may be permitted in situations where resale, commercial exchange, or exhibit of the specimen for economic benefit is not the primary intended use.

(3) *Conservation, education, or training.* Generally an Appendix-I specimen may be imported or introduced from the sea by government agencies or nonprofit institutions for purposes of conservation, education, or training. For example, a specimen could be imported or introduced from the sea primarily to train customs staff in effective CITES control, such as for identification of certain types of specimens.

(4) *Biomedical industry.* Import or introduction from the sea of an Appendix-I specimen by an institution or company in the biomedical industry is initially presumed to be commercial since specimens are typically imported or introduced from the sea to develop and sell products that promote public health for profit. However, if the importer clearly shows that the sale of products is only incidental to public health research and not for the primary purpose of economic benefit or profit, then such an import or introduction from the sea could be considered as scientific research under paragraph (c)(2) of this section if the principles of paragraph (b) of this section are met.

(5) *Captive-breeding or artificial propagation programs.* The import of an Appendix-I specimen for purposes of establishing a commercial operation for breeding or artificial propagation is considered to be for primarily commercial purposes. As a general rule, import or introduction from the sea of an Appendix-I specimen for a captive-breeding or artificial propagation program must have as a priority the long-term protection and recovery of the species in the wild. The captive-breeding or artificial propagation program must be part of a program aimed at the recovery of the species in the wild and be undertaken with the support of a country within the species' native range. Any profit gained must be used to support this recovery program. If a captive-breeding or artificial propagation operation plans to sell surplus specimens to help offset the costs of its program, import or introduction from the sea would be allowed only if any profit would be used to support the captive-breeding or artificial propagation program to the benefit of the Appendix-I species, not for the personal economic benefit of a private individual or shareholder.

(6) *Professional dealers.* Import or introduction from the sea by a professional dealer who states a general intention to eventually sell the specimen or its offspring to an undetermined recipient would be considered to be for primarily commercial purposes. However, import or introduction from the sea through a professional dealer by a qualified applicant may be acceptable if the ultimate intended use would be for one of the purposes set out in paragraphs (c)(2), (3), and (5) of this section and where a binding contract, conditioned on the issuing of permits, is in place.

(d) *Risk assessment.* We review the factors listed in this paragraph (d) to assess the level of scrutiny and amount of information we need to make a finding of whether the intended use of the specimen is not for primarily commercial purposes. We give less scrutiny and require less detailed information when the import or introduction from the sea poses a low risk of being primarily commercial, and give more scrutiny and require more detailed information when the proposed activity poses greater risk. We consider the cumulative risks, recognizing that each aspect of

the international trade has a continuum of risk from high to low associated with it as follows:

(1) *Type of importer*: From for-profit entity to private individual to nonprofit entity.

(2) *Ability of the proposed uses to generate revenue*: From the ability to generate measurable increases in revenue or other economic value to no anticipated increases in revenue or other economic value.

(3) *Appeal of the species*: From high public appeal to low public appeal.

(4) *Occurrence of the species in the United States*: From uncommon to common in a controlled environment in the United States.

(5) *Intended use of offspring*: From commercial to noncommercial.

(e) *Analysis of anticipated revenues and other economic value*. We will analyze revenues and other economic value anticipated to result from the use of the specimen for activities with a high risk of being primarily commercial.

(1) We will examine the proposed use of any net profits generated in the United States. We consider net profit to include all funds or other valuable considerations (including enhanced value of common stock shares) received or attained by you or those affiliated with you as a result of the import or introduction from the sea, to the extent that such funds or other valuable considerations exceed the reasonable expenses that are properly attributable to the proposed activity.

(2) We will consider any conservation project to be funded and, if the species was or is to be taken from the wild, how the project benefits the species in its native range, including agreements, timeframes for accomplishing tasks, and anticipated benefits to the species.

(3) We will consider any plans to monitor a proposed conservation project, including expenditure of funds or completion of tasks.

(4) In rare cases involving unusually high net profits, we will require the applicant to provide a detailed analysis of expected revenue (both direct and indirect) and expenses to show anticipated net profit, and a statement from a licensed, independent certified public accountant that the internal accounting system is sufficient to account for and track funds generated by the proposed activities.

§ 23.63 What factors are considered in making a finding that an animal is bred in captivity?

(a) *Purpose*. Article VII(4) and (5) of the Treaty provide exemptions that allow for the special treatment of wildlife that was bred in captivity (see §§ 23.41 and 23.46).

(b) *Definitions*. The following terms apply when determining whether specimens qualify as ''bred in captivity'':

(1) A *controlled environment* means one that is actively manipulated for the purpose of producing specimens of a particular species; that has boundaries designed to prevent specimens, including eggs or gametes, from entering or leaving the controlled environment; and has general characteristics that may include artificial housing, waste removal, provision of veterinary care, protection from predators, and artificially supplied food.

(2) *Breeding stock* means an ensemble of captive wildlife used for reproduction.

(c) *Bred-in-captivity criteria*. For a specimen to qualify as bred in captivity, we must be satisfied that all the following criteria are met:

(1) If reproduction is sexual, the specimen was born to parents that either mated or transferred gametes in a controlled environment.

(2) If reproduction is asexual, the parent was in a controlled environment when development of the offspring began.

(3) The breeding stock meets all of the following criteria:

(i) Was established in accordance with the provisions of CITES and relevant national laws.

(ii) Was established in a manner not detrimental to the survival of the species in the wild.

(iii) Is maintained with only occasional introduction of wild specimens as provided in paragraph (d) of this section.

(iv) Has consistently produced offspring of second or subsequent generations in a controlled environment, or is

managed in a way that has been demonstrated to be capable of reliably producing second-generation offspring and has produced first-generation offspring.

(d) *Addition of wild specimens*. A very limited number of wild specimens (including eggs or gametes) may be introduced into a breeding stock if all of the following conditions are met (for Appendix-I specimens see also § 23.46(b)(12)):

(1) The specimens were acquired in accordance with the provisions of CITES and relevant national laws.

(2) The specimens were acquired in a manner not detrimental to the survival of the species in the wild.

(3) The specimens were added either to prevent or alleviate deleterious inbreeding, with the number of specimens added as determined by the need for new genetic material, or to dispose of confiscated animals.

§ 23.64 What factors are considered in making a finding that a plant is artificially propagated?

(a) *Purpose*. Article VII(4) and (5) of the Treaty provide exemptions that allow for special treatment of plants that were artificially propagated (see §§ 23.40 and 23.47).

(b) *Definitions*. The following terms apply when determining whether specimens qualify as ''artificially propagated'':

(1) *Controlled conditions* means a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production. General characteristics of controlled conditions may include, but are not limited to, tillage, fertilization, weed and pest control, irrigation, or nursery operations such as potting, bedding, or protection from weather.

(2) *Cultivated parental stock* means the ensemble of plants grown under controlled conditions that are used for reproduction.

(c) *Artificially propagated criteria*. Except as provided in paragraphs (f) and (g) of this section, for a plant specimen to qualify as artificially propagated, we must be satisfied that the plant specimen was grown under controlled conditions from a seed, cutting, division, callus tissue, other plant tissue, spore, or other propagule that either is exempt from the provisions of CITES or has been derived from cultivated parental stock. The cultivated parental stock must meet all of the following criteria:

(1) Was established in accordance with the provisions of CITES and relevant national laws.

(2) Was established in a manner not detrimental to the survival of the species in the wild.

(3) Is maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigor and productivity of the cultivated parental stock.

(d) *Cutting or division*. A plant grown from a cutting or division is considered to be artificially propagated only if the traded specimen does not contain any material collected from the wild.

(e) *Grafted plant*. A grafted plant is artificially propagated only when both the rootstock and the material grafted to it have been taken from specimens that were artificially propagated in accordance with paragraph (c) of this section. A grafted specimen that consists of taxa from different Appendices is treated as a specimen of the taxon listed in the more restrictive Appendix.

(f) *Timber*. Timber taken from trees planted and grown in a monospecific plantation is considered artificially propagated if the seeds or other propagules from which the trees are grown were legally acquired and obtained in a non-detrimental manner.

(g) *Exception for certain plant specimens grown from wild-collected seeds or spores*. Plant specimens grown from wild-collected seeds or spores may be considered artificially propagated only when all of the following conditions have been met:

(1) Establishment of a cultivated parental stock for the taxon presents significant difficulties because specimens take a long time to reach reproductive age.

(2) The seeds or spores are collected from the wild and grown under controlled conditions within a range country, which must also be the country of origin of the seeds or spores.

(3) The Management Authority of the range country has determined that the collection of seeds or spores was legal and consistent with relevant national laws for the protection and conservation of the species.

(4) The Scientific Authority of the range country has determined that collection of the seeds or spores was not detrimental to the survival of the species in the wild, and allowing trade in such specimens has a positive effect on the conservation of wild populations. In making these determinations, all of the following conditions must be met:

(i) The collection of seeds or spores for this purpose must be limited in such a manner as to allow regeneration of the wild population.

(ii) A portion of the plants produced must be used to establish plantations to serve as cultivated parental stock in the future and become an additional source of seeds or spores and thus reduce or eliminate the need to collect seeds from the wild.

(iii) A portion of the plants produced must be used for replanting in the wild, to enhance recovery of existing populations or to re-establish populations that have been extirpated.

(5) Operations propagating Appendix-I species for commercial purposes must be registered with the CITES Secretariat in accordance with the Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species.

§ 23.65 What factors are considered in making a finding that an applicant is suitably equipped to house and care for a live specimen?

(a) *Purpose.* Under Article III(3)(b) and (5)(b) of the Treaty, an import permit or introduction-from-the-sea certificate for live Appendix-I specimens can be issued only if we are satisfied that the recipients are suitably equipped to house and care for them.

(b) *General principles.* We will follow these general principles in making a decision on whether an applicant has facilities that would provide proper housing to maintain the specimens for the intended purpose and the expertise to provide proper care and husbandry or horticultural practices.

(1) All persons who would be receiving a specimen must be identified in an application and their facilities approved by us, including persons who are likely to receive a specimen within 1 year after it arrives in the United States.

(2) The applicant must provide sufficient information for us to make a finding, including, but not limited to, a description of the facility, photographs, or construction plans, and resumes of the recipient or staff who will care for the specimen.

(3) We use the best available information on the requirements of the species in making a decision and will consult with experts and other Federal and State agencies, as necessary and appropriate.

(4) The degree of scrutiny that we give an application is based on the biological and husbandry or horticultural needs of the species.

(c) *Specific factors considered for wildlife.* In addition to the general provisions in paragraph (e) of this section, we consider the following factors in evaluating suitable housing and care for wildlife:

(1) Enclosures constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

(2) Appropriate forms of environmental enrichment, such as nesting material, perches, climbing apparatus, ground substrate, or other species-specific materials or objects.

(3) If the wildlife is on public display, an off-exhibit area, consisting of indoor and outdoor accommodations, as appropriate, that can house the wildlife on a long-term basis if necessary.

(4) Provision of water and nutritious food of a nature and in a way that are appropriate for the species.

(5) Staff who are trained and experienced in providing proper daily care and maintenance for the species being imported or introduced from the sea, or for a closely related species.

(6) Readily available veterinary care or veterinary staff experienced with

the species or a closely related species, including emergency care.

(d) *Specific factors considered for plants.* In addition to the general provisions in paragraph (e) of the section, we consider the following factors in evaluating suitable housing and care for plants:

(1) Sufficient space, appropriate lighting, and other environmental conditions that will ensure proper growth.

(2) Ability to provide appropriate culture, such as water, fertilizer, and pest and disease control.

(3) Staff with experience with the imported species or related species with similar horticultural requirements.

(e) *General factors considered for wildlife and plants.* In addition to the specific provisions in paragraphs (c) or (d) of this section, we will consider the following factors in evaluating suitable housing and care for wildlife and plants:

(1) Adequate enclosures or holding areas to prevent escape or unplanned exchange of genetic material with specimens of the same or different species outside the facility.

(2) Appropriate security to prevent theft of specimens and measures taken to rectify any previous theft or security problem.

(3) A reasonable survival rate of specimens of the same species or, alternatively, closely related species at the facility, mortalities for the previous 3 years, significant injuries to wildlife or damage to plants, occurrence of significant disease outbreaks during the previous 3 years, and measures taken to prevent similar mortalities, injuries, damage, or diseases. Significant injuries, damage, or disease outbreaks are those that are permanently debilitating or re-occurring.

(4) Sufficient funding on a long-term basis to cover the cost of maintaining the facility and the specimens imported.

(f) *Incomplete facilities or insufficient staff.* For applications submitted to us before the facilities to hold the specimen are completed or the staff is identified or properly trained, we will:

(1) Review all available information, including construction plans or intended staffing, and make a finding based on this information.

(2) Place a condition on any permit that the import cannot occur until the facility has been completed or the staff hired and trained, and approved by us.

Subpart E—International Trade in Certain Specimens

§ 23.68 How can I trade internationally in roots of American ginseng?

(a) *U.S. and foreign general provisions.* Whole plants and roots (whole, sliced, and parts, excluding manufactured parts, products, and derivatives, such as powders, pills, extracts, tonics, teas, and confectionery) of American ginseng (*Panax quinquefolius*), whether wild or artificially propagated, are included in Appendix II. Cultivated American ginseng that does not meet the requirements of artificially propagated will be considered wild for export and re-export purposes. The import, export, or re-export of ginseng roots must meet the requirements of this section and other requirements of this part (see subparts B and C for prohibitions and application procedures). For specimens that were harvested from a State or Tribe without an approved CITES export program, see § 23.36 for export permits and § 23.37 for re-export certificates.

(b) *Export approval of State and tribal programs.* States and Tribes set up and maintain ginseng management and harvest programs designed to monitor and protect American ginseng from over-harvest. When a State or Tribe with a management program provides us with the necessary information, we make programmatic findings and have specific requirements that allow export under CITES. For wild ginseng, a State or Tribe must provide sufficient information for us to determine that its management program and harvest controls are appropriate to ensure that ginseng harvested within its jurisdiction is legally acquired and that export will not be detrimental to the survival of the species in the wild. For artificially propagated ginseng, a State or Tribe must provide sufficient information for us to determine that ginseng grown within its jurisdiction meets the definition of artificially propagated and the State or Tribe must have procedures in place to minimize the risk

that the roots of wild-collected plants would be claimed as artificially propagated.

(1) A State or Tribe seeking initial CITES export program approval for wild or artificially propagated American ginseng must submit the following information on the adoption and implementation of regulatory measures to the U.S. Management Authority:

(i) Laws or regulations mandating licensing or registration of persons buying and selling ginseng in that State or on tribal lands.

(ii) A requirement that ginseng dealers maintain records and provide copies of those records to the appropriate State or tribal management agency upon request. Dealer records must contain: the name and address of the ginseng seller, date of transaction, whether the ginseng is wild or artificially propagated and dried or green at time of transaction, weight of roots, State or Tribe of origin of roots, and identification numbers of the State or tribal certificates used to ship ginseng from the State or Tribe of origin.

(iii) A requirement that State or tribal personnel will inspect roots, ensure legal harvest, and have the ability to determine the age of roots of all wild-collected ginseng harvested in the State or on tribal lands. State or tribal personnel may accept a declaration statement by the licensed or registered dealer or grower that the ginseng roots are artificially propagated.

(iv) A requirement that State or tribal personnel will weigh ginseng roots unsold by March 31 of the year after harvest and give a weight receipt to the owner of the roots. Future export certification of this stock must be issued against the weight receipt.

(v) A requirement that State or tribal personnel will issue certificates for wild and artificially propagated ginseng. These certificates must contain at a minimum:

(A) State of origin.

(B) Serial number of certificate.

(C) Dealer's State or tribal license or registration number.

(D) Dealer's shipment number for that harvest season.

(E) Year of harvest of ginseng being certified.

(F) Designation as wild or artificially propagated.

(G) Designation as dried or fresh (green) roots.

(H) Weight of roots.

(I) Statement of State or tribal certifying official verifying that the ginseng was obtained in that State or on those tribal lands in accordance with all relevant laws for that harvest year.

(J) Name and title of State or tribal certifying official.

(2) In addition, a State or Tribe seeking initial CITES export program approval for wild American ginseng must submit the following information to the U.S. Management Authority:

(i) An assessment of the condition of the population and trends, including a description of the types of information on which the assessment is based, such as an analysis of population demographics; population models; or analysis of past harvest levels or indices of abundance independent of harvest information, such as field surveys.

(ii) Historic, present, and potential distribution of wild ginseng on a county-by-county basis.

(iii) Phenology of ginseng, including flowering and fruiting periods.

(iv) Habitat evaluation.

(v) If available, copies of any ginseng management or monitoring plans or other relevant reports that the State or Tribe has prepared as part of its existing management program.

(3) A State or Tribe with an approved CITES export program must complete Form 3–200–61 and submit it to the U.S. Management Authority by May 31 of each year to provide information on the previous harvest season.

(c) *U.S. application process.* Application forms and a list of States and Tribes with approved ginseng programs can be obtained from our website or by contacting us (see § 23.7).

(1) To export wild or artificially propagated ginseng harvested under an approved State or tribal program, complete Form 3–200–34 or Form 3-200-74 for additional single-use permits under an annual program file.

(2) To export wild ginseng harvested from a State or Tribe that does not have an approved program, complete Form 3–200–32. To export artificially propagated ginseng from a State or

Tribe that does not have an approved program, complete Form 3–200–33.

(3) To re-export ginseng, complete Form 3–200–32.

(4) For information on issuance criteria for CITES documents, see § 23.36 for export permits, § 23.37 for re-export certificates, and § 23.40 for certificates for artificially propagated plants.

(d) *Conditions for export.* Upon export, roots must be accompanied by a State or tribal certificate containing the information specified in paragraph (b)(1)(v) of this section.

§ 23.69 How can I trade internationally in fur skins and fur skin products of bobcat, river otter, Canada lynx, gray wolf, and brown bear?

(a) *U.S. and foreign general provisions.* For purposes of this section, CITES furbearers means bobcat (*Lynx rufus*), river otter (*Lontra canadensis*), and Canada lynx (*Lynx canadensis*), and the Alaskan populations of gray wolf (*Canis lupus*), and brown bear (*Ursus arctos*). These species are included in Appendix II based on Article II(2)(b) of the Treaty (see § 23.89). The import, export, or re-export of fur skins and fur skin products must meet the requirements of this section and the other requirements of this part (see subparts B and C for prohibitions and application procedures). For specimens that were harvested from a State or Tribe without an approved CITES export program, see § 23.36 for export permits and §23.37 for re-export certificates.

(b) *Export approval of State and tribal programs.* States and Tribes set up and maintain management and harvest programs designed to monitor and protect CITES furbearers from over-harvest. When a State or Tribe with a management program provides us with the necessary information, we make programmatic findings and have specific requirements that allow export under CITES. A State or Tribe must provide sufficient information for us to determine that its management program and harvest controls are appropriate to ensure that CITES furbearers harvested within its jurisdiction are legally acquired and that export will not be detrimental to the survival of the species in the wild.

(1) A State or Tribe seeking initial CITES export program approval must submit the following information to the U.S. Management Authority, except as provided in paragraph (b)(2) of this section:

(i) An assessment of the condition of the population and a description of the types of information on which the assessment is based, such as an analysis of carcass demographics, population models, analysis of past harvest levels as a function of fur prices or trapper effort, or indices of abundance independent of harvest information, such as scent station surveys, archer surveys, camera traps, track or scat surveys, or road kill counts.

(ii) Current harvest control measures, including laws regulating harvest seasons and methods.

(iii) Total allowable harvest of the species.

(iv) Distribution of harvest.

(v) Indication of how frequently harvest levels are evaluated.

(vi) Tagging or marking requirements for fur skins.

(vii) Habitat evaluation.

(viii) If available, copies of any furbearer management plans or other relevant reports that the State or Tribe has prepared as part of its existing management program.

(2) If the U.S. Scientific Authority has made a range-wide non-detriment finding for a species, a State or Tribe seeking initial approval for a CITES export program for that species need only submit the information in (b)(1)(ii) and (vi) of this section.

(3) A State or Tribe with an approved CITES export program must submit a CITES furbearer activity report to the U.S. Management Authority by October 31 of each year that provides information as to whether or not the population status or management of the species has changed within the State or tribal lands. This report may reference information provided in previous years if the information has not changed. Except as provided in paragraph (b)(4) of this section, a furbearer activity report should include, at a minimum, the following:

(i) For each species, the number of specimens taken and the number of animals tagged, if different.

(ii) An assessment of the condition of the population, including trends, and a description of the types of information on which the assessment is based. If population levels are decreasing, the activity report should include the State or Tribe's professional assessment of the reason for the decline and any steps being taken to address it.

(iii) Information on, and a copy of, any changes in laws or regulations affecting these species.

(iv) If available, copies of relevant reports that the State or Tribe has prepared during the year in question as part of its existing management programs for CITES furbearers.

(4) When the U.S. Scientific Authority has made a range-wide non-detriment finding for a species, the annual furbearer activity report from a State or Tribe with an approved export program for that species should include, at a minimum, a statement indicating whether or not the status of the species has changed and the information in paragraph (b)(3)(iii) and (iv) of this section. Range-wide non-detriment findings will be re-evaluated at least every 5 years, or sooner if information indicates that there has been a change in the status or management of the species that might lead to different treatment of the species. When a range-wide non-detriment finding is re-evaluated, States and Tribes with an approved export program for the species must submit information that allows us to determine whether our finding remains valid.

(c) *CITES tags*. Unless an alternative method has been approved, each CITES fur skin to be exported or re-exported must have a U.S. CITES tag permanently attached.

(1) The tag must be inserted through the skin and permanently locked in place using the locking mechanism of the tag.

(2) The legend on the CITES tag must include the US-CITES logo, an abbreviation for the State or Tribe of harvest, a standard species code assigned by the Management Authority, and a unique serial number.

(3) Fur skins with broken, cut, or missing tags may not be exported. Replacement tags must be obtained before the furs are presented for export or re-export. To obtain a replacement tag, either from the State or Tribe that issued the original tag or from us, you must provide information to show that the fur was legally acquired.

(i) When a tag is broken, cut, or missing, you may contact the State or Tribe of harvest for a replacement tag. If the State or Tribe cannot replace it, you may apply to FWS Law Enforcement for a replacement tag. If the tag is broken or cut, you must give us the tag. If the tag is missing, you must provide details concerning how the tag was lost. If we are satisfied that the fur was legally acquired, we will provide a CITES replacement tag.

(ii) A replacement tag must meet all of the requirements in paragraph (c) of this section, except the legend will include only the US-CITES logo, FWS-REPL, and a unique serial number.

(4) Tags are not required on fur skin products.

(d) *Documentation requirements*. The U.S. CITES export permit or an annex attached to the permit must contain all information that is given on the tag.

(e) *U.S. application process*. Application forms and a list of States and Tribes with approved furbearer programs can be obtained from our website or by contacting us (see § 23.7).

(1) To export fur skins taken under an approved State or tribal program, complete Form 3–200–26 and submit it to either FWS Law Enforcement or the U.S. Management Authority.

(2) To export fur skins that were not harvested under an approved program, complete Form 3–200–27 and submit it to the U.S. Management Authority.

(3) To re-export fur skins, complete Form 3-200-73 and submit it either to FWS Law Enforcement or the U.S. Management Authority.

(4) For information on issuance criteria for CITES documents, see § 23.36 for export permits and § 23.37 for re-export certificates.

(f) *Conditions for export*. Upon export, each fur skin, other than a fur skin product, must be clearly identified in accordance with paragraph (c) of this section.

§ 23.70 How can I trade internationally in American alligator and other crocodilian skins, parts, and products?

(a) *U.S. and foreign general provisions.* For the purposes of this section, *crocodilian* means all species of alligator, caiman, crocodile, and gavial of the order Crocodylia. The import, export, or re-export of any crocodilian skins, parts, or products must meet the requirements of this section and the other requirements of this part (see subparts B and C for prohibitions and application procedures). For American alligator (*Alligator mississippiensis*) specimens harvested from a State or Tribe without an approved CITES export program, see § 23.36 for export permits and §23.37 for re-export certificates.

(b) *Definitions.* Terms used in this section are defined as follows:

(1) *Crocodilian skins* means whole or partial skins, flanks, chalecos, and bellies (including those that are salted, crusted, tanned, partially tanned, or otherwise processed), including skins of sport-hunted trophies.

(2) *Crocodilian parts* means body parts with or without skin attached (including tails, throats, feet, meat, skulls, and other parts) and small cut skin pieces.

(c) *Export approval of State and tribal programs for American alligator.* States and Tribes set up and maintain management and harvest programs designed to monitor and protect American alligators from over-harvest. When a State or Tribe with a management program provides us with the necessary information, we make programmatic findings and have specific requirements that allow export under CITES. A State or Tribe must provide sufficient information for us to determine that its management program and harvest controls are appropriate to ensure that alligators harvested within its jurisdiction are legally acquired and that the export will not be detrimental to the survival of the species in the wild.

(1) A State or Tribe seeking initial CITES export program approval must submit the following to the U.S. Management Authority:

(i) An assessment of the condition of the wild population and a description of the types of information on which the assessment is based, such as an analysis of carcass demographics, population models, analysis of past harvest levels as a function of skin prices or harvester effort, or indices of abundance independent of harvest information, such as nest surveys, spotlighting surveys, or nuisance complaints.

(ii) Current harvest control measures, including laws regulating harvest seasons and methods.

(iii) Total allowable harvest of the species.

(iv) Distribution of harvest.

(v) Indication of how frequently harvest levels are evaluated.

(vi) Tagging or marking requirements for skins and parts.

(vii) Habitat evaluation.

(viii) Information on nuisance alligator management programs.

(ix) Information on alligator farming programs, including whether collecting and rearing of eggs or hatchlings is allowed, what factors are used to set harvest levels, and whether any alligators are returned to the wild.

(x) If available, copies of any alligator management plans or other relevant reports for American alligator that the State or Tribe has prepared as part of its existing management program.

(2) A State or Tribe with an approved CITES export program must submit an American alligator activity report to the U.S. Management Authority by July 1 of each year to provide information regarding harvests during the previous year. This report may reference information provided in previous years if the information has not changed. An American alligator activity report, at a minimum, should include the following:

(i) The total number of skins from wild or farmed alligators that were tagged by the State or Tribe.

(ii) An assessment of the status of the alligator population with an indication of whether the population is stable, increasing, or decreasing, and at what rate (if known). If population levels are decreasing, activity reports should include the State or Tribe's professional assessment of the reason for

the decline and any steps being taken to address it.

(iii) For wild alligators, information on harvest, including harvest of nuisance alligators, methods used to determine harvest levels, demographics of the harvest, and methods used to determine the total number and population trends of alligators in the wild.

(iv) For farmed alligators, information on whether collecting and rearing of eggs or hatchlings is allowed, what factors are used to set harvest levels, and whether any alligators are returned to the wild.

(v) Information on, and a copy of, any changes in laws or regulations affecting the American alligator.

(vi) If available, copies of relevant reports that the State or Tribe has prepared during the reporting period as part of its existing management program for the American alligator.

(3) We provide CITES export tags to States and Tribes with approved CITES export programs. American alligator skins and parts must meet the marking and tagging requirements of paragraphs (d), (e), and (f) of this section.

(d) *Tagging of crocodilian skins.* You may import, export, or re-export any crocodilian skin only if a non-reusable tag is inserted though the skin and locked in place using the locking mechanism of the tag. A mounted sport-hunted trophy must be accompanied by the tag from the skin used to make the mount.

(1) Except as provided for a replacement tag in paragraph (d)(3)(ii) of this section, the tag must:

(i) Be self-locking, heat resistant, and inert to chemical and mechanical processes.

(ii) Be permanently stamped with the two-letter ISO code for the country of origin, a unique serial number, a standardized species code (available on our website; see § 23.7), and the year of production or harvest. For American alligator, the export tags include the US-CITES logo, an abbreviation for the State or Tribe of harvest, a standard species code (MIS = *Alligator mississippiensis*), the year of taking, and a unique serial number.

(iii) If the year of production or harvest and serial number appear next to each other on a tag, the information should be separated by a hyphen.

(2) Skins and flanks must be individually tagged, and chalecos must have a tag attached to each flank.

(3) Skins with broken, cut, or missing tags may not be exported. Replacement tags must be obtained before the skins are presented for import, export, or re-export. To obtain a replacement tag, either from the State or Tribe of harvest (for American alligator) or from us, you must provide information to show that the skin was legally acquired.

(i) In the United States, when an American alligator tag is broken, cut, or missing, you may contact the State or Tribe of harvest for a replacement tag. If the State or Tribe cannot replace it, you may apply to FWS Law Enforcement for a replacement tag. To obtain replacement tags for crocodilian skins other than American alligator in the United States, contact FWS Law Enforcement. If the tag is broken or cut, you must give us the tag. If the tag is missing, you must provide details concerning how the tag was lost. If we are satisfied that the skin was legally acquired, we will provide a CITES replacement tag.

(ii) A replacement tag must meet all of the requirements in paragraph (d)(1) of this section except that the species code and year of production or harvest will not be required, and for re-exports the country of re-export must be shown in place of the country of origin. In the United States, the legend will include the US-CITES logo, FWS-REPL, and a unique serial number.

(e) *Meat and skulls.* Except for American alligator, you may import, export, or re-export crocodilian meat and skulls without tags or markings. American alligator meat and skulls may be imported, exported, or re-exported if packaged and marked or tagged in accordance with State or tribal laws as follows:

(1) Meat from legally harvested and tagged alligators must be packed in permanently sealed containers and labeled as required by State or tribal laws or regulations. Bulk meat containers must be marked with any required State or tribal parts tag or bulk

meat tag permanently attached and indicating, at a minimum, State or Tribe of origin, year of take, species, original U.S. CITES tag number for the corresponding skin, weight of meat in the container, and identification of State-licensed processor or packer.

(2) Each American alligator skull must be marked as required by State or tribal law or regulation. This marking must include, at a minimum, reference to the corresponding U.S. CITES tag number on the skin.

(f) *Tagging or labeling of crocodilian parts other than meat and skulls.* You may import, export, or re-export crocodilian parts other than meat and skulls when the following conditions are met:

(1) Parts must be packed in transparent sealed containers.

(2) Containers must be clearly marked with a non-reusable parts tag or label that includes all of the information in paragraph (d)(1)(ii) of this section and a description of the contents, the total weight (contents and container), and the number of the CITES document.

(3) Tags are not required on crocodilian products.

(4) Tags are not required on scientific specimens except as required in paragraphs (d) and (e) of this section.

(g) *Documentation requirements.* The CITES document or an annex attached to the document must contain all information that is given on the tag or label.

(h) *U.S. application process.* Application forms and a list of States and Tribes with approved American alligator programs can be obtained from our website or by contacting us (see § 23.7).

(1) To export American alligator specimens taken under an approved State or tribal program, complete Form 3–200–26 and submit it to either FWS Law Enforcement or the U.S. Management Authority.

(2) To export American alligator specimens that are not from an approved program, complete Form 3–200–27 and submit it to the U.S. Management Authority.

(3) For information on issuance criteria for CITES documents, see § 23.36 for export permits and § 23.37 for re-export certificates.

(i) *Conditions for import, export, or re-export.* Upon import, export, or re-export, each crocodilian specimen must meet the applicable tagging requirements in paragraphs (d), (e), and (f) of this section.

§ 23.71 How can I trade internationally in sturgeon caviar?

(a) *U.S. and foreign general provisions.* For the purposes of this section, *sturgeon caviar* means the processed roe of any species of sturgeon, including paddlefish (Order Acipenseriformes). The import, export, or re-export of sturgeon caviar must meet the requirements of this section and the other requirements of this part (see subparts B and C for prohibitions and application procedures).

(b) *Labeling.* You may import, export, or re-export sturgeon caviar only if labels are affixed to containers prior to export or re-export in accordance with this paragraph.

(1) The following definitions apply to caviar labeling:

(i) *Non-reusable label* means any label or mark that cannot be removed without being damaged or transferred to another container.

(ii) *Primary container* means any container in direct contact with the caviar.

(iii) *Secondary container* means the receptacle into which primary containers are placed.

(iv) *Processing plant* means a facility in the country of origin responsible for the first packaging of caviar into a primary container.

(v) *Repackaging plant* means a facility responsible for receiving and repackaging caviar into new primary containers.

(vi) *Lot identification number* means a number that corresponds to information related to the caviar tracking system used by the processing plant or repackaging plant.

(2) The caviar-processing plant in the country of origin must affix a non-reusable label on the primary container that includes all of the following information:

(i) Standardized species code; for hybrids, the species code for the male is followed by the code for the female and the codes are separated by an ''x''

(codes are available on our website; see § 23.7).

(ii) Source code.

(iii) Two-letter ISO code of the country of origin.

(iv) Year of harvest.

(v) Processing plant code and lot identification number.

(3) If caviar is repackaged before export or re-export, the repackaging plant must affix a non-reusable label to the primary container that includes all of the following information:

(i) The standardized species code, source code, and two-letter ISO code of the country of origin.

(ii) Year of repackaging and the repackaging plant code, which incorporates the two-letter ISO code for the repackaging country if different from the country of origin.

(iii) Lot identification number or CITES document number.

(4) The exact quantity of caviar must be indicated on any secondary container along with a description of the contents in accordance with international customs regulations.

(c) *Documentation requirements.* Unless the sturgeon caviar qualifies as a personal or household effect under § 23.15, the CITES document or an annex attached to the document must contain all information that is given on the label. The exact quantity of each species of caviar must be indicated on the CITES document.

(d) *Export quotas.* Commercial shipments of sturgeon caviar from stocks shared between different countries may be imported only if all of the following conditions have been met:

(1) The relevant countries have established annual export quotas for the shared stocks that were derived from catch quotas agreed among the countries and based on an appropriate regional conservation strategy and monitoring regime.

(2) The quotas have been communicated to the CITES Secretariat and the Secretariat has confirmed that the quotas have been agreed by all relevant countries.

(3) The CITES Secretariat has communicated these annual quotas to CITES Parties.

(4) The caviar is exported during the calendar year in which it was harvested and processed.

(e) *Re-exports.* Any re-export of sturgeon caviar must occur within 18 months from the date of issuance of the original export permit.

(f) *Pre-Convention.* Sturgeon caviar may not be imported, exported, or re-exported under a pre-Convention certificate.

(g) *Mixed caviar.* Caviar and caviar products that consist of roe from more than one species may only be imported into or exported from the United States if the exact quantity of roe from each species is known and is indicated on the CITES document.

(h) *U.S. application forms.* Application forms can be obtained from our website or by contacting us (see § 23.7). For CITES document requirements, see § 23.36 for export permits and § 23.37 for re-export certificates. For export, complete Form 3–200–76 and submit it to the U.S. Management Authority. For re-export, complete Form 3–200–73 and submit it to FWS Law Enforcement.

§ 23.72 How can I trade internationally in plants?

(a) *U.S. and foreign general provisions*: In addition to the requirements of this section, the import, export, or re-export of CITES plant specimens must meet the other requirements of this part (see subparts B and C for prohibitions and application procedures).

(b) *Seeds.* International shipments of seeds of any species listed in Appendix I, except for seeds of certain artificially propagated hybrids (see § 23.92), or seeds of species listed in Appendix II or III with an annotation that includes seeds, must be accompanied by a valid CITES document. International shipments of CITES seeds that are artificially propagated also must be accompanied by a valid CITES document.

(c) *A plant propagated from exempt plant material.* A plant grown from exempt plant material is regulated by CITES.

(1) The proposed shipment of the specimen is treated as an export even if the exempt plant material from which it was derived was previously imported. The country of origin is the country in

which the specimen ceased to qualify for the exemption.

(2) Plants grown from exempt plant material qualify as artificially propagated provided they are grown under controlled conditions.

(3) To export plants grown from exempt plant material under controlled conditions, complete Form 3–200–33 for a certificate for artificially propagated plants.

(d) *Salvaged plants.*

(1) For purposes of this section, *salvaged plant* means a plant taken from the wild as a result of some environmental modification in a country where a Party has done all of the following:

(i) Ensured that the environmental modification program does not threaten the survival of CITES plant species, and that protection of Appendix-I species *in situ* is considered a national and international obligation.

(ii) Established salvaged specimens in cultivation after concerted attempts have failed to ensure that the environmental modification program would not put at risk wild populations of CITES species.

(2) International trade in salvaged Appendix-I plants, and Appendix-II plants whose entry into trade might otherwise have been considered detrimental to the survival of the species in the wild, may be permitted only when all the following conditions are met:

(i) Such trade would clearly benefit the survival of the species in the wild or in cultivation.

(ii) Import is for the purposes of care and propagation.

(iii) Import is by a *bona fide* botanic garden or scientific institution.

(iv) Any salvaged Appendix-I plant will not be sold or used to establish a commercial operation for artificial propagation after import.

§ 23.73 How can I trade internationally in timber?

(a) *U.S. and foreign general provisions*: In addition to the requirements of this section, the import, export, or re-export of timber species listed under CITES must meet the other requirements of this part (see subparts B and C for prohibitions and application procedures).

(b) *Definitions.* The following definitions apply to parts, products, and derivatives that appear in the annotations to certain timber species in the CITES Appendices. These definitions are based on the tariff classifications of the Harmonized System of the World Customs Organization.

(1) *Logs* means all wood in the rough, whether or not stripped of bark or sapwood, or roughly squared for processing, notably into sawn wood, pulpwood, or veneer sheets.

(2) *Sawn wood* means wood simply sawn lengthwise or produced by a profile-chipping process. Sawn wood normally exceeds 6 mm in thickness.

(3) *Veneer sheets* means thin layers or sheets of wood of uniform thickness, usually 6 mm or less, usually peeled or sliced, for use in making plywood, veneer furniture, veneer containers, or similar products.

(4) *Plywood means* wood material consisting of three or more sheets of wood glued and pressed one on the other and generally disposed so that the grains of successive layers are at an angle.

(c) The following exceptions apply to Appendix-II or -III timber species that have a substantive annotation that designates either logs, sawn wood, and veneer sheets, or logs, sawn wood, veneer sheets, and plywood:

(1) *Change in destination.* When a shipment of timber destined for one country is redirected to another, the Management Authority in the country of import may change the name and address of the importer indicated on the CITES document under the following conditions:

(i) The quantity imported is the same as the quantity certified by a stamp or seal and authorized signature of the Management Authority on the CITES document at the time of export or re-export.

(ii) The number of the bill of lading for the shipment is on the CITES document, and the bill of lading is presented at the time of import.

(iii) The import takes place before the CITES document expires, and the period of validity has not been extended.

(iv) The Management Authority of the importing country includes the following statement in block 5, or an

equivalent place, of the CITES document: ''Import into [name of country] permitted in accordance with [cite the appropriate section number from the current permit and certificate resolution] on [date].'' The modification is certified with an official stamp and signature.

(v) The Management Authority sends a copy of the amended CITES document to the country of export or re-export and the Secretariat.

(2) *Extension of CITES document validity.* A Management Authority in the country of import may extend the validity of an export permit or re-export certificate beyond the normal maximum of 6 months after the date of issue under the following conditions:

(i) The shipment has arrived in the port of final destination before the CITES document expires, is being held in customs bond, and is not considered imported.

(ii) The time extension does not exceed 6 months from the date of expiration of the CITES document and no previous extension has been issued.

(iii) The Management Authority has included in block 5, or an equivalent place, of the CITES document the date of arrival and the new date of expiration on the document, and certified the modification with an official stamp and signature.

(iv) The shipment is imported into the country from the port where the Management Authority issued the extension and before the amended CITES document expires.

(v) The Management Authority sends a copy of the amended CITES document to the country of export or re-export and to the Secretariat.

§ 23.74 How can I trade internationally in personal sport-hunted trophies?

(a) *U.S. and foreign general provisions.* Except as provided for personal and household effects in § 23.15, the import, export, or re-export of sport-hunted trophies of species listed under CITES must meet the requirements of this section and the other requirements of this part (see subparts B and C for prohibitions and application procedures).

(b) *Sport-hunted trophy* means raw or tanned parts of a specimen that was taken by a hunter, who is also the importer, exporter, or re-exporter, during a sport hunt for personal use. It may include the bones, claws, hair, head, hide, hooves, horns, meat, skull, teeth, tusks, or any taxidermied part, including, but not limited to, a rug or taxidermied head, shoulder, or full mount. It does not include articles made from a trophy, such as worked, manufactured, or handicraft items for use as clothing, curios, ornamentation, jewelry, or other utilitarian items.

(c) *Use after import.* You may use your sport-hunted trophy after import into the United States as provided in § 23.55.

(d) *Quantity and tagging.* The following provisions apply to the issuance and acceptance of U.S. and foreign CITES documents:

(1) The number of trophies that one hunter may import in any calendar year for the following species is:

(i) No more than two leopard (*Panthera pardus*) trophies.

(ii) No more than one markhor (*Capra falconeri*) trophy.

(iii) No more than one black rhinoceros (*Diceros bicornis*) trophy.

(2) Each trophy imported, exported, or re-exported must be marked or tagged in the following manner:

(i) Leopard and markhor: Each raw or tanned skin must have a self-locking tag inserted through the skin and permanently locked in place using the locking mechanism of the tag. The tag must indicate the country of origin, the number of the specimen in relation to the annual quota, and the calendar year in which the specimen was taken in the wild. A mounted sport-hunted trophy must be accompanied by the tag from the skin used to make the mount.

(ii) Black rhinoceros: Parts of the trophy, including, but not limited to, skin, skull, or horns, whether mounted or loose, should be individually marked with reference to the country of origin, species, the number of the specimen in relation to the annual quota, and the year of export.

(3) The export permit or re-export certificate or an annex attached to the permit or certificate must contain all the information that is given on the tag.

Subpart F—Disposal of Confiscated Wildlife and Plants

§ 23.78 What happens to confiscated wildlife and plants?

(a) *Purpose.* Article VIII of the Treaty provides for confiscation or return to the country of export of specimens that are traded in violation of CITES.

(b) *Disposal options.* Part 12 of this subchapter provides the options we have for disposing of forfeited and abandoned live and dead wildlife and plants. These include maintenance in captivity either in the United States or in the country of export, return to the wild under limited circumstances, and sale of certain Appendix-II or -III specimens. Under some conditions, euthanasia or destruction may be necessary.

(1) We use a plant rescue center program to dispose of confiscated live plants. Participants in this program may also assist APHIS, CBP, and FWS Law Enforcement in holding seized specimens as evidence pending any legal decisions.

(2) We dispose of confiscated live wildlife on a case-by-case basis at the time of seizure and forfeiture, and consider the quantity, protection level, and husbandry needs of the wildlife.

(c) *Re-export.* We may issue a re-export certificate for a CITES specimen that was forfeited or abandoned when the certificate indicates the specimen was confiscated and when the re-export meets one of the following purposes:

(1) For any CITES species, the return of a live specimen to the Management Authority of the country of export, placement of a live specimen in a rescue center, or use of the specimen for law enforcement, judicial, or forensic purposes.

(2) For an Appendix-II or -III species, the disposal of the specimen in an appropriate manner that benefits enforcement and administration of the Convention.

(d) *Consultation process.* FWS and APHIS may consult with the Management Authority in the country of export or re-export and other relevant governmental and nongovernmental experts before making a decision on the disposal of confiscated live specimens that have been forfeited or abandoned to the FWS, APHIS, or CBP.

§ 23.79 How may I participate in the Plant Rescue Center Program?

(a) *Purpose.* We have established the Plant Rescue Center Program to place confiscated live plants quickly to prevent physical damage to the plants.

(b) *Criteria.* Institutions interested in participating in this program must be:

(1) Nonprofit, open to the public, and have the expertise and facilities to care for confiscated exotic plant specimens. A participating institution may be a botanical garden, arboretum, zoological park, research institution, or other qualifying institution.

(2) Willing to transfer confiscated plants from the port where they were confiscated to their facilities at their own expense.

(3) Willing to return the plants to the U.S. Government if the country of export has requested their return. The U.S. Government will then coordinate the plants' return to the country of export.

(4) Willing to accept and maintain a plant shipment as a unit until it has received authorization from us to incorporate the shipment into its permanent collection or transfer a portion of it to another participating institution.

(c) *Participation.* Institutions wishing to participate in the Plant Rescue Center Program should contact the U.S. Management Authority (see § 23.7). They must provide a brief description of the greenhouse or display facilities, the names and telephone numbers of any individuals authorized to accept plants on behalf of the institution, and the mailing address where the plants should be sent. In addition, interested institutions must indicate if they are limited with regard to the type of plants they are able to maintain or the quantities of plants they can handle at one time.

Subpart G—CITES Administration

§ 23.84 What are the roles of the Secretariat and the committees?

(a) *Secretariat.* The Secretariat is headed by the Secretary-General. Its functions are listed in Article XII of the Treaty and include:

(1) Arranging and staffing meetings of the Parties.

(2) Performing functions as requested in relation to listings in the Appendices.

(3) Undertaking scientific and technical studies, as authorized by the CoP, to contribute to implementation of the Convention.

(4) Studying reports of the Parties and requesting additional information as appropriate to ensure effective implementation of the Convention.

(5) Bringing to the attention of the Parties matters relevant to the Convention.

(6) Periodically publishing and distributing to the Parties current editions of the Appendices as well as information on the identification of specimens of species listed in the Appendices.

(7) Preparing annual reports to the Parties on its work and on the implementation of the Convention.

(8) Making recommendations for the implementation of the aims and provisions of the Convention, including the exchange of scientific and technical information.

(9) Performing other functions entrusted to it by the Parties.

(b) *Committees.* The Parties have established four committees to provide administrative and technical support to the Parties and to the Secretariat. The CoP may charge any of these committees with tasks.

(1) The Standing Committee steers the work and performance of the Convention between CoPs.

(i) This committee oversees development and execution of the Secretariat's budget, advises other committees, appoints working groups, and carries out activities on behalf of the Parties between CoPs.

(ii) Regional representatives are countries that are elected by their respective geographic regions at the CoP.

(2) The Animals Committee and the Plants Committee provide advice and guidance to the CoP, the other committees, working groups, and the Secretariat on all matters relevant to international trade in species included in the Appendices.

(i) These committees also assist the Nomenclature Committee in the development and maintenance of a standardized list of species names; provide assistance with regard to identification of species listed in the Appendices; cooperate with the Secretariat to assist Scientific Authorities; compile and evaluate data on Appendix-II species that are considered significantly affected by trade; periodically review the status of wildlife and plant species listed in the Appendices; advise range countries on management techniques when requested; draft resolutions on wildlife and plant matters for consideration by the Parties; deal with issues related to the transport of live specimens; and report to the CoP and the Standing Committee.

(ii) Regional representatives are individuals, who are elected by their respective geographic regions at the CoP.

(3) The Nomenclature Committee is responsible for developing or identifying standard nomenclature references for wildlife and plant taxa and making recommendations on nomenclature to Parties, the CoP, other committees, working groups, and the Secretariat. The Nomenclature Committee is made up of one zoologist and one botanist, who are appointed by the CoP.

§ 23.85 What is a meeting of the Conference of the Parties (CoP)?

(a) *Purpose.* Article XI of the Treaty provides general guidelines for meetings of the countries that have ratified, accepted, approved, or acceded to CITES. The Parties currently meet for 2 weeks every 3 years. At these meetings, the Parties consider amendments to the Appendices and resolutions and decisions to improve the implementation of CITES. The Parties adopt amendments to the lists of species in Appendix I and II and resolutions by a two-thirds majority of Parties present and voting. The Secretariat or any Party may also submit reports on wildlife and plant trade for consideration.

(b) *CoP locations and dates.* At a CoP, Parties interested in hosting the next meeting notify the Secretariat. The Parties vote to select the location of the next CoP. Once a country has been chosen, it works with the Secretariat to set the date and specific venue. The Secretariat then notifies the Parties of the date for the next CoP.

(c) *Attendance at a CoP.* All Parties may participate and vote at a CoP. Non-Party countries may participate, but may not vote. Organizations technically qualified in protection, conservation, or management of wildlife or plants may participate in a CoP as observers if they are approved, but they are not eligible to vote.

(1) International organizations must apply to the CITES Secretariat for approval to attend a CoP as an observer.

(2) National organizations must apply to the Management Authority of the country where they are located for approval to attend a CoP as an observer.

§ 23.86 How can I obtain information on a CoP?

As we receive information on an upcoming CoP from the CITES Secretariat, we will notify the public either through published notices in the FEDERAL REGISTER or postings on our website (see § 23.7). We will provide:

(a) A summary of the information we have received with an invitation for the public to comment and provide information on the agenda, proposed amendments to the Appendices, and proposed resolutions that they believe the United States should submit for consideration at the CoP.

(b) Information on times, dates, and locations of public meetings.

(c) Information on how international and national organizations may apply to participate as observers.

§ 23.87 How does the United States develop documents and negotiating positions for a CoP?

(a) In developing documents and negotiating positions for a CoP, we:

(1) Will provide for at least one public meeting.

(2) Consult with appropriate Federal, State, and tribal agencies; foreign governmental agencies; scientists; experts; and others.

(3) Seek public comment through published FEDERAL REGISTER notices or postings on our website that:

(i) Solicit recommendations on potential proposals to amend the Appendices, draft resolutions, and other documents for U.S. submission to the CoP.

(ii) Announce proposals to amend the Appendices, draft resolutions, and other documents that the United States is considering submitting to the CoP.

(iii) Provide the CoP agenda and a list of the amendments to the Appendices proposed for the CoP, a summary of our proposed negotiating positions on these items, and the reasons for our proposed positions.

(4) Consider comments received in response to notices or postings provided in paragraph (a)(3) of this section.

(b) We submit the following documents to the Secretariat for consideration at the CoP:

(1) Draft resolutions and other documents at least 150 days before the CoP.

(2) Proposals to amend the Appendices at least 150 days before the CoP if we have consulted all range countries, or 330 days before the CoP if we have not consulted the range countries. For the latter, the additional time allows for the range countries to be consulted through the Secretariat.

(c) The Director may modify or suspend any of these procedures if they would interfere with the timely or appropriate development of documents for submission to the CoP and U.S. negotiating positions.

(d) We may receive additional information at a CoP or circumstances may develop that have an impact on our tentative negotiating positions. As a result, the U.S. representatives to a CoP may find it necessary to modify, reverse, or otherwise change any of those positions when to do so would be in the best interests of the United States or the conservation of the species.

§ 23.88 What are the resolutions and decisions of the CoP?

(a) *Purpose.* Under Article XI of the Treaty, the Parties agree to resolutions and decisions that clarify and interpret the Convention to improve its effectiveness. Resolutions are generally intended to provide long-standing guidance, whereas decisions typically contain instructions to a specific committee, Parties, or the Secretariat. Decisions are often intended to be implemented by a specific date, and then they expire.

(b) *Effective date.* A resolution or decision adopted by the Parties becomes effective 90 days after the last day of the meeting at which it was adopted, unless otherwise specified in the resolution or decision.

Subpart H—Lists of Species

§ 23.89 What are the criteria for listing species in Appendix I or II?

(a) *Purpose.* Article XV of the Treaty sets out the procedures for amending CITES Appendices I and II. A species must meet trade and biological criteria listed in the CITES resolution for amendment of Appendices I and II. When determining whether a species qualifies for inclusion in or removal from Appendix I or II, or transfer from one Appendix to another, we will:

(1) Consult with States, Tribes, range countries, relevant experts, other Federal agencies, and the general public.

(2) Utilize the best available biological information.

(3) Evaluate that information against the criteria in paragraphs (b) through (f) of this section.

(b) *Listing a species in Appendix I.* Any species qualifies for inclusion in Appendix I if it is or may be affected by trade and meets, or is likely to meet, at least one biological criterion for Appendix I.

(1) These criteria are:

(i) The size of the wild population is small.

(ii) Area of distribution is restricted.

(iii) There is an observed, inferred, or projected marked decline in the population size in the wild.

(2) Factors to be considered include, but are not limited to, population and range fragmentation; habitat availability or quality; area of distribution; taxon-specific vulnerabilities due to life history, behavior, or other intrinsic factors, such as migration; population structure and niche requirements; threats from extrinsic factors such as the form of exploitation, introduced species, habitat degradation and destruction, and stochastic events; or decreases in recruitment.

(c) *Listing a species in Appendix II due to actual or potential threats.* Any species qualifies for inclusion in Appendix II if it is or may be affected by trade and meets at least one of the criteria for listing in Appendix II based on actual or potential threats to that species. These criteria are:

(1) It is known, or can be inferred or projected, that the regulation of trade is necessary to avoid the species becoming eligible for inclusion in Appendix I in the near future.

(2) It is known, or can be inferred or projected, that the regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvest or other influences.

(d) *Listing a species in Appendix II due to similarity of appearance or other factors.* Any species qualifies for inclusion in Appendix II if it meets either of the criteria for listing in Appendix II due to similarity of appearance or other factors. These criteria are:

(1) The specimens of the species in the form in which they are traded resemble specimens of a species listed in Appendix II due to criteria in paragraph (c) of this section or in Appendix I, such that enforcement officers who encounter specimens of such similar CITES species are unlikely to be able to distinguish between them.

(2) There are compelling reasons other than those in paragraph (d)(1) of this section to ensure that effective control of trade in currently listed species is achieved.

(e) *Other issues.* We will evaluate any potential changes to the Appendices, taking into consideration other issues, including but not limited to, split-listing, annotation, listings of higher taxa and hybrids, and specific listing issues related to plants and commercially exploited aquatic species.

(f) *Precautionary measures.* We will evaluate any potential transfers from Appendix I to II or removal of species from the Appendices in the context of precautionary measures.

(g) *Proposal.* If a Party determines that a taxon qualifies for inclusion in or removal from Appendix I or II, or transfer from one Appendix to another, a proposal may be submitted to the Secretariat for consideration by the CoP.

(1) The proposal should indicate the intent of the specific action (such as inclusion in Appendix I or II); be specific and accurate as to the parts and derivatives to be included in the listing; ensure that any proposed annotation is consistent with existing annotations; state the criteria against which the proposal is to be judged; and provide a justification for the basis on which the species meets the relevant criteria.

(2) The proposal must be in a prescribed format. Contact the U.S. Scientific Authority for a copy (see § 23.7).

§ 23.90 What are the criteria for listing species in Appendix III?

(a) *Purpose.* Article XVI of the Treaty sets out the procedures for amending Appendix III.

(b) *General procedure.* A Party may unilaterally, at any time, submit a request to list a species in Appendix III to the CITES Secretariat. The listing will become effective 90 days after the Secretariat notifies the Parties of the request.

(c) *Criteria for listing.* For a Party to list a species in Appendix III, all of the following criteria must be met:

(1) The species must be native to the country listing the species.

(2) The species must be protected under that country's laws or regulations to prevent or restrict exploitation and control trade, and the laws or regulations are being implemented.

(3) The species is in international trade, and there are indications that the cooperation of other Parties would help to control illegal trade.

(4) The listing Party must inform the Management Authorities of other range countries, the known major importing countries, the Secretariat, and the Animals Committee or the Plants Committee that it is considering the listing and seek their opinions on the potential effects of the listing.

(d) *Annotation.* The listing Party may annotate the Appendix-III listing to include only specific parts, products, derivatives, or life stages, as long as the Secretariat is notified of the annotation.

(e) *U.S. procedure.* The procedure to list a species native to the United States in Appendix III is as follows:

(1) We will consult with and solicit comments from all States and Tribes where the species occurs and all other range countries.

(2) We will publish a proposed rule in the FEDERAL REGISTER to solicit comments from the public.

(3) If after evaluating the comments received and available information we determine the species should be listed in Appendix III, we will publish a final rule in the FEDERAL REGISTER and notify the Secretariat of the listing.

(f) *Removing a species from Appendix III.* We will monitor the international trade in Appendix-III species listed by us and periodically evaluate whether each species continues to meet the listing criteria in paragraph (c) of this section. We will remove a species from Appendix III provided all of the following criteria are met:

(1) International trade in the species is very limited. As a general guide, we will consider removal when exports involve fewer than 5 shipments per year or fewer than 100 individual animals or plants.

(2) Legal and illegal trade in the species, including international trade or interstate commerce, is determined not to be a concern.

(g) *Transferring a species from Appendix III to Appendix I or II.* If, after monitoring the trade and evaluating the status of an Appendix-III species we listed, we determine that the species meets the criteria in § 23.89(b) through (d) of this section for listing in Appendix I or II, we will consider whether to submit a proposal to amend the listing at the next CoP.

§ 23.91 How do I find out if a species is listed?

(a) *CITES list.* The official CITES list includes species of wildlife and plants placed in Appendix I, II, and III in accordance with the provisions of Articles XV and XVI of the Treaty. This list is maintained by the CITES Secretariat based on decisions of the Parties. You may access the official list from the CITES website (see § 23.7).

(b) *Effective date.* Amendments to the CITES list are effective as follows:

(1) Appendix-I and -II species listings adopted at the CoP are effective 90

days after the last day of the CoP, unless otherwise specified in the proposal.

(2) Appendix-I and -II species listings adopted between CoPs by postal procedures are effective 120 days after the Secretariat has communicated comments and recommendations on the listing to the Parties if the Secretariat does not receive an objection to the proposed amendment from a Party.

(3) Appendix-III species listings are effective 90 days after the date the Secretariat has communicated such listings to the Parties. A listing Party may withdraw a species from the list at any time by notifying the Secretariat. The withdrawal is effective 30 days after the Secretariat has communicated the withdrawal to the Parties.

§ 23.92 Are any wildlife or plants, and their parts, products, or derivatives, exempt?

(a) All living or dead wildlife and plants in Appendix I, II, and III and all their readily recognizable parts, products, and derivatives must meet the requirements of CITES and this part, except as indicated in paragraph (b) of this section.

(b) The following are exempt from the requirements of CITES and do not need CITES documents. You may be required to demonstrate that your specimen qualifies as exempt under this section. For specimens that are exempt from CITES requirements, you must still follow the clearance requirements for wildlife in part 14 of this subchapter and for plants in part 24 of this subchapter and 7 CFR parts 319, 352, and 355.

(1) *Appendix-III wildlife and Appendix-II or -III plants.*

(i) Where an annotation designates what is excluded from CITES requirements, any part, product, or derivative that is specifically excluded.

(ii) Where an annotation designates what is covered by the Treaty, all parts, products, or derivatives that are not designated.

(2) *Plant hybrids.*

(i) Seeds and pollen (including pollinia), cut flowers, and flasked seedlings or tissue cultures of hybrids that qualify as artificially propagated (see § 23.64) and that were produced from one or more Appendix-I species or taxa that are not annotated to specifically include hybrids in the CITES list.

(ii) Specimens of an Appendix-II or -III plant taxon with an annotation that specifically excludes hybrids.

(3) *Flasked seedlings of Appendix-I orchids.* Flasked seedlings of an Appendix-I orchid species that qualify as artificially propagated (see § 23.64).

(4) *Marine specimens listed in Appendix II that are protected under another treaty, convention, or international agreement which was in force on July 1, 1975* as provided in § 23.39(d).

(5) *Coral sand and coral fragments* as defined in § 23.5.

(6) *Personal and household effects* as provided in § 23.15.

(7) *Urine, feces, and synthetically derived DNA* as provided in § 23.16.

(8) *Certain wildlife hybrids* as provided in § 23.43.

PART 24—IMPORTATION AND EXPORTATION OF PLANTS

Subpart A—Introduction

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24.1 Purpose of regulations.
24.2 Scope of regulations.

Subpart B—Importation and Exportation at Designated Ports

24.11 General restrictions.
24.12 Designated ports.

AUTHORITY: Secs. 9(f)(1), 11(f), Pub. L. 93–205, 87 Stat 893, 897 (16 U.S.C. 1538(f)(1), 1540(f)).

SOURCE: 49 FR 42941, Oct. 25, 1984, unless otherwise noted.

Subpart A—Introduction

§ 24.1 Purpose of regulations.

The regulations contained in this part are for the purpose of establishing ports for the importation, exportation and reexportation of plants.

§ 24.2 Scope of regulations.

The provisions in this part are in addition to, and do not supersede, other regulations in this chapter. Also, the U.S. Department of Agriculture administers the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*), the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), and the Federal

Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*), which contain authority for additional prohibitions and restrictions, including additional port of entry requirements, for the importation or exportation of plants (See 7 CFR chapter III for regulations containing prohibitions and restrictions under these authorities).

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 re-exportation 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
Wailuku, 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
Coos 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
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

[49 FR 42941, Oct. 25, 1984, as amended at 55 FR 11920, Mar. 30, 1990; 58 FR 68543, Dec. 28, 1993; 58 FR 14121, Mar. 25, 1994; 59 FR 42775, Aug. 19, 1994; 62 FR 30775, June 5, 1997]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—ADMINISTRATIVE PROVISIONS

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AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i, 3901 *et seq.*; and Pub. L. 102–402, 106 Stat. 1961.

SOURCE: 41 FR 9166, Mar. 3, 1976, unless otherwise noted.

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.

[41 FR 9166, Mar. 3, 1976, as amended at 51 FR 7574, Mar. 5, 1986; 62 FR 47375, Sept. 9, 1997]

§ 25.12 What do these terms mean?

(a) As used in the rules and regulations in this subchapter:

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 peccary, 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.

Refuge Manager means the official directly in charge of a national wildlife refuge or the authorized representative of such official. In the case of a national wildlife refuge complex, this refers to the official directly in charge of the complex.

Refuge use, and *Use of a refuge* mean a recreational use (including refuge actions associated with a recreational use or other general public use), refuge management economic activity, or other use of a national wildlife refuge by the public or other non-National Wildlife Refuge System entity.

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.

Wildlife management area means a general term used in describing a variety of areas that are managed for wildlife purposes which may be included in the National Wildlife Refuge System.

You means the public.

(b) Unless otherwise stated the definitions found in 50 CFR 10.12 also apply to all of subchapter C of this title 50.

[41 FR 9166, Mar. 3, 1976, as amended at 51 FR 7574, Mar. 5, 1986; 60 FR 62040, Dec. 4, 1995; 64 FR 14150, Mar. 24, 1999; 65 FR 62480, Oct. 18, 2000]

§ 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(i)(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 re-authorized, 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).

[65 FR 56400, Sept. 18, 2000]

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.

[67 FR 58942, Sept. 18, 2002]

§ 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 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, 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.

[51 FR 7575, Mar. 5, 1986, as amended at 65 FR 62482, Oct. 18, 2000]

§ 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 date. 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

taken unless such suspension is authorized in writing by the area manager or regional director (depending upon the official before whom the appeal is pending), and then only upon a determination by these officials that such suspension will not be detrimental to the interests of the United States or upon submission and acceptance of a bond deemed adequate to indemnify the United States from loss or damage.

[42 FR 64120, Dec. 22, 1977. Redesignated at 51 FR 7575, Mar. 5, 1986]

Subpart E—Fees and Charges

SOURCE: 52 FR 29860, Aug. 12, 1987, unless otherwise noted.

§ 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.

(3) Golden Age Passport.

(4) Golden Access 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 nontransferable. 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.

Subpart F—Concessions

§ 25.61 General provisions.

Public use facilities may be operated by concessionaires or cooperators under appropriate contact or legal agreement on national wildlife refuges where there is a demonstrated justified need for services or facilities including, but not limited to, boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related service.

Subpart G—Safety Regulations

§ 25.71 Public safety.

Persons using national wildlife refuges shall comply with the safety requirements which are established under the provisions of this subchapter C for each individual refuge and with any safety provisions which may be included in leases, agreements, or use permits.

§ 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

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26.41 What is the process for determining if a use of a national wildlife refuge is a compatible use?

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 715i; Pub. L. 96–315 (94 Stat. 958) and Pub. L. 98–146 (97 Stat. 955).

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 enfranchised 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.

(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.

(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]

EDITORIAL NOTE: For FEDERAL REGISTER citations to regulations affecting temporary and special regulations on national wildlife refuges, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 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.

(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.

§ 26.41 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;

(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 reevaluation 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

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AUTHORITY: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); 49 Stat. 383 as amended; Sec. 4, 76 Stat. (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 685, 752, 690d); 16 U.S.C. 715s).

SOURCE: 41 FR 9168, Mar. 3, 1976, unless otherwise noted.

Subpart A—Introduction

§27.11 Purpose of regulations.

The regulations in this part 27 govern those acts by the public which are prohibited at all times except as permitted in this part, part 26, and part 25, subpart D—Permits.

[42 FR 56954, Oct. 31, 1977]

Subpart B—Taking Violations

§27.21 General provisions.

No person shall take any animal or plant on any national wildlife refuge, except as authorized under 50 CFR 27.51 and parts 31, 32, and 33 of this subchapter C.

Subpart C—Disturbing Violations: With Vehicles

§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 time 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 similar device upon a motor vehicle. A

vehicle that produces unusual or excessive noise or visible pollutants is prohibited.

(2) A refuge manager, by posting of appropriate signs or by marking on a map which shall be available at the refuge headquarters, may require that any motor vehicle operating in the designated area shall be equipped with a spark arrestor that meets Standard 5100–1a of the U.S. Forest Service, Department of Agriculture which standard includes the requirements that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and that such spark arrestor has been warranted by its manufacturer as meeting the above mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturers recommendations.

(f) The operation of a vehicle which does not bear valid license plates and is not properly certified, registered, or inspected in accordance with applicable State laws is prohibited.

(g) Driving or permitting another person to drive a vehicle without valid license is prohibited. A valid driver's or operator's license must be displayed upon the request of any authorized official.

(h) Stopping, parking or leaving any vehicle, whether attended or unattended, upon any road, trail, or fire lane so as to obstruct the free movement of other vehicles is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized official.

(i) All persons shall obey the lawful order or signal of any authorized official directing, controlling, or regulating the movement of traffic.

(j) Load, weight and width limitations, as may be necessary, shall be prescribed and the public advised under provisions of § 25.31. Such limitations must be complied with by the operators of all vehicles.

(k) A motor vehicle involved in an accident is not to be moved until an authorized official arrives at the scene of the accident, unless such vehicle constitutes a traffic or safety hazard.

(l) A motor vehicle shall not be operated at anytime without proper brakes and brake lights, or from sunset to sunrise without working headlights and taillights which comply with the regulations for operation on the roads of the State within whose boundaries the refuge is located.

(m) Such other requirements which are established under the provisions of this subchapter C.

§ 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.

(2) No operator or person in charge of any boat shall operate or knowingly permit any other person to operate a boat in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person, property or wildlife.

(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]

Subpart E—Disturbing Violations: Against Plants and Animals

§ 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 semiprecious 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, 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 B—Enforcement Authority

28.21 General provisions.

Subpart C—Penalty Provisions

28.31 General penalty provisions.
28.32 Penalty provisions concerning fires and timber.

Subpart D—Impoundment Procedures

28.41 Impoundment of abandoned property.
28.42 Impounding of domestic animals.
28.43 Destruction of dogs and cats.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); sec. 5, 43 Stat. 651 (16 U.S.C. 725); sec. 5, 45 Stat. 449 (16 U.S.C. 690d); sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); sec. 4, 76 Stat. 654 (16 U.S.C. 460k); sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 301).

SOURCE: 41 FR 9171, Mar. 3, 1976, unless otherwise noted.

Subpart A—Introduction

§ 28.11 Purpose of regulations.

The regulations in this part govern the enforcement, penalty and procedural requirements for violations of parts 25, 26, and 27.

Subpart B—Enforcement Authority

§ 28.21 General provisions.

Refuge managers and other authorized personnel are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.2) to protect fish and wildlife and their habitat and prevent their disturbance, to protect Service lands, property, facilities, or interests therein and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State, and local laws and regulations: The provisions of this subchapter C and any special regulations issued pursuant thereto; and the prohibitions and restrictions as posted.

[41 FR 9171, Mar. 3, 1976, as amended at 44 FR 42976, July 23, 1979; 51 FR 7575, Mar. 5, 1986]

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:

(1) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k–3; Sec. 4, 80 Stat. 927, as amended, 16 U.S.C. 668dd(e); Sec. 7, 60 Stat. 1080, 16 U.S.C. 666a; Sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; Sec. 7, 48 Stat. 452, 16 U.S.C. 718g; Sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41.)

(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 the United States for, capturing, impounding, advertising, care, forage, and damage claims.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is an amount less than the claim of the United States, the animal may be sold at private sale for the highest amount obtainable, or be condemned

and destroyed or converted to the use of the United States. Upon the sale of any animal in accordance with this section, the buyer shall be issued a certificate of sale.

(g) In determining the claim of the Federal Government in all livestock trespass cases on national wildlife refuges, the value of forage consumed shall be computed at the commercial unit rate prevailing in the locality for that class of livestock. In addition, the claim shall include damages to national wildlife refuge property injured or destroyed, and all the related expenses incurred in the impounding, caring for and disposing of the animal. The salary of Service employees for the time spent in and about the investigations, reports, and settlement or prosecution of the case shall be prorated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the U.S. Fish and Wildlife Service.

§ 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?
29.21–1 Purpose and scope.
29.21–2 Application procedures.
29.21–3 Nature of interest granted.
29.21–4 Terms and conditions.
29.21–5 Construction.
29.21–6 Disposal, transfer or termination of interest.
29.21–7 What payment do we require for use and occupancy of national wildlife refuge lands?
29.21–8 Electric power transmission line rights-of-way.
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.
29.22 Hearing and appeals procedures.

Subpart C—Mineral Operations

29.31 Mineral ownerships in the United States.
29.32 Mineral rights reserved and excepted.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 1270, sec. 4, 76 Stat. 645; 5 U.S.C. 301, 16 U.S.C. 668dd, 685, 725, 690d, 715i, 664, 43 U.S.C. 315a, 16 U.S.C. 460k; 80 Stat. 926.

SOURCE: 31 FR 16026, Dec. 15, 1966, unless otherwise noted.

Subpart A—General Rules

§ 29.1 May we allow economic uses on national wildlife refuges?

We may only authorize public or private economic use of the natural resources of any national wildlife refuge, in accordance with 16 U.S.C. 715s, where we determine that the use contributes to the achievement of the national wildlife refuge purposes or the National Wildlife Refuge System mission. We may authorize economic use by appropriate permit only when we have determined the use on a national wildlife refuge to be compatible. Persons exercising economic privileges on national wildlife refuges will be subject to the applicable provisions of this subchapter and of other applicable laws and regulations governing national wildlife refuges. Permits for economic use will contain such terms and conditions that we determine to be necessary for the proper administration of the resources. Economic use in this section includes but is not limited to grazing livestock, harvesting hay and stock feed, removing timber, firewood or other natural products of the soil, 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.

[34 FR 19907, Dec. 19, 1969, as amended at 39 FR 5490, Feb. 13, 1974; 42 FR 43917, Aug. 31, 1977; 44 FR 42976, July 23, 1979; 48 FR 31655, July 11, 1983; 51 FR 7575, Mar. 5, 1986; 65 FR 62483, Oct. 18, 2000]

§ 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 electric power transmission lines and § 29.21–9 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 only an easement interest may be submitted to the Regional Director in letter form. No map exhibit is required, however, the affected land should be described in the letter or shown on a map sketch. If the requested right-of-way will not adversely affect the

United States' interest, the Regional Director may issue a letter stating that the interest of the United States to the right-of-way easement would not be affected provided there would be no objection to a right-of-way by the fee owner. If the interest of the United States will be affected, application for the right-of-way must be submitted in accordance with procedures set out in § 29.21–2.

(c) *Other lands outside the National Wildlife Refuge System.* Rights-of-way on or over other lands will be granted in accordance with controlling authorities cited in 43 CFR part 2800, 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. See § 29.21–8 for additional requirements applicable to rights-of-way for electric power transmission lines and § 29.21–9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any other refined product produced therefrom. Applications will be submitted in accordance with procedures set out in § 29.21–2.

[34 FR 19907, Dec. 19, 1969, as amended at 36 FR 2402, Feb. 4, 1971; 39 FR 5490, Feb. 13, 1974; 42 FR 43917, Aug. 31, 1977; 44 FR 42976, July 23, 1979; 48 FR 31655, July 11, 1983]

§ 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:

(A) For linear facilities (e.g., powerlines, pipelines, roads, etc.).

Length	Payment
Less than 5 miles	$50 per mile or fraction thereof.
5 to 20 miles	$500.
20 miles and over	$500 for each 20 miles or fraction thereof.

(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 facillities 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.).

Length	Payment
Less than 5 miles	$20 per mile or fraction thereof.
5 to 20 miles	$200.
20 miles and over	$200 for each 20 miles or fraction thereof.

(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), or (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.* (1) For the States of California, Hawaii, Idaho, Nevada, Oregon and Washington:

Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland Oregon 97232.

(2) For the States of Arizona, New Mexico, Oklahoma, and Texas:

Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue, P.O. Box 1306, Albuquerque, New Mexico 87103.

(3) For the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin:

Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

(4) For the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and Virgin Islands:

Regional Director, U.S. Fish and Wildlife Service, Richard B. Russell, Federal Building, Suite 1200, 75 Spring Street, S.W., Atlanta, Georgia 30303.

(5) For the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia:

Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 03158.

(6) For the States of Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming:

Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

(7) For the State of Alaska:

Regional Director, U.S. Fish and Wildlife Service, 1101 E. Tudor Road, Anchorage, Alaska 99503.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43917, Aug. 31, 1977; 44 FR 42976, July 23, 1979; 48 FR 31655, July 11, 1983]

§ 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.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43918, Aug. 31, 1977]

§ 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.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43918, Aug. 31, 1977]

§ 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.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43919, Aug. 31, 1977]

§ 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.

[42 FR 43919, Aug. 31, 1977, as amended at 65 FR 62483, Oct. 18, 2000]

§ 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, telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof.

[42 FR 43919, Aug. 31, 1977, as amended at 48 FR 31655, July 11, 1983]

§ 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/or 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, revegetation 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 terminal's throughput capacity in response to actual or anticipated increases in demand; (ii) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (iii) minimum shipment or purchase tenders.

(k) *Limitations on export.* Any domestically produced crude oil transported by pipeline over rights-of-way granted

pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitation and licensing requirements of the Export Administration Act of 1969.

(l) *State standards.* The Regional Director shall take into consideration, and to the extent practical comply with, applicable State standards for right-of-way construction, operation, and maintenance.

(m) *Congressional notification.* The Secretary shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for pipeline 24 inches or more in diameter, and no right-of-way for such a pipeline shall be granted until 60 days (not including days on which the House or Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way together with the Secretary's detailed findings as to terms and conditions he proposes to impose, has been submitted to the Committees, unless each Committee by resolution waives the waiting period.

[42 FR 43921, Aug. 31, 1977]

§ 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's 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.

[31 FR 16026, Dec. 15, 1966, as amended at 44 FR 42976, July 23, 1979]

§ 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.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 668dd, as amended; 16 U.S.C. 715i, as amended; 41 CFR 101–44.

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.

[62 FR 19937, Apr. 24, 1997]

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.
31.15 Public hunting and fishing programs.
31.16 Trapping program.
31.17 Disposal of furs and pelts.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, as amended, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718(b), 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.

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 shall be determined by population census, habitat evaluation, and other means of ecological study.

§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.

[38 FR 16356, June 22, 1973]

§ 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 Do we allow commercial harvest of fishery resources?

Refuge managers may allow commercial harvest of fishery resources by issuance of a permit or by refuge-specific regulation in compliance with applicable State and Federal laws when compatible and in compliance with § 29.1 of this subchapter C.

[69 FR 54362, Sept. 8, 2004]

§ 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.

[36 FR 17998, Sept. 8, 1971]

§ 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.
32.2 What are the requirements for hunting on areas of the National Wildlife Refuge System?
32.3 What are the procedures for publication of refuge-specific hunting regulations?
32.4 Opening of wildlife refuge areas to fishing.

32.5 What are the requirements for sportfishing on areas of the National Wildlife Refuge System?
32.6 What are the procedures for publication of refuge-specific sport fishing regulations?
32.7 What refuge units are open to hunting and/or sport fishing?
32.8 Areas closed to hunting.

Subpart B—Refuge-Specific Regulations for Hunting and Fishing

32.20 Alabama.
32.21 Alaska.
32.22 Arizona.
32.23 Arkansas.
32.24 California.
32.25 Colorado.
32.26 Connecticut.
32.27 Delaware.
32.28 Florida.
32.29 Georgia.
32.30 Hawaii.
32.31 Idaho.
32.32 Illinois.
32.33 Indiana.
32.34 Iowa.
32.35 Kansas.
32.36 Kentucky.
32.37 Louisiana.
32.38 Maine.
32.39 Maryland.
32.40 Massachusetts.
32.41 Michigan.
32.42 Minnesota.
32.43 Mississippi.
32.44 Missouri.
32.45 Montana.
32.46 Nebraska.
32.47 Nevada.
32.48 New Hampshire.
32.49 New Jersey.
32.50 New Mexico.
32.51 New York.
32.52 North Carolina.
32.53 North Dakota.
32.54 Ohio.
32.55 Oklahoma.
32.56 Oregon.
32.57 Pennsylvania.
32.58 Puerto Rico. [Reserved]
32.59 Rhode Island.
32.60 South Carolina.
32.61 South Dakota.
32.62 Tennessee.
32.63 Texas.
32.64 Utah.
32.65 Vermont.
32.66 Virginia.
32.67 Washington.
32.68 West Virginia.
32.69 Wisconsin.
32.70 Wyoming.
32.71 United States Unincorporated Pacific Insular Possessions.
32.72 Guam.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i.

SOURCE: 58 FR 5064, Jan. 19, 1993, unless otherwise noted.

Subpart A—General Provisions

§ 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 these 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) The use or possession of alcoholic beverages while hunting is prohibited.

(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.

[58 FR 5064, Jan. 19, 1993, as amended at 63 FR 46914, Sept. 3, 1998; 65 FR 30777, May 12, 2000; 67 FR 58943, Sept. 18, 2002]

§ 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; or

(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 refuge-specific season dates and times after the State establishes its hunting seasons by publication through one or more of the methods identified in § 25.31 of this subchapter C.

(f) Refuge-specific hunting regulations may be amended or new conditions imposed at any time during the hunting season when unpredictable

changes occur in wildlife populations, habitat conditions or in other factors affecting a refuge's wildlife resources. Changes in refuge-specific hunting regulations made under the conditions noted in this paragraph (f) can be in force only for the one season to which the changes apply.

[58 FR 5064, Jan. 19, 1993, as amended at 67 FR 58943, Sept. 18, 2002]

§ 32.4 Opening of wildlife refuge areas to fishing.

Wildlife refuge areas may be opened to sport fishing only after a determination is made that this activity is compatible with the purposes for which the refuge was established. In addition, the sport fishing program must be consistent with principles of sound fishery management and otherwise be in the public interest. The opening or closing of wildlife refuge areas to fishing is subject to the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). Lands acquired as ''waterfowl production areas'' are open to sport fishing subject to the provisions of State laws and regulations and the pertinent provisions of parts 25 through 31 of this subchapter: *Provided,* that fishing 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 fish and wildlife populations.

§ 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.

[58 FR 5064, Jan. 19, 1993, as amended at 67 FR 58943, Sept. 18, 2002]

§ 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; or

(6) Other provisions as required.

(c) Refuge-specific fishing regulations will not liberalize existing State laws or regulations.

(d) Refuge-specific fishing 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 sport fishing regulations in the daily issue of the FEDERAL REGISTER, and subsequently they 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 in other factors affecting a refuge's fish and wildlife resources.

[58 FR 5064, Jan. 19, 1993, as amended at 67 FR 58943, Sept. 18, 2002]

§ 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

Bon Secour National Wildlife Refuge
Cahaba River National Wildlife Refuge
Choctaw National Wildlife Refuge
Eufaula National Wildlife Refuge
Grand Bay National Wildlife Refuge
Key Cave National Wildlife Refuge
Mountain Lonleaf National Wildlife Refuge
Sauta 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 Flats National Wildlife Refuge

ARIZONA

Bill Williams River National Wildlife Refuge
Buenos Aires National Wildlife Refuge
Cabeza Prieta National Wildlife Refuge
Cibola National Wildlife Refuge
Havasu National Wildlife Refuge
Imperial National Wildlife Refuge
Kofa National Wildlife Refuge
San Bernardino National Wildlife Refuge

ARKANSAS

Bald Knob National Wildlife Refuge
Big Lake National Wildlife Refuge
Cache River National Wildlife Refuge
Felsenthal National Wildlife Refuge
Holla Bend National Wildlife Refuge
Overflow National Wildlife Refuge
Pond Creek National Wildlife Refuge
Wapanocca National Wildlife Refuge
White River National Wildlife Refuge

CALIFORNIA

Cibola National Wildlife Refuge
Clear Lake National Wildlife Refuge
Colusa National Wildlife Refuge
Delevan National Wildlife Refuge
Don Edwards San Francisco Bay National Wildlife Refuge
Havasu National Wildlife Refuge
Humboldt Bay National Wildlife Refuge
Imperial National Wildlife Refuge
Kern National Wildlife Refuge
Lower Klamath National Wildlife Refuge
Merced National Wildlife Refuge
Modoc National Wildlife Refuge
Sacramento National Wildlife Refuge
Sacramento River National Wildlife Refuge
Salinas River National Wildlife Refuge
San Luis National Wildlife Refuge
San Pablo National Wildlife Refuge
Sonny Bono Salton Sea National Wildlife Refuge
Stone Lakes National Wildlife Refuge
Sutter National Wildlife Refuge
Tule Lake National Wildlife Refuge

COLORADO

Alamosa National Wildlife Refuge
Arapaho National Wildlife Refuge
Browns Park National Wildlife Refuge
Monte Vista National Wildlife Refuge
Rocky Mountain Arsenal

CONNECTICUT

Stewart B. McKinney National Wildlife Refuge

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
Egmont Key National Wildlife Refuge
Hobe Sound National Wildlife Refuge
J.N. ''Ding'' Darling National Wildlife Refuge
Lake Woodruff National Wildlife Refuge
Lower Suwannee National Wildlife Refuge
Merrit Island National Wildlife Refuge
Pelican Island National Wildlife Refuge
Pinellas National Wildlife Refuge
St. Marks National Wildlife Refuge
St. Vincent National Wildlife Refuge
Ten Thousand Islands 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

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 Naional Wildlife Refuge
Upper Mississippi River Wildlife and Fish Refuge

INDIANA

Big Oaks National Wildlife Refuge
Muscatatuck 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
Northern Tallgrass Prairie 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
Marais des Cygnes Natinal Wildlife Refuge
Quivira National Wildlife Refuge

KENTUCKY

Clarks River National Wildlife Refuge
Ohio River Islands National Wildlife Refuge
Reelfoot National Wildlife Refuge

LOUISIANA

Atchafalaya National Wildlife Refuge
Bayou Cocodrie 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
Red River 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

Assabet River National Wildlife Refuge
Great Meadows National Wildlife Refuge
Monomoy National Wildlife Refuge
Nantucket National Wildlife Refuge
Oxbow National Wildlife Refuge
Parker River 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
Big Stone Wetland Management District
Detroit Lakes Wetland Management District
Fergus Falls Wetland Management District
Glacial Ridge National Wildlife Refuge
Litchfield Wetland Management District
Minnesota Valley National Wildlife Refuge
Minnesota Valley Wetland Management
Morris Wetland Management District
Northern Tallgrass Prairie National Wildlife Refuge
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
Coldwater 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
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
Hailstone National Wildlife Refuge
Halfbreed Lake National Wildlife Refuge
Hewitt Lake National Wildlife Refuge
Lake Mason National Wildlife Refuge
Lake Thibadeau National Wildlife Refuge
Lamesteer National Wildlife Refuge
Lee Metcalf 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

Boyer 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
Silvio O. Conte National Wildlife Refuge

NEW JERSEY

Cape May National Wildlife Refuge
Edwin B. Forsythe National Wildlife Refuge
Great Swamp National Wildlife Refuge
Supawna Meadows National Wildlife Refuge
Wallkill River National Wildlife Refuge

NEW MEXICO

Bitter Lake National Wildlife Refuge
Bosque 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
Seatuck National Wildlife Refuge
Target Rock National Wildlife Refuge
Wertheim National Wildlife Refuge

NORTH CAROLINA

Alligator River National Wildlife Refuge
Currituck National Wildlife Refuge
Cedar Island National Wildlife Refuge
Great Dismal Swamp National Wildlife Refuge
Mackay Island National Wildlife Refuge
Mattamuskeet National Wildlife Refuge
Pea Island 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
Arrowwood Wetland Management District
Audubon National Wildlife Refuge
Audubon Wetland Management District
Chase Lake National Wildlife Refuge
Chase Lake Wetland Management District
Crosby Wetland Management District
Des Lacs National Wildlife Refuge
Devils Lake Wetland Management District
J. Clark Salyer National Wildlife Refuge
J. Clark Salyer Wetland Management District
Kulm Wetland Management District
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
Long Lake Wetland Management District
Lostwood National Wildlife Refuge
Lostwood Wetland Management District
Rock Lake National Wildlife Refuge
Sibley Lake National Wildlife Refuge
Slade National Wildlife Refuge
Stewart Lake National Wildlife Refuge
Tewaukon National Wildlife Refuge
Tewaukon Wetland Management District
Upper Souris National Wildlife Refuge
Valley City Wetland Management District

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
Deer Flat National Wildlife Refuge
Hart Mountain National Antelope 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

PUERTO RICO

[Reserved]

RHODE ISLAND

Block Island National Wildlife Refuge
Ninigret National Wildlife Refuge
Pettaquamscutt Cove National Wildlife Refuge
Sachuest Point National Wildlife Refuge
Trustom Pond National Wildlife Refuge

SOUTH CAROLINA

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
Waccamaw National Wildlife Refuge

SOUTH DAKOTA

Devils Lake Wetland Management District
Huron Wetland Management District
Lacreek National Wildlife Refuge
Lake Andes Wetland Management District
Madison Wetland Management District
Pocasse National Wildlife Refuge
Sand Lake National Wildlife Refuge
Sand Lake Wetland Management District
Waubay National Wildlife Refuge
Waubay Wetland Management District

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
Chinocteague National Wildlife Refuge
Eastern Shore of Virginia National Wildlife Refuge
Great Dismal Swamp National Wildlife Refuge
James River National Wildilfe Refuge
Mackay Island National Wildlife Refuge
Mason Neck National Wildlife Refuge
Occoquan Bay National Wildlife Refuge
Plum Tree 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

Little 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
Willapa 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
Pathfinder National Wildlife Refuge
Seedskadee National Wildlife Refuge

UNITED STATES UNINCORPORATED PACIFIC INSULAR POSSESSIONS

Johnston Island National Wildlife Refuge
Midway Atoll National Wildlife Refuge

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 58 FR 29084, May 18, 1993; 59 FR 6685, 6688, Feb. 11, 1994; 59 FR 55183, 55191, 55196, Nov. 3, 1994; 60 FR 5277, Jan. 26, 1995; 60 FR 52868, Oct. 11, 1995; 60 FR 61212, Nov. 29, 1995; 60 FR 62040, Dec. 4, 1995; 61 FR 31461, 31463, June 20, 1996; 61 FR 45366, Aug. 29, 1996; 61 FR 46393, Sept. 3, 1996; 62 FR 47375, Sept. 9, 1997; 63 FR 46914, Sept. 3, 1998; 65 FR 30777, May 12, 2000; 65 FR 56400, Sept. 18, 2000; 66 FR 46353, Sept. 4, 2001; 67 FR 58943, Sept. 18, 2002; 68 FR 57315, Oct. 2, 2003; 69 FR 54362, Sept. 8, 2004; 70 FR 54158, Sept. 13, 2005]

§ 32.8 Areas closed to hunting.

Proclamations and orders		State	Land and waters within boundary and adjacent to, or in the vicinity of—	Citation
No.	Date			
	Nov. 20, 1959	Alabama	Wheeler National Wildlife Refuge	24 FR 9513.
	Oct. 15, 1960	do	do	25 FR 9899.
	Nov. 3, 1970	do	Eufaula National Wildlife Refuge	35 FR 16935.
2325	Mar. 21, 1939	Arkansas	Big Lake National Wildlife Refuge	3 CFR Cum. Supp. 4 FR 1309.
	Oct. 24, 1958	do	Holla Bend National Wildlife Refuge	23 FR 8429.
2274	Mar. 15, 1938	do	White River National Wildlife Refuge	3 FR 591.
	July 13, 1963	Delaware	Bombay Hook National Wildlife Refuge	28 FR 6228.
	Oct. 22, 1953	Florida	St. Marks National Wildlife Refuge	18 FR 7837.
	Oct. 20, 1960	do	do	25 FR 10030.
2758	Dec. 2, 1947	do	''Ding'' Darling National Wildlife Refuge	3 CFR 1947 Supp.; 12 FR 8039.
2239	Apr. 10, 1939	Georgia	Savannah National Wildlife Refuge	3 CFR Cum. Supp.; 4 FR 1595.
	Nov. 3, 1970	do	Eufaula Wildlife Refuge	35 FR 16935.
	Nov. 3, 1970	do	Wassaw National Wildlife Refuge	35 FR 16936.
2748	Oct. 1, 1947	Illinois	Honshoe Lake, Alexander County	3 CFR, 1947 Supp. 12 FR 6521.
	Sept. 9, 1953	do	do	18 FR 5495.
2748	Oct. 2, 1958	Iowa	Upper Mississippi River Wild Life and Fish Refuge	3 CFR, 1958 Supp.; 23 FR 7825.
2322	Feb. 7, 1939	Louisiana	Lacassine National Wildlife Refuge	3 CFR, Cum. Suppl. 4 FR 611.
	Nov. 19, 1982	do	Delta National Wildlife Refuge	47 FR 52183.
	Dec. 2, 1969	do	Lacassine National Wildlife Refuge	34 FR 19077.
	Aug. 13, 1960	Maryland	Martin National Wildlife Refuge	25 FR 7741.
2617	Oct. 18, 1948	Massachusetts	Parker River National Wildlife Refuge	3 CFR, 1948 Supp. 13 FR 6115.
	Oct. 2, 1958	Minnesota	Upper Mississippi River Wild Life and Fish Refuge	3 CFR, 1958 Supp. 23 FR 7825.
2200	Oct. 7, 1936	Montana	Red Rock Lakes National Wildlife Refuge	1 FR 1554.
	Aug. 30, 1976	do	Charles M. Russell National Wildlife Refuge	41 FR 31539.
2284	May 9, 1939	North Carolina	Pea Island National Wildlife Refuge	3 FR 912.
2129	July 18, 1935	do	Swanquarter National Wildlife Refuge	49 Stat. 3450.
	Aug. 21, 1963	do	Mackay Island National Wildlife Refuge	28 FR 9209.
	Sept. 22, 1967	do	Pee Dee National Wildlife Refuge	32 FR 13384. 33 FR 749, Jan. 20, 1968.
	Sept. 27, 1964	do	do	49 FR 38141.
2000	June 6, 1932	South Carolina	Cape Romanain National Wildlife Refuge	47 Stat. 2513.
2329	Apr. 10, 1939	do	Savannah National Wildlife Refuge	3 CFR, Cum. Supp.; 4 FR 1595.
	Sept. 13, 1968	do	Cape Romain National Wildlife Refuge	33 FR 12964.
	Oct. 8, 1963	Tennessee	Cross Creeks National Wildlife Refuge	28 FR 10782.
	Aug. 23, 1956	Texas	Aransas National Wildlife Regudge	21 FR 6513.

Proclamations and orders		State	Land and waters within boundary and adjacent to, or in the vicinity of—	Citation
No.	Date			
2370	Oct. 16, 1939	Virginia	Back Bay National Wildlife Refuge	3 CFR, Cum. Supp. 4 FR 4285.
	Aug. 13, 1954	do	Presquile National Wildlife Refuge	19 FR 5290.
	Jan. 5, 1962	do	Back Bay National Wildlife Refuge	27 FR 104; 27 FR 858.
	Aug. 21, 1963	do	Mackay Island National Wildlife Refuge	28 FR 9209.
	Oct. 9, 1969	do	Mason Neck National Wildlife Refuge	34 FR 15653.
2439	Nov. 7, 1940	Washington	Willapa National Wildlife Refuge	3 CFR, Cum. Supp.; 5 FR 4443.
	Oct. 2, 1958	Wisconsin	Upper Mississippi River Wild Life and Fish Refuge	3 CFR, 1958 Supp.; 23 FR 7825.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 42880, Aug. 12, 1993]

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.

BON SECOUR NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 from sunrise to sunset.

2. Only nonmotorized boats and boats with electric motors are permitted on Gator and Little Gator Lakes.

CAHABA RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, opossum, raccoon, coyote, and bobcat on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed hunt permit when hunting.

2. We prohibit hunting within 100 yards (90 m) of River Road.

3. We prohibit ATVs, mules, and horses on the refuge.

4. We allow the use of dogs to hunt upland game, but the dogs must be under the immediate control of the handler at all times and not allowed to run free (see § 26.21(b) of this chapter).

5. We allow shotguns with #4 shot or smaller, rifles firing .22 caliber rimfire ammunition, or archery equipment.

C. Big Game Hunting. We allow the hunting of white-tailed deer, feral hog, and wild turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed hunt permit when hunting.

2. We only allow the use of archery equipment during white-tailed deer season.

3. We prohibit marking trees and the use of flagging tape, reflective tacks, and other similar marking devices.

4. We prohibit damaging trees or hunting from a tree that contains an inserted metal object (see § 27.51 of this chapter). Hunters must remove stands from trees after each day's hunt (see §§ 27.93 and 27.94 of this chapter).

5. We require tree stand users to use a safety belt or harness.

6. We prohibit the use of dogs for hunting or pursuit of big game.

7. Conditions B2 and B3 apply.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit the taking of frog or turtle (see § 27.21 of this chapter).

2. Condition B3 applies.

CHOCTAW NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit hunting within 100 yards (90 m) of the fenced-in Work Center Area or the refuge boat ramp.

2. Access to the Middle Swamp is by boat only. We prohibit access to the refuge from private land.

3. We prohibit marking trees and use of flagging tape, reflective tacks, and other similar marking devices.

4. You may take incidental species as listed in the refuge hunt permit during any fall hunt with those weapons legal during those hunts.

5. You must possess and carry a signed refuge hunt permit when hunting.

6. All youth hunters age 15 and younger must remain within sight and normal voice

contact of an adult age 21 or older, possessing a license. Youth hunters must have passed a State-approved hunter education course. One adult may supervise no more than two youth hunters.

7. We prohibit overnight mooring or storage of boats.

8. We require hunters to check all harvested game at the conclusion of each day at one of the refuge check-out stations.

9. You may only use approved nontoxic shot (see §32.2(k)) #4 or smaller, .22 caliber rimfire, or legal archery equipment.

10. We allow you to use dogs during the hunt, but the dogs must be under the immediate control of the handler at all times and not allowed to roam free (see §26.21(b) of this chapter). We prohibit dogs in the Middle Swamp area of the refuge.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B8 apply.

2. We require tree stand users to use a safety belt or harness.

3. We prohibit damaging trees or hunting from a tree that contains an inserted metal object (see §32.2(i)). Hunters must remove stands from trees each day (see §27.93 of this chapter).

4. During the spring muzzleloader hunt for feral hog, muzzleloaders must be .40 caliber or larger without scopes. We require hunters to wear hunter orange in accordance with State big game regulations except you must also wear hunter orange while on tree stands.

5. We prohibit participation in organized drives.

6. We prohibit mules and horses on all refuge hunts.

7. We prohibit hunting by aid or distribution of any feed, salt, or other mineral at any time.

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing year-round, except in the waterfowl sanctuary, which we close from December 1 through March 1.

2. With the exception of the refuge boat ramp, we limit access from ½ hour before legal sunrise to ½ hour after legal sunset.

3. You may use a rod and reel and pole and line. We prohibit all other methods of fishing.

4. We prohibit the taking of frogs or turtles (see §27.21 of this chapter).

5. We prohibit bow fishing.

6. We prohibit the use of airboats, hovercraft, and inboard waterthrust boats such as, but not limited to, personal watercraft, watercycles, and waterbikes on all waters of the refuge.

7. We allow commercial fishing with the use of nets, seines, boxes, and baskets only by Special Use Permit.

8. We prohibit mooring or storing of boats from ½ hour after legal sunset to ½ hour before legal sunrise.

EUFAULA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning and Eurasian-collared dove, duck, and goose on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt permit when hunting.

2. We allow dove hunting on selected areas and days during the State dove season. You may only possess approved nontoxic shotshells (see §32.2(k)).

3. We allow goose and duck hunting in the Kennedy and Bradley Units on selected days until 12 p.m. (noon) during State waterfowl seasons. We close all other areas within the refuge to waterfowl hunting.

4. You may only possess approved nontoxic shotshells while in the field (see §32.2(k)) in quantities of 25 or less when hunting duck or goose.

5. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. Youth hunters must possess and carry verification of passing a State-approved hunter education course. One adult may supervise no more than two youth hunters.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A5 apply.

2. We allow squirrel and rabbit hunting on selected areas and days during the State season.

3. We prohibit dogs (see §26.21(b) of this chapter).

4. We allow only shotguns.

5. We prohibit mooring or storing of boats from 2 hours after legal sunset to ½ hour before legal sunrise.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and B5 apply.

2. We allow both archery deer and feral hog hunting during State archery and gun seasons.

3. We close the portion of the refuge between Bustahatchee and Rood Creeks to archery hunting until November 1.

4. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. We allow youth gun deer hunting (ages 10–16) within the Bradley Unit

on weekends during October where youth age 16 or under must be supervised by an adult. Youth hunters must have passed a State-approved hunter education course. One adult may supervise no more than one youth hunter.

5. We close the portion of the refuge around the Upland Impoundment, also designated by signs reading ''Closed Seasonally November 15–February 28,'' to hunting after November 15.

6. We prohibit damaging trees or hunting from a tree that contains an inserted metal object (see §32.2(i)). Hunters must remove stands from the trees each day (see §27.93 of this chapter).

7. We allow access to the refuge for all hunts from 1½ hours before legal sunrise to 1½ hours after legal sunset.

8. We prohibit hunting by aid or distribution of any feed, salt, or other mineral at any time (see §32.2(h)).

9. We prohibit participation in organized drives.

10. We prohibit mules and horses on all refuge hunts.

11. We require tree stand users to use a safety belt or harness.

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing, including bowfishing, from legal sunrise to legal sunset only in refuge waters other than Lake Eufaula.

2. We prohibit taking frog or turtle (see §27.21 of this chapter) from refuge waters not connected with Lake Eufaula.

3. We adopt reciprocal license agreements between Alabama and Georgia for fishing in Lake Eufaula. Anglers fishing in refuge impounded waters must possess and carry a license for the State in which they are fishing.

4. We prohibit use of boats with motors in all refuge impounded areas.

5. Condition B5 applies.

GRAND BAY NATIONAL WILDLIFE REFUGE

Refer to §32.43 Mississippi for regulations.

KEY CAVE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning and Eurasian-collared dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt permit when hunting.

2. We allow hunting on designated areas from 12 p.m. (noon) to legal sunset Mondays, Tuesdays, Fridays, and Saturdays.

3. Hunters must park in designated parking areas. We prohibit parking vehicles on refuge roads or in the fields (see §27.31 of this chapter).

4. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. Youth hunters must have passed a State-approved hunter education course. One adult may supervise no more than two youth hunters.

5. We allow you to use dogs during the hunt, but the dogs must be under the immediate control of the handler at all times and not allowed to roam free (see §26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated portions of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A3 through A5 apply.

2. We allow hunting on designated areas from legal sunrise to legal sunset Mondays, Tuesdays, Fridays, and Saturdays, except that you may hunt opossum and raccoon after legal sunset.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MOUNTAIN LONGLEAF NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of woodcock on designated areas of the refuge in accordance with State regulations subject to the following condition: You must possess and carry a signed hunt permit when hunting.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, groundhog, raccoon, opossum, beaver, and fox on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt permit when hunting.

2. We only allow hunting from legal sunrise to legal sunset.

3. We prohibit the use of dogs (see §26.21(b) of this chapter) to hunt or pursue raccoon, opossum, or fox.

C. Big Game Hunting. We allow hunting of white-tailed deer, bobcat, coyote, feral hog, and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Condition B1 applies.

2. We prohibit damaging trees or hunting from a tree that contains an inserted metal object (see §32.2(i)). Hunters must remove stands from trees each day (see §27.93 of this chapter).

3. We prohibit using dogs (see §26.21(b) of this chapter) to hunt or pursue big game.

D. Sport Fishing. [Reserved]

SAUTA CAVE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the

refuge in accordance with State regulations subject to the following condition: Sauty Creek Wildlife Management Area regulations apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

WHEELER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt permit when hunting.

2. You may only possess approved nontoxic shot (see §32.2(k)) #4 or smaller, .22 caliber rimfire, or legal archery equipment.

3. You must unload and case or dismantle firearms (see §27.42 of this chapter) before placing them in a vehicle or boat.

4. We prohibit hunting in the Triana recreation area or within 100 yards (90 m) of any public building, public road, walking trail, or boardwalk.

5. We prohibit mules and horses on all refuge hunts.

6. We allow hunting on designated areas Monday through Saturday. We prohibit hunting on Sunday.

7. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. Youth hunters must have passed a State-approved hunter education course. One adult may supervise no more than two youth hunters.

8. We prohibit mooring or storing of boats from legal sunset to legal sunrise.

9. We prohibit marking trees and the use of flagging tape, reflective tacks, and other similar marking devices.

10. We allow the use of dogs to hunt upland game, but the dogs must be under the immediate control of the handler at all times and not allowed to run free (see §26.21(b) of this chapter).

C. Big Game Hunting. We allow the hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1, B3, B4, B6, B8, and B9 apply.

2. We prohibit participation in organized drives.

3. We allow bows with broadhead arrows and flintlocks .40 caliber or larger only.

4. We prohibit damaging trees or hunting from a tree that contains an inserted metal object (see §32.2(i)). Hunters must remove stands from trees each day (see §27.93 of this chapter).

5. We require tree stand users to use a safety belt or harness.

6. We prohibit mules and horses on all refuge hunts.

7. We prohibit hunting by aid or distribution of any feed, salt, or other mineral at any time (see §32.2(h)).

8. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. Youth hunters must have passed a State-approved hunter education course. One adult may supervise no more than one youth.

9. You may only hunt feral hog during the refuge archery and flintlock deer season.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit bank fishing around the shoreline of the refuge headquarters. Consult with the refuge brochure for further information.

2. We open all other refuge waters to fishing year-round unless otherwise posted.

3. We prohibit fishing in the Waterfowl Display Pool and other waters adjacent to the visitor center.

4. We prohibit airboats and hovercraft on all waters within the refuge boundaries.

5. We prohibit inboard waterthrust boats such as, but not limited to, personal 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 3.

6. We prohibit mooring and storing of boats from legal sunset to legal sunrise.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 59 FR 6688, Feb. 11, 1994; 59 FR 55183, Nov. 3, 1994; 62 FR 47375, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30777, May 12, 2000; 66 FR 46353, Sept. 4, 2001; 69 FR 54362, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54158, Sept. 13, 2005]

§ 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.

BILL WILLIAMS RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning and white-winged dove in accordance with State regulations subject to the following conditions:

1. We only allow shotguns.
2. You may only possess approved nontoxic shot while in the field (see §32.2(k)).
3. We only allow hunting in accordance with State regulations for the listed species.
4. We only allow hunting on the refuge in those areas south of the Bill Williams Road and east of Arizona State Rt. 95 and the south half of Section 35, T 11N-R 17W as posted.
5. Only upon specific consent from an authorized refuge employee may you retrieve game from an area closed to hunting or entry.
6. We prohibit hunting within 50 yards (45 m) of any building, road, or levee.
7. We prohibit target practice or any nonhunting discharge of firearms (see §27.42 of this chapter).

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A7 apply.
2. We only allow hunting of cottontail rabbit from September 1 to the close of the State quail season.

C. Big Game Hunting. We allow hunting of desert bighorn sheep in Arizona Wildlife Management Areas 16A and 44A in accordance with State regulations subject to the following conditions:

1. Anyone for hire assisting or guiding a hunter(s) must obtain, possess, and carry a valid Special Use Permit issued by the refuge manager.
2. Conditions A3 through A7 apply.

D. Sport Fishing. We allow fishing in accordance with State regulations subject to the following conditions:

1. We close the isolated grow-out cove near the visitor center to fishing as posted.
2. We prohibit personal watercraft (PWC as defined by State law), air boats, and hovercraft on all waters within the boundaries of the refuge.
3. We designate all waters as wakeless speed zones (as defined by State law).
4. Persons fishing from a boat or other floating object must obtain, possess, and carry a current Colorado River shared jurisdiction stamp.

BUENOS AIRES NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and mourning and white-winged dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only use firearms (see §27.42 of this chapter) for the taking of legal game. You may only carry and use handguns in conjunction with a designated handgun season. We prohibit weapons in the No-Hunt Zone of the refuge headquarters, on Service property in Brown Canyon, and in the Watchable Wildlife Areas located at Arivaca Cienega and Arivaca Creek.
2. We allow stands, but you must remove them at the end of the hunt (see §27.93 of this chapter).
3. The No-Hunt Zones include: Clark Ranch Tract, Don Honnas Tract, all Service property in Brown Canyon, Arivaca Creek from milepost 7 to Arivaca and within ¼ mile (.4 km) of the creek bed, within ¼ mile (.4 km) of all refuge residences and structures, and within a 2-mile (3.2 km) radius of both the refuge headquarters and the 10 mile (16 km) Antelope Wildlife Drive.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, coyote, and skunk on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only require a refuge permit to hunt coyote during April and May. Permits are available at refuge headquarters.
2. Conditions A1 through A3 apply.
3. Hunting groups using more than four horses must possess and carry a refuge permit.
4. Each hunter using horses must provide water and feed and clear all horse manure from all campsites.

C. Big Game Hunting. We allow hunting of mule and white-tailed deer, javelina, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only hunt feral hog during big game seasons. Each hunter must possess and carry a valid hunting license and big game permit for the season in progress. There is no bag limit.
2. Conditions A1 through A3 and B3 apply.

D. Sport Fishing. [Reserved]

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 condition: Entry permits are required.

D. Sport Fishing. [Reserved]

CIBOLA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, 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 must obtain a permit to enter the Island Unit.

4. You must pay a hunt fee in portions of the refuge. Consult refuge hunting leaflet for locations.

5. We do not allow pit or permanent blinds.

6. 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 hunt cottontail rabbit from September 1 through the last day of the respective State's quail season.

4. During the Arizona waterfowl season, you may not hunt quail and rabbit in Farm Unit 2.

5. You may not hunt within 50 yards (45 m) of any public road.

C. Big Game Hunting. We allow hunting of mule deer on designated areas of the refuge subject to the following conditions:

1. During the Arizona waterfowl season, you may not hunt mule deer in Farm Unit 2.

2. You may not hunt within 50 yards (45 m) of any public road.

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. We allow hunting of mourning and whitewinged dove, duck, coot, moorhen, goose, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit falconry.

2. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

3. You may not hunt within 50 yards (45m) of any building or public road.

4. We prohibit target shooting or the discharge of any weapon except to hunt.

5. We prohibit possession of firearms except while hunting.

6. We prohibit the construction or use of pits and permanent blinds (see § 27.92 of this chapter).

7. You must remove temporary blinds, boats, hunting equipment, and decoys from the refuge following each day's hunt (see §§ 27.93 and 27.94 of this chapter).

8. We prohibit retrieving game from closed areas. You may retrieve game from areas closed to hunting, but otherwise open to entry, as long as you possess no firearms or other means of take.

9. Anyone hired to assist or guide hunter(s) must obtain, possess, and carry a valid Special Use Permit issued by the refuge manager.

10. We prohibit hunting on those refuge lands within the Lake Havasu City limits.

11. The following conditions apply only to Pintail Slough (all refuge lands north of North Dike):

i. We require a fee for waterfowl hunting. You must possess proof of payment (refuge permit) while hunting.

ii. Waterfowl hunters must hunt within 25 feet (7.5 m) of the numbered post of their assigned blind.

iii. We limit the number of persons at each waterfowl hunt blind to three. Observers cannot hold shells or guns unless in possession of a valid State hunting license and stamps.

iv. We limit the number of shells a waterfowl hunter may possess to 25.

v. Waterfowl hunters must possess at least 12 decoys per blind.

vi. You may use only dead vegetation or materials brought from off refuge for making or fixing hunt blinds. We prohibit the cutting, pulling, marking or removing vegetation (see § 27.51 of this chapter).

vii. Waterfowl hunters must be at their blind at least 45 minutes before legal shoot time and not leave their blind until 10:00 am MST.

viii. Waterfowl hunting ends at 12:00 p.m. (noon) MST. Hunters must be out of the slough area by 1:00 p.m. MST.

ix. We allow hunting in the juniors-only waterfowl season.

x. We allow dove hunting only during the September season.

12. The following conditions apply to all waters of the lower Colorado River within the Havasu NWR:

i. We close designated portions of Topock Marsh to all entry from October 1 through the last day of the waterfowl hunt season (including the State junior waterfowl hunt).

These areas are indicated in refuge brochures and identified by buoys and/or signs.

ii. We prohibit hunting in the waters of the Colorado River and on those refuge lands within 1/4 mile (.4 km) of the waters of the Colorado River from and including Castle Rock Bay north to Interstate 40.

iii. We allow hunting on refuge lands and waters south of Castle Rock Bay to the north boundary of the Lake Havasu City limits.

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A10, A11vi., and A12 apply.

2. We prohibit the possession or use of rifles.

3. We allow hunting of quail in Pintail Slough prior to and following the State waterfowl season (The State waterfowl season includes the State general waterfowl season, the days between the juniors-only waterfowl hunt and the general State waterfowl season, and the juniors-only waterfowl hunt.).

4. We allow hunting of cottontail rabbit in Pintail Slough prior to and following the State waterfowl season (The State waterfowl season includes the State general waterfowl season, the days between the juniors-only waterfowl hunt and the general State waterfowl season, and the juniors-only waterfowl hunt.).

C. Big Game Hunting. We allow hunting of bighorn sheep on those refuge lands in Arizona Wildlife Management Area 16B in accordance with State regulations subject to the following conditions:

1. Conditions A3 through A9 and A12ii apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations (Colorado River specific regulations apply) subject to the following conditions:

1. We prohibit the use of all air-thrust boats or air-cooled propulsion engines, including floating aircraft.

2. We prohibit overnight boat mooring and shore anchoring unless actively fishing as defined by State regulations (see § 27.93 of this chapter).

3. Anyone hired to assist or guide anglers must obtain, possess, and carry a valid Special Use Permit issued by the refuge manager.

4. The following apply only on Topock Marsh:

i. We close designated portions to all entry from October 1 through the last day of the waterfowl hunt season (including the State junior waterfowl hunt).

ii. We close designated portions to all entry from April 1 through August 31. These areas are indicated in refuge brochures and identified by buoys and or signs.

iii. We prohibit personal watercraft (PWC, as defined by State law).

5. The following apply to all waters of the Colorado River within Havasu NWR from the south regulatory buoy line to the north regulatory buoy line at Interstate 40 (approximately 17 miles [27.2 km]).

i. We prohibit personal watercraft (PWC, as defined by State law) as indicated by signs or regulatory buoys in all backwaters.

ii. We limit watercraft speed as indicated by signs or regulatory buoys to no wake (as defined by State law) in all backwaters.

iii. We prohibit water-skiing, tubing, wake boarding, or other recreational-towed devices.

6. The following apply to the Mesquite Bay areas of Lake Havasu.

i. We prohibit entry of all watercraft (as defined by State law) in all three bays as indicated by signs or regulatory buoys.

ii. The Mesquite Bays are Day Use Only areas and open from 1 hour before legal sunrise to 1 hour after legal sunset.

IMPERIAL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning and white-winged dove, duck, coot, moorhen, goose, and common snipe 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 while in the field.

B. Upland Game Hunting. We allow hunting of quail, cottontail rabbit, coyote, and fox on designated areas of the refuge subject to the following conditions:

1. Allowed methods of take for quail and cottontail rabbit are shotgun and bow and arrow.

2. You may possess only approved nontoxic shot while hunting quail and cottontail rabbit (see § 32.2(k).

3. We allow cottontail rabbit hunting from September 1 to the close of the State quail season.

4. We require Special Use Permits for hunting coyote and fox.

5. We allow coyote and fox hunting only during the State quail season.

C. Big Game Hunting. We allow hunting of mule deer and desert bighorn sheep on designated areas of the refuge.

D. Sport Fishing. We allow fishing and frogging for bullfrog on designated areas of the refuge subject to the following condition: We close posted portions of Martinez Lake and Ferguson Lake to entry from October 1 through the last day of February.

KOFA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. Hunting of quail, cottontail rabbit, coyote, and fox is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of coyote, fox, and cottontail 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 cottontail rabbits is shotgun only.

C. Big Game Hunting. Hunting of mule deer and desert bighorn sheep is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

SAN BERNARDINO NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning and white-winged dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow only shotguns.

2. You may possess only approved nontoxic shot while in the field (see §32.2(k)).

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A2 apply.

2. Cottontail 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]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 59 FR 6688, Feb. 11, 1994; 59 FR 55183, Nov. 3, 1994; 60 FR 62040, Dec. 4, 1995; 62 FR 47376, Sept. 9, 1997; 65 FR 30777, May 12, 2000; 66 FR 46353, Sept. 4, 2001; 67 FR 58943, Sept. 18, 2002; 69 FR 54362, 54365, Sept. 8, 2004; 70 FR 54159, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunting permits. The permits are nontransferable, and anyone on refuge land in possession of hunting equipment must sign, possess, and carry the permits at all times.

2. We allow hunting of duck, goose, and coot daily until 12 p.m. (noon) throughout the State seasons, except for season closures on the Farm Unit during Gun Deer Hunt and for the exception provided in A3.

3. We allow hunting for goose from ½ hour before sunrise until legal sunset after the closing of the duck season in January for the remainder of the State goose season(s) and Snow, Blue, and Ross' Goose Conservation Orders.

4. We allow hunting for dove, snipe, and woodcock when their seasons correspond with duck and/or goose seasons.

5. We prohibit commercial hunting/guiding.

6. You may only possess approved nontoxic shot shells while in the field (see §32.2(k)) in quantities of 25 or less. The possession limit includes shells located in/on vehicles and other personal equipment.

7. We prohibit hunting closer than 100 yards (90 m) to another hunter or hunting party.

8. You must remove decoys, blinds, boats, and all other equipment (see §27.93 of this chapter) daily by 2:00 p.m.

9. Waterfowl hunters may enter the refuge parking areas at 4:45 a.m. and access the refuge at 5 a.m.

10. Hunters may leave boats with the owner's name and address permanently displayed or valid registration on the refuge from March 1 through October 31.

11. We prohibit possession of or marking trails with materials other than biodegradable paper flagging or reflective tape/tacks.

12. We prohibit building or hunting from permanent blinds.

13. We prohibit cutting of holes or manipulation of vegetation (*i.e.*, cutting bushes, mowing, weed-eating, herbicide use, etc.) and hunting from manipulated areas (see §27.51 of this chapter).

14. We allow retriever dogs.

15. You must unload firearms (see §27.42(b) of this chapter) when carried in/on land vehicles or boats under power.

16. We allow waterfowl hunting from roads and levees.

17. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. For migratory bird hunting, one adult may supervise no more than two youth hunters.

18. We prohibit target practice or nonhunting discharge of firearms (see §27.42 of this chapter).

19. We only allow vehicle use on established roads and trails (see §27.31 of this chapter). We limit vehicle access on the Mingo Creek Unit to ATV use, only on marked ATV trails. You may use conventional vehicles on the Farm Unit from March

1 to November 14. You may only use ATVs from November 15 to February 28 for access beyond Parking Areas.

20. We prohibit entry into or hunting in waterfowl sanctuaries from November 15 through February 28.

21. You must adhere to all public use special conditions and regulations on the annual hunt brochure/permit.

22. We prohibit airboats, hovercraft, and personal watercraft (Jet Ski, etc.).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, coyote, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following special conditions:

1. Conditions A1, A5, A11, A15, A17 (for upland game hunting, one adult may supervise no more than two youth hunters), A18, A19, A21, and A22 apply.

2. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

3. We allow fall squirrel hunting in accordance with the State season on the Mingo Creek Unit and on the Farm Unit, except for season closure on the Farm Unit during the Gun Deer Hunt. We prohibit dogs, except for the period of January 15 through February 28. We do not open for the spring squirrel season.

4. We allow rabbit hunting in accordance with the State season on the Mingo Creek Unit and on the Farm Unit, except for season closure on the Farm Unit during the Gun Deer Hunt. We prohibit dogs, except for the period of January 15 through February 28.

5. We allow quail hunting in accordance with the State season except for season closure on the Farm Unit only during the Gun Deer Hunt. We allow dogs.

6. We allow hunting of raccoon and opossum with dogs beginning in November and continuing for up to a 3-week period. We list annual season dates in the refuge hunting brochure/permit. We prohibit pleasure running or training of dogs.

7. We prohibit the use of horses.

8. You may take beaver, muskrat, nutria, armadillo, feral hog, and coyote during any refuge hunt with the weapon allowed for that hunt.

9. We prohibit entry into or hunting in refuge waterfowl sanctuaries from November 15 to February 28.

10. We prohibit hunting from roads except by waterfowl hunters.

11. You may leave boats with the owner's name and address or valid registration permanently displayed on the refuge from March 1 through October 31.

12. We prohibit hunting from a vehicle.

13. We only allow rifles chambered for rimfire cartridges.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A11, A15, A18, A19, A21, A22, and B8, B11, and B12 apply.

2. We divide the refuge into two hunting units: Farm Unit and Mingo Creek Unit.

3. The archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season in the Mingo Creek Unit and Farm Unit except for the season closure on the Farm Unit during the Gun Deer Hunt. We provide annual season dates and bag limits on the hunt brochure/permit.

4. Muzzleloader hunting season for deer will begin in October and will continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

5. The Gun Deer Hunt will begin in November and continue for a period of up to 9 days on the Farm Unit with annual season dates and bag limits provided on the hunt brochure/permit. We close the Mingo Creek Unit.

6. The fall archery/crossbow hunting season for turkey will begin on the opening day of the State season and continue throughout the State season on the Mingo Creek Unit only.

7. We prohibit spring and fall gun hunting for turkey.

8. Immediately record the zone 002 on your hunting license and later at an official check station for all deer and turkey harvested on the refuge.

9. You may only possess shotguns with rifled slugs, muzzleloaders, and legal pistols during the modern Gun Deer Hunt.

10. You may only use single-person portable deer stands.

11. We prohibit hunting from a vehicle or use of a vehicle as a deer stand.

12. You must permanently affix the owner's name and address to all deer stands on the refuge.

13. You must remove all deer stands from the Waterfowl Sanctuaries by November 14, except for stands used by Gun Deer Hunt permit holders who must remove their stands by the last day of the gun hunt. You must remove all stands from the rest of the refuge by the last day of the archery season (see §27.93 of this chapter).

14. We prohibit the use of dogs.

15. We prohibit the possession of buckshot on all refuge lands.

16. We prohibit hunting from a mowed and/or graveled road right-of-way.

17. Refuge lands are located in State flood zone B, and we will close them to all deer hunting when the White River gauge at Augusta reaches 31 feet (9.3 m), as reported by the National Weather Service in the *Arkansas Democrat Gazette,* and reopen them when the same gauge reading in this newspaper falls to or below 19 feet (5.7 m).

18. We only allow Gun Deer Hunt permit holders on the Farm Unit during the Gun Deer Hunt.

19. We close Waterfowl Sanctuaries to all entry and hunting from November 15 to February 28, except for Gun Deer Hunt permit holders, who may hunt the sanctuary when the season overlaps with these dates.

20. An adult not less than age 21 must supervise and remain within sight and normal voice contact of hunters age 15 and under. For big game hunting, one adult may only supervise one youth.

D. Sport Fishing. We allow fishing and frogging in accordance with State regulations subject to the following conditions:

1. Conditions A5, A19, A21, and A22 apply.

2. We close waterfowl sanctuaries to all entry and fishing/frogging from November 15 to February 28. We also close the Farm Unit to all entry and fishing during the Gun Deer Hunt.

3. You may leave boats with the owner's name and address permanently displayed or valid registration on the refuge from March 1 to October 31. We prohibit use of boats from 12 p.m. (midnight) to 5 a.m. during duck season.

4. We prohibit commercial fishing.

5. We limit nighttime use to anglers fishing/frogging with fishing and/or frogging tackle only.

6. We prohibit mooring houseboats to the refuge bank on the Red River.

BIG LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, coyote, beaver, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunt permits. The permits are nontransferable and anyone on refuge land in possession of hunting equipment must sign and carry the permit at all times.

2. We prohibit firearms (see §27.42 of this chapter) on the refuge, except during refuge squirrel, rabbit, and raccoon seasons. We provide annual season dates in the refuge hunting brochure/permit.

3. You may take nutria, beaver, and coyote during any refuge hunt with the firearm allowed for that hunt, subject to State seasons.

4. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. For small game hunts, one adult may supervise no more than two youth hunters.

5. We prohibit target practice or any nonhunting discharge of firearms (see §27.42 of this chapter).

6. You may take opossum during a raccoon hunt.

7. We prohibit dogs except for raccoon hunting. We prohibit pleasure running or training of dogs (see §26.21(b) of this chapter).

8. You may only possess shotguns with approved nontoxic shot (see §32.2(k)) and rifles firing .22 caliber rimfire ammunition.

9. You must unload and case firearms (see §27.42(b) of this chapter) while in a vehicle, on any refuge road, parking area, or boat ramp.

10. We prohibit firearms south of Highway 18 and at the Brights Landing boat access.

11. We prohibit boats from November 1 through February 28, except on that portion of the refuge open for public fishing with electric motors and Ditch 28.

12. We prohibit hunting from mowed or gravel roads.

13. We prohibit ATVs (see §27.31(f) of this chapter).

14. You must adhere to all public use special conditions and regulations on the annual hunt brochure/permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1, and B11 through B14 apply.

2. We allow archery/crossbow hunting for white-tailed deer. We provide annual season dates in the hunt brochure/permit.

3. Hunters may only possess long, recurve, compound, or crossbows. We prohibit possession of firearms (see §27.42 of this chapter) by archery/crossbow hunters.

4. We prohibit dogs.

5. We prohibit possession of or marking trails with materials other than biodegradable paper/flagging or reflective tape/tacks.

6. Upon harvest of deer, hunters must immediately record the deer zone 030 on their license and later on official check station records.

7. Hunters must check out (check harvested deer) at the Hunter Information Station.

8. We only allow portable tree stands, and you must remove them daily (see §27.93 of this chapter).

9. We prohibit driving metal or other objects into trees or hunting from trees in which objects have been driven (see §32.2(i)).

10. We prohibit cutting, pruning, or trimming vegetation (see §27.51 of this chapter).

11. We prohibit target practice or any nonhunting discharge of firearms (see §27.42 of this chapter).

12. Hunters may enter the refuge no earlier than 1 hour before legal shooting time and depart no later than 1 hour after legal shooting time.

13. An adult age 21 or older must supervise and remain within sight and normal voice contact of hunters age 15 and under. For big

game hunts, one adult may supervise no more than 1 youth.

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

1. We prohibit the use of limb lines and jug fishing.

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. We prohibit ATVs, airboats, personal watercraft, Jet Skis, and hovercraft (see §27.31(f) of this chapter).

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.

8. We prohibit possessing turtles (see §27.21 of this chapter).

CACHE RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunting permits. These permits are nontransferable, and anyone on the refuge in possession of hunting equipment must sign and carry the permit at all times.

2. We allow hunting of duck, goose, and coot daily until 12 p.m. (noon) throughout the State seasons, except for refugewide season closures during Gun Deer Hunt and the exception provided in A3.

3. We allow hunting for goose from ½ hour before legal sunrise to legal sunset after the close of duck season in January for the remainder of the State goose season(s) and Snow, Blue and Ross' Goose Conservation Order.

4. We allow hunting for dove, snipe, and woodcock when their seasons correspond with duck and/or goose seasons.

5. No person, including but not limited to, a guide, guide service, outfitter, club, or other organization, will provide assistance, services, or equipment on the refuge to any other person for compensation unless such guide, guide service, outfitter, club, or organization has obtained a Special Use Permit from the refuge. For the purposes of this regulation, we will consider any fees or services rendered to a person for lodging, meals, club membership or similar services as compensation.

6. We prohibit hunting, taking, possessing, or attempting to take wildlife with a guide, guide service, outfitter, club, or organization providing assistance, service, or equipment who does not possess and carry the required refuge Special Use Permit.

7. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

8. You must remove decoys, blinds, boats, and all other equipment (see §27.93 of this chapter) daily by 2 p.m.

9. Waterfowl hunters may enter the refuge parking areas at 4:45 a.m. and access the refuge at 5 a.m.

10. We prohibit boats on the refuge from 12 p.m. (midnight) to 5 a.m. during duck season.

11. We prohibit possession of or marking trails with materials other than biodegradable paper, flagging, or reflective tape/tacks.

12. We prohibit building, or hunting from, permanent blinds.

13. We prohibit cutting of holes or other manipulation of vegetation (*e.g.*, cutting bushes, mowing, weed-eating, herbicide use, and other actions) or hunting from manipulated areas (see §27.51 of this chapter).

14. We allow retriever dogs.

15. You must unload firearms when carried in/on land vehicles or boats under power (see §27.42(b) of this chapter).

16. We allow waterfowl hunting on flooded roads.

17. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. For migratory bird hunting, one adult may supervise no more than two youth hunters.

18. We prohibit target practice or any nonhunting discharge of firearms (see §27.42 of this chapter).

19. We prohibit ATVs except on established roads used by conventional vehicles on refuge lands south of Highway 38. We prohibit driving around a locked gate, barrier, or beyond a sign closing a road to vehicular traffic. We only allow vehicle use on established roads (see §27.31 of this chapter).

20. We prohibit entry into or hunting in Waterfowl Sanctuaries from November 15 through February 28.

21. You must adhere to all public use special conditions and regulations on the annual hunt brochure/permit.

22. We close all other hunts during the Gun Deer Hunt. We only allow Gun Deer Hunt permit holders on the refuge during this hunt.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, coyote, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A6, A7, A11, A15, A17 (for upland game hunts, the adult may supervise no more than two youth hunters), and A18 through A21 apply.

2. Fall squirrel season corresponds with the State season on all refuge hunt units except

for refugewide season closure during the Gun Deer Hunt. We prohibit dogs except during the period January 15 through February 28. We do not open for the spring squirrel season.

3. Rabbit season corresponds with the State season on all refuge hunt units except for refugewide season closure during the Gun Deer Hunt. We prohibit dogs except during the period January 15 through February 28.

4. Quail season corresponds with the State season on all refuge hunt units except for refugewide season closure during the Gun Deer Hunt. We allow dogs.

5. We allow hunting of raccoon and opossum with dogs on all refuge hunt units. We provide annual season dates in the refuge hunting brochure/permit. We prohibit pleasure running or training of dogs.

6. We allow the use of horses for raccoon and opossum hunters in refuge Hunt Unit I. We prohibit horse use in other refuge hunt units or by other refuge hunters or visitors.

7. You may take beaver, muskrat, nutria, armadillo, feral hog, and coyote during any refuge hunt with the firearm allowed for that hunt.

8. We prohibit hunting from mowed and/or graveled roads except by waterfowl hunters during flooded conditions.

9. You may leave boats with the owner's name and address or valid registration permanently displayed on the refuge from March 1 through October 31. We prohibit boats on the refuge from 12 p.m. (midnight) until 5 a.m. during the duck season.

10. We prohibit hunting from a vehicle.

11. We only allow rifles chambered for rimfire cartridges.

12. We close all other hunts during the Gun Deer Hunt. We only allow Gun Deer Hunt permit holders on the refuge during this hunt.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A6, A11, A15, A18 through A21, B9, and B10 apply.

2. We divide the refuge into the following three hunting units: Unit I—refuge lands between Highway 79 and Interstate 40; Unit II—all refuge lands east of Highway 33 between Interstate 40 and Highway 18 at Grubbs, Arkansas; Unit III—all refuge lands west of Highway 33, from Interstate 40 to Highway 64.

3. Archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season in all refuge hunting units except for refugewide season closure during the Gun Deer Hunt. We provide annual season dates and bag limits on the hunt brochure/permit.

4. Muzzleloader hunting season for deer will begin in October and will continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

5. The Gun Deer Hunt will begin in November and continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

6. The fall archery/crossbow hunting season for turkey will begin on the opening day of the State season and continue throughout the State season in Hunt Units I, III, and Unit II lands within the fall State archery/crossbow turkey zone except for refugewide season closure during the Gun Deer Hunt. We close Unit II lands outside the fall archery/crossbow turkey zone. We do not open for fall gun hunting for turkeys.

7. The spring gun hunt for turkey will begin on the opening day of the State season and continue throughout the State season in Hunt Units I and III. We close Unit II lands with the exception of those refuge lands included in the combined Black Swamp Wildlife Management Area/Cache River National Wildlife Refuge quota permit hunts administered by the State.

8. Immediately record the zone 095 on your hunting license and later at an official check station for all deer and turkey harvested on the refuge.

9. You may only possess shotguns with rifled slugs, muzzleloaders, and legal pistols during the modern Gun Deer Hunt on the Dixie Farm Unit Waterfowl Sanctuary, adjacent waterfowl hunt area, and the Plunkett Farm Unit Waterfowl Sanctuary.

10. We only allow portable deer stands capable of being carried by a single individual.

11. We prohibit hunting from a vehicle or use of a vehicle as a deer stand.

12. You must permanently affix the owner's name and address to all deer stands on the refuge.

13. You must remove all deer stands from the waterfowl sanctuaries by November 14 and from the rest of the refuge by the last day of archery season (see § 27.93 of this chapter).

14. We prohibit the use of dogs.

15. We prohibit the possession of buckshot on all refuge lands.

16. We prohibit hunting from a mowed and/or graveled road right-of-way.

17. We will close refuge lands located in State-designated Flood Prone Region B and reopen them to all deer hunting in accordance with State-established gauge readings, when the *Arkansas Democrat Gazette* posts these gauge readings.

18. We will close refuge lands located in State-designated Flood Prone Region C to all deer hunting when the Cache River gauge at Patterson reaches 10 feet (3 m), as reported by the National Weather Service in the *Arkansas Democrat Gazette,* and reopen them when the same gauge reading in this newspaper falls to or below 8.5 feet (2.6 m).

19. We will close refuge lands located in Flood Prone Region D to all deer hunting when the White River gauge at Clarendon reaches 28 feet (8.4 m), as reported by the National Weather Service in the *Arkansas Democrat Gazette,* and reopen them when the same gauge reading in this newspaper falls to or below 27 feet (8.1 m).

20. We close all other hunts during the Gun Deer Hunt. We only allow Gun Deer Hunt permit holders on the refuge during this hunt.

21. An adult not less than age 21 must supervise and remain within sight and normal voice contact of hunters age 15 and under. For big game hunting, one adult may only supervise one youth.

D. Sport Fishing. We allow fishing and frogging in accordance with State regulations subject to the following conditions:

1. We close waterfowl sanctuaries to all entrance and fishing/frogging from November 15 to February 28. We prohibit refugewide entry and fishing during the Gun Deer Hunt.

2. Conditions A19, A21, B9, and B10 apply.

3. We require a Special Use Permit for all commercial fishing activities on the refuge.

4. We prohibit hovercraft, personal watercraft (Jet Skis, etc.), and airboats.

FELSENTHAL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of duck, goose, and coot during the State duck season except during scheduled quota refuge Gun Deer Hunts. We allow hunting of woodcock during the State season. Dates for quota deer hunts are typically in November, and we publish them annually in the refuge hunt brochure.

2. Hunting of duck, goose, and coot ends at 12 p.m. (noon) each day.

3. We only allow portable blinds. You must remove all duck hunting equipment (portable blinds, boats, guns, and decoys) (see § 27.93 of this chapter) from the hunt area by 1:30 p.m. each day.

4. You may only possess approved nontoxic shells (see § 32.2(k)) in quantities of 25 or less each day during waterfowl season; hunters may not discharge more than 25 shells per day.

5. We close areas of the refuge posted with ''Area Closed'' signs and identify them on the refuge hunt brochure map as a Waterfowl Sanctuary and closed to all public entry and public use during waterfowl hunting season. Exception: we open the Waterfowl Sanctuary to all authorized activities during the September teal season.

6. No person will utilize the services of a guide, guide service, outfitter, club, organization, or other person who provides equipment, services, or assistance on Refuge System lands for compensation unless the guide, guide services, outfitter, club, organization, or person has obtained a Special Use Permit from the refuge. It is the responsibility of the hunter to verify that the guide has the required Special Use Permit; failure to comply with this provision subjects each hunter in the party to a fine if convicted of this violation.

7. You must possess and carry a refuge hunt brochure permit. These hunt brochure permits are available in unlimited qualitites at the refuge office, brochure dispensers at multiple locations throughout the refuge, and at area businesses.

8. We prohibit possession and/or use of herbicides.

9. We prohibit marking trails with tape, ribbon, paint, or any other substance other than biodegradable materials.

10. We prohibit possession or use of alcoholic beverage(s) while hunting (see § 32.2(j)). We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking lots, on roadways, and in plain view in campgrounds.

11. All persons born after 1968 must posses a valid hunter education card in order to hunt.

12. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than two youth hunters.

13. We only allow ATVs for wildlife-dependent activities such as hunting and fishing. We restrict ATVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify these trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs to those having an engine displacement size not exceeding 700cc. We limit ATV tires to those having a centerline lug depth not exceeding 1 inch (2.5 cm). You may use horses on roads and ATV trails (when open to motor vehicle and ATV traffic respectively) as a mode of transportation for on-refuge, wildlife-dependent activities.

14. We prohibit hunting within 150 feet (45 m) of roads and trails (see § 27.31 of this chapter) open to motor vehicle use (including ATV trails).

15. We prohibit target practice with any weapon or any nonhunting discharge of firearms (see § 27.42 of this chapter).

16. We only allow camping at designated primitive campground sites identified in the refuge hunt brochure, and we restrict camping to individuals involved in wildlife-dependent refuge activities. Campers may stay no more than 14 days during any 30 consecutive-day period in any campground and must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m. You must unload all weapons (see

§ 26.42(b) of this chapter) within 100 yards (90 m) of a campground.

17. You may take beaver, nutria, feral hog, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. There is no bag limit. You may not transport live hogs.

18. We prohibit blocking of gates and roadways (see § 27.31(h) of this chapter).

19. We allow the use of retriever dogs.

20. We require you to unload and case any firearms (see § 27.42(b) of this chapter) transported in any land vehicle, boat under power, or on horses. We define ''loaded'' as any shells in the gun or cap on a muzzleloader.

21. We prohibit the use or possession of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 through A18, A20, and A21 apply.

2. We allow hunting on the refuge during State seasons for this zone through January 31. We list specific hunting season dates annually in the refuge hunt brochure. We close hunting during refuge quota deer hunts. We annually publish dates for these quota deer hunts in the refuge hunt brochure.

3. We do not open for spring squirrel hunting season and summer/early fall raccoon hunting season on the refuge.

4. We prohibit possession of lead ammunition except that you may use rimfire rifle lead ammunition no larger than .22 caliber for upland game hunting. We prohibit possession of shot larger than that legal for waterfowl hunting.

5. You may use dogs for squirrel and rabbit hunting from December 1 through January 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season on the refuge for these species. At other times, you must keep dogs and other pets on a leash or confine them (see § 26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A6, A8 through A11, A13 through A18, A20, and A21 apply.

2. We allow archery deer hunting on the refuge from the opening of the State season for this deer management zone through January 31.

3. You must possess and carry a refuge hunt brochure permit to archery deer hunt, and multiple copies of these brochures are available at the refuge office, in brochure dispensers located at entrances throughout the refuge, and at many area businesses.

4. We close archery deer hunting during the quota deer hunts.

5. The refuge will conduct only one 2-day quota permit for the muzzleloader deer hunt (typically in October) and only two 2-day quota permits for the Gun Deer Hunts (typically in November).

6. We restrict hunt participants for quota hunts to those drawn for a quota permit. The permits are nontransferable. Hunt dates and application procedures will be available at the refuge office in July.

7. The quota muzzleloader and Gun Deer Hunt bag limit is one deer, either sex, on each hunt.

8. You must check all harvested deer during quota hunts at refuge deer check stations on the same day of the kill. We identify the check station locations in the refuge hunt brochure. Carcasses of deer taken must remain intact (except you may field dress) until checked.

9. You may only use portable deer stands. You may erect stands 2 days before each hunt, but you must remove them within 2 days after each hunt (see § 27.93 of this chapter).

10. We prohibit horses and mules during refuge quota deer hunts.

11. We open spring archery turkey hunting during the State spring turkey season for this zone. We do not open for fall archery turkey season.

12. We close spring archery turkey hunting during scheduled turkey quota gun hunts.

13. The refuge will conduct one 2-day, youth-only (age 15 and under at the beginning of the spring turkey season) quota spring turkey hunt and two 3-day quota spring turkey hunts (typically in April). Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants to those selected for a quota permit, except that one nonhunting adult age 21 or older must accompany the youth hunter during the youth hunt.

14. An adult age 21 or older must accompany and be within sight or normal voice contact of hunters age 15 and under. One adult may supervise no more than one youth hunter.

15. We prohibit the use of deer decoy(s).

D. Sport Fishing. We allow fishing, frogging, and the taking of crawfish for personal use on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A6, A8, A9, A13, A16, and A18 apply.

2. We prohibit fishing 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. We post the Waterfowl Sanctuary area with ''Area Closed'' signs and identify those areas in refuge hunt brochures.

3. You must reset trotlines when receding water levels expose them.

4. We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking lots, on roadways, and in plain view in campgrounds (see §32.2(j)).

HOLLA BEND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, beaver, armadillo, coyote, and bobcat on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunting permits. The permits are nontransferable, and anyone on refuge land in possession of hunting equipment must sign, possess, and carry the permits at all times.

2. You may only take all upland game mentioned above during the refuge archery season.

3. We allow gun hunting of raccoon and opossum with dogs every Thursday, Friday, and Saturday until legal sunrise during the month of February. We prohibit pleasure running or training of dogs (see §26.21(b) of this chapter).

4. You must unload and case firearms (see §27.42(b) of this chapter) when traveling in vehicles on refuge roads.

5. We prohibit target practice or any nonhunting discharge of firearms (see §27.42(a) of this chapter).

6. We prohibit possession or use of alcoholic beverages.

7. We only allow ATVs for disabled hunters with a refuge ATV permit.

8. We prohibit the use of horses.

9. We prohibit hunting from a vehicle.

10. We only allow vehicle use on established roads and trails (see §27.31 of this chapter).

11. Hunters must enter and exit the refuge from designated roads and parking areas.

12. We prohibit hunting within 150 feet (45 m) of roads and trails open to public use.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 and B4 through B12 apply.

2. Archery/crossbow season for deer and turkey begins October 1 and continues through November 30.

3. Spring archery/crossbow season for turkey has the same dates as the State season.

4. The firearms spring youth hunt for turkey is the same as the State. We restrict hunting to youths under age 16. One adult age 18 or older must accompany one youth hunter. We must receive applications for hunts by the last day of January.

5. We only allow portable deer stands. You may erect stands 2 days before the start of the season and must remove the stands from the refuge within 2 days after the season ends (see §27.93 of this chapter).

6. You must permanently affix the owner's name and address to all deer stands on the refuge.

7. We prohibit the use of dogs.

8. We prohibit marking trees or trails with plastic or paint.

9. We prohibit hunting from paved, graveled, and mowed roads and mowed trails (see §27.31 of this chapter).

10. We prohibit hunting with the aid of bait, salt, or ingestible attractant (see §32.2(h)).

11. We prohibit all forms of organized drives.

12. You must check all game at the refuge check station.

D. Sport Fishing. We allow sport fishing in accordance with State regulations subject to the following conditions:

1. Conditions B6, B7, B8, and B10 apply.

2. Waters of the refuge are only open for fishing March 1 through October 31 during daylight hours.

3. We do not require a permit to fish but do require an entrance pass to the refuge.

4. We limit free-floating fishing devices, trotlines, and tree limb devices to 20 per person. Each device must have the angler's name and address.

5. You must reset trotlines and limb lines when receding water levels expose them.

6. We prohibit leaving trotlines and other self-fishing devices overnight or unattended.

7. We only allow bow fishing during daylight hours during August.

8. We prohibit commercial fishing.

9. We prohibit possessing turtles (see §27.21 of this chapter).

10. We prohibit hovercraft, personal watercraft (Jet Skis, etc.), and airboats.

OVERFLOW NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of duck, goose, and coot during the State duck season. We do not open during the September teal season. We allow hunting of woodcock during the State season.

2. Hunting of duck, goose, and coot ends at 12 p.m. (noon) each day.

3. We only allow portable blinds. You must remove portable blinds, boats, and decoys from the hunt area each day (see §27.93 of this chapter).

4. You may only possess approved nontoxic shotshells (see §32.2(k)) in quantities of 25 or

less per day during waterfowl hunting season; hunters may not discharge more than 25 shells per day.

5. We close areas of the refuge by posting ''Area Closed'' signs and/or marking with purple paint and identifing on the refuge hunt brochure map as Sanctuary to all public entry and public use. Exception: we open the area identified as North Sanctuary on refuge hunt brochure map to all authorized public use activities from 2 days prior to opening of deer archery season through October 31.

6. No person will utilize the services of a guide, guide service, outfitter, club, organization, or other person who provides equipment, services, or assistance on Refuge System lands for compensation. Failure to comply with this provision subjects each hunter in the party to a fine if convicted of this violation.

7. We require a refuge hunt brochure permit that is available in unlimited quantities at the refuge office, brochure dispensers at multiple locations throughout the refuge, and at area businesses. You must possess and carry a signed permit when hunting on the refuge.

8. We prohibit possession and/or use of herbicides (see §27.51 of this chapter).

9. We prohibit marking of trails with tape, ribbon, paint, or any other substance other than biodegradable materials.

10. We prohibit possession or use of alcoholic beverage(s) while hunting (see §32.2(j)). We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking areas and on roadways.

11. All persons born after 1968 must possess and carry a valid hunter education card in order to hunt.

12. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than two youth hunters.

13. We only allow ATVs for wildlife-dependent activities such as hunting and fishing. We restrict ATVs to designated times and designated trails (see §27.31 of this chapter) marked with signs and paint. We identify those trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs to those having an engine displacement size not exceeding 700cc. We limit ATV tires to those having a centerline lug depth not exceeding 1 inch (2.5 cm). You may use horses on roads and ATV trails (when open to motor vehicle and ATV traffic respectively) as a mode of transportation for on-refuge, wildlife-dependent activities. You may use ATVs on unmarked roads and levees in the North Sanctuary beginning 2 days prior to the opening of deer archery season through October 31.

14. We prohibit hunting within 150 feet (45 m) of roads and trails (see §27.31 of this chapter) open to motor vehicle use (including ATV trails).

15. We prohibit target practice with any weapon or any nonhunting discharge of weapons (see §27.42 of this chapter).

16. We prohibit blocking of gates and roadways (see §27.31(h) of this chapter).

17. You may take beaver, nutria, feral hog, and coyote during any daytime refuge hunt with weapons and ammunition legal for that hunt. There is no bag limit. We prohibit transportation of live hogs.

18. We allow retriever dogs.

19. We require you to unload and case firearms (see §27.42(b) of this chapter) transported in any land vehicle, boat under power, or on horses. We define ''loaded'' as shells in the gun or cap on a muzzleloader.

20. We prohibit the use or possession of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 through A17, A19, and A20 apply.

2. We allow hunting during State seasons (see State regulations for the appropriate zone) for the species listed above through January 31. We list specific hunting season dates annually in the refuge hunt brochure.

3. We do not open for the spring squirrel season and summer/fall racoon hunting season.

4. We prohibit possession of lead ammunition except that you may use rimfire rifle lead ammunition no larger than .22 caliber for upland game hunting. We prohibit possession of shot larger than that legal for waterfowl hunting.

5. You may use dogs for squirrel and rabbit hunting January 1 through 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season. At other times, you must keep dogs and other pets on a leash or confined (see §26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A5 through A11, A13 through A17, A19, and A20 apply.

2. Conditions A5 through A11, A13 through A17, and A19 apply.

3. We allow muzzleloader deer hunting during the October State muzzleloader season for this zone (see State regulations for appropriate zone).

4. Bag limit for the October muzzleloader deer hunt is one buck and one doe.

5. We only allow portable deer stands. You may erect stands 2 days before each hunt, but you must remove them within 2 days after each hunt (see § 27.93 of this chapter).

6. We prohibit horses and mules during the muzzleloader deer hunt.

7. We allow spring archery turkey hunting during the State spring turkey season. See State regulations for appropriate zones.

8. We do not open for the fall turkey archery season and spring turkey gun season.

9. We do not open for the gun deer season and December muzzleloader deer season.

10. An adult age 21 or older must accompany and be within sight and normal voice contact of hunters age 15 and under. One adult may supervise no more than one youth hunter.

11. We prohibit the use of deer decoy(s).

D. Sport Fishing. [Reserved]

POND CREEK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, and goose on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of migratory game birds during the State duck seasons, except we close during scheduled quota refuge Gun Deer Hunts. Dates for quota deer hunts are typically in November, and we publish them annually in the refuge hunt brochure. We do not open for the September teal season.

2. Hunting ends at 12 p.m. (noon) each day.

3. We only allow portable blinds. You must remove portable blinds, boats, and decoys from the hunt area each day (see § 27.93 of this chapter).

4. No person will utilize the services of a guide, guide service, outfitter, club, organization, or other person who provides equipment, services, or assistance on Refuge System lands for compensation. Failure to comply with this provision subjects each hunter in the party to a fine if convicted of this violation.

5. We require a refuge hunt brochure permit; multiple copies of this permit are available at the refuge office, brochure dispensers at multiple locations throughout the refuge, and at area businesses. You must possess and carry a signed permit when hunting on the refuge.

6. We prohibit possession and/or use of herbicides (see § 27.51 of this chapter).

7. We prohibit marking trails with tape, ribbon, paint, or any other substance other than biodegradable materials.

8. We prohibit possession or use of alcoholic beverage(s) while hunting (see § 32.2(j)). We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking lots, on roadways, and in plain view in campgrounds.

9. All persons born after 1968 must possess a valid hunter education card in order to hunt.

10. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than two youth hunters.

11. We only allow ATVs for wildlife-dependent activities such as hunting and fishing. We restrict ATVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify those trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs to those having an engine displacement size not exceeding 700cc. We limit ATV tires to those having a centerline lug depth not exceeding 1 inch (2.5 cm). You may use horses on roads and ATV trails (when open to motor vehicle and ATV traffic respectively) as a mode of transportation for on-refuge, wildlife-dependent activities.

12. We prohibit hunting within 150 feet (45 m) of roads and trails (see § 27.31 of this chapter) open to motor vehicle use (including ATV trails).

13. We prohibit target practice with any weapon or any nonhunting discharge of firearms (see § 27.42 of this chapter).

14. We only allow camping at designated primitive campground sites identified in the refuge hunt brochure. We restrict camping to the individuals involved in refuge wildlife-dependent activities. Campers may stay no more than 14 days during any consecutive 30-day period in a campground and must occupy the camps daily. We prohibit all disturbances, including use of generators, after 10 p.m. You must unload all weapons (see § 27.42(b) of this chapter) within 100 yards (90 m) of a campground.

15. You may take beaver, nutria, feral hog, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. We prohibit the use of dogs. There is no bag limit. You may not transport live hogs.

16. We prohibit blocking of gates and roadways (see § 27.31(h) of this chapter).

17. We allow the use of retriever dogs.

18. You must unload and case firearms (see § 27.42(b) of this chapter) transported in any land vehicle, boat under power, or on horses. We define ''loaded'' as shells in the gun or cap on a muzzleloader.

19. We prohibit the use or possession of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, and beaver on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting during State seasons (see State regulations for appropriate zone)

for the species listed above through January 31. We annually list specific hunting season dates and quota Gun Deer Hunt dates in the refuge hunt brochure. We close upland game hunting during refuge quota Gun Deer Hunts.

2. We do not open to spring squirrel season and summer/early fall racoon season.

3. Conditions A4 through A16, A18, and A19 apply.

4. We prohibit possession of lead ammunition, except that you may use rimfire rifle lead ammunition no larger than .22 caliber for upland game hunting. We prohibit possession of shot larger than that legal for waterfowl hunting.

5. You may use dogs for squirrel and rabbit hunting December 1 through January 31. You may also use dogs for raccoon/opossum hunting during open season on the refuge for these species. At other times you must keep dogs and other pets on a leash or confined (see § 26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow archery deer hunting on the refuge from the opening of the State season through January 31 (see State regulations for appropriate zone).

2. Conditions A4, A5 (for archery deer and muzzleloader deer hunts and spring turkey hunts), A6 through A9, A11 through A16, A18, and A19 apply.

3. We close archery deer hunting during the quota Gun Deer Hunts.

4. We allow muzzleloader deer hunting during the October State muzzleloader season for this deer management zone. The bag limit for the October refuge muzzleloader hunt is one buck and one doe.

5. The refuge will conduct one 2-day quota Gun Deer Hunt (typically in November).

6. We restrict hunt participants for this quota Gun Deer Hunt to those drawn for a quota permit. Hunt dates and application procedures will be available at the refuge office in July. The permits are nontransferable.

7. The quota Gun Deer Hunt bag limit is one buck and one doe.

8. You must check all deer taken during the quota hunt at the refuge deer check station on the same day of kill. You must keep carcasses of deer taken intact (you may remove entrails) until checked.

9. We prohibit horses and mules during refuge muzzleloader and quota deer hunts.

10. We open spring archery turkey hunting during the State spring turkey season for this zone. The State bag limit for this turkey hunt applies. We do not open for fall archery turkey season.

11. We close spring archery turkey hunting during scheduled turkey quota permit gun hunts.

12. The refuge will conduct one 2-day, youth-only (age 15 and younger at the beginning of the spring turkey season) quota spring turkey hunt and one 3-day spring quota turkey hunt (typically in April). Specific hunt dates and application procedures will be available in January. We restrict hunt participants on these hunts to those drawn for a quota permit, except that during the youth hunt, a nonhunting adult age 21 or older must accompany the youth hunter.

13. We prohibit the use of buckshot for gun deer hunting.

14. You may only use portable deer stands erected 2 days before each hunt, but you must remove them within 2 days after each hunt (see § 27.93 of this chapter).

15. An adult age 21 or older must accompany and be within sight and normal voice contact of hunters age 15 and under. One adult may supervise no more than one youth hunter during big game hunts.

16. We prohibit the use of deer decoy(s)

D. Sport Fishing. We allow fishing, frogging, and the taking of crawfish for personal use on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must reset trotlines when exposed by receding water levels.

2. Conditions A4, A6, A7, A11, A14, and A16 apply.

3. We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking lots, on roadways, and in plain view in campgrounds (see § 32.2(j)).

WAPANOCCA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of snow geese on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunting permits. The permits are nontransferable and anyone on refuge land in possession of hunting equipment must sign and carry them at all times.

2. We provide annual season dates on the hunt brochure/permit.

3. You must sign in prior to the hunt and sign out after the hunt at the Hunter Information Station.

4. You must adhere to all public use special conditions and regulations on the annual hunt brochure/permit.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, beaver, coyote, feral hog, and opossum in accordance with State regulations subject to the following conditions:

1. Conditions A1, A3, and A4 apply.

2. We allow shotguns using approved nontoxic shot (see § 32.2(k)) and .22 long-rifle caliber rifles. We prohibit possession of lead shot and .22 magnum caliber rifles.

3. We provide annual season dates for squirrel, rabbit, raccoon, and opossum hunting on the hunt brochure/permit.

4. You may take nutria, beaver, feral hog, and coyote during any refuge hunt with the firearm allowed for that hunt, subject to State seasons on these species.

5. We prohibit dogs except for raccoon hunting where we require them. We prohibit pleasure running or training of dogs.

6. We allow raccoon hunters to use horses/mules but prohibit their use by other refuge hunters and visitors.

7. We prohibit hunting from or within 50 yards (45 m) of graveled roads and within 150 yards (135 m) of refuge buildings.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A4 and B4 apply.

2. We prohibit hunting from or within 50 yards (45 m) of graveled roads and within 150 yards (135 m) of refuge buildings.

3. We specify annual season dates, bag limits, and hunting methods on the annual hunting brochure/permit.

4. Immediately record the deer zone 640 on the hunter's license and later on official check station records upon harvest of a deer.

5. You must sign in prior to the hunt and sign out after the hunt at the Hunter Information Station. You must check harvested deer at this location.

6. We prohibit dogs.

7. We allow only single-person portable tree stands. You may place tree stands on the refuge 2 days before the hunt but must remove them within 2 days after the hunt. You must permanently affix the owner's name and address on stands left on the refuge.

8. We prohibit possession of or marking trails with materials other than biodegradable paper/flagging or reflective tape/tacks.

9. We prohibit ATVs.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing from March 15 through October 31 from ½ hour before legal sunrise to ½ hour after legal sunset.

2. We prohibit fishing in Big Creek and other ditches that flow through the refuge.

3. We prohibit the possession or use of live carp, shad, buffalo, or goldfish for bait.

4. We prohibit the possession or use of yo-yos, jugs, or other floating containers, drops or limb lines, trotlines, or commercial fishing tackle.

5. We prohibit fishing within 100 yards (90 m) of any refuge building.

6. We allow bank fishing but you must park vehicles in designated parking areas.

7. We prohibit the taking of frogs, mollusks, and turtles (see § 27.21 of this chapter).

8. You must use the public boat ramp off Highway 77 to launch boats into Wapanocca Lake.

9. You must remove all boats daily from the refuge (see § 27.93 of this chapter). We prohibit airboats, personal watercraft, and hovercraft.

WHITE RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must sign, possess, and carry a refuge permit.

2. We allow duck hunting from legal sunrise until 12 p.m. (noon).

3. We allow retriever dogs.

4. You must remove blinds, blind material, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. each day.

5. North Unit waterfowl season and youth waterfowl hunts are concurrent with State season dates.

6. You may take coot, goose, and woodcock during the State season.

7. We restrict the South Unit waterfowl season to the Jack's Bay hunt area as indicated in the general user permit. It is open every Tuesday, Thursday, Saturday, and Sunday of the concurrent State season dates.

8. Waterfowl hunters may and access the refuge no earlier than 4:30 a.m.

9. The following refuge users (age 16 or older) must sign and possess and carry a refuge general user permit and a refuge fee permit ($12.00): hunters, anglers, campers, and ATV users.

10. We prohibit boating December 1 through January 31 in the South Unit Waterfowl Hunt Area, except during designated waterfowl hunt days between 5 a.m. and 1 p.m.

11. We prohibit marking trails with materials other than biodegradable paper flagging or reflective tape/tacks.

12. We prohibit use and/or possession of alcoholic beverages while hunting (see § 32.2(j)).

13. We prohibit cutting of holes in or other manipulation of vegetation or hunting in such areas (see § 27.51 of this chapter).

14. We prohibit waterfowl hunting on Kansas Lake Area.

15. We prohibit loaded weapons in a vehicle or boat while under power (see § 27.42(b) of this chapter). We define ''loaded'' as a muzzleloader containing a cap or any type of ignition device, cartridges, or shells in a magazine, or cartridges or shells in a chamber of a weapon.

16. We allow duck hunting on specific scattered tracts of land, in accordance with the North Unit regulations. Consult the refuge office for further information.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, beaver, coyote, raccoon,

and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A8, A10, A11, A12, and A14 apply.

2. You may hunt rabbit and squirrel on the North Unit during the concurrent State season dates until January 31.

3. We allow dogs for hunting of rabbit and squirrel December 1 through January 31 on the North Unit.

4. You may hunt rabbit and squirrel on the South Unit from the beginning of the concurrent State season through November 30.

5. We prohibit dogs on the South Unit for the purpose of squirrel or rabbit hunting.

6. You may only possess approved nontoxic shot when hunting upland game, except turkey (see § 32.2(k)). We allow the possession of lead shot for hunting turkey.

7. We close all upland game hunts during quota modern gun and quota muzzleloader deer hunts.

8. We allow spring squirrel hunting with the concurrent State spring season dates.

C. Big Game Hunting. We allow the hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A8, A10, A11, A12, and A14 apply.

2. Archery deer and turkey seasons on the North Unit will begin with the concurrent State archery season and end January 31.

3. Archery deer and turkey seasons on the South Unit will begin with the concurrent State archery season and end November 30.

4. Modern gun quota deer season is the first 3 days of the State season for the North and South Units. We require a quota permit. You may take one deer of either sex.

5. The muzzleloader quota deer season is the first 3 days of the State season for the North and South units. We require a quota permit. You may take one deer of either sex.

6. We allow modern guns on the North Unit as per dates indicated in the general user brochure. We only allow take of one legal buck.

7. You may only hunt the North and South Unit by muzzleloader with a quota hunt permit. You may only take one deer of either sex. We list the season in the refuge hunt brochure/permit.

8. We allow muzzleloader guns on the North Unit for 6 consecutive days following the 3-day muzzleloader quota hunt.

9. State deer limits apply to archery hunting season except during the refuge muzzleloader and modern gun season.

10. We close all nonquota hunting during the quota deer hunts.

11. We do not open to the bear season on all refuge-owned lands, including those lands in Trusten Holder Wildlife Management Area.

12. If you harvest deer and turkey on the refuge, you must immediately record the zone 660 on your hunting license and later at an official check station.

13. We prohibit muzzleloader and modern gun deer hunting in the Kansas Lake Area after October 30 of each year.

14. We close refuge lands on the North Unit to all deer hunting and fall turkey hunting when the White River gauge reading at St. Charles reaches 23 feet (8.4 m), as reported by the National Weather Service in the *Arkansas Democrat Gazette*, and will reopen these lands when the same gauge reading in this newspaper falls to or below 21 feet (6.3 m).

15. We close refuge lands on the South Unit to all deer hunting and fall turkey hunting when the White River gauge reading at St. Charles reaches 23 feet (8.4 m) and the gauge at Lock and Dam # 1 reaches 145 feet (43.5 m) simultaneously as reported by news release and will reopen these lands when the same gauge reading reaches 21 feet (6.3 m) and 143 feet (42.9 m), respectively, as reported by news release.

16. We restrict access and refuge use during quota hunts to quota permit holders. We require a quota permit for all use during quota deer hunts.

17. We prohibit hunting with the aid of bait, salt, or ingestible attractant (see § 32.2(h)).

18. We prohibit the use of dogs and/or horses other than specified in the general user permit.

19. We prohibit all forms of organized drives.

20. We prohibit firearm hunting from or across roadways, levees, and maintained utility rights-of-way for deer only.

21. We prohibit hunting from a tree in which a metal object has been driven to support a hunter.

22. We prohibit leaving a hunt stand after a hunt season.

23. We prohibit target practice or any nonhunting discharge of firearms (see § 27.42 of this chapter).

24. We prohibit modern gun and muzzleloader deer hunting on Kansas Lake Area after October 30.

25. You may take beaver, nutria, and feral hog incidental to any daytime refuge hunt with weapons allowed for that hunt.

D. Sport Fishing. We allow fishing and frogging on desigated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A8 and A10 apply.

2. We allow fishing year-round in LaGrue, Essex, Prairie, Scrubgrass and Brooks Bayous, Big Island Chute, Moon and Belknap Lakes next to Arkansas Highway 1, Indian Bay, the Arkansas Post Canal and adjacent drainage ditches; those borrow ditches located adjacent to the west bank of that portion of the White River Levee north of the

Arkansas Power and Light Company powerline right-of-way; and all refuge-owned waters located north of Arkansas Highway 1. We open all other refuge waters to sport fishing from March 1 through November 30 unless posted otherwise.

3. We require a refuge Special Use Permit to fish with any type tackle other than hook and line.

4. We allow frogging on all refuge-owned waters open for sport fishing as follows: We allow frogging on the South Unit from the beginning of the State season through November 30; we allow frogging on the North Unit for the entire State season.

5. We allow the use of bow and arrow for taking bullfrogs or fish by a refuge Special Use Permit.

6. We allow crawfishing.

7. We require a Special Use Permit for all commercial fishing on the refuge in addition to compliance with State regulations governing commercial fishing.

8. We allow commercial fishing on the North Unit year-round. We prohibit commercial turtling on both the North and South Units year-round.

9. We allow commercial fishing on the South Unit October 1 through November 30 and annually when the White River exceeds 23.5 feet (7 m) at the St. Charles, Arkansas gauge.

10. We prohibit take or possession of any freshwater mussels, and we do not open to mussel shelling.

11. You must reset trotlines when receding water levels expose them, and you cannot leave them unattended. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 59 FR 6689, Feb. 11, 1994; 59 FR 55184, Nov. 3, 1994; 60 FR 62040, Dec. 4, 1995; 61 FR 45366, Aug. 29, 1996; 61 FR 46393, Sept. 3, 1996; 62 FR 47376, Sept. 9, 1997; 65 FR 30778, May 12, 2000; 65 FR 56400, Sept. 18, 2000; 68 FR 57316, Oct. 2, 2003; 69 FR 54362, 54365, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54160, Sept. 13, 2005]

§32.24 California.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CIBOLA NATIONAL WILDLIFE REFUGE

Refer to §32.22 Arizona for regulations.

CLEAR LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of pronghorn antelope is permitted on the controlled ''U'' Unit of the refuge subject to the following conditions:

1. Hunters may hunt only in the unit for nine (9) consecutive days beginning on the first Saturday following the third Wednesday in August.

2. Access to the unit is permitted only through the gate located on Clear Lake Road.

D. Sport Fishing. [Reserved]

COLUSA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

2. Each hunter may not possess more than 25 shells while in the field.

3. Access to the hunt area is by foot traffic only. We prohibit bicycles and other conveyances.

4. We prohibit building or maintaining fires (see §27.95 of this chapter), except in portable gas stoves.

5. You may only enter or exit at designated locations (see §27.31 of this chapter).

6. Vehicles may only stop at designated parking areas (see §27.31 of this chapter). We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

7. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking area.

8. You must restrain dogs on a leash within all designated parking areas (see §26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A8 apply.

2. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

DELEVAN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations 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 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 conveyances. 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.

10. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking area.

11. You must restrain dogs on a leash within all designated parking areas (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas of the refuge in accordance with State regulations 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 possess no 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.

8. Conditions A10 and A11 apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting in tidal areas, including salt marshes, sloughs, mudflats, and open waters of the San Francisco Bay. Unless posted in the field and/or noted below, we allow hunting by boat in all refuge tidal areas up to the mean high-water line. We close the following tidal areas to hunting and/or shooting:

i. Newark Slough to hunting and shooting from its source to Hetch-Hetchy Aqueduct, a distance of 3½ miles (5.6 km);

ii. Dumbarton Point Marsh to the Hetch-Hetchy Aqueduct (west side of Newark Slough); and

iii. The headwaters of Mallard Slough (Artesian Slough) in the vicinity of the Environmental Education Center to hunting, as designated by posted signs.

2. We allow hunting in the 17 salt evaporation ponds listed below. These ponds are surrounded by levees and were formerly part of the San Francisco Bay. We have not opened any other ponds.

i. Ponds R1 and R2 in the Ravenswood Unit. These ponds are located on the west side of the Dumbarton Bridge between Ravenswood Slough and Highway 84. You may access these ponds only by foot or bicycle from either of two trailheads off Highway 84. We prohibit hunting within 300 feet (90 m) of Highway 84. These ponds will be open 7 days a week.

ii. Ponds M1, M2, M3, M4, M5, M6, and A19 in the Mowry Slough Unit. These ponds are located on the east side of the Bay between Mowry Slough and Coyote Creek. You may only access these ponds by boat. You may land your boat at specific points on the Bay side of the levee as designated by refuge signs. You may pull your boat across the levee from the Bay. We prohibit hunting within 300 feet (90 m) of the Union Pacific Railroad track. These ponds will be open 7 days a week.

iii. Ponds AB1, A2E, AB2, A3N, and A3W in the Alviso Unit. These ponds are located on the west side of the Bay between Stevens Creek and Guadalupe Slough. You must obtain a refuge Special Use Permit to hunt these ponds. Access to Ponds AB1 and A2E will be from the Crittenden Lane Trailhead in Mountain View. Access to Ponds A3W will be from the Carl Road Trailhead in Sunnyvale. Access to Ponds A3N and AB2 is by boat from the other ponds. We allow hunting only from existing hunting blinds. We allow hunting only on Wednesdays, Saturdays, and Sundays on these ponds.

iv. Ponds A5, A7, and A8N in the Alviso Unit. These ponds are located on the south end of the Bay between Guadalupe Slough and Alviso Slough. You must obtain a refuge Special Use Permit to hunt these ponds. Access is via walking and bicycling from the

Gold Street gate in Alviso. We allow hunting from existing hunting blinds and by walking pond levees. We allow hunting only on Wednesdays, Saturdays, and Sundays on these ponds.

3. During the 2 weekends before the opening of the hunt season, you may bring a boat into Ponds AB1, A2E, AB2, A3N, A3W, A5, A7, and A8N and moor it at a designated site only if authorized by a valid refuge Special Use Permit. These boats will be used to access the hunting blinds and will stay in the pond during the hunt season. You must remove your boat within 2 weeks following the close of the hunt season. We allow nonmotorized boats and motorized boats powered by electric or 4-stroke gasoline motors only.

4. You may maintain an existing blind in the ponds open to hunting if you have a valid refuge Special Use Permit, but the blind will be open for general use on a first-come, first-served basis. We prohibit pit blinds or digging into the levees (see § 27.92 of this chapter).

5. You must remove all decoys and other personal property (except personal boats authorized by a refuge Special Use Permit) from the refuge by legal sunset. You must remove all trash, including shotshell hulls, when leaving hunting areas (see §§ 27.93 and 27.94 of this chapter).

6. Hunters may enter closed areas of the refuge to retrieve downed birds, provided they leave all weapons in a legal hunting area. We encourage the use of retriever dogs. You must keep your dog(s) under immediate control of the handler at all times (see § 26.21(b) of this chapter). Dogs must remain inside a vehicle or be on a leash until they are on the ponds or on the levees (Ponds R1, 2, A5, 7, and 8N only) as a part of the hunt.

7. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

8. You must keep firearms unloaded (see § 27.42(b) of this chapter) until you are within the designated hunt area.

9. We prohibit target practice on the refuge or any nonhunting discharge of firearms (see § 27.42 of this chapter).

10. At the Ravenswood Unit only, we only allow portable blinds or construction of temporary blinds of natural materials that readily decompose. We prohibit collection of these natural materials from the refuge (see § 27.51 of this chapter). You must remove portable blinds (see §§ 27.93 and 27.94 of this chapter) by legal sunset. Temporary blinds become available for general use on a first-come, first-served basis on subsequent days. We prohibit permanent blinds, pit blinds, or digging into the levees (see § 27.92 of this chapter). We prohibit entry into closed areas of the refuge prior to the hunt season in order to scout for hunting sites or to build blinds.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing from land at the Coyote Creek Lagoon in Fremont, the Faber-Laumeister Unit in East Palo Alto, the Dumbarton Fishing Pier, and along the San Francisco Bay shoreline within ½ mile (0.8 km) of the Dumbarton Fishing Pier. We also allow fishing from boats in the Bay and major slough channels. We close Mallard Slough to boats from March 1 through August 31, and we close Mowry Slough from March 15 to June 15. We prohibit fishing in salt evaporation ponds or marshes.

2. We open fishing areas daily (except we close the Dumbarton Fishing Pier and adjacent shoreline on Thanksgiving, Christmas, and New Year's Day). We open the Dumbarton Fishing Pier from 7 a.m. to 6 p.m. November 1 through March 31 and 7 a.m. to 8 p.m. April 1 through October 31. We open Coyote Creek Lagoon and Faber-Laumeister Unit from legal sunrise to legal sunset.

3. We prohibit the collection of bait of any type from the refuge except from the Dumbarton Fishing Pier, where it is legal to collect bait for noncommercial purposes.

4. We prohibit the use of balloons to float hooks and bait farther than hand casting.

5. We prohibit personal watercraft (*e.g.*, Jet Skis, waterbikes) on the refuge.

HAVASU NATIONAL WILDLIFE REFUGE

Refer to § 32.22 Arizona for regulations.

HUMBOLDT BAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, common moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require adults age 18 or older to accompany youth hunters age 16 and under. No more than three youth hunters may accompany one adult hunter.

2. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

3. We prohibit public access into or through closed areas and designate closed areas as nonretrieval zones.

4. You may only use portable blinds in the free-roam hunting areas (*i.e.*, all hunt areas except Salmon Creek Unit).

5. You must remove all blinds, decoys, shell casings, and other personal equipment and refuse from the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter) .

6. We require hunters to restrain dogs inside vehicles except when using them for authorized hunting purposes (see § 26.21(b) of this chapter).

7. On the Salmon Creek Unit, we allow hunting on Tuesdays and Saturdays (except

Federal holidays), and hunters must possess and carry a valid daily refuge permit. We issue refuge permits prior to each hunt by random drawing conducted at the check station 1½ hours before legal shooting time.

8. On the Salmon Creek Unit, you may only possess approved nontoxic shotshells (see §32.2(k)) in quantities of 25 or less per day.

9. On the Salmon Creek Unit, we restrict hunters to within 100 feet (30 meters) of the assigned hunt site except for placing and retrieving decoys, retrieving downed birds, or traveling to and from the parking area. You must unload firearms (see §27.42(b) of this chapter) while transporting them between the parking lot and designated blind sites.

10. We open the waters of Hookton Slough (including Teal Island) and White Slough (including Egret Island) to hunting on Saturdays, Sundays, Wednesdays, Federal holidays, and the opening and closing day of the State waterfowl hunting season. We have not opened the portion of the Hookton Slough unit between the dike and Hookton Road to hunting and firearms. We have not opened the boat dock on the Hookton Slough Unit to hunting and firearms and restrict use to nonmotorized boats only.

11. We open the Table Bluff Unit (southwest corner of South Bay) to hunting.

12. We open portions of the Eureka Slough and Jacoby Creek Units to hunting. We designate the Eureka Slough and Jacoby Creek Units as boat access only. On the Eureka Slough and Jacoby Creek Units, we prohibit hunting within 100 yards (90 meters) of Highway 101.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following condition: We allow fishing from the designated shoreline trail and dock (for nonmotorized boats only) at the Hookton Slough Unit from legal sunrise to legal sunset, only using pole and line or rod and reel.

IMPERIAL NATIONAL WILDLIFE REFUGE

Refer to §32.22 Arizona for regulations.

KERN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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.

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:

1. Pheasant hunting is only permitted in the free roam unit.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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

b. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

3. 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.

4. You may not set decoys in retrieving zones.

5. We do not allow air-thrust and inboard waterthrust boats.

6. You may possess only approved nontoxic shot 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.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MERCED NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and moorhen on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must unload firearms (see § 27.42(b) of this chapter) before transporting them between parking areas and blind sites. Unloaded means that no ammunition is in the chamber or magazine of the firearm.

2. You may only possess approved nontoxic shotshells (see § 32.2(k)) in quantities of 25 or less per day after leaving the parking lot.

3. Each hunter must remain inside his or her assigned blind, except for placing decoys, retrieving downed birds, and traveling to and from the parking area. We prohibit shooting from outside the blind.

4. Dogs must remain under the immediate control of their owners at all times (see § 26.21(b) of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MODOC NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. On the opening weekend of the hunting season, hunters must possess and carry a refuge permit issued through random drawing to hunters with advance reservations only.

2. After the opening weekend of the hunting season, we only allow hunting on Tuesdays, Thursdays, and Saturdays. Hunters must check-in and out of the refuge by using self-service permits. Hunters must completely fill out the ''Refuge Hunt Permit'' portion of the permit and deposit it in the drop box prior to hunting. The hunter must possess and carry the ''Record of Kill'' portion of the permit while on the refuge and turned in prior to exiting the hunting area.

3. In the designated spaced blind area, you must remain within 50 feet (15 m) of the established blind stake for the blind assigned to you.

4. We require adults age 18 or older to accompany youth hunters age 15 and under.

5. You may only possess approved nontoxic shotshells (see § 32.2(k)) in quantities of 25 or less after leaving the parking area.

6. In the free-roam hunting areas, you may only use portable blinds or blinds constructed of vegetation.

7. You must remove all blinds, decoys, shell casings, other personal equipment, and refuse from the refuge at the end of each day (*see* §§ 27.93 and 27.94 of this chapter).

8. Hunters must enter and exit the hunting area from the two designated hunt parking lots, which we open 1½ hours before legal sunrise and close 1 hour after legal sunset each hunt day.

9. We only allow access to the hunt area by foot, bicycle, and nonmotorized cart. We prohibit bicycles in the hunt area during the opening weekend of the hunting season.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We limit hunting to junior hunters only, age 15 or under, possessing a valid State Junior Hunting License and refuge Junior Pheasant Hunt Permit.

2. We require adults age 18 or older to accompany junior hunters.

3. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

4. Hunters must enter and exit the hunting area from the two designated hunt parking lots.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing only on Dorris Reservoir in accordance with State regulations subject to the following conditions:

1. We prohibit fishing from October 1 through January 31.

2. We only allow fishing from legal sunrise to legal sunset.

3. We only allow walk-in access to Dorris Reservoir from February 1 through March 31.

4. We only allow use of boats on Dorris Reservoir from April 1 through September 30.

SACRAMENTO NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations 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.

10. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking area.

11. You must restrain dogs on a leash within all designated parking areas (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas on the refuge in accordance with State regulations 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.

8. Conditions A10 and A11 apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SACRAMENTO RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, dove, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotgun hunting.

2. You must unload firearms (see § 27.42(b) of this chapter) before transporting them between parking areas and hunting areas. ''Unloaded'' means that no ammunition is in the chamber or magazine of the firearm.

3. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

4. We prohibit hunting within 50 feet (15 m) of any landward boundary adjacent to private property.

5. We prohibit hunting within 150 yards (45 m) of any occupied dwelling, house, residence, or other building or any barn or other outbuilding used in connection therewith.

6. Access to the hunt area is by foot traffic or boat only. We prohibit bicycles or other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

7. We prohibit fires on the refuge, except we allow portable gas stoves on gravel bars (see § 27.95(a) of this chapter).

8. We allow camping on gravel bars up to 7 days during any 30-day period. We prohibit camping on all other refuge lands.

9. We open the refuge for day-use access from 1 hour before legal sunrise until 1 hour after legal sunset. We allow access during other hours on gravel bars only (see condition A8).

10. We require dogs to be kept on a leash, except for hunting dogs engaged in authorized hunting activities, and under the immediate control of a licensed hunter (see § 26.21(b) of this chapter).

11. We prohibit permanent blinds. You must remove all personal property, including decoys and boats, by one hour after legal sunset (see §§ 27.93 and 27.94 of this chapter).

12. We prohibit cutting or removal of vegetation for blind construction or for making trails (see § 27.51 of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant, turkey, and quail on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotgun and archery hunting.

2. Conditions A3 through A10 and A12 apply.

C. Big Game Hunting. We allow hunting of black-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4, A5, A7, A8, A9, A12, and B1 apply.

2. We prohibit construction or use of permanent blinds, platforms ladders or screw-in foot pegs.

3. You must remove all personal property, including stands, from the refuge by one hour after legal sunset (see §§ 27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A7, A8, A9, and A12 apply.

2. On Packer Lake, due to primitive access, we only allow boats up to 14 feet (4.2 m) and canoes.

SALINAS RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and moorhen on a hunt area along the Salinas River on the southeast portion of the refuge, as designated by posted signs, in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shotshells while on the refuge (see § 32.2(k)) in quantities of 25 or less.

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.

4. We only allow dogs engaged in hunting activities on the refuge during the waterfowl season. Hunters must keep their dog(s) under their immediate control at all times (see §26.21(b) of this chapter). We prohibit training of dogs on the refuge. We prohibit other domesticated animals or pets.

5. We prohibit target practice on the refuge or any nonhunting discharge of weapons (see §27.42 of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SAN LUIS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only use portable blinds, temporary blinds constructed of natural materials, or existing concrete blinds. We prohibit cutting or breaking woody vegetation (see §27.51 of this chapter).

2. You must remove all portable blinds, decoys, and other personal equipment from the refuge following each day's hunt.

3. You must dismantle any temporary blinds constructed of natural materials at the end of each day.

4. You may only hunt snipe within the free-roaming portion of the San Luis Unit waterfowl hunting area.

5. You may only possess approved nontoxic shotshells (see §32.2(k)) in quantities of 25 or less after leaving your assigned parking lot or boat launch.

6. 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.

12. Dogs must remain under the immediate control of their owners at all times (see §26.21(b) of this chapter).

B. *Upland Game Hunting.* We allow hunting of pheasants on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shotshells (see §32.2(k)) in quantities of 25 or less while in the field.

2. Dogs must remain under the immediate control of their owners at all times (see §26.21(b) of this chapter).

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing from legal sunrise to legal sunset, except on that portion of the San Joaquin River's south (left descending) bank within the West Bear Creek Unit designated as open for fishing 24 hours per day.

2. We only allow the use of pole and line or rod and reel to take gamefish, and anglers must attend their equipment at all times.

3. We prohibit the use of any boat, float tube, or other floating aid/device.

SAN PABLO BAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Unless posted in the field and/or noted below, we only allow hunting in the open waters of San Pablo Bay and its navigable sloughs. We have not opened the following areas to hunting:

i. Lower Tubbs Island; ii. Lower Tubbs Setback;

iii. Cullinan Ranch Unit; and

iv. Within 300 feet (90 m) of Highway 37.

2. You may only hunt from a boat or a floating blind. We prohibit walk-in hunting on the refuge.

3. You may only possess approved nontoxic shotshells (see §32.2(k)) in quantities of 25 or less while in the field.

4. You must remove all decoys, boats, and other personal property from the refuge at the end of each day (see §27.93 of this chapter). Hunters must remove all trash, including shotshell hulls, when leaving hunting areas (see §27.94 of this chapter).

5. We allow temporary floating blinds on the refuge subject to refuge manager approval. We allow blind installation beginning on October 1, but hunters must remove

blinds (see § 27.93 of this chapter) by February 1. Temporary floating blinds become available for general use on a first-come, first-served basis on subsequent days. We prohibit entry to closed areas of the refuge prior to the hunting season in order to scout for hunting sites.

6. We only allow dogs engaged in hunting activities on the refuge during waterfowl season. We prohibit other domesticated animals or pets. Hunters must keep their dog(s) under their immediate control at all times (see § 26.21(b) of this chapter). We prohibit training of dogs on the refuge.

7. We prohibit digging into levees or slough channels.

8. We prohibit target practice on the refuge or any nonhunting discharge of firearms (see § 27.42 of this chapter).

9. We allow foot access through the refuge to the State's Tolay Creek Unit for waterfowl hunting. You must unload and either break down or case all shotguns (see § 27.42(b) of this chapter) while in transit through the refuge.

B. Upland Game Hunting. We allow hunting of pheasant only in areas of the Tolay Creek Unit designated by posted signs in accordance with State regulations subject to the following conditions:

1. You may only hunt on Wednesdays, Saturdays, and Sundays.

2. You may only possess approved nontoxic shotshells (see § 32.2(k)) in quantities of 25 or less while in the field.

3. You may only access the Tolay Creek Unit by foot or bicycle.

4. We only allow dogs engaged in hunting activities on the refuge during pheasant season. We prohibit other domesticated animals or pets.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. Hunting of geese, ducks, coots, and moorhens is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters using the Union Tract must use goose decoys.

2. 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.

3. Firearms must be unloaded while being transported between parking areas and blind sites.

4. Hunters may not possess more than 25 shells while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted only on designated areas of the refuge inundated by the Salton Sea subject to the following conditions:

1. Fishing is permitted from April 1 through September 30.

2. Only boat fishing is permitted.

STONE LAKES NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and moorhen on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on Sun River Unit only on Wednesdays and Saturdays from ½ hour before legal sunrise until 12 p.m. (noon).

2. We will select hunters through a random drawing process conducted at the refuge. Hunters should bring a copy of their refuge notification on the day of their hunt. Hunters should contact the refuge manager for additional information.

3. We require adults, age 18 or older, to accompany hunters under age 16.

4. We prohibit bicycles or other conveyances. Mobility-impaired hunters should contact the refuge manager regarding allowed conveyances.

5. You must unload firearms (see § 27.42(b) of this chapter) before transporting them between parking areas and spaced-blind areas. ''Unloaded'' means that no ammunition is in the chamber or magazine of the firearm.

6. We restrict hunters to their assigned spaced-blind except when they are placing or retrieving decoys, traveling to and from the parking area, retrieving downed birds, or when shooting to retrieve cripples.

7. You may only possess approved nontoxic shot while in the field (see § 32.2(k)) in quantities of 25 or less.

8. We prohibit fires on the refuge (see § 27.95(a) of this chapter).

9. We allow vehicles to stop only at designated parking areas. We prohibit dropping of passengers or equipment or stopping between designated parking areas.

10. We allow only nonmotorized boats to access water blinds.

11. You must remove all decoys, personal equipment, shotshell hulls, and refuse from the refuge by 12:30 p.m. (see §§ 27.93 and 27.94 of this chapter).

12. Junior hunters must possess a valid Junior Hunting License.

13. We allow the use of hunting dogs for retrieving birds, provided the dogs remain under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SUTTER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. You may possess no more than 25 shells 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. No person may build or maintain fires, except in portable gas stoves.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

7. We only allow overnight stays in vehicles, motor homes, and trailers at the check station parking area.

8. You must restrain dogs on a leash within all designated parking areas (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We only allow hunting of pheasant in the free-roam areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. 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.

3. You may possess no more than 25 shells while in the field.

4. No person may build or maintain fires, except in portable gas stoves.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

7. Conditions A7 and A8 apply.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

TULE LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. 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.

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 six afternoon special youth or disabled hunter waterfowl hunts per season; and

b. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

3. We do not allow possession of any loaded firearms more than 200 feet (60 m) from the established blind stakes. You select blind sites by lottery at the beginning of each hunt day. You may shoot only from within your assigned blind site.

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. We do not allow you to 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.

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.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 58 FR 29084, May 18, 1993; 59 FR 6689, Feb. 11, 1994; 59 FR 55184, Nov. 3, 1994; 60 FR 5067, Jan. 25, 1995; 60 FR 62041, Dec. 4, 1995; 61 FR 46393, Sept. 3, 1996; 62 FR 47376, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30778, May 12, 2000; 65 FR 56401, Sept. 18, 2000; 66 FR 46354, Sept. 4, 2001; 67 FR 58943, Sept. 18, 2002; 69 FR 54362, 54374, Sept. 8, 2004; 70 FR 54161, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. 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 condition: 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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing at designated times and on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require a valid State fishing license and valid refuge fishing permit for all anglers age 16 and older. You must obtain and display a daily refuge fishing badge while fishing.
2. We only allow the use of rod and reel with one hook or lure per line.
3. We only allow catch and release fishing.
4. We only allow barbless hooks.
5. We only allow artificial flies or lures.
6. We prohibit the use of live bait.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6685, Feb. 11, 1994; 60 FR 62041, Dec. 4, 1995; 62 FR 47376, Sept. 9, 1997; 65 FR 30780, May 12, 2000; 69 FR 54362, Sept. 8, 2004; 70 FR 54163, Sept. 13, 2005]

§ 32.26 Connecticut.

The following refuge units have been opened for hunting and/or fishing and are listed in alphabetical order with applicable refuge-specific regulations.

STEWART B. MCKINNEY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, and goose on designated areas of the Great Meadows Unit in Stratford, Connecticut in accordance with State regulations subject to the following conditions:

1. We require hunters to obtain an annual Special Use Permit in advance for permission to hunt in the designated hunting area. Consult the refuge manager for details on how and when to apply for a Special Use Permit.
2. Any person entering, using, or occupying the refuge for hunting must abide by all the terms and conditions of the Special Use Permit.
3. You must have all applicable hunting licenses, permits, stamps, and a photographic identification in your possession while hunting on the refuge.
4. We will limit hunt days to Tuesdays, Wednesdays, and Saturdays during the waterfowl hunting season as established by the State.
5. We only allow shotguns.
6. You must keep firearms unloaded until you are within the designated hunting area (see § 27.42(b) of this chapter).
7. Access to the hunt area is by foot or boat in designated areas only. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.
8. You may possess no more than 25 approved nontoxic shot per day while in the field (see § 32.2(k)).
9. This is a waterfowl hunt only. We allow no more than two dogs per waterfowl hunting party. We prohibit dog training on the refuge.
10. During State-established youth days, licensed junior hunters may hunt in the designated hunting area when accompanied by a licensed adult hunter age 18 or older. Adults must possess a valid hunting license; however, we prohibit them carrying a firearm.
11. We prohibit the use of air-thrust and inboard water-thrust boats such as, but not

limited to, hovercrafts, airboats, jet skis, watercycles, and waterbikes on all waters within the refuge boundaries.

12. We prohibit hunters launching any boats on the refuge that they cannot portage by hand. A dock and a boat ramp are not available on the refuge.

13. We prohibit pit or permanent blinds.

14. You must remove all temporary blinds, boats, decoys, and all other personal property from the refuge each day (see §§ 27.93 and 27.94 of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

[70 FR 54163, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. 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.

2. Hunting of waterfowl and coots is permitted on the South Waterfowl Area, the West Waterfowl Area, and the Young Waterfowlers Area.

3. Only snow geese may be taken on the Snow Goose Area.

4. Hunting is permitted only from designated sites, except on the South Upland Hunting Area and the Snow Goose Area.

5. The maximum number of hunters permitted per blind is as follows:

West Waterfowl Area—4; South Waterfowl Area—3; Young Waterfowlers Area—2.

6. The possession of a loaded shotgun while outside a blind or designated site is not permitted unless actively pursuing crippled birds.

7. Waterfowl hunters may not possess more than 15 shotgun shells per day on the West and Young Waterfowlers Hunt Areas.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. We allow hunting only on the South Upland Hunting Area.

2. We allow hunting from ½ hour before sunrise to ½ hour after sunset.

3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of turkey and deer on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit except on the South Upland Hunting Area.

2. Hunting on the Headquarters Deer Hunt Area must be from designated stands only, unless actively tracking or retrieving wounded deer.

3. We require a valid State permit for turkey hunting.

4. During firearms deer season, hunters must wear in a conspicuous manner as an outer layer on the head, chest, and back a minimum of 400 square inches (2,600 cm2) of solid-colored orange clothing or material.

D. Sport Fishing. [Reserved]

PRIME HOOK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. We require a refuge permit and fee for waterfowl hunting.

3. Refuge hunt dates will correspond with State-established migratory game bird seasons.

B. Upland Game Hunting. We allow hunting of upland species 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.

C. Big 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 m^2) 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.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 60 FR 62041, Dec. 4, 1995; 65 FR 30781, May 12, 2000; 65 FR 56401, Sept. 18, 2000; 66 FR 46355, Sept. 4, 2001; 69 FR 54362, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge waterfowl hunt permit while hunting.

2. We allow hunting in the interior of the refuge south of latitude line 26.27.130. We have not opened to hunting from the perimeter canal or levee and those areas posted as closed.

3. The refuge open waterfowl season is concurrent with the State season. The refuge does not participate in any early experimental seasons. Hunters may only take duck and coot.

4. We do not open to hunting on Mondays, Tuesdays, and Christmas Day.

5. Refuge hunting hours are from ½ hour before legal sunset to 1 p.m. Hunters may enter the refuge no earlier than 5 a.m. and must be off the refuge by 3 p.m.

6. Hunters must only enter and leave the refuge at the Headquarters Area (Boynton Beach) and the Hillsboro Area (Boca Raton) (see § 27.31 of this chapter).

7. Hunters must unload and case or dismantle firearms (see § 27.42(b) of this chapter) when outside of hunting area and when en route to or from the hunting area. Hunters may only use no greater than .10 gauge shotguns. We prohibit all other firearms or weapons (see §§ 27.42 and 27.43 of this chapter).

8. We only allow temporary blinds of native vegetation. We prohibit the taking, removing, or destroying of refuge vegetation (see § 27.51 of this chapter).

9. Hunters must remove decoys and other personal property (see § 27.93 of this chapter) from the hunting area each day.

10. We encourage the use of dogs to retrieve dead or wounded waterfowl. Dogs must remain under the immediate control of the owner at all times (see § 26.21(b) of this chapter). We prohibit pets at all other times.

11. A hunter must complete a daily bag report card and place it in an entrance fee canister each day.

12. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. Youth hunters must have completed a hunter education course.

13. We only allow boats equipped with outboards or electric motors and nonmotorized boats. We prohibit airboats, Hovercraft, and personal watercraft (Go Devils, Jet Skis, jet boats, and Wave Runners). We recommend all boats operating within the hunt area fly a 12 inch by 12 inch (30 cm × 30 cm) orange flag, 10 feet (3 m) above the vessel's waterline.

14. We prohibit motorized vehicles of any type on the levees and undesignated routes (see § 27.31 of this chapter).

15. For emergencies or to report violations, contact law enforcement personnel at 561–936–4100.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing from legal sunrise to legal sunset.

2. Special black bass regulations are in effect within the boundaries of the refuge. The daily creel limit is five black bass per person, per day, where only one bass may be over 14 inches (35 cm) in length.

3. We allow fishing south of a line of latitude of 26.27.130 and in the rim canal in the rest of the refuge. We prohibit fishing in Management Compartments A, B, and C, and those areas posted as closed to fishing or the public.

4. We only allow the use of rods and reels and poles and lines, and anglers must attend them at all times.

5. We prohibit commercial fishing and the taking of frogs, turtles, and other wildlife (see § 27.21 of this chapter).

6. We prohibit the possession or use of cast nets, seines, trot lines, jugs, gigs, and other fishing devices.

7. Anglers may only launch boats at the Headquarters Area (Boynton Beach), the Hillsboro Area (Boca Raton), and 20 Mile Bend (West Palm Beach).

8. We only allow boats equipped with outboards or electric motors and nonmotorized boats. We prohibit airboats, Hovercraft, personal watercraft (Go Devils, Jet Skis, jet boats, and Wave Runners). We recommend that all boats operating within the hunt area fly a 12 inch by 12 inch (30 cm × 30 cm) orange flag, 10 feet (3 m) above the vessel's waterline.

9. We prohibit motorized vehicles of any type on the levees and undesignated routes (see § 27.31 of this chapter).

10. For emergencies or to report violations, contact law enforcement personnel at 561–936–4100. Law enforcement officers monitor VHF Channel 16.

CEDAR KEYS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. We allow salt water sport fishing year-round in accordance with State regulations subject to the following condition: We will close a 300 foot (90 m) buffer zone beginning at mean high tide line and extending into the waters around Seahorse Key to all public entry from March 1 through June 30.

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. [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 from sunrise to sunset.
2. Fishing is permitted year-round, from refuge beaches only.

HOBE SOUND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:
1. We only allow fishing from legal sunrise to legal sunset.
2. We allow salt water fishing along the Atlantic Ocean and Indian River Lagoon year-round in accordance with State regulations.
3. We prohibit commercial fishing and the taking of frogs, turtles, and other wildlife (*see* § 27.21 of this chapter).
4. We prohibit motorized vehicles of any type on the fire roads, undesignated routes, and areas posted as closed (*see* § 27.31 of this chapter).
5. For emergencies or to report violations, contact law enforcement personnel at 561–936–4100. Law enforcement officers monitor VHF Channel 16.

J. N. ''DING'' DARLING NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]
B. Upland Game Hunting. [Reserved]
C. Big Game Hunting. [Reserved]
D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:
1. We prohibit fishing and crabbing in all waters of the Bailey Tract except for Smith Pond and Airplane Canal.
2. We allow fishing and crabbing in all other refuge waters except in areas designated as ''closed to public entry''.
3. We prohibit the taking of horseshoe crabs, stone crabs, or spider crabs.
4. We prohibit the taking of blue crabs for commercial purposes.
5. We allow the recreational take of blue crabs within 150 feet (45 m) of the Wildlife Drive only with the use of dip nets.
6. Beyond 150 feet (45 m) of the Wildlife Drive we allow recreational take of blue crabs with baited lines and traps only 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. The daily limit of blue crabs is 20 per person, of which no more than 10 shall be females.
8. We prohibit the use of cast nets within 150 feet (45 m) of a water-control structure on the Wildlife Drive.
9. We prohibit the use of personal watercraft, air-thrust boats, and hovercraft.
10. We prohibit kite-surfing or kite-boarding, wind-surfing or sail-boarding, or any similar type of activities.
11. We prohibit vessels exceeding the slow speed/minimum wake in refuge waters.
12. We only allow vessels propelled by polling, paddling, or floating in the posted ''no-motor zone'' of the Ding Darling Wilderness Area. All motors, including electric motors, must be in a nonuse position (out of the water) when in the ''no-motor zone''.
13. We prohibit camping on all refuge lands and overnight mooring of vessels on all refuge waters.
14. You may only launch vessels at designated sites on the refuge.

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 in accordance with State regulations subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing from legal sunrise to legal sunset.

2. We prohibit the use of airboats on the refuge.

3. We prohibit commercial fishing or the taking of frogs or turtles (see §27.21 of this chapter).

4. We prohibit the use of snatch hooks in the refuge impoundments.

5. When boating, you must slow down and observe all manatee speed zones and caution areas.

LOWER SUWANNEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to possess and carry signed refuge hunt permits for all hunts.

2. We designated open and closed refuge hunting areas on the map in the refuge hunt permit that the hunter must possess and carry.

3. You must park vehicles in a manner that does not block roads or gates (see §27.31(h) of this chapter).

4. We prohibit the use of ATVs (see §27.31(f) of this chapter).

5. We prohibit horses.

6. We prohibit possession of a loaded firearm or bow and arrow (see §27.42(b) of this chapter) while on a refuge road right-of-way designated for motorized vehicle travel or in any vehicle or boat. We define ''loaded'' as shells in the chamber or magazine or percussion cap on a muzzleloader, or arrow notched in a bow.

7. We prohibit hunting from refuge roads open to public vehicle travel.

8. We prohibit construction of permanent blinds or stands.

9. In addition to State hunter education requirements, an adult (parent or guardian) age 21 or older must supervise and must remain within sight of and in normal voice contact of the youth hunter age 15 and under. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of the refuge regulations. An adult may supervise no more than two youths.

10. We prohibit all commercial activities, including guiding or participating in a guided hunt.

11. We prohibit target practice or any nonhunting discharge of firearms (see §27.42 of this chapter).

12. We prohibit marking any tree, or other refuge feature, with flagging, litter, paint, or blaze.

13. We allow marking trails with reflective markers, but you must remove the markers (see §§27.93 and 27.94 of this chapter) at the end of the refuge deer hunting season.

14. Hunters utilizing the refuge are subject to inspection of licenses, permits, hunting equipment, bag limits, vehicles, and their contents during compliance checks by refuge or State law enforcement officer.

15. Hunters must be at their vehicles by 1 hour after legal shooting time.

B. Upland Game Hunting. We allow hunting of gray squirrel, armadillo, opossum, rabbit, raccoon, coyote, and beaver on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A15 apply.

2. The refuge upland game hunting season opens on the Monday after the refuge limited hog hunt closes and ends on February 28.

3. You may only possess .22 caliber rimfire rifle (but not .22 magnum) firearms (see §27.42 of this chapter) or shotguns with shot no larger than #4 common or bows with arrows that have judo or blunt tips. We prohibit possession of arrows capable of taking big game during the upland game hunting season.

4. We allow night hunting in accordance with State regulations for raccoon and opossum on Wednesday through Saturday nights from legal sunset until legal sunrise during the month of February.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A15 apply.

2. We prohibit the use of hunting and tracking dogs for all deer and hog hunts.

3. We require quota hunt permits (issued through a random draw) for the limited deer gun hunt, limited hog hunt, and limited youth gun deer hunt. They cost $12.50.

4. Quota hunt permits are nontransferable.

5. Hunters may only use archery equipment in accordance with State archery regulations during the refuge archery season.

6. Hunters may only use muzzleloading firearms (see §27.42 of this chapter) in accordance with State muzzleloader regulations during the refuge muzzleloader season.

7. We prohibit hunting from a tree in which a metal object has been driven (see §32.2(i)).

8. You may leave temporary tree stands on the refuge starting on the last weekend of August, but you must remove them by the last day of the general gun hunting season (see §27.93 of this chapter).

9. All hunters (including all persons accompanying hunters) must wear a minimum of 500 square inches (3,250 cm^2) of fluorescent orange visible above the waistline while hunting during all refuge deer gun hunts.

10. We prohibit the use of organized drives for taking or attempting to take game.

11. The refuge general gun season begins on the opening Saturday of the Florida State Central Management Zone, General Gun season and ends on the following Friday. It reopens on the Monday after the refuge limited deer season and ends on the following Sunday. The refuge general gun season lasts 14 days.

12. The refuge limited either-sex deer hunt is on the second Saturday and Sunday of the State Central Management Zone General Gun season. This coincides with the opening of the State's either-sex hunt deer hunting season.

13. The youth limited Gun Deer Hunt is the Saturday and Sunday following the close of the refuge general gun season.

14. The refuge limited hog hunt begins on the first Monday after the Florida State Central Management Zone General Gun (antlered deer and wild hog) season closes, and ends on the following Sunday.

15. During the limited youth hunt, an adult age 21 or older must accompany the youth, age 15 and under, but only the youth hunter may hunt and handle the firearm.

16. We confine the limited youth hunt to the Levy County portion of the refuge, and hunters must access the refuge from Levy County Road 347.

17. We allow hunting of deer (except spotted fawns), feral hog (no size or bag limit), gray squirrel, rabbit, armadillo, opossum, raccoon, beaver, and coyote during the archery season.

18. Hunters may take deer, with one or more antlers at least 5 inches (12.5 cm) in length visible above the hairline, and feral hog (no bag or size limit) during the muzzleloader and general-gun season.

19. Hunters may take hog (no size or bag limit), and a maximum of two deer per day, during the limited deer gun hunt and limited youth gun deer hunt, except only one deer may be a buck for each of the 2-day limited hunts.

20. Hunters may take hog (no size or bag limit) during the limited hog hunt.

21. We prohibit all other public entry or use of the hunting area during the limited hog, limited gun, and limited youth deer hunts. During the limited gun hunt and limited hog hunt, the Dixie Mainline road will remain open to all public vehicles, but we prohibit firearms except for permit holders.

22. Hunters must check all game harvested during all deer and hog hunts.

23. You may only take turkey during the State spring turkey hunting season.

24. You may only take bearded turkeys during the spring turkey hunt.

25. Shooting hours for spring turkey begin ½ hour before legal sunrise and end at 1 p.m.

26. We only allow shotguns with shot no larger than size 2 common shot or bows and arrows for spring turkey hunting.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge 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. We prohibit taking of frogs and turtles (see §27.21 of this chapter).

3. We prohibit leaving boats on the refuge overnight (see §27.93 of this chapter).

4. We prohibit consumption of alcohol or possession of open alcohol containers in the public use areas of Shired Island boat launch/fishing and parking lot area and the Shell Mound fishing/recreational area (see §32.2(j)).

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck and coot in accordance with State regulations subject to the following conditions:

1. You must possess and carry a current signed refuge permit at all times while hunting on the refuge.

2. You must possess and carry a refuge waterfowl hunting quota permit while hunting areas 1 or 4, from the beginning of the regular waterfowl season through December 31.

3. You may hunt Wednesdays, Saturdays, Sundays, and all Federal holidays that fall within the State's waterfowl season.

4. You may hunt in four designated areas of the refuge as delineated in the refuge hunting regulations map. We prohibit hunters entering the normal or expanded restricted areas of the Kennedy Space Center.

5. You may only hunt on refuge-established hunt days from legal shooting time until 1 p.m.

6. You may enter no earlier than 4 a.m. for the purpose of hunting.

7. We require all hunters to successfully complete a State-approved hunter education course.

8. We require an adult, age 18 or older, to supervise hunters under the age 18.

9. We prohibit accessing a hunt area from Black Point Wildlife Drive, Playalinda Beach Road, or Scrub Ridge Trail (see §27.31 of this chapter).

10. We prohibit construction of permanent blinds (see §27.92 of this chapter) or digging into dikes.

11. We prohibit hunting or shooting from any portion of a dike, road, or railroad grade.

12. We prohibit hunting within 150 yards (135 m) of SR 402 or SR 406.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow you to fish, crab, clam, oyster, and shrimp in designated areas of the refuge as delineated in the refuge fishing regulations map in accordance with State regulations subject to the following conditions:

1. You must possess and carry a current, signed refuge fishing permit at all times while fishing on the refuge.
2. We allow fishing at night in the waters of Mosquito Lagoon, Indian River Lagoon, Banana River, and Haulover Canal.
3. We allow launching of boats at night only from Bair's Cove, Beacon 42, and Bio Lab boat ramps.
4. We prohibit crabbing or fishing, and access for the purpose of crabbing or fishing, from Black Point Wildlife Drive or any side road connected to Black Point Wildlife Drive except L Pond Road.
5. We prohibit launching boats, canoes, or kayaks from Black Point Wildlife Drive or any side road connected to Black Point Wildlife Drive except L Pond Road.
6. Anglers and crabbers must attend their lines at all times.
7. We prohibit harvesting or possession of horseshoe crabs.
8. We prohibit use of personal watercraft, air thrust boats, and hovercraft.
9. Vessels must not exceed idle speed in Bairs Cove and KARS Marina or slow speed/minimum wake in Haulover Canal.
10. We prohibit motorized vessels in the Banana River within the posted ''No-Motor Zone,'' including any vessel having an attached motor or a nonattached motor capable of use (including electric trolling motor).
11. We prohibit fishing within the normal or expanded restricted areas of the Kennedy Space Center.
12. We prohibit the use of internal combustion engines within the two zones in Mosquito Lagoon. The zones include the posted waters located north of WSEG Boat Ramp and west of the Intra Coastal Waterway and the posted waters on Tiger Shoals extending from the northeast refuge boundary southward to the waters just south of Preachers Island.

PELICAN ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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.

PINELLAS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge permits for hunting the Piney Island unit. Permits are available at no cost from the refuge office. Each hunter must possess and carry a signed hunt permit when using the hunt area.
2. You must remove blinds daily (see § 27.93 of this chapter).
3. Hunters may access the hunt area by boat.
4. We allow retriever dogs to recover game.

B. Upland Game Hunting. We allow hunting of grey squirrel, rabbit, raccoon, and feral hog in accordance with State regulations subject to the following conditions:

1. We require refuge permits for hunting upland game. Permits are available at no cost from the refuge office. Each hunter must possess and carry a signed permit while participating in a hunt.
2. Hunters must wear 500 square inches (3,250 cm^2) of fluorescent orange above the waistline.
3. You may use .22 caliber rim-fired rifles, shotguns with nontoxic shot (see § 32.2(k)), or muzzleloaders. You may use shotgun slugs, buckshot, or archery equipment to take feral hogs. We prohibit the use or possession of other weapons. You must unload all firearms for transport in vehicles (uncap muzzleloaders) (see § 27.42 of this chapter).
4. We prohibit dogs in the hunt area.
5. There is no limit on the size or number of feral hogs that hunters may take.
6. We allow hunting on designated areas of the refuge. Contact the refuge office for specific dates.
7. We prohibit hunting from any named or numbered road.
8. We prohibit cleaning of game within 1,000 feet (300 m) of any developed public recreation area, game check station, or gate.
9. The refuge is only open to daylight use.
10. You must check out all game taken at a game check station.

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and bearded turkey in accordance with State regulations subject to the following conditions:

1. We require refuge permits issued by lottery. Lottery applications are available at the refuge office each year beginning in July. There is a fee for permits. Permits are nontransferable. There is an additional fee for duplicate permits. Each hunter must possess and carry a signed permit when participating in a hunt. Prior to hunting each day, you

must check-in at a hunt check station as specified in the refuge hunt brochure. You must check out upon completion of hunting each day.

2. Conditions B4, B5, B8, and B10 apply.

3. We prohibit hunting from any named or numbered road (with the exception of persons hunting in the mobility impaired hunt).

4. You may access the refuge hunt areas by vehicle for prehunt scouting 2 days prior to the hunt for which you are drawn. We prohibit weapons in the hunt area during the prehunt scouting (see §27.42 of this chapter).

5. There is a two-deer limit per hunt as specified in C8 and C9 below, except in the youth hunt, where the limit is one deer per hunt as specified in C11 below. The limit for bearded turkey is one per hunt. There is no limit on feral hog.

6. We prohibit the use of deer decoys.

7. We prohibit the use of flagging, paint, or blazes.

8. There are two fall archery hunts: hunters may harvest either sex deer, bearded turkey, or feral hogs during the fall archery hunts. There will be a fall archery hunt on the Panacea and Wakulla Units. We prohibit other weapons in the hunt area (see §27.43 of this chapter). Contact the refuge office for specific dates.

9. There is a winter archery/muzzleloader hunt. Hunters may harvest doe deer, antlerless deer, bearded turkey, or feral hog. We define ''antlerless deer'' as deer with antlers less than 1 inch (2.5 cm) above the hairline and ''antlered deer'' as deer with antlers at least 1 inch (2.5 cm) above the hairline. If the first deer you harvest is an antlerless male, you may harvest another doe or antlerless deer as your second deer. If the first deer you harvest is a doe, you may bring it to the check station, and we will give you a permit to harvest an antlered deer. With the antlered deer permit, you may harvest any deer as your second deer. Archery equipment and muzzleloaders must meet the requirements set by the State. We prohibit other weapons in the hunt area (see §27.43 of this chapter). Contact the refuge office for specific dates.

10. There are two modern gun hunts. Modern guns must meet State requirements. We will hold one hunt on the Panacea Unit and one on the Wakulla Unit. You may harvest deer as described in C9 above. You may also harvest one bearded turkey or feral hog (no limit). Contact the refuge office for specific dates.

11. There is one youth hunt, for youths ages 10 to 15, on the St. Marks Unit in an area to be specified in the refuge hunt brochure. Hunters may harvest one deer of either sex or feral hog (no limit). An adult, age 21 or older, must accompany each youth hunter, and each adult may accompany only one youth. The adult must possess a refuge permit. Only the youth hunter may handle or discharge firearms. Contact the refuge office for specific dates.

12. There is one mobility-impaired hunt on the Panacea Unit in the area west of County Road 372. Hunters may harvest doe deer, antlerless deer, bearded turkey, or feral hog. See definition for ''antlerless deer'' in C9 above. We will give each hunter that harvests a doe deer a permit to harvest an antlered deer, as described in C9 above. Hunters may have an able-bodied hunter accompany them. You may transfer permits issued to able-bodied assistants. We limit those hunt teams to two deer per hunt. Contact the refuge office for specific dates.

13. There is one spring gobbler hunt. You may harvest one bearded turkey per hunt. You may only use shotguns to harvest turkey. Contact the refuge officer for specific dates. You must unload and dismantle or case weapons (see §27.42(b) of this chapter) after 1 p.m.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit taking blue crabs from impoundments or canals on the St. Marks Unit.

2. We only allow fishing in refuge lakes, ponds, and impoundments from legal sunrise to legal sunset.

3. We allow fishing in tidal and coastal waters 24 hours per day year-round.

4. We prohibit use of boats with motors over 10 hp on any refuge lake, pond, or impoundment.

5. We allow use of boats on impoundments on the St. Marks Unit from March 15 through October 15 each year.

6. We prohibit taking of frogs or turtles (see §27.21 of this chapter).

7. We prohibit use of cast nets, traps, or dip nets to take fish from any lake, pond, or impoundment on the refuge.

8. You must attend all fishing equipment.

9. We prohibit bow fishing on refuge lakes, ponds, and impoundments.

10. The interior ponds and lakes on the Panacea Unit are open year-round for bank fishing. We open vehicle access to these areas from March 15 through May 15 each year. Ponds and lakes that you can access from County Road 372 are open year-round for fishing and boating.

11. We prohibit commercial boats, air-thrust boats, and personal watercraft to launch at the saltwater boat ramp on the St. Marks Unit.

12. We prohibit air-thrust boats or personal watercraft to launch from Wakulla Beach.

13. All fish must remain in a whole condition when being transported from the refuge.

ST. VINCENT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer, sambar deer, raccoon, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge permits. The permits are nontransferable and must be possessed and carried while hunting. Only signed permits are valid. We only allow people with a signed refuge hunt permit on the island during the hunt periods.

2. We restrict hunting to three hunt periods: Sambar deer, raccoon, and feral hog—November 17–19; and white-tailed deer, raccoon, and feral hog—December 15–17 and January 5–7. Hunters may check-in and set up camp sites and stands on November 16, December 14, and January 4. Hunters must leave the island and remove all equipment by 11 a.m. on November 20, December 18, and January 8.

3. Hunters must check-in at the check stations on the island. We restrict entry onto St. Vincent Island to the Indian Pass and West Pass campsites. We restrict entry during the sambar deer hunt to the West Pass Campsite. All access to hunt areas will be on foot or by bicycle from these areas.

4. We close to public entry all areas marked with eagle nesting area, shorebird closed area, or area closed signs.

5. Hunt hours are ½ hour before legal sunrise until 3 p.m. for the sambar deer hunt. All other hunt times will be in accordance with Florida Wildlife Commission regulations.

6. We restrict camping and fires (see § 27.95 of this chapter) to the two designated camping areas. We may restrict or ban fires during dry periods.

7. Hunters may set up camp after receiving their hunting permit. We allow camping beginning on the first day of the hunt period, and campers must remove all personal equipment (see § 27.93 of this chapter) from St. Vincent Island by 11 a.m. on Sunday of the hunt period.

8. You may only set up tree stands after you check-in, and you must remove them from the island at the end of the hunt (see § 27.93 of this chapter).

9. You may only retrieve game from the closed areas if accompanied by a refuge officer.

10. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. Each adult may only supervise one youth hunter.

11. We will issue permits for the white-tailed deer December and January hunts beginning at legal sunrise on the first day of the hunt period. You must obtain permits at the check station prior to accessing the hunt area.

12. We issue permits for the sambar deer hunt by computer drawing. You may obtain applications after May 15 from the refuge office (P.O. Box 447, Apalachicola, FL 32329).

13. Primitive weapons hunters (sambar deer and January white-tailed deer hunt), when outside the campsite area, must wear a minimum of 500 square inches (3,250 cm^2) of a solid, unbroken pattern of fluorescent orange-colored material visible above the waistline.

14. We limit weapons to muzzleloaders or bow and arrow on the sambar deer hunt and the January white-tailed deer hunt. We limit the December hunt to bow and arrow. Weapons must meet all State regulations.

15. We allow only stand, still, and stalk hunting. We prohibit man drives.

16. We prohibit the use of flagging material and/or bright eyes. We prohibit defacing of plants or trees (see § 27.51 of this chapter).

17. We prohibit target practice on the refuge (see § 27.42 of this chapter). You may discharge muzzleloaders at the designated discharge area between 5 a.m. and 9 p.m.

18. Nonmovement stand hours for all hunts will be from legal morning shooting time until 9 a.m.

19. We prohibit discharging of weapons (including cap firing) in campgrounds (see § 27.42 of this chapter).

20. Weapons must have the caps removed from muzzleloaders and arrows quivered before and after legal shooting hours.

21. Hunters must check out at the check station prior to leaving the refuge at the end of their hunt. A refuge staff member or volunteer must check the campsites before the hunters leave the refuge.

22. We prohibit motorized equipment, generators, or land vehicles (except bicycles).

23. Refuge personnel must check and tag game harvested before the hunter leaves the island.

24. We prohibit littering (see § 27.94 of this chapter) and cutting of live trees (see § 27.51 of this chapter). Only dead and downed wood may be cut.

25. Bag limits:

i. Sambar deer hunt—two sambar deer, no limit on feral hog or raccoon.

ii. Archery hunt—one white-tailed deer of either sex (no spotted fawns or spike bucks), no limits on feral hogs or raccoons.

iii. Primitive weapons hunt—one white-tailed deer buck having one or more forked antlers at least 5 inches (12.5 cm) in length visible above the hairline with points greater than 1 inch (12.5 cm) in length; we issue a limited number of either-sex permits. If you have an either sex permit, the bag limit is one deer that may be antlerless or a buck legal antler configuration. There is no limit on feral hog or raccoon.

26. We prohibit bringing live game into the check station.

27. Hunters must observe quiet time in the campground between 9 p.m. and 5 a.m. We

prohibit loud or boisterous behavior or activity.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may fish from legal sunrise to legal sunset.

2. We allow boats with electric motors. You must remove all other motors from the boats and secure them to a designated motor rack with a lock and chain.

3. We prohibit the use of live minnow as bait.

4. We allow fishing on 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.

6. We prohibit leaving boats and fishing gear on the refuge overnight (see §27.93 of this chapter).

7. We prohibit commercial fishing or the taking of frog or turtle (see §27.21 of this chapter).

8. We only allow the use of rods and reels or poles and lines. You must attend your fishing equipment at all times.

9. You may only take fish species and fish limits authorized by State regulations.

TEN THOUSAND ISLANDS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck and coot in accordance with State regulations subject to the following conditions:

1. We allow hunting daily during the early wood duck/teal season.

2. We allow only hunting on Wednesdays, Saturdays, Sundays, Thanksgiving, Christmas, and New Year's Day within the regular State season.

3. You must possess and carry a valid, signed refuge hunt permit (free) at all times while hunting on the refuge.

4. We allow only hunting in the areas posted and shown on the refuge hunt brochure.

5. We post entry points with signs numbered 1, 2, and 3 along the south side of U.S. 41. Hunters may enter the refuge at 4 a.m. and shooting hours start ½ hour before legal sunrise. You must remove all decoys, guns, blinds, and other related equipment (see §27.93 of this chapter) by 1 p.m. daily.

6. We prohibit hunting within 100 yards (90 m) of the south edge of U.S. 41 and the area signed around the small access road extending south from U.S. 41.

7. We prohibit pit blinds and permanent blinds (see §27.92 of this chapter).

8. We allow and recommend prehunt scouting from legal sunrise to legal sunset.

9. You may only take duck and coot with a shotgun (no larger than a 10 gauge). We prohibit possession of handguns and long guns. We prohibit target practice on the refuge (see §27.42 of this chapter).

10. We prohibit air-thrust boats, hovercraft, personal watercraft, and off-road vehicles at all times. We limit vessels to a maximum of a 25 hp outboard motor. We allow go-devil type motors.

11. We require all guides to purchase, possess, and carry a refuge Special Use Permit.

12. We allow and recommend use of dogs for waterfowl retrieval. Dogs must remain under the immediate control of their handlers at all times (see §26.21(b) of this chapter). We allow dogs during prehunt scouting.

13. We allow youth hunt days in accordance with State regulations. Hunters under age 16 may hunt only with a nonhunting adult age 18 or older. Youth hunters must remain within sight and sound of the nonhunting adult.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing on the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit air-thrust boats, hovercraft, personal watercraft, and off-road vehicles in the freshwater and brackish marsh area south of U.S. 41. We limit vessels to a maximum of a 25 hp outboard motor. We allow go-devil-type motors.

2. We allow fishing in the freshwater and brackish marsh area of the refuge year-round from legal sunrise to legal sunset. You may fish the tidal and barrier island area of the refuge year-round 24 hours a day.

3. We only allow crabbing and crab pots for recreational use in the freshwater and brackish marsh area of the refuge. You may only use crab pots in accordance with State regulations. Abandoned or unchecked crab pots after 72 hours are subject to impoundment.

4. We prohibit commercial fishing and the taking of snake and frog in the freshwater and brackish marsh area of the refuge.

5. We prohibit the use of trotlines, gigs, spears, bush hooks, snatch hooks, crossbows, or bows and arrows of any type in the freshwater and brackish marsh area of the refuge.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6690, Feb. 11, 1994; 59 FR 55185, Nov. 3, 1994; 61 FR 46394, Sept. 3, 1996; 62 FR 47376, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30781, May 12, 2000; 65 FR 56401, Sept. 18, 2000; 66 FR 46355, Sept. 4, 2001; 67 FR 58944, Sept. 18, 2002; 69 FR 54362, 54378, Sept. 8, 2004; 70 FR 54163, Sept. 13, 2005]

§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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow the use of pole and line or rod and reel, which the angler must attend at all times.

2. We allow sport fishing after legal sunset; but we prohibit all other activity after legal sunset.

3. We prohibit marking of paths or navigational routes.

4. We prohibit swimming, wading, jet skiing, and water skiing.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry signed refuge permits on their persons at all times. You may obtain information on permits and the hunt at the refuge headquarters in Savannah, Georgia.

2. Hunters must check-in no more than 1 day in advance of the opening day of each hunt. We prohibit check-in after legal sunset of the second hunt day.

3. Each hunter may place one stand on the refuge no earlier than 1 month prior to the opening day of each hunt but must remove the stand (see §27.93 of this chapter) by the end of each hunt.

4. Hunters must check-in at the refuge dock prior to setting up camp. We require personal identification at check-in.

5. We confine hunters to the camping area until 12 p.m. (noon) of the first day of check-in; we will allow scouting from 12 p.m. (noon) until 5 p.m.

6. Within the refuge, you may only travel by foot or bicycle, except in the wilderness area where we allow only foot travel. We limit entry and exit points to the designated check stations or other specified areas. We prohibit hunters to leave by boat to reach other parts of the island.

7. You may only camp at the designated camping area.

8. You must confine fires (see §27.95 of this chapter) to the camping area.

9. We prohibit flagging, blazing, or trail-marking devices to locate stands or for any other purpose.

10. We only allow bows. We prohibit crossbows or firearms (see §§27.42 and 27.43 of this chapter).

11. We prohibit the use of organized drives for taking or attempting to take deer.

12. You may take five deer of either sex and State bonus tags will be issued for two of these. There is no bag limit on feral hog.

13. Refuge personnel must check deer harvested during the scheduled hunt before hunters may remove them from the refuge.

14. Hunters must be on their stands from ½ hour before legal sunrise until 9 a.m. and from 2 hours before legal sunset until legal sunset.

15. We prohibit target practice except in designated areas (see §27.42 of this chapter).

16. Hunters must be off the island by 12 p.m. (noon) on Sunday.

17. We close the refuge to the nonhunting public 1 day prior to and 1 day after the hunt period, as well as on hunt days.

18. Youth hunters age 15 and under must possess and carry a valid hunter education card in order to hunt.

19. Youth hunters age 15 and under must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than one youth hunter.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Anglers may fish in freshwater year-round from sunrise to sunset, except during managed deer hunts.

2. Only nonmotorized boats and boats with electric motors are permitted.

3. The use of live minnows as bait is not permitted.

4. Boats may not be left on the refuge overnight.

5. Anglers may bank fish into estuarine waters daily from sunrise to sunset only.

BOND SWAMP NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting for white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We coordinate hunting seasons and limits with the State and annually list them in the refuge hunting brochure.

2. We require you to possess and carry a signed refuge hunt permit while archery hunting. You may obtain this permit from the refuge office.

3. We require a refuge hunt permit and payment of a fee for the quota firearms hunts. You may obtain applications and information about the hunt drawing from the refuge office.

4. We require you to sign in once prior to each hunt at the refuge check station.

5. We allow access to the hunt area from 1 hour before legal sunrise to 1 hour after legal

sunset. We prohibit overnight camping and/or parking.

6. We prohibit buckshot.

7. We prohibit flagging, blazing, painting, or any other trail-marking devices.

8. We prohibit hunting within 50 yards (45 m) of a road open to vehicle travel or within 200 yards (180 m) of a building.

9. We prohibit entry into the designated hunt area by nonhunters during the hunts.

10. We prohibit hunting or possession of weapons in public use or other areas posted ''No Hunting Zone'' or ''Area Closed'' or designated as no hunting areas on the hunt brochure map (see §§27.42 and 27.43 of this chapter).

11. We require you to bring any deer or hog you harvest to the refuge check station the day you kill it and before you leave the refuge.

12. We prohibit possession of field-dressed deer or hogs unless you have checked them at the refuge check station.

13. We prohibit possession of alcoholic beverages while on the refuge.

14. We prohibit target practice or any nonhunting discharge of firearms (see §27.42 of this chapter).

15. We require each firearms hunter to wear at least 500 square inches (3,250 cm^2) of hunter orange as an outer garment above the waist.

16. We prohibit walking or trespassing on the railroad tracks to access the refuge.

17. We prohibit removal of live hog from the refuge.

18. We prohibit the use of dogs.

19. We allow the use of ATVs on refuge roads to retrieve game (see §27.31 of this chapter), but you must obtain permission from refuge staff before using the ATV.

20. We allow limited nonmotorized portable boat access at the Stone Creek parking area.

21. We prohibit the use of organized drives for taking or attempting to take game.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations 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 only allow access to the refuge and fishing from legal sunrise to legal sunset.

3. We only allow fishing with pole and line or rod and reel.

4. We prohibit boats on all refuge waters, except the Ocmulgee River, where we allow boats.

5. We prohibit leaving boats or other personal equipment on the refuge overnight (see §27.93 of this chapter).

6. The minimum size limit for largemouth bass is 14 inches (490 cm).

EUFAULA NATIONAL WILDLIFE REFUGE

Refer to §32.20 Alabama for regulations.

HARRIS NECK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit on their person at all times. We require payment of a fee for the quota gun hunt only. You may obtain information on permits, quota hunt applications, and quota hunt drawings at the refuge headquarters in Savannah, Georgia.

2. Each hunter may place one stand on the refuge during the week (Monday through Friday only) preceding each hunt, but you must remove stands by the end of each hunt (see §27.93 of this chapter).

3. Hunters must be on their stands from ½ hour before legal sunrise until 9 a.m. and from 2 hours before legal sunset until legal sunset.

4. We prohibit use of flagging, blazing, or trail-marking devices to locate stands or for any other purpose.

5. We prohibit hunting closer than 100 yards (90 m) to State Highway 131, the refuge entrance drive, refuge headquarters, Barbour River Landing, Barbour River Road, or Gould's Cemetery.

6. We require personal identification at check-in.

7. To hunt during the morning stand hours, bow hunters must enter the refuge through the refuge entrance gate only, between 5 a.m. and 6 a.m. We will allow hunters to exit and re-enter through the entrance gate only, from 9 a.m. until 4 p.m. After 4 p.m. we prohibit entry to the refuge.

8. During the archery hunt, we will restrict vehicles to the auto tour route (see §27.31 of this chapter) and allow two-way traffic.

9. During the archery hunt, we only allow bows.

10. We require gun hunters to check-in at the refuge headquarters between 4 a.m. and 5 a.m. and park in designated areas prior to hunting. We prohibit entry by boat.

11. You may take three deer of either sex (State bonus deer tags will be issued for two of these). There is no bag limit on feral hog.

12. During the gun hunt, you must only use shotguns with slugs 20 gauge or larger.

13. We prohibit target practice or any nonhunting discharge of firearms (see §27.42 of this chapter).

14. Gun hunters must wear an outer garment with a minimum of 500 square inches (3,250 cm^2) of hunter-orange material above the waistline.

15. Refuge personnel must check deer harvested during refuge hunts before leaving the refuge.

16. We prohibit the use of organized drives for taking or attempting to take game.

17. We will close the refuge to the non-hunting public on all hunt days.

18. Youth hunters age 15 and under must possess and carry a valid hunter education card in order to hunt.

19. Youth hunters age 15 and under must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than one youth hunter.

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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow the hunting of rabbit, squirrel, bobwhite quail, and turkey on the Cowhouse Unit of the refuge. The season will be consistent with the adjacent Dixon Memorial Wildlife Management Area and in accordance with State hunting regulations subject to the following conditions:

1. We only allow foot and bicycle traffic on the refuge portion of Cowhouse Island.

2. We only allow dogs to locate, point, and retrieve during quail hunts.

3. For more information, contact the refuge at 912–496–7836.

C. Big Game Hunting. We allow hunting of turkey only on the Cowhouse Island Unit of the refuge. We allow hunting of white-tailed deer and feral hog at the Suwannee Canal Recreation Area, the Pocket Unit, and Cowhouse Island Unit in accordance with State regulations subject to the following conditions:

1. In the Pocket Unit:

i. We only allow archery hunting and foot traffic.

ii. You must sign-in and out.

iii. You must remove tree stands daily (see § 27.93 of this chapter).

iv. We prohibit dogs.

2. In the Suwannee Canal Unit:

i. We only allow two ½–day hunts (dates will be announced) and shotguns with slugs or muzzleloaders.

ii. We require a refuge permit through refuge lottery, which interested parties should enter before August 31 (fee will be announced).

iii. Hunters must remain on stands from 30 minutes before legal sunrise until 9 a.m.

iv. You must sign-in and sign out.

v. You must tag your deer with special refuge tags. There is a limit of two deer of either sex.

vi. We only zone Chesser Island Hunt area to accommodate wheelchair hunters.

vii. Conditions B3, C1iii, and C1iv apply.

viii. We prohibit dogs.

3. In the Cowhouse Island Unit:

i. Dixon Memorial Wildlife Management Area rules, regulations, dates, and times apply.

ii. Conditions B1, B3, C1iii, and C1iv apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow motorized boats with motors 10 hp or less.

2. We prohibit possession of live bait fish.

3. We only allow the use of pole and line or rod and reel.

4. In the Suwannee Canal unit:

i. We prohibit fishing in the boat basin.

ii. We prohibit fishing in ponds and canals along the Swamp Island Drive.

iii. We reserve the porch and canal area behind the visitor center for youth age 15 and under and physically disabled.

5. Condition B3 applies.

PIEDMONT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit upland game hunting during refuge deer or turkey hunts.

2. We coordinate hunting seasons for raccoon and opossum with the State and annually list them in the refuge hunt brochure.

3. You must possess and carry a signed refuge hunt permit while hunting. You may obtain the permit from the refuge office.

4. We require a refuge hunt permit to hunt on the Hitchiti Experimental Forest in accordance with refuge hunting seasons and regulations.

5. We prohibit hunting or possessing weapons in areas posted ''No Hunting Zone'' or ''Area Closed'' or designated as no hunting areas on the hunt brochure map (see §§ 27.42 and 27.43 of this chapter).

6. The refuge is a day-use-only area, with the exception of legal hunting activities.

7. We allow access to the hunt area for quail, squirrel, and rabbit hunting from 1 hour before legal sunrise to 1 hour after legal sunset. We prohibit overnight camping and/or parking.

8. We allow hunting for raccoon and opossum from 6 p.m. to 6 a.m. on the days listed as open in the refuge hunt brochure.

9. We only allow .22 caliber or smaller rimfire firearms for raccoon and opossum hunting.

10. You may use dogs on designated areas of the refuge in accordance with State regulations.

11. You must keep your dogs confined or on a leash except when hunting, and you must remove your dogs upon your departure from the refuge (see § 26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting for white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B4, B5, and B6 apply.

2. We coordinate hunting seasons and limits with the State and annually list them in the refuge hunting brochure.

3. We require you to possess and carry a signed refuge permit while archery hunting. You may obtain this permit from the refuge office.

4. We require a refuge hunt permit and payment of a fee for the quota firearms hunts. You may obtain applications and information about the hunt drawing from the refuge office.

5. We have a special deer hunt for disabled hunters confined to wheelchairs. You may obtain information about this hunt from the refuge office.

6. We prohibit entry into designated hunt area by nonhunters during the hunts.

7. We allow access to the hunting area from 1 hour before legal sunrise to 1 hour after legal sunset. We prohibit overnight camping and/or parking except in the designated campground at Pippins Lake. You must have a refuge hunting permit to enter and use the campground.

8. We prohibit buckshot.

9. We only allow alcoholic beverages in the designated campground.

10. We prohibit flagging, blazing, painting, or any other trail-marking devices.

11. We prohibit hunting within 50 yards (45 m) of a road open to vehicle travel or within 200 yards (180 m) of a building.

12. You must bring any deer, turkey, or hog you harvest to the refuge check station intact, except entrails, the day you kill them and before you leave the refuge. We prohibit possession of dressed deer, turkey, or hog unless you have checked them at the refuge check station.

13. We prohibit ATVs on the refuge except by disabled hunters with a refuge Special Use Permit.

14. We prohibit target practice on the refuge, including the shooting of firearms or bows in the designated campground, or any nonhunting discharge of firearms (see § 27.42 of this chapter).

15. We prohibit audio equipment such as radios or other noise-making devices such as generators after 10 p.m. or before 6 a.m. in the campground (see § 27.72 of this chapter).

16. We prohibit dogs for hunting big game.

17. We prohibit the use of organized drives for taking or attempting to take game.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing from April 1 to September 30.

2. We only allow access to the refuge and fishing from legal sunrise to legal sunset.

3. You may keep the following numbers of fish each day: bass—5; channel catfish—5; sunfish or bream—15; all other species—State limit.

4. We allow nonmotorized boats on all ponds designated as open to fishing except the Children's pond. We allow boats with electric motors only in Pond 2A and Allison Lake.

5. We limit fishing in Pond 21A to youths age 15 and under.

6. We only allow fishing with pole and line or rod and reel.

7. We prohibit leaving boats or other personal equipment on the refuge overnight (see § 27.93 of this chapter).

8. We prohibit the use of fish for bait.

9. We prohibit placing or throwing in the water feeds, grains, or other materials to chum or attract fish.

10. You must immediately release any grass carp you catch. We are using these fish to help combat an exotic weed invasion in some ponds.

SAVANNAH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas north of Georgia Highway 25 of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge permit at all times while hunting on the refuge. We only require a fee for the quota youth waterfowl hunt on the Solomon Tract and the wheelchair-dependent hunters' quota deer hunt.

2. We only allow temporary blinds. You must remove decoys and other personal property from the refuge daily (see § 27.93 of this chapter).

3. We prohibit hunting within 100 yards (90 m) of Georgia Highway 25; or in or on Middle and Steamboat Rivers and Houstown Cut, or closer than 50 yards (45 m) of the shoreline of these waterways.

4. Youth hunters age 15 and under must possess and carry a valid hunter education card in order to hunt.

5. Youth hunters age 15 and under must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than two youth hunters.

B. Upland Game Hunting. We allow hunting of squirrel November 1 through November 30 on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge permit at all times while hunting on the refuge. Permits and hunt information are available at the refuge headquarters in Savannah, Georgia.

2. We only allow .22 caliber rimfire rifles or shotguns with #2 shot or smaller for squirrel hunting.

3. We prohibit handguns.

4. We prohibit the use of dogs.

5. You may take feral hog with weapons legal for this hunt (no bag limit).

6. We require a refuge big game license.

7. We require hunters to wear an outer garment that contains a minimum of 500 square inches (3,250 cm^2) of hunter-orange material above the waistline (except during the archery-only deer hunt, the turkey hunt, and the waterfowl hunt).

8. Conditions A4 and A5 apply.

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 subject to the following conditions:

1. You must possess and carry a signed refuge permit at all times while hunting on the refuge. We require a fee for the wheelchair-dependent hunters' quota gun hunt for deer. Permits, quota hunt applications, and information about the quota hunt drawing are available at the refuge headquarters in Savannah, Georgia.

2. We allow archery hunting for deer and hog from October 1 through 31 on designated areas (consult the refuge brochure for the areas).

3. We only allow bows for deer and hog hunting during the archery hunt.

4. We allow gun hunting for deer and hog from November 1 through 30 on designated areas of the refuge. We also allow hog (only) hunting during a special 9-day hunt in March.

5. We only allow shotguns with slugs, muzzleloaders, and bows for deer and hog hunting throughout the designated hunt area during the November gun hunt and the March hog hunt. However, we allow high-powered rifles north of Interstate Highway 95 only. We prohibit handguns.

6. You may take five deer, no more than three anterless and two antlered. There is no bag limit on feral hog.

7. Doe days for refuge lands in Georgia will only coincide with doe days set by the Georgia Department of Natural Resources for Effingham County.

8. Conditions B7, A4, and A5 apply.

9. We allow turkey hunting during a special 16-day turkey hunt in April. Turkey hunters may only harvest three gobblers.

10. We only allow shotguns with #2 shot or smaller and bows for turkey hunting in accordance with State regulations. We prohibit possession of slugs or buckshot during turkey hunts.

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. Migratory Game Bird Hunting. [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 in accordance with State regulations subject to the following conditions:

1. Hunters must carry a signed refuge permit on their person at all times. We only require payment of a fee for the quota gun hunt for deer. You may obtain information on permits, quota hunt applications, and quota hunt drawings at the refuge headquarters in Savannah, Georgia.

2. We prohibit flagging, blazing, or trail-marking devices to locate stands or for any other purpose.

3. We prohibit the use of organized drives for taking or attempting to take game.

4. Refuge personnel must check deer harvested during scheduled hunts before hunters leave the refuge.

5. You may take five deer of either sex (State bonus tags issued for two of these). There is no bag limit on feral hog.

6. Hunters must be on their stands from ½ hour before legal sunrise until 9 a.m. and from 2 hours before legal sunset until legal sunset.

7. We prohibit target practice or any non-hunting discharge of firearms (see §27.42 of this chapter).

8. We allow bows and muzzleloading rifles during the primitive weapons hunt.

9. We allow shotguns, 20 gauge or larger (slugs only), centerfire rifles of .22 caliber or larger, bows, and primitive weapons during the gun hunt.

10. We prohibit mooring boats to the government dock except for loading or unloading purposes.

11. Hunters must check-in at the refuge dock prior to setting up camp. We require personal identification at check-in.

12. We only allow camping at the designated camping area. You must confine fires (see §27.95 of this chapter) to the camping area.

13. Each hunter may place one stand on the refuge no earlier than 1 month prior to the opening day of each hunt, but you must remove all stands by the end of each hunt (see §27.93 of this chapter).

14. We require hunters to wear an outer garment that contains a minimum of 500 square inches (3,250 cm2) of hunter-orange material above the waistline.

15. Hunters may check-in at the refuge dock no more than 1 day in advance of the opening day of the hunt. We will confine hunters to the camping area until 12 p.m. (noon) of the first day of check-in; we will allow scouting from 12 p.m. (noon) until 5 p.m.

16. Hunters must be off the island the day following the last day of the hunt.

17. Within the refuge, you may only walk or use a bicycle. We prohibit hunters to leave by boat to reach other parts of the island.

18. We will close the refuge to the non-hunting public 1 day prior to, and 1 day after, the hunt period as well as on the hunt days.

19. Youth hunters age 15 and under must possess and carry a valid hunter education card in order to hunt.

20. Youth hunters age 15 and under must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult may supervise no more than one youth hunter.

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. Migratory Game Bird Hunting. [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.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6691, Feb. 11, 1994; 59 FR 55185, Nov. 3, 1994; 62 FR 47377, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30781, May 12, 2000; 66 FR 46355, Sept. 4, 2001; 67 FR 58944, Sept. 18, 2002; 69 FR 54362, 54382, Sept. 8, 2004; 70 FR 54166, Sept. 13, 2005]

§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.

HAKALAU FOREST NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [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.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6691, Feb. 11, 1994; 62 FR 47377, Sept. 9, 1997; 65 FR 30782, May 12, 2000; 69 FR 54362, Sept. 8, 2004]

§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.

BEAR LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit air-thrust boats.

2. We allow nonmotorized and motorized boats after September 20 within the designated hunting area. We prohibit air-thrust boats.

3. You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds from the refuge at the end of each day (see §27.93 of this chapter).

4. You must remove all personal property, including decoys and boats, (see § 27.93 of this chapter) from the refuge at the end of each day.

B. Upland Game Hunting. We allow hunting of pheasant, grouse, partridge, and cottontail rabbit on designated areas of the refuge in accordance with State regulations subject to the following condition: You may only possess approved nontoxic shotshells while in the field (see § 32.2(k)).

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit boats in the fishing area.

2. We prohibit use and possession of lead weights or sinkers.

CAMAS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit public entry onto the refuge prior to 1 hour before legal hunting hours.

2. You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds (see § 27.93 of this chapter) at the end of each day.

3. You may only transport firearms (see § 27.42 of this chapter) on the hunter access roads.

4. You must remove all personal property (see § 27.93 of this chapter), including decoys, from the refuge at the end of each day.

B. Upland Game Hunting. We allow hunting of pheasant, grouse, and partridge on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shotshells while in the field (see § 32.2(k)).

2. You may only transport firearms (see § 27.42 of this chapter) on the hunter access roads.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

DEER FLAT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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 Lowel 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 condition: Hunting is permitted only on the Snake River Sector.

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 ½ hour before sunrise to ½ 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 ½ hour before sunrise to ½ 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. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow nonmotorized boats.

2. You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds (see § 27.93 of this chapter) at the end of each day.

3. We only allow hunters and dogs to retrieve game in designated hunting areas.

4. You must remove all personal property, including decoys and boats, (see § 27.93 of this chapter) from the refuge at the end of each day.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

KOOTENAI NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. 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.

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 condition: Hunting is permitted only on that portion of the refuge that lies west of the West Side Road.

D. Sport Fishing. Fishing is permitted only on Myrtle Creek subject to the following condition: Only bank fishing is permitted. Fishing from boats, float tubes, or other personal flotation devices is prohibited.

MINIDOKA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunters and dogs to retrieve game in designated hunting areas.

2. You may only use portable blinds or construct temporary blinds of dead natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds (see § 27.93 of this chapter) at the end of each day. We prohibit use of rock piles above the high-water mark for blind construction. We prohibit pit blinds (see § 27.92 of this chapter).

3. We only allow vehicle parking in designated parking lots.

4. On West Hunting Area (Lake Walcott), we allow hunting on the uplands and over water within 100 yards (90 m) of the shoreline. We only allow use of boats for retrieval of game.

5. On East Hunting Area (Tule Island), we allow boats during the waterfowl hunting season.

B. Upland Game Hunting. We allow hunting of pheasant, grouse, partridge, and cottontail rabbit on designated areas of the refuge in accordance with State regulations subject to the following condition: You may only possess approved nontoxic shotshells while in the field (see § 32.2(k)).

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. We allow bank fishing year-round. We only allow vehicle access (see § 27.31 of this chapter) to shoreline fishing areas on designated routes.

2. We allow ice fishing in accordance with State regulations. We prohibit motor vehicles (see § 27.31 of this chapter) on the ice.

3. We restrict boat fishing to designated areas as specified below:

i. On Lake Walcott, we allow boats from April 1 through September 30 within the area marked by buoys and posted signs.

ii. On Gifford Springs, we allow boats within the area marked by posted signs during the open sport fishing season.

iii. On Smith Springs, we allow boats within the area marked by posted signs during the open sport fishing season.

4. We allow use of float tubes at all times and locations except south of the southern buoy line on Lake Walcott.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6691, Feb. 11, 1994; 60 FR 62041, Dec. 4, 1995; 65 FR 30782, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46355, Sept. 4, 2001; 69 FR 54362, 54386, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. 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. Hunters must remove boats, decoys, and portable blinds at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

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 fishing on Lake Chautauqua from January 15 through October 15. You may not fish in the Waterfowl Hunting Area during waterfowl hunting season.

2. We allow bank fishing from legal sunrise October 16 to legal sunset January 14 between the boat ramp and the fishing trail in the North Pool and from Goofy Ridge Public Access to west gate of the north pool water control structure.

3. We restrict motorboats to ''slow speed/minimum wake.''

4. The public may not enter Weis Lake on the Cameron-Billsbach Unit of Chautauqua National Wildlife Refuge from October 16 through January 14, to provide sanctuary for migratory birds.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Birds. Hunters may hunt waterfowl on designated areas of the refuge in accordance with posted regulations and subject to the following conditions.

1. Hunters may hunt waterfowl, by daily permit drawing, on the controlled areas of Grassy Point, Carterville, and Greenbriar land areas, plus Orchard, Sawmill, Turkey, and Grassy islands, from one-half hour before sunrise to posted closing times each day during the goose season. Hunters may hunt waterfowl in these areas, including the lake shoreline, only from existing refuge blinds during the goose season.

2. We only allow the use of portable or temporary blinds. Blinds must be a minimum of 200 yards (180 m) apart. You must remove portable or temporary blinds, any material brought onto the refuge for blind construction, boats, decoys, and all other personal property from the refuge at the end of each day's hunt.

3. Goose hunters outside the controlled goose hunting area on Crab Orchard Lake must hunt from a blind that is on shore or anchored a minimum of 200 yards (180 m) away from any shoreline. Waterfowl hunters may also hunt on the east shoreline in Grassy Bay.

4. You may possess only approved nontoxic shot while hunting migratory game bird species.

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 September 30. 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 Grassy, or Devils Kitchen Lakes.

CYPRESS CREEK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, dove, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to possess and carry a free refuge hunting permit while hunting on the refuge.

2. We prohibit leaving boats on the refuge overnight (see § 27.93 of this chapter).

3. We prohibit outboard motors larger than 10 hp.

4. We prohibit the use of paint, flagging, reflectors, tacks, or other manmade materials to mark trails or hunting locations.

5. We allow dove hunting beginning on September 1 and continuing on the following Mondays, Wednesdays, and Saturdays throughout the State season.

6. We only allow the use of portable or temporary blinds. Hunters must remove all blinds and decoys (see § 27.93 of this chapter) from the refuge at the end of each day.

7. On the Bellrose Waterfowl Reserve:

i. We prohibit duck hunting.

ii. You may only hunt goose following the closure of the State duck hunting season.

iii. We only allow goose hunting on Tuesdays, Thursdays, Saturdays, and Sundays.

iv. We allow hunting from ½ hour before legal sunrise until 1 p.m.

v. Hunters must exit the Reserve by 2 p.m.

vi. We prohibit entry to the Reserve prior to 4:30 a.m.

vii. We prohibit hunting during the special snow goose seasons after closure of the regular goose seasons.

viii. We prohibit construction or use of pit blinds (see § 27.92 of this chapter).

ix. We prohibit hunting within 100 yards (90 m) of any private property boundary.

x. All hunting parties must be at least 200 yards (180 m) apart.

xi. All hunters must sign in and out and report daily harvest at the hunter registration station.

xii. All hunting parties must hunt over a minimum of 12 decoys at each blind site.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, bobwhite quail, raccoon, opossum, red fox, grey fox, and coyote on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A3, and A4 apply.

2. We prohibit hunting after legal sunset, except we allow raccoon and opossum hunting after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A2 apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A2 and A3 apply.

2. We prohibit the use of trotlines, jogs, yoyos, nets, or any commercial fishing equipment except in areas where State regulation authorizes commercial tackle.

3. We prohibit the use of more than two poles per angler and more than two hooks or lures per pole.

4. We prohibit possession of bass less than 15 inches (37.5 cm) in length from refuge ponds.

5. We prohibit possession of more than six channel catfish from refuge ponds.

EMIQUON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations subject to the following 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.

3. We allow the use of motorized boats at no-wake speeds on all refuge waters.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may possess only approved nontoxic shot while hunting all allowed species except wild turkey and coyote (see § 32.2(k)). You may possess lead shot for hunting of wild turkey and coyote.

2. We allow access for hunting from 1 hour before legal sunrise until legal sunset.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations subject to the following condition: Hunters must remove hunting stands at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit leaving private boats on refuge waters overnight (see § 27.93 of this chapter).

2. Condition A3 applies.

GREAT RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and coot on the Long Island Division of the refuge in accordance with State regulations subject to the following condition: We only allow hunting from blinds constructed on sites posted by the Illinois Department of Natural Resources.

B. Upland Game Hunting. We allow hunting of small game, furbearers, turkey, and game birds on Long Island Division and Fox Island of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while hunting for upland game except

turkey (see §32.2(k)). We allow possession of lead shot for hunting turkey.

2. We only open Long Island Division and Fox Island Division for upland game hunting from ½ hour before legal sunrise until ½ hour after legal sunset.

3. We only allow turkey hunting on the Fox Island Division during the State spring seasons, including youth season. We do not open to fall turkey hunting.

4. We close Fox Island Division to all hunting and nonhunting entry from October 16 through December 31, except the Division is open to deer hunting as described below in C2.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated portions of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow the use of portable stands, and hunters must remove them from the refuge at the end of each day (see §27.93 of this chapter).

2. On the Fox Island Division, we only allow hunting during the ''Antlerless-Only'' portion of the State firearms deer season.

3. On the Delair Division, we only allow muzzleloader hunting subject to the following conditions:

i. You must possess and carry a refuge permit.

ii. We require hunters to check-in and out of the refuge each day.

iii. We require hunters to record all harvested deer with refuge staff before removing them from the refuge.

iv. Shooting hours end at 3 p.m. each day.

v. Hunters must park all vehicles only in designated parking areas.

D. Sport Fishing. We allow fishing on the Long Island and Fox Island Divisions of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit the taking of turtle and frog (see §27.21 of this chapter).

2. On the Fox Island Division, we only allow bank fishing along any portion of the Fox River from January 1 through October 15.

MEREDOSIA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow sport fishing on all areas open to public access from legal sunrise to legal sunset from January 15 to October 15.

2. We allow foot access on refuge land along the east side of Meredosia Lake in Morgan County from legal sunrise to legal sunset from October 16 to January 14. The boat ramp remains open throughout the year for access to Meredosia Lake.

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. Migratory Game Bird Hunting. We allow hunting of migratory game birds on the Meissner and Wilkinson Island Division in accordance with State regulations subject to the following conditions:

1. We only allow portable blinds.

2. Hunters must remove blinds, decoys, and other equipment (see §27.93 of this chapter) from the refuge at the end of each day.

B. Upland Game Hunting. We allow hunting of small game, furbearers, turkey, and nonmigratory game birds on the Beaver, Harlow, Meissner, and Wilkinson Island Division in accordance with State regulations subject to the following conditions:

1. We only allow hunting of furbearers from legal sunrise to legal sunset.

2. You may only possess approved nontoxic shot while hunting upland game, except turkey (see §32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer on the Beaver, Harlow, Meissner, and Wilkinson Island Divisions in accordance with State regulations subject to the following conditions:

1. We only allow archery hunting on the Harlow and Meissner Divisions.

2. We only allow the use of portable stands, and hunters must remove them from the refuge at the end of each day (see §27.93 of this chapter).

D. Sport Fishing. We allow fishing on the Beaver, Harlow, and Wilkinson Island Divisions in accordance with State regulations subject to the following conditions:

1. We prohibit the taking of turtle and frog (see §27.21 of this chapter).

2. We only allow fishing from legal sunrise to legal sunset.

3. Anglers must remove all fishing devices (see §27.93 of this chapter) at the end of each day's fishing.

PORT LOUISA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on the Big Timber Division in accordance with State regulations subject to the following conditions:

1. Hunters must remove boats, decoys, and portable blinds (see §27.93 of this chapter) at the end of each day.

2. We allow portable blinds on a daily basis at any location on first-come, first-served basis.

3. We prohibit hunting on the Louisa, Horseshoe Bend, and Keithsburg Divisions.

B. Upland Game Hunting. We allow hunting of upland game only on Big Timber,

Keithsburg, and Horseshoe Bend Divisions in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot (see §32.2(k)) while hunting upland game. You may use lead shot to hunt turkey. We allow shotgun slug or muzzleloading rifle for hunting coyotes.

2. We only allow squirrel hunting on the Keithsburg Division from the beginning of the State season to September 15.

3. We allow hunting in designated areas on the Horseshoe Bend Division from September 1 until September 14 and from December 1 until February 28. We allow spring turkey hunting.

4. We allow hunting on the Big Timber Division from September 1 until February 28. We allow spring turkey hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer only on Big Timber Division and in designated areas on Horseshoe Bend Division in accordance with State regulations subject to the following conditions:

1. We only allow the use of portable stands, and hunters must remove them at the end of each day (see §27.93 of this chapter).

2. We close Horseshoe Bend Division to all public access from September 15 until December 1.

D. Sport Fishing. We allow fishing in accordance with State regulations subject to the following conditions:

1. We prohibit the taking of turtle or frog (see §27.21 of this chapter).

2. We only allow fishing from legal sunrise to legal sunset.

3. We close the following Divisions to all public access: Louisa Division—September 14 until January 1; Horseshoe Bend Division—September 14 until December 1; Keithsburg Division—September 15 until January 1.

4. Anglers must remove boats and all other fishing devices (see §27.93 of this chapter) at the end of each day's fishing.

5. We only allow motor boats on Horseshoe Bend Division for fishing during the periods when flood water enables access from the river over the levee.

TWO RIVERS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds only on the Apple Creek Division in accordance with State regulations subject to the following conditions:

1. We only allow portable blinds.

2. Hunters must remove boats, decoys, and portable blinds (see §27.93 of this chapter) at the end of each day.

B. Upland Game Hunting. We allow upland game hunting only on the Apple Creek Division and the portion of the Calhoun Division east of the Illinois River Road in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while hunting, except turkey (see §32.2(k)). We allow possession of lead shot for turkey hunting.

2. We allow hunting from legal sunrise to legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer on the Apple Creek Division and the portion of the Calhoun Division east of the Illinois River Road in accordance with State regulations subject to the following condition: We only allow the use of portable stands, and hunters must remove them at the end of each day (see §27.93 of this chapter).

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit the taking of turtle or frog (see §27.21 of this chapter).

2. We only allow fishing from legal sunrise to legal sunset.

3. From October 15 through December 31 we close the Batchtown, Gilbert Lake, and Portage Island Divisions, and the portion of the Calhoun Division north and west of the Illinois River Road, to all public access.

4. Anglers must remove boats and all other fishing devices (see §27.93 of this chapter) at the end of each day.

5. We only allow boats on the Gilbert Lake Division for fishing during those periods when flood water enables access from the river over the levee.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Refer to §32.42 Minnesota for regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 59 FR 6685, 6692, Feb. 11, 1994; 59 FR 55185, Nov. 3, 1994; 60 FR 62041, Dec. 4, 1995; 61 FR 45366, Aug. 29, 1996; 61 FR 46394, Sept. 3, 1996; 62 FR 47378, Sept. 9, 1997; 63 FR 46916, Sept. 3, 1998; 65 FR 30782, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46356, Sept. 4, 2001; 67 FR 58944, Sept. 18, 2002; 69 FR 54362, 54387, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54166, Sept. 13, 2005; 72 FR 51542, Sept. 7, 2007]

§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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel in accordance with State regulations 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 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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of wild turkey, quail, squirrel, and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. For wild turkey hunting, we require a refuge permit.

2. We prohibit discharge of firearms within 100 yards (90 m) of an occupied dwelling.

3. Shotgun hunters may possess only approved nontoxic shot on the refuge (see § 32.2(k)).

4. We allow the use of hunting dogs for hunting rabbit and quail only.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge during the State archery and muzzleloader seasons in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit during the State muzzleloader season.

2. We only allow bow and arrow and muzzleloaders, except that hunters with a State handicapped hunting permit may use crossbows.

3. We prohibit the construction and use of permanent blinds, platforms, or ladders (see § 27.92 of this chapter).

4. Condition B2 applies.

5. We allow access to the refuge during posted hours during refuge deer hunts.

6. Hunters may only take one deer per day from the refuge.

7. We allow only permitted muzzleloader hunters during the State muzzleloader season.

8. We allow archery hunting during the refuge-designated seasons.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit the use of boats and belly boats on all refuge waters except for Stanfield Lake and Richart Lake.

2. We only allow fishing with rod and reel or pole and line.

3. We allow fishing from legal sunrise to legal sunset.

4. We prohibit harvesting of frogs and turtles (see § 27.21 of this chapter).

PATOKA RIVER NATIONAL WILDLIFE REFUGE AND MANAGEMENT AREA

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge and the White River Wildlife Management Areas in accordance with State regulations subject to the following conditions:

1. We only allow the use of portable blinds or temporary blinds constructed of native vegetation. Hunters must remove all portable blinds and dismantle temporary blinds (see § 27.93 of this chapter) at the end of each day.

2. We only allow motorboats on Snakey Point Marsh east of the South Fork River and the Patoka River. You must operate motorboats at no-wake speed. We open other waters to hand-powered or battery-driven motors. We prohibit airboats.

3. You must remove boats and decoys (see § 27.93 of this chapter) at the end of each day.

4. We do not open Cane Ridge Wildlife Management Area to all hunting.

B. Upland Game Hunting. We allow hunting of bobwhite quail, cottontail rabbit, squirrel (grey and fox), pheasant, turkey (spring only), red and grey fox, coyote, opossum, and raccoon in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.3(k)).

2. You must possess and carry a refuge permit for furbearer hunting.

3. We allow dogs for hunting provided the dog is under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer in accordance with State regulations subject to the following conditions:

1. We prohibit construction or use permanent tree stands or blinds (see § 27.92 of this chapter). We only allow portable stands.

2. Condition A4 applies.

3. We prohibit marking trails with tape, ribbons, paper, paint, tacks, tree blazes, or other devices.

D. Sport Fishing. We allow sport fishing in accordance with State regulations on the main channel of the Patoka River, but all other refuge waters are subject to the following conditions:

1. We allow fishing from legal sunrise to legal sunset.

2. We only allow fishing with rod and reel or pole and line.

3. The minimum size limit for large-mouth bass on Snakey Point Marsh is 14 inches (35 cm).

4. You must possess and carry a refuge permit to take bait fish, crayfish, snapping turtle, and bull frog.

5. Condition A2 applies.

6. Anglers must remove boats (see § 27.93 of this chapter) at the end of each day.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 59 FR 55186, Nov. 3, 1994; 61 FR 45366, Aug. 29, 1996; 65 FR 56402, Sept. 18, 2000; 66 FR 46356, Sept. 4, 2001; 69 FR 54362, 54389, Sept. 8. 2004; 70 FR 54168, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasant and turkey on designated areas of the refuge in accordance with the States of Iowa and Nebraska regulations subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow archery and muzzleloader hunting of white-tailed deer on designated areas of the refuge in accordance with State of Iowa and Nebraska regulations subject to the following conditions:

1. You must possess and carry refuge permits for archery hunting at all times while hunting.

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.

8. We prohibit taking or possession of turtle or frog at any time (see § 27.21 of this chapter).

DRIFTLESS AREA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, bobwhite quail, cottontail rabbit, and squirrel on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot (see § 32.2(k)) while hunting for any permitted bird or other small game.

2. We allow hunting of upland game from 8 a.m. to 4:30 p.m. during the dates posted at the refuge.

3. All hunters must cover their head and chest with one or more of the following articles of visible, external, solid-blaze-orange clothing: a hat, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls.

4. We prohibit shooting on or over any refuge road within 50 feet (15 m) from the centerline.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We only allow portable stands, and hunters must remove them at the end of each day (see § 27.93 of this chapter).

3. We only allow hunter access from ½ hour before legal sunrise until ½ hour after legal sunset.

D. Sport Fishing. [Reserved]

NORTHERN TALLGRASS PRAIRIE NATIONAL WILDLIFE REFUGE

Refer to § 32.42 Minnesota for regulations.

PORT LOUISA NATIONAL WILDLIFE REFUGE

Refer to § 32.32 Illinois for regulations.

UNION SLOUGH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, rail (Virginia and sora only), woodcock, and snipe on the Buffalo Creek Bottoms and Schwob Marsh units of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunters on the refuge from 1 hour before legal sunrise until ½ hour after legal sunset.

2. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

3. We allow boats or other floating devices. We allow gasoline and electric motors. We prohibit the use of air-thrust boats. You may not leave boats unattended.

4. You may construct blinds using manmade materials or natural vegetation found on the refuge. We prohibit bringing plants or their parts onto the refuge (see § 26.52 of this chapter).

5. You must remove boats, decoys, and blinds (see § 27.93 of this chapter) from the refuge at the end of each day.

6. We allow the use of hunting dogs provided that the dogs remain under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

7. We prohibit entry into any closed area to retrieve downed game, unless the hunter has received written permission from the refuge manager.

8. We prohibit hunting on road rights-of-way on any portion of the refuge not open to hunting. The road right-of-way extends to the center of the road.

B. Upland Game Hunting. We allow hunting of pheasant, gray partridge, rabbit (cottontail and jack), squirrel (fox and gray), groundhog, raccoon, opossum, fox, coyote, and crow on Buffalo Creek Bottoms, Schwob Marsh, and the Core Area in accordance with State regulations subject to the following conditions:

1. We only allow hunting in the Core Area during the dates posted at the Refuge Headquarters.

2. You may only possess approved nontoxic shot while in the field (see § 32.2(k)). We prohibit possession of shotgun slugs.

3. Hunters may only enter the refuge from 8 a.m. until 4:30 p.m.

4. Conditions A6, A7, and A8 apply.

C. Big Game Hunting. We allow hunting of deer and turkey on Buffalo Creek Bottoms, Schwob Marsh, and the Core Area in accordance with State regulations subject to the following conditions:

1. Condition B1 and A8 apply.

2. Deer hunters in the Core Area must possess a valid State deer hunting license and an unfilled deer transportation tag.

3. We only allow deer hunters to enter the refuge from ½ hour before legal sunrise until ½ hour after legal sunset.

4. Deer hunters may only possess shot shells that shoot a single projectile (*i.e.*, slugs).

5. We prohibit turkey hunting in the Core Area at all times.

6. We only allow turkey hunters to enter the refuge from ½ hour before legal sunrise until ½ hour after legal sunset.

7. Turkey hunters may only possess approved nontoxic shot while in the field.

8. We allow the use of temporary stands, blinds, platforms, or ladders. You may construct blinds using manmade materials or natural vegetation found on the refuge. We prohibit bringing plants or their parts onto the refuge (see § 27.52 of this chapter).

9. You must remove decoys, stands, blinds, platforms, and ladders from the refuge at the end of each day (see § 27.93 of this chapter).

10. We prohibit entry into any closed area to retrieve downed game, unless the hunter has received written permission from the refuge manager.

D. Sport Fishing. We allow sport fishing from the County Road A–40 right-of-way and in Buffalo Creek south of County Road 320th Street in accordance with State regulations subject to the following conditions:

1. We allow fishing from April 15 through September 30.

2. We allow fishing from legal sunrise to legal sunset.

3. We prohibit the use of boats, canoes, or other floating devices.

4. We prohibit the use or possession of lead terminal tackle.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Refer to § 32.42 Minnesota for regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29084, May 18, 1993; 59 FR 6685, 6692, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 60 FR 62042, Dec. 4, 1995; 61 FR 46395, Sept. 3, 1996; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46356, Sept. 4, 2001; 68 FR 57316, Oct. 2, 2003; 69 FR 54362, 54390, Sept. 8, 2004; 70 FR 54168, Sept. 13, 2005; 72 FR 51542, Sept. 7, 2007]

§ 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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, mourning dove, rail, woodcock, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow waterfowl hunting on portions of the refuge on the south side of the Neosho River.
2. We prohibit hunting or possession of weapons on the Neosho River.
3. We prohibit shooting from or over roads and parking areas.
4. We only allow portable blinds and blinds made from natural vegetation. We prohibit the construction or use of permanent blinds and/or pits (see § 27.92 of this chapter).
5. We prohibit leaving decoys unattended at any time.
6. Dogs must be under the owner's immediate control at all times (see § 26.21(b) of this chapter).
7. We prohibit hunters or dogs retrieving game in areas closed to hunting.
8. We allow crow hunting on designated areas of the refuge subject to the following conditions:

i. We prohibit the use of centerfire rifles and pistols on the refuge;

ii. We close hunting areas on the north side of the Neosho River to all hunting from November 1 through March 1; and

iii. Conditions A2, A3, and A7 apply.

B. Upland Game Hunting. We allow hunting of pheasant, quail, prairie chicken, rabbit, and squirrel on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A2, A3, A6, A7, A8i, and A8ii apply.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotguns, muzzleloading firearms (see § 27.42 of this chapter), and archery equipment for deer hunting.
2. We prohibit the use of deer game tags on the refuge.
3. We do not open for deer hunting during the extended white-tailed deer antlerless season in January.
4. We require the use of approved nontoxic shot for turkey hunting (see § 32.2(k)).
5. Dogs used during the fall turkey season must be under the owner's immediate control at all times (see § 26.21(b) of this chapter).
6. Conditions A2, A3, A7, and A8ii apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We do not open areas on the north side of the Neosho River to all fishing from November 1 through March 1, except for the Dove Roost pond and the Upper Burgess marsh.
2. We only allow fish bait collecting for personal use. We prohibit digging or habitat disturbance (see § 27.51 of this chapter).

KIRWIN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, coot, mourning dove, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess six shells per day in the area from the Quillback Cove parking lot to the No Hunting Zone boundary east of Dogtown.
2. You may use natural vegetation to construct a temporary blind.
3. You may use portable hunting blinds.
4. We prohibit construction or use of any permanent blind.
5. We prohibit digging or using holes or pits for blinds.
6. We prohibit retrieval of waterfowl from an area closed to waterfowl hunting.
7. We only allow waterfowl hunting by boat in Bow Creek. You may not create a wake while in Bow Creek.
8. We only allow motorized vehicles on designated roads, parking lots, campgrounds, and boat ramps (see § 27.31 of this chapter).
9. We prohibit the use of ATVs or snowmobiles on the refuge (see § 27.31(f) of this chapter).
10. We prohibit commercial guiding on the refuge.

B. Upland Game Hunting. We allow hunting of pheasant, quail, prairie chicken, squirrel, and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess bow and arrow or shotguns no larger than 10 gauge on the refuge.
2. We only allow hunting of rabbit and squirrel during that portion of the State small game season that occurs during the State upland game season.
3. You may only possess six shells per day in the area from the Quillback Cove parking lot to the ''Closed to Hunting'' boundary east of Dogtown.
4. We prohibit retrieval of upland game from an area closed to upland game hunting.
5. Conditions A8, A9, and A10 apply.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the

refuge in accordance with State regulations subject to the following conditions:

1. We only allow archery hunting of deer.

2. Deer hunters must obtain a free refuge permit and possess and carry a signed permit in the field while hunting.

3. You may use portable tree stands and hunting blinds provided that you install them no more than 7 days prior to the season and remove them no later than 2 days after the season (see §27.93 of this chapter).

4. We prohibit construction or use of any permanent stand or blind (see §27.92 of this chapter).

5. We prohibit digging or using holes or pits for blinds.

6. You may use natural vegetation to construct a temporary blind.

7. Archery hunters with a valid refuge permit may retrieve deer from an area closed to deer hunting. You must receive consent from a refuge employee prior to entering the closed area.

8. We prohibit retrieving turkey from an area closed to turkey hunting.

9. Conditions A8, A9, and A10 apply.

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following conditions:

1. We allow access to Kirwin Reservoir by foot to bank or ice fish.

2. We only allow motorized vehicles on designated roads, parking lots, campgrounds, and boat ramps (see §27.31 of this chapter). We prohibit motorized vehicles on the ice.

3. We allow motorized boating in the main body of Kirwin Reservoir and in Bow Creek. You must not create a wake in Bow Creek or within 100 yards (90 m) of any shoreline or island in the main body of Kirwin Reservoir. We prohibit motorized boats in the Solomon Arm of Kirwin Reservoir.

4. We allow motorless boats in the Solomon Arm of Kirwin Reservoir from August 1 through October 31.

5. We prohibit access within 100 yards (90 m) of a nesting endangered or threatened species.

6. We allow noncommercial collection of bait fish in accordance with State regulations.

7. You must obtain a free Special Use Permit prior to conducting a fishing tournament on the refuge.

8. We prohibit disposal of fish cleanings on the refuge (see §27.94 of this chapter).

9. Conditions A9 and A10 apply.

MARAIS DES CYGNES NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, rail, snipe, woodcock, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must remove decoys (see §27.93 of this chapter) daily.

2. We restrict outboard motor use to the westernmost 5½ miles (8.8 km) of the Marais des Cygnes River. You may only use nonmotorized boats and electric trolling motors on remaining waters in designated areas of the refuge.

3. We prohibit discharge of firearms (see §27.42 of this chapter) within 150 yards (135 m) of any residence or other occupied building.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, squirrel, and bobwhite quail on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Condition A3 applies.

2. We prohibit rimfire rifles and pistols.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Deer and spring turkey hunters must possess and carry a refuge permit.

2. We prohibit centerfire rifles and pistols.

3. Condition A3 applies.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: Condition A2 applies.

QUIVIRA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, Virginia and Sora rail, mourning dove, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open refuge hunting areas September 1 through February 28.

2. We may close refuge hunting areas to hunting without notice when whooping crane are present or emergencies arise.

3. We post refuge hunting areas as ''Public Hunting Areas'' and delineate them on the refuge hunting brochure map.

4. We allow hunters to enter the refuge 1 hour before legal shooting hours, and they must exit the refuge up to 1 hour past legal shooting hours.

5. We prohibit hunting from or across any road, trail, or parking area.

6. Hunters must park in designated parking areas.

7. We only allow portable devices or temporary blinds of natural vegetation. We prohibit construction of permanent blinds or pits (see §27.92 of this chapter).

8. We prohibit the retrieval of game from areas closed to hunting.

9. We prohibit the use of boats, canoes, or other watercraft.

B. Upland Game Hunting. We allow hunting of pheasant, quail, squirrel, and rabbit on designated areas of the refuge in accordance

with State regulations subject to the following conditions:

1. Conditions A1 through A6, and A8 apply.

2. We only allow shotguns for hunting on the refuge.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on all waters on the refuge in accordance with State regulations subject to the following conditions:

1. You may take fish species listed in the State fishing regulations. We prohibit taking of frog, snake, or any other wildlife (see § 27.21 of this chapter).

2. We prohibit the use of trotlines and setlines.

3. We prohibit the use of seines for taking bait.

4. We prohibit fishing from water control structures and bridges.

5. We restrict fishing in the designated ''Kid's Pond,'' approximately ¼ mile (.4 km) WSW of headquarters, to youth age 14 and under, and to a parent and/or guardian age 18 or older accompanying a youth.

6. The bag limit for the Kid's Pond is one fish per day.

7. We prohibit the use of boats, canoes, or other watercraft.

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 62042, Dec. 4, 1995; 62 FR 47378, Sept. 9, 1997; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 67 FR 58945, Sept. 18, 2002; 69 FR 54362, 54391, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. We allow hunting of mourning dove, woodcock, common snipe, Canada and snow goose, coot, and waterfowl listed in 50 CFR 10.13 under DUCKS on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (e.g., ATVs) on the refuge (see § 27.31(f) of this chapter).

3. We prohibit target practice with any weapon or nonhunting discharge of firearms (see § 27.42 of this chapter).

4. We prohibit the use of horses and mules on refuge property during the State muzzleloader and modern gun deer hunts. We allow horseback riding on refuge roads and portions of the abandoned railroad tracks owned by the refuge for access purposes while engaged in wildlife activities. We prohibit horses and mules off these secondary access routes for any reason.

5. You must possess and carry a valid refuge permit while hunting and/or fishing on the refuge.

6. To retrieve or track game from a posted closed area of the refuge, the hunter must first request permission from the refuge manager at 270–527–5770 or the law enforcement officer at 270–703–2836.

7. We prohibit the use of flagging tape, reflective tacks, or nonbiodegradable devices used to identify paths to and mark tree stands, blinds, and other areas.

8. We close those portions of abandoned railroad tracks within the refuge boundary to vehicle access (see § 27.31 of this chapter).

9. We prohibit discharge of firearms or carrying loaded firearms on or within 100 feet (90 m) of any home, the abandoned railroad tracks, graveled roads, and hiking trails.

10. We prohibit possession and/or use of herbicides (see § 27.51 of this chapter).

11. We prohibit possession or use of alcoholic beverages while hunting (see § 32.2(j)).

12. We prohibit the use of electronic calls *with the exception for taking crow during crow season*.

13. An adult, age 21 or older, must supervise all youth hunters, age 15 and under. Youth hunters must remain in sight and normal voice contact with the adult. On small game hunts, the adult may supervise no more than two youths; on big game hunts, the adult may supervise no more than one youth.

14. All persons born after January 1, 1975 must possess a valid hunter education card while hunting.

15. Waterfowl hunters must pick up decoys and equipment (see §§ 27.93 and 27.94 of this chapter), unload firearms (see § 27.42(b) of this chapter), and be out of the field by 2 p.m. daily during the State waterfowl season.

16. You may only use portable or temporary blinds that must be removed (see §§ 27.93 and 27.94 of this chapter) from the refuge daily.

17. We close, as posted, the Sharpe-Elva Water Management Unit from November 1 through March 15 to all entry with the exception of drawn permit holders and their guests.

18. We only allow waterfowl hunting on the Sharpe-Elva Water Management Unit on specified Saturdays and Sundays during the State waterfowl season. We only allow hunting by individuals in possession of a refuge draw permit and their guests. State regulations and the following conditions apply:

i. Application procedures and eligibility requirements are available from the refuge office.

ii. We allow permit holders and up to three guests to hunt their assigned provided blind on the designated date. We prohibit guests in

the blind without the attendance of the permit holder.

iii. We prohibit selling, trading, or bartering of permits. This permit is nontransferable.

iv. You may place decoys out Saturday morning at the beginning of the hunt, and you must remove them by Sunday at the close of the hunt (see §§27.93 and 27.94 of this chapter).

v. We prohibit watercraft in the Sharpe-Elva Water Management Unit, except for drawn permit holders to access their assigned blinds and retrieve downed birds as needed.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, crow, and coyote on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A14 apply.

2. We close squirrel, rabbit, and quail seasons during muzzleloader and modern gun deer hunts.

3. You may not kill or cripple a wild animal without making a reasonable effort to retrieve the animal and harvest a reasonable portion of that animal and include it in your daily bag limit.

4. You may use only rimfire rifles, pistols, shotguns, and legal archery equipment for taking upland game.

5. We prohibit possession and use of lead ammunition, except that you may use rimfire rifle and pistol lead ammunition no larger than .22 caliber for upland game hunting.

6. You may hunt coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A15 and B3 apply.

2. We only allow the use of portable and climbing stands. You may place stands in the field no earlier than 2 weeks prior to the opening of deer season, and you must remove them from the field within 1 week after the season closes (see §§27.93 and 27.94 of this chapter). The hunter's name and address must appear on all stands left in the field.

3. You must use safety belts at all times when occupying the tree stands.

4. We prohibit organized deer drives of two or more hunters. We define ''drive'' as: the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make animals more susceptible to harvest.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A15 apply.

OHIO RIVER ISLANDS NATIONAL WILDLIFE REFUGE

Refer to §32.68 West Virginia for regulations.

REELFOOT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (*e.g.*, ATVs) on the refuge (see §27.31(f) of this chapter).

3. We set season dates and bag limits annually and publish them in the refuge public use regulations available at the refuge office.

4. You must possess and carry a valid refuge permit and report game taken as specified within the permit.

5. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset with the exception of raccoon hunters, who we will allow access from 7 p.m. to 12 a.m. (midnight).

6. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license. One adult hunter may supervise no more than two youth hunters.

C. Big Game Hunting. We allow hunting for white-tailed deer and turkey on the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B6 apply.

2. You may only participate in the refuge firearms deer and turkey hunts with a special quota permit issued through random drawing. You may obtain information on permit applications at the refuge headquarters.

3. You may only possess approved nontoxic shot while turkey hunting on the refuge (see §32.2(k)).

4. We only allow the use of portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment from the refuge at the end of each day (see §27.93 of this chapter).

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following conditions:

1. We allow access to the Long Point Unit (north of Upper Blue Basin) for fishing from March 16 through November 14, and the Grassy Island Unit (south of Upper Blue Basin) for fishing from February 1 through November 14.

2. We allow fishing on the refuge from legal sunrise to legal sunset.

3. We prohibit taking of frog or turtle on the refuge (see §27.21 of this chapter).

4. We prohibit airboats, hovercraft, or personal watercraft (Jet Skis) on any waters within the refuge boundary.

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 62042, Dec. 4, 1995; 61 FR 31461, June 20, 1996; 61 FR 46395, Sept. 3, 1996; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 66 FR 46357, Sept. 4, 2001; 69 FR 54362, 54393, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54168, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, snipe, and woodcock on designated areas of the refuge subject to the following condition: Hunting must be in accordance with Sherburne Wildlife Management Area regulations.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, nutria, muskrat, mink, fox, bobcat, beaver, and otter on designated areas of the refuge subject to the following condition: Hunting must be in accordance with Sherburne Wildlife Management Area regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: Hunting must be in accordance with Sherburne Wildlife Management Area regulations.

D. Sport Fishing. We allow finfishing and shellfishing year-round in accordance with Sherburne Wildlife Management Area regulations subject to the following condition: We prohibit all commercial finfishing and shellfishing.

BAYOU COCODRIE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit.

2. We allow migratory game bird hunting on Tuesdays, Thursdays, Saturdays, and Sundays until 12 p.m. (noon) during the State season. We do not open for the special teal season and State youth waterfowl hunt.

3. We prohibit hunting within 150 feet (45 m) of the maintained rights-of-way of roads, refuge road or designated trail, building, residence, or designated public facility.

4. You must remove temporary blinds (see § 27.93 of this chapter) used for duck hunting by 12 p.m. (noon) on the last day of the State waterfowl season. You must clearly mark any stand or blind left on the refuge with the name and address of the person using the stand or blind. You must remove decoys daily.

5. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

6. Youth hunters under age 16 must have completed a hunter education course and possess and carry evidence of completion. An adult age 21 or older must closely supervise youth hunters (within sight and normal voice contact). One adult may supervise no more than two youth hunters while hunting migratory game birds.

7. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

8. We prohibit use or possession of any type of trail-marking material.

9. Coyote, beaver, feral hog, and raccoon are incidental take species and, as such, you may take them during any open hunting season only with the weapon allowed for that season, if you are a hunter having the required licenses and permits. There is no bag limit on coyote and beaver. The feral hog bag limit is 10 per year, and the raccoon bag limit is 1 per day.

10. We prohibit entering the refuge from private property and/or hunt leases; you may use only designated entry sites.

11. You must check all game taken on the refuge before leaving the refuge at one of the self-clearing check stations indicated on the map in the refuge Hunting and Fishing Regulations Brochure.

12. You must use boats to access the refuge from Bayou Cocodrie or Cross Bayou. We prohibit entering the refuge from U.S. Highway 84. You must dock all boats used to access the refuge on the banks of the refuge. Boats used to cross ''low water crossings'' at Cross Bayou may be left for a maximum of 3 days, and you must clearly mark them with the name and address of the person responsible for the boat while it is on the refuge. We only allow outboard motors in Cocodrie Bayou and tributaries accessible therefrom.

13. We only allow ATVs on designated trails (see § 27.31 of this chapter) from September 1 through the hunting season. An all-terrain vehicle (ATV) is an off-road vehicle with factory specifications not to exceed the following: weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25×12 with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

14. We require all refuge users to sign in at a designated check station upon entering the refuge and sign out upon their departure.

15. Hunters with mobility impairments must possess and carry a valid special access permit from the refuge to use special access ATV trails (see § 27.31 of this chapter). State requirements for ''Mobility-Impaired'' classification apply. Mobility-impaired hunters must present their State ''Disabled Hunter'' card at the refuge headquarters to apply for the refuge special access permit.

16. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)). This requirement only applies to the use of shotgun ammunition.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow squirrel and rabbit hunting during the State season except during the open youth hunt for deer, the youth lottery hunt, the muzzleloader hunt, and the lottery deer hunt.

2. Conditions A1, A3, and A7 through A16 apply.

3. We allow the use of dogs to hunt squirrel and rabbit during that portion of the season designated as ''With/Without Dogs.'' We list specific season dates in the refuge brochure.

4. While engaged in upland game hunting, we prohibit possession of firearms (see § 27.42 of this chapter) larger than .22 caliber rimfire, shotgun slugs, or buckshot.

5. Hunters must enter the refuge no earlier than 2 hours before legal sunrise and must exit the refuge within 2 hours after legal sunset.

6. Youth hunters under age 16 must have completed a hunter education course and possess and carry evidence of completion. An adult age 21 or older must closely supervise youth hunters (within sight and normal voice contact). One adult may supervise no more than one youth hunter while hunting upland game.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A3, A7 through A16, and B5 apply.

2. The bag limit is one deer (of either sex) per day. The State season limit applies.

3. You must check all deer on the same day taken during lottery deer hunts at a staffed refuge check station.

4. Archery hunters must possess and carry proof of completion of the International Bowhunters Education Program.

5. We require a minimum of 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and in addition, we require a hat or cap of unbroken hunter orange. You must wear the solid hunter-orange items while in the field.

6. You may place temporary stands no more than 2 days prior to the opening of the respective season, and you must remove them by the last day of archery season (see § 27.93 of this chapter). You must clearly mark any stand left on the refuge with the name and address of the person using the stand.

7. We only allow deer hunting with modern firearms during the lottery deer hunt. We require special limited permits for the lottery deer hunt. We only allow hunters with a valid lottery deer hunt permit (must possess and carry the permit) to use the refuge during the lottery deer hunt.

8. We open archery season on the Saturday closest to October 31, and keep it open until the end of the State season, except we close the refuge to archery hunting during the refuge youth hunt, youth lottery hunt, and lottery deer hunt.

9. We allow deer hunting with muzzleloaders subject to State regulations. Specific open dates will appear in the annual Refuge Hunting and Fishing Regulations Brochure.

10. We prohibit possession or use of buckshot.

11. We prohibit possession or use of climbing spikes.

12. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals, or other feed or any nonnaturally occurring attractant on the refuge (see § 32.2(h)).

13. Youth hunters under age 16 must have completed a hunter education course and possess and carry evidence of completion. An adult age 21 or older must closely supervise youth hunters (within sight and normal voice contact). One adult may supervise no more than one youth hunter while hunting big game.

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A11 through A15 apply.

2. You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

3. We prohibit commercial fishing. Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit (that you must possess and carry) available at the refuge office.

4. We prohibit the taking of alligator snapping turtle (see § 27.21 of this chapter).

5. We only allow fishing during daylight hours.

BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow finfishing and shellfishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is daylight use 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. We only allow sport fishing with hand-held rod and reel or hand-held rod and line. You may take bait shrimp with cast nets 8 feet (2.4 m) in diameter or less. You may take crawfish (up to 100 pounds (45 kg) per person) with wire nets up to 20 inches (50 cm) in diameter. We allow recreational crabbing with a limit of 12 dozen per person. You must attend all fishing, crabbing, and crawfishing equipment at all times.

4. The use of trotlines, limblines, 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. We prohibit air-thrust boats, motorized pirogues, mud boats, and air-cooled propulsion engines on the refuge.

7. We prohibit feeding of any wildlife within the refuge.

8. We prohibit all commercial finfishing and shellfishing.

BAYOU TECHE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed Public Use Permit while on the refuge. This permit is free and available on the front cover of the refuge's brochure.

2. We prohibit hunting in and/or shooting into or across any open field, roadway, or canal.

3. Youth hunters under age 16 must have completed a hunter education course and possess and carry evidence of completion. An adult age 21 or older must closely supervise youth hunters (within sight and normal voice contact). One adult can supervise no more than two youth hunters while hunting migratory game birds. All hunters and adult supervisors must possess and carry proof of completion of a State Hunter Education Course.

4. All hunters must have a refuge lottery hunting permit prior to hunting. You will find applications for refuge permits (that you must possess and carry) inside the refuge hunting, fishing, and public use brochures.

5. All hunters must check-in prior to hunting and check out after hunting at a refuge self-clearing check station. You must report all game taken on the refuge when checking out by using the check card.

6. We prohibit airboats and marsh buggies (tracked vehicles) on the refuge. We restrict motorized boat use to existing canals, ditches, trenasses, ponds, and from areas marked as nonmotorized areas only.

7. We prohibit parking, walking, or hunting within 150 feet (45 m) of any active oil well site, production facility, or equipment. We also prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail, building, residence, or designated public facility.

8. We prohibit feeding of any wildlife within the refuge.

9. We allow hunting until 12 p.m. (noon). We allow hunters to enter the refuge up to 2 hours before legal sunrise.

10. We open the refuge to hunting of migratory game bird on Wednesdays, Thursdays, Saturdays, and Sundays of the State waterfowl season.

11. We allow hunting in the Centerville, Garden City, Bayou Sale, North Bend—East, and North Bend—West Units through November 30. After November 30, we allow hunting in the Centerville, Garden City, and Bayou Sale Units only. We open no other units to hunting of migratory game birds.

12. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

13. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)). This requirement only applies to the use of shotgun ammunition.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting from the start of the State squirrel and rabbit seasons until the last day of State waterfowl season in the West Zone.

2. We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

3. We allow hunters to enter the refuge up to 2 hours before legal sunrise, but they must leave the refuge 1 hour after legal sunset.

4. We allow hunting 7 days a week beginning with the opening of State seasons in the Centerville, Garden City, Bayou Sale, North Bend—East, and North Bend—West Units through November 30. After November 30, we only allow hunting on Wednesdays, Thursdays, Saturdays, and Sundays in the Centerville, Garden City, and Bayou Sale Units until 12 p.m. (noon). We open no other units to hunting of upland game.

5. We prohibit dogs.

6. Conditions A1 through A8 and A13 apply.

C. Big Game Hunting. We allow the hunting of white-tailed deer on designated areas of

the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting of deer with firearms (see § 27.42 of this chapter) during 7 specific days in November. A youth gun hunt will occur during the first weekend in November. The first of two general gun hunts will occur on the third weekend, and the final general gun hunt will occur during the final full weekend of November. These gun hunts include both Saturday and Sunday only, except the final general gun hunt will additionally include the Friday immediately before the weekend.

2. We allow hunting of deer with archery equipment from the start of the State archery season until the last day of November, except for those days that deer gun hunts occur.

3. All archery hunters must possess and carry proof of completion of the International Bowhunters Education Program.

4. We allow hunting in the Centerville, Garden City, Bayou Sale, North Bend—East, and North Bend—West Units only. We do not open the Bayou Sale Unit for all big game firearm hunts.

5. We only allow each hunter to possess 1 deer of either sex per day. State season limits apply.

6. You may take no other native or feral wildlife other than white-tailed deer while engaged in big game hunting (see § 27.21 of this chapter).

7. We prohibit possession of buckshot.

8. We require a minimum of 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and, in addition, we require a hat or cap of unbroken hunter orange. You must wear the solid hunter-orange items while in the field.

9. Conditions A1 through A8 and B3 apply.

D. Sport Fishing. We allow fishing in all refuge waters in accordance with State regulations subject to the following conditions:

1. We only allow recreational fishing. We prohibit all commercial fishing activity.

2. We prohibit the use of unattended nets, traps, or lines (trot, jug, bush, etc.).

3. The refuge is daylight use only.

4. We prohibit the take of turtle (see § 27.21 of this chapter).

5. Conditions A1 and A5 through A8 apply.

BIG BRANCH MARSH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, goose, snipe, rail, and gallinule on designated areas of the refuge during the State waterfowl season in accordance with State regulations subject to the following conditions:

1. We allow waterfowl hunting on Wednesdays, Thursdays, Saturdays, and Sundays, until 12 p.m. (noon), including the special teal season and youth waterfowl hunt.

2. We do not open the refuge to goose hunting for that part of the season that extends beyond the regular duck season.

3. You must remove blinds and decoys (see § 27.93 of this chapter) by noon.

4. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

5. You must possess and carry a valid refuge hunt permit.

6. We prohibit air-thrust boats, motorized pirogues, mud boats, and air-cooled propulsion engines on the refuge.

7. Youth hunters under age 16 must have completed a hunter education course and possess and carry evidence of completion. An adult age 21 or older must closely supervise youth hunters (within sight and normal voice contact). One adult may supervise no more than two youth hunters while hunting migratory game.

8. The refuge is open from ½ hour before legal sunrise to ½ hour after legal sunset.

9. We prohibit possession of buckshot, slugs, rifles, or rifle ammunition.

10. We prohibit hunting within 150 feet (45 m) of the maintained rights-of-way of roads, refuge road, trail, building, residence, designated public facility, above-ground oil and gas or electrical facilities, or from across ATV trails (see § 27.31 of this chapter).

11. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)).

12. Hunters may not enter the refuge before 4 a.m.

13. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, woodcock, and quail on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow upland game hunting during the open State season using only approved nontoxic (see § 32.2(k)) shot size #4 or smaller.

2. You may only use dogs for squirrel and rabbit after the close of the State gun deer season.

3. We only allow dogs to locate, point, and retrieve when hunting for snipe, woodcock and quail.

4. Conditions A5 through A13 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We are open during the State season for archery hunting of deer.

2. We only allow portable stands.

3. We prohibit dogs and driving deer.

4. You may take deer of either sex for the entire archery deer season. The State season limits apply.

5. You must remove all deer stands within 14 days of the end of the refuge deer season (see §27.93 of this chapter).

6. You may only take hogs during the refuge archery hunt with bow and arrow.

7. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals or other feed or any nonnaturally occurring attractant on the refuge (see §32.2(h)).

8. Conditions A5 through A11 apply.

9. Youth hunters under age 16 must have completed a hunter education course and possess and carry evidence of completion. An adult age 21 or older must closely supervise youth hunters (within sight and normal voice contact). One adult may supervise no more than one youth hunter while hunting big game.

10. Conditions A5 through A13 apply.

D. Sport Fishing. We allow fishing in designated waters of the refuge in accordance with State regulations subject to the following conditions:

1. You may only fish during from legal sunrise to legal sunset.

2. You must only use rods and reel or pole and lines while fishing.

3. We prohibit trotlines, slat traps, jug lines, or nets.

4. We allow recreational crabbing.

5. We prohibit all commercial finfishing and shellfishing.

6. We prohibit the taking of turtle (see §27.21 of this chapter).

7. Condition A6 applies.

BLACK BAYOU LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt permit.

2. We allow hunting north of ''cemetery pipeline'' and east of the main body (permanent water) of Black Bayou Lake.

3. We allow waterfowl hunting until 12 p.m. (noon) during the State season except we do not open during the special teal season and State youth waterfowl hunt.

4. We prohibit accessing the hunting area by boat from Black Bayou Lake.

5. You may enter the refuge no earlier than 4 a.m.

6. We prohibit hunting within 150 feet (45 m) of the maintained right-of-way of roads, from or across ATV trails (see §27.31 of this chapter). We prohibit hunting within 50 feet (15 m), or trespassing on above-ground oil or gas production facilities.

7. We prohibit leaving boats, blinds, and decoys unattended.

8. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

9. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise two youth hunters.

10. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

11. We only allow ATVs on trails (see §27.31 of this chapter) designated for their use and marked by signs. We do not open ATV trails March 1 through August 31. An all-terrain vehicle (ATV) is an off-road vehicle with factory specifications not to exceed the following: weight 750 lbs. (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25×12 with a maximum of 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A4, A6, A9, and A10 apply.

2. We prohibit possession of firearms (see §27.42 of this chapter) larger than .22 caliber rimfire, shotgun slugs, and buckshot.

3. You may hunt raccoon and opossum from ½ hour before sunrise to ½ hour after sunset of rabbit and squirrel season and at night during December and January. You may use dogs for night hunting. We prohibit selling raccoon and opossum taken on the refuge for human consumption.

4. We allow use of dogs to hunt squirrel and rabbit after the refuge archery deer hunt.

5. We allow use of horses and mules to hunt raccoon and opossum at night only after obtaining a Special Use Permit at the refuge office.

6. We prohibit opossum and raccoon night hunters from using ATVs.

7. You may enter the refuge no earlier than 4 a.m. and must exit no later than 1 hour after legal shooting hours.

8. You may only possess approved nontoxic shot (see §32.2(k)) while hunting on the refuge. This requirement only applies to the use of shotgun ammunition.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4, A6, A10, A11, and B7 apply.

2. We allow archery deer hunting during October, November, and December north of ''cemetery pipeline'' and east of the main body (permanent water) of Black Bayou Lake.

3. We prohibit gun deer hunting.

4. The daily bag limit is one deer of either sex. The State season limit applies.

5. Hunters must possess and carry proof of completion of the International Bowhunters Education Program.

6. We prohibit leaving deer stands, blinds, and other equipment unattended.

7. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may enter the refuge ½ hour before legal sunrise, and you must exit no later than ½ hour after legal sunset.

2. You may only launch boats at the concrete ramp adjacent to the visitor center. We prohibit launching boats with motors greater than 50 hp. We prohibit personal watercraft (Jet Skis).

3. We prohibit trotlines, limb lines, yo-yos, traps, or nets.

4. We prohibit commercial fishing.

5. We prohibit leaving boats or other equipment on the refuge overnight (see §27.93 of this chapter).

6. We require a boat launch fee. You must pay launch fees and fill out and properly display your launch permit before launching boat.

7. We prohibit take of frog, turtle, and mollusk (see §27.21 of this chapter).

8. We prohibit crossing the water hyacinth blooms in a boat.

BOGUE CHITTO NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon).

2. We only allow woodcock hunting using approved nontoxic shot (see §32.2(k)) size #4 or smaller.

3. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. For waterfowl hunts, one adult may supervise two youth hunters.

4. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

5. We require a signed refuge hunt permit.

6. We allow public hunting refuge-wide during the open State season for listed species, except for the east levee of the Pearl River Navigation Canal as indicated on refuge permit map.

7. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail, building, residence, designated public facility or from or across above-ground oil or gas or electrical facilities.

8. We prohibit possession of slugs, buckshot, or rifle or pistol ammunition larger than .22 caliber rimfire.

9. We allow primitive camping within 100 feet (30 m) of designated streams. These include either bank of the Boque Chitto River, Wilson Slough, and West Pearl River south of Wilson Slough, refuge lands along the East Pearl River, and Holmes Bayou.

10. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while hunting on the refuge (see §32.2(k)). This requirement only applies to the use of shotgun ammunition.

2. You may use dogs for squirrel during a portion of the squirrel season, typically in November and from after the close of the refuge gun deer season until the end of the State squirrel season.

3. You may use dogs for rabbit during a portion of the squirrel season, typically in November and after the close of the State gun deer season.

4. You may use dogs for raccoon; the season is typically during the months of January and February.

5. We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.65 m) on the Pearl River Gauge at Pearl River, Louisiana.

6. We prohibit the take of feral hog during any upland game hunts.

7. Conditions A3 (upland game hunts), and A5 through A10 apply.

8. During the refuge deer gun season, all hunters except waterfowl hunters must wear a minimum of 400 square inches (2,600 cm2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and in addition we require a hat or cap of unbroken hunter orange.

9. We allow upland game hunting during the open State season.

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 subject to the following conditions:

1. Conditions A3 (one adult may only supervise one youth hunter during refuge Gun Deer Hunts), A5 through A7, A10, B5, and B8 apply.

2. You must remove all deer stands within 14 days following the end of the refuge deer season (see §27.93 of this chapter).

3. We allow archery deer hunting during the open State archery season.

4. General Gun Deer Hunts are typically in November and December.

5. Primitive weapons season is typically open in December.

6. We prohibit the use of dogs.

7. We prohibit using shot larger than No. 2 during turkey season.

8. You may only take gobblers.

9. You may take hogs as incidental game while participating in the refuge archery, primitive weapon and general gun deer hunts only. Additionally, you may take hogs typically during varying dates in January and February, and you must only take them with the aid of trained hog-hunting dogs from legal sunrise until legal sunset. During the special hog season in January and February, hunters may use pistol or rifle ammunition not larger than .22 caliber or a shotgun with nontoxic (steel, bismuth) shot to kill hogs after they have been caught by dogs.

10. You must kill all hogs prior to removal from the refuge.

11. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals, or other feed or nonnaturally occurring attractant on the refuge (see §32.2(h)).

D. Sport Fishing. We allow fishing year-round in accordance with State regulations subject to the following conditions:

1. We only allow cotton limb lines.

2. Conditions A9 and B5 apply.

3. We close the fishing ponds at the Pearl River Turnaround to fishing during the months of April, May, and June.

4. We allow boats in the fishing ponds at the Pearl River Turnaround that do not have gasoline-powered engines attached. These boats must be hand launched into the ponds.

5. We prohibit the take of turtle (see §27.21 of this chapter).

6. We allow trotlines but the last five feet of trotline must be 100% cotton.

BRETON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. We allow hunting of goose (except Canada goose), duck, coots, snipe, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The waterfowl hunt is a youth hunt only. We set hunt dates in September, and you may obtain information from the refuge. We will accept permit applications September 1 through October 15 and limit applications to a choice of 2 dates. We will notify successful applicants.

2. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. For waterfowl hunts, one adult may supervise two youth hunters.

3. We require every hunter to possess and carry signed refuge hunting regulations and permit.

4. You must complete a Hunter Information Card at a self-clearing check station after each hunt before leaving the refuge.

5. We allow dove hunting on designated areas during the first split of the State dove season only.

6. We allow snipe hunting on designated areas for the remaining portion of the State snipe season following closure of the State Ducks and Coots season in the West Zone.

7. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail, building, residence, or designated public facility.

8. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of

whether such payment is for guiding, outfitting, lodging, or club membership.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery as the only form of hunting for white-tailed deer in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry proof of completion of the International Bowhunters Education Program to bowhunt on the refuge.

2. Conditions A2 (for big game hunt, one adult may supervise no more than one youth hunter), A3, A4, A7, and A8 apply.

D. Sport Fishing. We allow fishing, boating, crabbing, and cast netting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must fish with a rod and reel or a pole and line. We prohibit the possession of any other type of fishing gear, including limb lines, gill nets, jug lines, yo-yos or trotlines.

2. You may fish, crab, or cast net in the East Cove unit year-round from legal sunrise to legal sunset, except during the State waterfowl season and when we close the Grand Bayou Boat Bay.

3. We prohibit fishing, crabbing, or cast netting from or trespassing on refuge water control structures at any time.

4. We prohibit walking, wading, or climbing in or on the marsh, levees, or structures.

5. We allow sport fishing, crabbing, and cast netting in the Gibbstown Unit Bank Fishing Road waterways and adjacent borrow pits and the Outfall Canal from March 15 through October 15 only.

6. We only allow nonpowered boats in the Bank Fishing Road waterways.

7. We only allow recreational crabbing with cotton hand lines or dropnets up to 24 inches (60 cm) outside diameter.

8. You must attend all lines, nets, and bait and remove them from the refuge (see § 27.93 of this chapter) when you leave.

9. We allow a daily limit of five dozen crabs per boat or vehicle.

10. We allow recreational cast netting for shrimp during the Louisiana Inland Shrimp Season when we open the East Cove Unit for boats.

11. You may only use a cast net that does not exceed a 5 foot (12.5 cm) hanging radius.

12. We allow a daily limit of 5 gallons (19 L) of heads-on shrimp per boat.

13. We only allow recreational cast netting for bait year-round when we open the East Cove Unit for boats.

14. We prohibit the use of ATVs, air-thrust boats, personal motorized watercraft (Jet Skis), and air-cooled propulsion engines (go devil-style motors) in any refuge area (see § 27.31(f) of this chapter).

15. You may operate outboard motors in refuge canals, bayous, and lakes. We only allow trolling motors in the marsh.

16. Condition A8 applies.

17. We prohibit the taking of turtle (see § 27.21 of this chapter).

CAT ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge as shown on the refuge hunt brochure map in accordance with State regulations subject to the following conditions:

1. We require hunters and anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit.

2. Each hunter must sign in at the refuge check station when entering and leaving the refuge.

3. The refuge opens at 4 a.m. and closes 1 hour after legal sunset.

4. We prohibit possession of firearms in areas posted as ''No Hunting Zones.''

5. You may only enter and exit the refuge from designated parking areas.

6. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must possess and carry a refuge permit and may supervise no more than two youth hunters during waterfowl/upland game hunting.

7. We allow take of beaver, feral hog, nutria, raccoon, and coyote incidental to any refuge hunt with weapons legal for that hunt until you take the daily bag limit of game.

8. You must report all harvest game at the refuge check station upon leaving the refuge.

9. We allow use of all-terrain vehicles on designated refuge trails (see § 27.31 of this chapter) for wildlife-dependent activities from the first Saturday in September to the last day of the State-designated rabbit season. An all-terrain vehicle (ATV) is an off-road vehicle with factory specifications not to exceed the following: weight 750 lbs. (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25×12 with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

10. We prohibit transport of loaded weapons on an ATV (see § 27.42(b) of this chapter).

11. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail or ATV trail, building, residence, or designated public facility.

12. We prohibit the possession or use of nonbiodegradable flagging tape.

13. We prohibit horses or mules.

14. We only allow parking in designated parking areas.

15. We prohibit camping or overnight parking on the refuge.

16. We prohibit air-thrust boats on the refuge.

17. We prohibit all other hunting during the special youth and Gun Deer Hunts.

18. We allow waterfowl hunting on Tuesdays, Thursdays, Saturdays, and Sundays until 12 p.m. (noon) during the designated State duck season, except during the refuge quota deer hunts.

19. You must remove boats, blinds, and decoys (see § 27.93 of this chapter) daily.

20. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

21. We prohibit accessing refuge property by boat from the Mississippi River.

22. Persons using the refuge are subject to inspection of permits, licenses, hunting equipment, bag limits, and boats and vehicles by law enforcement officers.

23. We allow nonmotorized or electric-powered boats only.

24. We prohibit trapping.

25. We prohibit the possession of saws, saw blades, or machetes.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge as shown on the refuge hunt brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A17, A19, A21, and A22 apply.

2. We allow the use of .22 caliber or less rimfire rifles and 12 gauge or higher shotguns to hunt upland game.

3. We allow the use of squirrel and rabbit dogs from the day after the close of the State-designated deer rifle season to the end of the State-designated season. We allow up to two dogs per hunting party.

4. We require the owner's name and phone number on the collars of all dogs.

5. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)). This requirement only applies to the use of shotgun ammunition.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as shown on the refuge hunt brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A17, A19, and A21 through A22 apply.

2. You must only hunt deer using bow and arrow during the State-designated deer season, except during the refuge quota deer hunts and the youth deer hunt.

3. There will be two or three lottery gun hunts (muzzleloader/rifle) in November and December (see refuge brochure for details). We will set hunt dates in July, and we will accept applications from August 1 through August 31. Applicants may apply for more than one hunt. There is a $5 application fee per person for each hunt application and a $15 per person permit for each successful applicant. We will notify successful applicants by September 5.

4. We allow only portable deer stands. Hunters may erect stands 2 days before the beginning of the refuge archery season and must remove them the last day of the State archery season (see § 27.93 of this chapter).

5. We prohibit the use of dogs to trail wounded deer or hogs.

6. You must only use portable deer stands. Deer stands must have the owner's name, address, and phone number clearly printed on the stand.

7. We prohibit the use of dogs to trail wounded deer.

8. You may only take one deer of either sex per day during the deer season. State season limits apply. During the deer quota hunts, you may only take one deer of either sex during the quota hunt weekend.

9. We require a minimum of 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and in addition we require a hat or cap of unbroken hunter orange.

10. We prohibit driving or screwing nails, spikes, or other metal objects into trees or hunting from any tree into which such an object has been driven (see § 32.2(i)).

D. Sport Fishing. We allow fishing on designated areas of the refuge as shown on the refuge hunting and fishing brochure map in accordance with State regulations subject to the following conditions:

1. We prohibit commercial fishing or commercial crawfishing.

2. Conditions A1, A3, A4, A9 (on the open portions of Wood Duck ATV Trail for wildlife-dependent activities throughout the year), A13 through A16, and A19 apply.

3. We only allow hook and line to catch bait fish.

4. We prohibit slat traps or hoop nets on the refuge.

5. You may use trotlines and yo-yos on the refuge. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water. You must attend yo-yos (within sight) at all times.

6. We prohibit possession of cleaned or processed fish on the refuge.

7. We allow recreational crawfishing on the refuge with either traps or nets April 1 through July 31, according to State regulations regarding trap requirements and licensing. The harvest limit is 100 pounds (45 kg) per vehicle or boat per day.

8. You must attend all crawfish traps and nets at all times and may not leave them on the refuge overnight. We allow up to and not exceeding 20 traps per angler on the refuge.

9. We prohibit harvest of frog or turtle on the refuge (see § 27.21 of this chapter).

10. We prohibit boat launching by trailer from all refuge roads and parking lots.

11. We prohibit the harvest of frogs or turtles (see § 27.21 of this chapter).

CATAHOULA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds only on designated areas of the Bushley Bayou Unit in accordance with State hunting regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge hunting permit. Prior to entering and leaving the hunt area, we require hunters to sign in and out at designated locations as indicated on the refuge hunt/fish permit.

2. We allow goose, duck, and coot hunting on the Bushley Bayou Unit on Tuesdays, Thursdays, Saturdays, and Sundays only from ½ hour before legal sunrise until 12 p.m. (noon) during the State season.

3. We open the refuge to hunters 2 hours before official sunrise for migratory game bird hunting.

4. We allow ATVs on ATV trails (see § 27.31 of this chapter) designated on the refuge hunt/fish permit from September 1 through the end of rabbit season. We open Bushley Creek, Black Lake, Boggy Bayou, Round Lake, Dempsey Lake Roads, and that portion of Minnow Ponds Road at Highway 8 to Green's Creek Road and then south to Green's Creek Bridget to ATVs year-round. We prohibit the use of an ATV on graveled roads designated for motor vehicle traffic unless otherwise posted. We only allow ATVs for wildlife-dependent activities. We define an ATV as an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight 750 lbs. (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 × 12 with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

5. We require hunters to remove all portable blinds, boats, decoys, and other personal equipment (see § 27.93 of this chapter) from the refuge by 1 p.m. daily.

6. We prohibit all migratory game bird hunting during deer-gun and muzzleloader hunts.

7. We prohibit hunting or shooting within 150 feet (45 m) of any public road, refuge road, ATV trail, building, residence, or designated public facility. We prohibit parking, walking, or hunting with 150 feet (45 m) of any active oil well site, production facility, or equipment.

8. We prohibit the use of air-thrust boats, inboard water-thrust boats, or personal watercraft. We only allow nonmotorized boats, boats with electric motors, or boats with a motor of 10 hp or less on Black Lake, Dempsey Lake, Long Lake, Rhinehart Lake, and Round Lake.

9. We prohibit the use of mules or horses.

10. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must possess and carry a refuge permit and may supervise no more than two youth hunters.

11. You may only possess approved nontoxic shot while in the field (see § 32.2(k)). This requirement only applies to the use of shotgun ammunition.

12. We prohibit the possession of buckshot, slugs, or rifle ammunition larger than .17 caliber rimfire while engaged in migratory game bird hunts.

13. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

14. We prohibit marking areas or trails with tape, paint, paper, flagging, or any other material.

15. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds. We only allow dogs after the last deer-muzzleloader hunt, except when we allow them for waterfowl hunting throughout the entire refuge waterfowl season.

16. We prohibit camping or parking overnight on the refuge.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4 (at the Bushley Bayou Unit), A7 through A14, and A16 apply.

2. At the Headquarters Unit, we only allow squirrel, rabbit, raccoon, and feral hog hunting from the first day of the State squirrel season through October 31.

3. At the Bushley Bayou Unit, we allow squirrel, rabbit, raccoon, and feral hog hunting in accordance with the State season.

4. We open the refuge to hunters from 2 hours before legal sunrise until 2 hours after legal sunset.

5. At the Headquarters Unit, we only allow ATV use year-round on the Muddy Bayou Road.

6. We prohibit squirrel, rabbit, and raccoon hunting during deer-gun and muzzleloader hunts.

7. We prohibit the use of airboats, inboard water-thrust boats, or personal watercraft. We only allow nonmotorized boats, boats with electric motors, or boats with a motor of 10 hp or less on Black Lake, Dempsey Lake, Long Lake, Rhinehart Lake, and Round Lake of the Bushley Bayou Unit and Duck Lake, Cowpen Bayou, Willow Lake,

and the Highway 28 and 84 borrow pits of the Headquarters Unit.

8. At the Headquarters Unit, we close upland game hunting during high water conditions with an elevation of 42 feet (12.6 m) or above as measured at the Corps of Engineers center of the lake gauge on Catahoula Lake. At the Bushley Bayou Unit, we close upland game hunting during high water conditions with an elevation of 44 feet (13.2 m) or above as measured at the Corps of Engineers center of the lake gauge on Catahoula Lake.

9. On the Bushley Bayou Unit we allow the use of dogs to hunt squirrel, rabbit, and raccoon only after the last deer-muzzleloader hunt.

10. Dog owners must place their names and phone numbers on the collars of all of their dogs.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4 (at the Bushley Bayou Unit), A7 through A9, A12 through A14, A16, and B4 through B8 (big game hunting) apply.

2. At the Bushley Bayou Unit, we allow deer-archery hunting during the State archery season, except when closed during deer-gun and deer-muzzleloader hunts. We allow either-sex, deer-muzzleloader hunting during the first segment of the State season for Area 1, weekdays only (Monday through Friday) and the third weekend after Thanksgiving Day. We allow either-sex, deer-gun hunting for the Friday, Saturday, and Sunday immediately following Thanksgiving Day and for the second weekend following Thanksgiving Day.

3. At the Headquarters Unit, we allow deer-archery hunting during the State archery season, except when closed during the deer-gun hunt south of the French Fork of the Little River. We allow either-sex, deer-gun hunting on the fourth weekend after Thanksgiving Day on the area south of the French Fork of the Little River.

4. We allow portable stands and climbing stands, but hunters must remove them from the refuge daily (see § 27.93 of this chapter).

5. We prohibit possession of buckshot.

6. We require a minimum of 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and in addition we require a hat or cap of unbroken hunter orange. You must wear the solid hunter-orange items while in the field.

7. You may only take one deer per day during any refuge deer hunt. The State season limits apply.

8. We prohibit the use of organized drives for taking or attempting to take game or using pursuit dogs.

9. Archery hunters must possess and carry proof of completion of the International Bowhunters Education Program.

10. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must possess and carry a refuge permit and may supervise no more than one youth hunter.

11. We prohibit the use of dogs to trail wounded deer.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 (at the Bushley Bayou Unit), A7, A9, A13 (as a fishing guide), A14, A16, B5, and B7 apply.

2. We require anglers to possess and carry at all times a signed copy of a current refuge hunting/fishing permit.

3. At the Bushley Bayou Unit, we allow fishing and crawfishing year-round. We allow trotlines, but you must tend them at least once every 24 hours and reset them when receding water levels expose them. You must attach them with a length of cotton line that extends into the water. We allow yo-yos, but you must attend and only use them from 1 hour before legal sunrise until ½ hour after legal sunset. We only allow recreational gear (slat traps, wire nets, and hoop nets) by refuge Special Use Permit and only in Bushley Creek, Big Bushley Creek, and Little Bushley Creek.

4. At the Headquarters Unit, we allow year-round fishing on Cowpen Bayou and the Highway 28 borrow pits. We open fishing on the remainder of the Headquarters Unit including Duck Lake, Muddy Bayou, Willow Lake, and the Highway 84 borrow pits from March 1 through October 31. We only allow pole and line or rod and reel fishing. We prohibit snagging.

5. We allow fishing from 1 hour before legal sunrise until ½ hour after legal sunset.

6. At the Headquarters Unit, we only allow launching of trailered boats at designated boat ramps. You may launch small, hand-carried boats at nonboat ramp sites. We prohibit dragging boats or driving vehicles (see § 27.31 of this chapter) onto road shoulders to launch boats.

7. We prohibit the taking or possession of all snakes, frogs, turtles, salamanders, and mollusks by any means (see § 27.21 of this chapter).

8. We prohibit bank fishing on Bushley Creek and fishing in Black Lake, Dempsey Lake, Long Lake, Rhinehart Lake, and round Lake, during deer-gun and muzzleloader hunts. We prohibit fishing in Black Lake, Dempsey Lake, Long Lake, Rhinehart

Lake, and Round Lake during waterfowl hunts.

D'ARBONNE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit.

2. We prohibit waterfowl hunting in the ''Beanfield'' area west of Bayou D'Arbonne and between Holland's Bluff Road and the ''Big Powerline'' east of Bayou D'Arbonne. We mark prohibited areas with blue paint and signs.

3. We prohibit woodcock hunting in the ''Beanfield'' area west of Bayou D'Arbonne.

4. We allow waterfowl hunting until 12 p.m. (noon) during the State season except when closed during the special teal season and State youth waterfowl hunt.

5. Hunters may enter the refuge no earlier than 4 a.m.

6. We prohibit hunting within 150 feet (45 m) of the maintained right-of-way roads, from or across ATV trails (see §27.31 of this chapter). We prohibit hunting within 50 feet (15 m) or trespassing on above-ground oil or gas production facilities.

7. We prohibit leaving boats, blinds, and decoys unattended.

8. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

9. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must possess and carry a refuge permit and may supervise no more than two youth hunters.

10. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A6, A9, and A10 apply.

2. We prohibit hunting in the ''Beanfield'' area west of Bayou D'Arbonne after October 31.

3. We prohibit possession of firearms larger than .22 caliber rimfire, shotgun slugs, and buckshot while engaged in upland game hunting.

4. You may hunt raccoon and opossum during the daylight hours of rabbit and squirrel season and at night during December and January. You may use dogs for night hunting. You may take raccoon and opossum on the refuge, but we prohibit their sale for human consumption.

5. You may use dogs to hunt squirrel and rabbit after the last refuge Gun Deer Hunt.

6. You may only use horses and mules to hunt raccoon and opossum at night after obtaining a special permit at the refuge office.

7. Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal shooting hours.

8. You may only possess approved nontoxic shot while in the field (see §32.2(k)). This requirement only applies to the use of shotgun ammunition.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A3 (for gun deer hunting), A6, A10, and B7 apply.

2. We allow general gun deer hunting on the following days: the first consecutive Saturday and Sunday of November, the Friday, Saturday, and Sunday following Thanksgiving Day, and the second Saturday and Sunday after Thanksgiving Day. We allow archery deer hunting during the entire State season.

3. We allow a restricted Gun Deer Hunt for hunters with Class I Wheelchair Bound Permit issued by the Louisiana Department of Wildlife and Fisheries on the second consecutive Saturday and Sunday of November. Only permitted hunters may carry firearms (see §27.42 of this chapter).

4. The daily bag limit is one antlered and one antlerless deer. The State season limit applies.

5. You must check all deer taken during general Gun Deer Hunts at a refuge check station between 7 a.m. and 7 p.m. on the same day taken unless stated otherwise in the annual refuge hunting brochure and permit.

6. Archery hunters must possess and carry proof of completion of the International Bowhunters Education Program.

7. We prohibit leaving deer stands, blinds, and other equipment unattended.

8. Deer hunters must wear hunter orange as per State deer hunting regulations on Wildlife Management Areas.

9. We prohibit hunters placing, or hunting from, stands on pine trees with white painted bands/rings.

10. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must

possess and carry a refuge permit and may supervise no more than one youth hunter.

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit leaving boats and other personal property on the refuge unattended.

2. You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

3. We prohibit commercial fishing. Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit (that you must possess and carry) available at the refuge office.

4. We prohibit the taking of turtle (see § 27.21 of this chapter).

DELTA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions.

1. We allow waterfowl hunting on Wednesdays, Thursdays, Saturdays, and Sundays until 12 p.m. (noon), including special teal season, youth waterfowl season, and ''light goose'' special conservation season.

2. We only allow temporary blinds. You must remove both blinds and decoys (see § 27.93 of this chapter) by 12 p.m. (noon).

3. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

4. Hunters must possess and carry a valid refuge hunt permit.

5. We only allow hunting on those portions of the refuge that lie northwest of Main Pass and south of Raphael Pass.

6. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)). We prohibit possession of buckshot, slugs, rifles, or rifle ammunition.

7. We prohibit air-thrust boats, motorized pirogues, mud boats, and air-cooled propulsion engines on the refuge.

8. We close all refuge lands between Raphael Pass and Main Pass to all entry during the State waterfowl hunting season.

9. We prohibit discharge of firearms (see § 27.42 of this chapter) within 250 yards (225 m) of buildings or worksites, such as oil or gas production facilities.

10. We allow primitive camping year-round in designated areas (see refuge map). No person or party will remain camped, nor will any campsite remain established, in excess of 14 consecutive days.

11. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must possess and carry a refuge permit and may supervise no more than two youth hunters during waterfowl hunts.

12. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of weather such payment is for guiding, outfitting, lodging, or club membership.

13. We open the refuge from ½ hour before legal sunrise to ½ hour after legal sunset, with the exception that hunters may enter the refuge earlier, but not before 4 a.m. Condition A10 applies.

B. Upland Game Hunting. We allow hunting of rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge rabbit season opens the day after the State duck season closes and continues through the remainder of the State rabbit season.

2. We restrict hunting to shotgun only.

3. We allow dogs for rabbit hunting.

4. Conditions A4 through A12 (each adult may supervise no more than two youth hunters during upland game hunting), and A13 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer and hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. For archery hunting of deer and hogs, conditions A4 through A13 apply. For A11 each adult may supervise no more than one youth hunter during big game hunting.

2. We allow archery deer hunting October 1 through 31 (either sex) and from the day after the close of the State duck season through the end of the State deer archery season.

3. Hunters must only use portable stands for archery deer hunting.

4. We prohibit dogs and driving of deer for archery deer hunting.

5. You may only take hog with archery equipment.

6. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals or other feed or any nonnaturally occurring attractant on the refuge (see § 32.2(h)).

D. Sport Fishing. We allow recreational fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow recreational fishing and crabbing from legal sunrise to legal sunset.

2. We prohibit all commercial finfishing and shellfishing.

3. We prohibit the use of trotlines, limblines, slat traps, jug lines, nets, or alligator lines.

4. Condition A8, A11, and A13 (fishing guide) applies.

5. We prohibit the taking of turtle (see § 27.21 of this chapter).

GRAND COTE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, mourning dove, and woodcock on designated areas of the refuge on designated areas (shown on the refuge hunting brochure map) in accordance with State regulations subject to the following conditions:

1. We require hunters and anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit.

2. Hunters must fill out a free daily ''check-in'' and ''check out'' refuge hunting permit obtained at designated check stations and must properly display the associated windshield permit while in parking lots.

3. The refuge opens at 4 a.m. and closes 1 hour after legal sunset.

4. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may supervise no more than two youth hunters during waterfowl hunts.

5. You may only enter and exit the refuge from designated parking lots.

6. We prohibit camping or parking overnight on the refuge.

7. We prohibit discharge of firearms (see § 27.42 of this chapter) except when hunting.

8. We prohibit marking of trails with nonbiodegradable flagging tape.

9. We allow use of ATVs on designated trails (see § 27.31 of this chapter) from the first Saturday in September to the last day of the State rabbit season. An ATV is an off-road vehicle with factory specifications not to exceed the following: weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25×12 with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

10. We prohibit horses and mules.

11. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail or ATV trail, building, residence, above-ground oil or gas or electrical transmission facilities, or designated public facility.

12. We prohibit transport of loaded weapons on an ATV (see § 27.42(b) of this chapter).

13. We prohibit blocking of gates or trails (see § 27.31(h) of this chapter) with vehicles or ATVs.

14. We prohibit ATVs on trails/roads (see § 27.31 of this chapter) not specifically designated by signs for ATV use.

15. We only allow nonmotorized boats.

16. We allow incidental take of raccoon, feral hog, beaver, nutria, and coyote while you are hunting migratory birds, upland game, or big game, with weapons legal for that hunt only.

17. We only allow waterfowl (duck, goose, coot) hunting on Wednesdays and Saturdays until 12 p.m. (noon) during the Statewide duck season.

18. We only allow the use of shotguns while waterfowl hunting.

19. We prohibit the construction or use of permanent blinds.

20. You must remove all decoys, portable blinds, and boats (see § 27.93 of this chapter) daily.

21. We only allow incidental take of mourning dove while migratory bird hunting on days open to waterfowl hunting.

22. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

23. There will be space-blind waterfowl hunts on designated sections of the refuge during the regular State waterfowl season (see refuge brochure for details). Hunt dates will be Wednesdays and Saturdays until 12 p.m. (noon). There will be a random drawing on each hunt day to select participants. The drawing for each hunt day will be approximately 2 hours before legal sunrise. We will limit blinds to three persons. We will set hunt dates in September, subject to water availability, after the State sets the season.

24. There will youth-only lottery waterfowl hunts on designated sections of the refuge during the regular State waterfowl season (see refuge brochure for details). We will determine hunt dates after the State sets the waterfowl season and limit the hunts to no more than five per season. We will accept applications from November 1 through November 21. We will notify successful applicants by mail.

25. There may be special youth, women, and disabled hunter dove hunts (subject to cropland availability) during the regular State dove season (see refuge brochure for details). We will determine hunt dates after the State sets the season. We will determine the number of hunt days and participants by location of available cropland. We will accept applications from July 1 through July 31, and we may only select individuals for one hunt date. We will notify successful applicants by mail.

26. Individuals utilizing the refuge are subject to inspections of permits, licenses, hunting equipment, bag limits, and boats and vehicles by law enforcement officers.

27. We allow nonmotorized or electric-powered boats only.

28. We prohibit the possession of saws, saw blades, or machetes.

29. We prohibit trapping.

B. Upland Game Hunting. We allow hunting of rabbit on designated areas of the refuge as shown on the refuge hunting brochure map

in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A16, A20, and A26 apply.

2. We allow rabbit hunting from December 1 until the end of the Statewide season.

3. We only allow use of shotguns during designated hunts.

4. We only allow rabbit dogs after the close of the State deer rifle season.

5. We require the owner's name and phone number on the collars of all dogs.

6. You may only possess approved nontoxic shot (see §32.2(k)) for upland game hunting. This requirement only applies to the use of shotgun ammunition.

7. We allow the use of .22 caliber or less rimfire rifles and 12 gauge or higher shotguns to hunt upland game.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as shown on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A16, A20, and A26 apply.

2. We allow archery-only deer hunting on certain sections of the refuge from October 1 through November 30 (see refuge brochure for details).

3. We allow only portable deer stands (see §§27.93 and 27.94 of this chapter). Deer stands must have the owner's name, address, and phone number clearly printed on the stand.

4. We prohibit hunters to drive deer or to use pursuit dogs. We prohibit the use of dogs to trail wounded deer or hogs.

5. We only allow archery equipment during designated seasons.

6. We require hunters to complete and possess and carry proof of completion of the International Bowhunters' Safety Course.

7. You may kill one deer of either sex per day during the deer season.

8. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may supervise no more than two youth hunters.

9. We prohibit driving or screwing nails, spikes, or other metal objects into trees or hunting from any tree into which such an object has been driven (see §32.2(i)).

D. Sport Fishing. We allow fishing and seasonal take of crawfish in designated waters of the refuge as shown on the crawfish permit map in accordance with State regulations subject to the following conditions:

1. Conditions A11, A26, C7, and C8 apply.

2. We only allow fishing in Coulee Des Grues along Little California Road.

3. We only allow fishing with pole and line.

4. We prohibit leaving parking areas to fish until legal sunrise.

5. We allow fishing and crawfishing from legal sunrise to legal sunset.

6. We allow crawfishing from April 1 through July 31, subject to available water in designated areas as depicted on the crawfish permit map available at refuge headquarters.

7. We require anglers to take crawfish using pyramid nets with webbing made of cotton or nylon. We prohibit wire traps.

8. You may harvest 100 lbs. (45 kg) of crawfish per person per day.

9. We prohibit sale of crawfish taken from the refuge.

10. We prohibit glass containers on the refuge.

11. You must remove all crawfishing gear (see §27.93 of this chapter) from refuge property after each day's visit.

12. We prohibit possession of cleaned or processed fish on the refuge.

13. We prohibit the harvest of frogs or turtles (see §27.21 of this chapter).

14. We only allow bank fishing in Coulee des Grues along Little California Road.

15. We prohibit launching boats, put or placed, in Coulee des Grues from refuge property.

LACASSINE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, gallinule, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a refuge hunting permit.

2. We only allow hunting on designated areas of the refuge. These areas include the marshes south of the Intracoastal Waterway and the area east of the Lacassine Bayou excluding Unit B (lottery hunt area west of Streeter Road), Unit F, and the headquarters area along Streeter Road (see refuge map).

3. We allow hunting Wednesdays through Sundays of the State teal and duck seasons (Western Zone). We close the refuge to hunting during the ''goose only'' waterfowl season. State daily and season harvest limits apply.

4. We prohibit entering the hunting area earlier than 4 a.m., and shooting hours end at 12 p.m. (noon) each day.

5. We only allow firearms (see §27.42 of this chapter) legal for waterfowl hunting in the refuge hunting area.

6. We prohibit all boat motors, including trolling motors, in refuge marshes. We prohibit air-thrust boats and ATVs on the refuge (see §27.31(f) of this chapter).

7. We prohibit hunting closer than 150 feet (45 m) to a canal or waterway, and hunting parties must maintain a distance of no less than 150 yards (135 m) apart.

8. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth

must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must possess and carry a refuge permit and may supervise no more than two youth hunters during waterfowl hunts.

9. You must remove all hunting-related equipment (see §27.93 of this chapter) immediately following each day's hunt.

10. Only selected lottery hunt applicants may hunt on the designated lottery hunt area (Unit B) of the refuge. We designate hunt days on the lottery hunt for seniors and youth of the second split of the State duck season (Western Zone). You must contact the refuge office concerning the application process.

11. We prohibit overnight camping on the refuge.

12. We prohibit possession of alcohol in the hunt areas during the hunting season.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A6, A8 (each adult may supervise no more than one youth hunter during big game hunts), A9, A11, and A12 apply.

2. We only allow archery hunting for white-tailed deer from October 1 through October 31.

3. We prohibit entrance to the hunting area earlier than 4 a.m. Hunters must leave no later than 1 hour after legal sunset.

4. Each bowhunter must possess and carry a Bowhunter Education Certificate indicating completion of the State bowhunter safety class.

5. The daily bag limit is one deer per day (either sex). The State season limits apply.

6. We prohibit hunting in the headquarters area along Nature Road and along the Lacassine Pool Wildlife Drive (see refuge map).

7. We only allow boats with motors of 25 hp or less in Lacassine Pool.

8. We prohibit boats in Lacassine Pool and Unit D from October 16 through March 14. We prohibit boats in Units A and C.

9. We allow only foot access to the Unit F area.

10. We prohibit firearms while deer hunting or scouting.

11. We allow the use of crossbows for hunters age 60 or older, or hunters with a State handicapped crossbow permit.

12. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals, or other feed on any nonnaturally occurring attractant on the refuge (see §32.2(h)).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A11, C7, and C8 apply.

2. We allow fishing March 15 through October 15.

3. You may enter the refuge 1 hour before legal sunrise, and you must leave 1 hour after legal sunset.

4. We prohibit fishing in the headquarters display pond.

5. We prohibit bank fishing on the Lacassine Pool Wildlife Drive.

6. We prohibit air-thrust boats, ATVs, and Jet Skis on the refuge (see §27.31(f) of this chapter).

7. We prohibit dragging or driving of boats over levees.

8. You must only launch trailered boats at the cement ramps at the public boat launches in Lacassine Pool.

9. We only allow boats powered by paddling or trolling motors in the Unit D impoundment within Lacassine Pool.

10. We prohibit motors in the refuge marshes outside of Lacassine Pool.

11. We only allow fishing with rod and reel or pole and line on refuge waters.

12. We prohibit the taking of turtle (see §27.21 of this chapter).

LAKE OPHELIA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, snipe, and mourning dove on designated areas of the refuge, as shown in the refuge hunting brochure map, in accordance with State regulations subject to the following conditions:

1. We require hunters and anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit.

2. Hunters must fill out a free daily ''check-in'' and ''check out'' refuge hunting permit obtained at designated check stations and must properly display associated windshield permit while in the parking lots.

3. The refuge opens at 4 a.m. and closes 1 hour after legal sunset.

4. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may supervise no more than two youth hunters during waterfowl hunts.

5. You may only enter and exit the refuge from designated parking lots.

6. We prohibit camping or parking overnight on the refuge.

7. We prohibit marking of trails with nonbiodegradable flagging tape.

8. We allow use of ATVs on designated trails (see §27.31 of this chapter) from the first Saturday in September until the last day of refuge turkey season. We define ATV

as an off-road vehicle with factory specifications not to exceed the following: weight 750 lbs. (337.5 kg), length 85 inches (212.5 cm), and width-48 inches (120 cm). We restrict ATV tires to those no larger than 25×12 with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi (3.15 kg) as indicated on the tire by the manufacturer.

9. We prohibit horses or mules.

10. We prohibit hunting within 150 feet (45 m) of any designated road, ATV or hiking trail, or refuge facility.

11. We prohibit transport of loaded weapons on an ATV (see § 27.42(b) of this chapter).

12. We prohibit blocking of gates or trails (see § 27.31(h) of this chapter) with vehicles or ATVs.

13. We prohibit all other hunting during special youth and muzzleloader-quota deer hunts.

14. We allow incidental take of raccoon, feral hog, beaver, nutria, and coyote while migratory bird hunting, upland game hunting, and big game hunting with weapons legal for that hunt.

15. We allow motors up to 25 hp in Possum Bayou (north of Boat Ramp), Palmetto Bayou, Westcut Lake, Pt. Basse, and Nicholas Lake.

16. We allow electric-powered or nonmotorized boats in Dooms Lake, Lake Long, and Possum Bayou (south of Boat Ramp).

17. We only allow waterfowl (duck, goose, coot) hunting on Tuesdays, Thursdays, Saturdays, and Sundays until 12 p.m. (noon) during the Statewide duck season.

18. We only allow the use of shotguns while waterfowl hunting.

19. You must remove all decoys, portable blinds, and boats (see § 27.93 of this chapter) daily.

20. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

21. We will allow incidental take of mourning dove while migratory bird hunting on days open to waterfowl hunting.

22. Persons using the refuge are subject to inspections of permits, licenses, hunting equipment, bag limits, boats, and vehicles by law enforcement officers.

23. We prohibit trapping.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge as shown on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A16, A19, and A22 apply.

2. We allow squirrel and rabbit hunting in Hunt Unit 2B from the opening of the State season through December 15.

3. We only allow squirrel and rabbit dogs after the close of the State deer rifle season. We allow no more than two dogs per hunting party.

4. Dog owners must place their name and phone number on the collars of all their dogs.

5. You may only possess approved nontoxic shot (*see* § 32.2(k)) for upland game hunting. This requirement only applies to the use of shotgun ammunition.

6. We allow the use of .22 caliber or less rimfire rifles and 12 gauge or higher shotguns to hunt upland game.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge as shown on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3, A5 through A16, A19, and A22 apply.

2. We require hunters to permanently attach their name, address, and phone number to the deer stand.

3. We allow archery hunting from November 15 through January 1 and January 23 to the end of the State archery season except during the youth and muzzleloader deer hunts when we prohibit archery hunting.

4. We allow archery deer hunting in Hunt Units 1B and 2B from November 15 through December 15.

5. We allow youth deer hunting in all units during the State youth deer season.

6. We allow only portable deer stands. Hunters may erect deer stands 2 days before the beginning of the refuge archery season and must remove them the last day of the State archery season.

7. We prohibit the use of organized drives for taking or attempting to take game or using pursuit dogs.

8. We only allow archery equipment during designated seasons.

9. Hunters must complete, possess, and carry proof of completion of the International Bowhunters' Safety Course.

10. We prohibit the use of dogs to trail wounded deer.

11. We allow electric-powered or nonmotorized boats in Lake Ophelia from November 1 through December 15.

12. You may kill one deer of either sex per day during the first refuge archery season, and you may kill antlered bucks only during the second refuge archery season.

13. We require a minimum of 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and in addition we require a hat or cap of unbroken hunter orange during all deer gun hunts and the quota muzzleloaders deer hunts.

14. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may

only supervise one youth hunter during big game hunts.

15. There will be three lottery muzzleloader hunts (see refuge brochure for details). We will set hunt dates in July, and we will accept applications from August 1 through August 31. Applicants may NOT apply for more than one hunt. There is a $5 nonrefundable application fee per person for each hunt application and a $15 per person permit for each successful applicant. We will notify successful applicants by September 15.

16. There will be two lottery deer hunts for youth ages 12 to 15 (see refuge brochure for details). We will set hunt dates in July, and we will accept applications from November 1 through November 21. We will provide blinds. We will require successful applicants to pass a shooting proficiency test in order to qualify for the hunt. We will notify successful applicants by mail.

17. We prohibit driving or screwing nails, spikes, or other metal objects into trees or hunting from any tree in which such an object has been driven (see §32.2(i)).

D. Sport Fishing. We allow fishing in designated areas as described in the refuge hunting brochure in accordance with State regulations subject to the following conditions:

1. Conditions A1, A3, A5 through A9, A17, A19 (remove boats [see §27.93 of this chapter]) and A22 apply.

2. We allow sport fishing in Duck Lake, Westcut Lake, Possum Bayou, Lake Long, and the immediate vicinity of the Lake St. Agnes drainage culverts on the Red River.

3. We prohibit the use of gear or equipment other than hook and line to catch bait fish.

4. We allow fishing from March 1 through October 15 from legal sunrise to legal sunset.

5. You must attend yo-yos (within sight) at all times.

6. We prohibit possession of largemouth bass less than 14 inches long (35 cm) and black and white crappie less than 10 inches long (25 cm).

7. We prohibit cleaned or processed fish on the refuge.

8. We allow use of ATVs on the Duck Lake ATV trail from March 15 through October 15.

9. We prohibit the harvest of frogs or turtles (see §27.21 of this chapter).

10. We prohibit crawfishing.

MANDALAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of migratory game birds on Wednesdays and Saturdays until 12 p.m. (noon). Hunters may only enter the refuge after 4 a.m.

2. Prior to hunting, we must assign a refuge blind and issue a refuge lottery waterfowl permit to any person entering, using, or occupying the refuge for hunting migratory game birds. You may only hunt from your assigned blind.

3. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult can supervise no more than two refuge-permitted youth hunters. We require all adult supervisors and hunters of migratory game birds to possess and carry a State Hunter Safety Course certificate.

4. All hunters must check-in and check out at a refuge self-clearing check station. Each hunter must list their name and certificate number on the self-clearing check station form and deposit the form at a refuge self-clearing check station prior to hunting. Hunters must report all game taken on the refuge when checking out by using the self-clearing check station form.

5. We allow no more than three hunters to hunt from a blind at one time.

6. We prohibit firearms (see §27.42 of this chapter) other than those used to take migratory game birds in boats or in the possession of migratory game bird hunters.

7. We prohibit air-thrust boats or marsh buggies on the refuge. We restrict motorized boat use to existing canals, ditches, trenasses, and ponds.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow the hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge to hunting of deer and hog during the State deer season, except prior to 12 p.m. (noon) on Wednesdays and Saturdays during State waterfowl seasons, when we close areas north of the Intra-Coastal Waterway to hunting of big game.

2. Hunters may only enter the refuge after 4 a.m. and must exit by 1 hour after legal sunset.

3. You may take big game with archery equipment and in accordance with State law. You may only take one deer of either sex per day, and hunters may only possess one deer. The State season limits on deer apply. There is no daily or possession limit on the number of feral hogs.

4. All hunters must possess and carry proof of completion of the International Bowhunters' Education Program when hunting.

5. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals or other feed, or any nonnaturally occurring attractant on the refuge (see §32.2(h)).

6. Condition A7 applies.

D. Sport Fishing. We allow fishing in all refuge waters in accordance with State regulations subject to the following conditions:

1. We only allow recreational fishing. We prohibit commercial fishing on the refuge.
2. We prohibit the use of unattended nets, traps, or lines (trot, jog, bush, etc.).
3. We only allow fishing in refuge canals during the period of October 1 to January 31.
4. We close the refuge to any nighttime activities unless specifically stated.
5. Condition A7 applies.
6. We prohibit the taking of turtle (see § 27.21 of this chapter).

RED RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit.
2. We allow waterfowl and woodcock hunting on all refuge lands except the areas within the Headquarters Focus Area in Bossier Parish and north of Interstate 49 within the Spanish Lake Focus Area in Natchitoches Parish.
3. We only allow dove hunting during the first 3 days of the State season on all refuge lands except the areas within the Headquarters Focus Area in Bossier Parish and north of Interstate 49 within the Spanish Lake Focus Area in Natchitoches Parish.
4. We allow waterfowl hunting until 12 p.m. (noon) during the State season.
5. Hunters may enter the refuge no earlier than 3 a.m.
6. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail or ATV trail, residence, building, aboveground oil or gas or electrical transmission facilities, or designated public facility.
7. We prohibit leaving boats, blinds, and decoys unattended.
8. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.
9. Youth hunters age 15 and under must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult can supervise no more than two youth hunters.
10. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A7, and A8 apply.
2. We allow hunting on all refuge lands except the areas within the Headquarters Focus Area in Bossier Parish and north of Interstate 49 within the Spanish Lakes Focus Area in Natchitoches Parish.
3. We prohibit the possession of firearms (see § 27.42 of this chapter) larger than .22 caliber rimfire, shotgun slugs, and buckshot.
4. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season. We allow night hunting during December and January, and you may use dogs for night hunting. We prohibit selling of raccoon and opossum taken on the refuge for human consumption.
5. We allow use of dogs to hunt squirrel and rabbit after the last refuge Gun Deer Hunt.
6. If you want to use horses and mules to hunt raccoon and opossum at night, you must first obtain a special permit at the refuge office.
7. Hunters may enter the refuge no earlier than 3 a.m. and no later than 2 hours after legal shooting hours.
8. Youth hunters age 15 and under must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult can supervise no more than one youth hunter.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A7, A8, and B7 apply.
2. We only allow archery hunting.
3. We allow deer hunting on all refuge lands except the areas within the Headquarters Focus Area in Bossier Parish and north of Interstate 49 within the Spanish Lake Focus Area in Natchitoches Parish.
4. The daily bag limit is one deer of either sex. The State season limit applies.
5. Archery hunters must possess and carry proof of completion of the International Bowhunters' Education Program.
6. We prohibit leaving deer stands, blinds, and other equipment unattended.
7. We prohibit hunters placing stands or hunting from stands on pine trees with white painted bands/rings.
8. Youth hunters age 15 and under must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each

adult can supervise no more than one youth hunter.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit leaving boats and other personal property on the refuge unattended.

2. We prohibit boat launching with motors greater than 50 hp on all refuge waters.

3. You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

4. We prohibit commercial fishing. Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit (that you must possess and carry) available at the refuge office.

5. We prohibit the taking of alligator snapping turtle (see §27.21 of this chapter).

SABINE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose (except Canada goose), and coot on areas designated by signs stating ''Waterfowl Hunting Only'' and delineated on the refuge regulations and permit brochure map in accordance with State regulations subject to the following conditions:

1. We require all hunters to possess and carry a signed refuge permit.

2. We only allow waterfowl hunting on Wednesdays, Saturdays, and Sundays during the special teal season and during the regular waterfowl season.

3. We only allow hunters to enter the refuge and launch boats after 3 a.m. All participants must be out of the refuge hunt areas and back at West Cove Public Use Area by 12 p.m. (noon).

4. We prohibit hunting on Christmas Day or New Year's Day should these days fall on a designated hunt day.

5. Youth hunters age 17 and under must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may supervise no more than two refuge-permitted youth hunters.

6. We prohibit nonhunters entering the refuge hunt areas, with the exception of youth age 15 or under experiencing the hunt with their parent or guardian.

7. You may access the hunt areas via the boat launches at the West Cove Public Use Area, by vehicle on Vastar Road, and at designated turnouts within the refuge public hunt area along State Highway 27 (see §27.31 of this chapter). We prohibit refuge entrance through adjacent private property or using the refuge to access private property or leases.

8. We only allow launching of boats on trailers at West Cove Public Use Area. We allow hand launching of small boats along Vastar Road (no trailers permitted).

9. We prohibit dragging boats across the levee.

10. We only allow operation of outboard motors in designated refuge canals and Old North Bayou. We allow trolling motors within the refuge marshes.

11. We prohibit air-thrust boats, personal motorized watercraft (*e.g.*, Jet Skis), or boats with air-cooled propulsion engines (Go-Devil-type motors).

12. We prohibit hunting within 300 feet (90 m) of another hunter or within 150 feet (45 m) of refuge canals, public roads, buildings, above-ground oil or gas or electrical transmission facilities, or designated public facility.

13. You must only use portable blinds and those made of native vegetation. You must remove portable blinds, decoys, spent shells, and all other personal equipment (see §§27.93 and 27.94 of this chapter) each day.

14. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

15. We require you to complete and return a waterfowl harvest data form to the check station or designated drop box after each hunt.

16. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

17. We prohibit all-terrain vehicles (ATVs) (see §27.31(f) of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing, crabbing, and cast netting in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Bank and wharf access for fishing are available year-round at the Public Use Areas along State Highway 27. You may only access the refuge by boat during the March 15 to October 15 open period.

2. We allow use of rod and reel, pole and line, or jug and line. We prohibit the use or possession of any other type of fishing gear, including limb lines, gill nets, or trot lines. We limit jug and line to 10 per boat, and you must attend them at all times. You must mark all jugs with the attendant's fishing license number and remove them (see §27.93 of this chapter) from the refuge daily.

3. You must only launch boats with motors at the designated boat ramps at the Hog Island Gully and West Cove Public Use Areas.

4. You must launch nonmotorized boats at the 1A–1B Public Use Area.

5. We only allow operation of outboard motors in designated refuge canals, Old North

Bayou, and Management Unit 3 (40 hp maximum in Unit 3). We allow trolling motors within the refuge marshes.

6. Conditions A9, A11, A16 (fishing guide), and A17 apply.

7. Crabbing: We allow crabbing in designated areas of the refuge subject to the following conditions:

i. You must only take crabs with cotton hand lines or drop nets with up to 24″ (60 cm) outside diameter.

ii. You must remove all hand lines, drop nets, and bait (see §27.93 of this chapter) from the refuge upon leaving.

iii. We allow a daily limit on crabs of 5 dozen (60) per vehicle or boat.

8. Cast Netting: We only allow cast netting in designated areas of the refuge during the Louisiana Inland Shrimp Season subject to the following conditions:

i. We require each individual, regardless of age, to possess and carry a signed refuge cast-netting permit.

ii. An adult age 21 or older must directly supervise all youth hunters age 17 and under.

iii. We only allow cast netting from 12 p.m. (noon) to legal sunset.

iv. If you use a cast net, it must not exceed a 5 foot (1.5 m) hanging radius.

v. We only allow recreational cast netting for shrimp. You must immediately return all fish, crabs, or other incidental take (by catch) to the water before continuing to cast net.

vi. We allow a daily shrimp limit of 5 gallons (19 L) of heads-on shrimp per day, per vehicle, or per boat.

vii. Shrimp must remain in your actual custody while on the refuge.

viii. You must cast net from the bank and wharves at Northline, Hog Island Gully, and 1A–1B Public Use Areas or at sites along Hwy. 27 that provide safe access and that we do not post and sign as closed areas.

ix. We prohibit cast netting at or around the West Cove Public Use Area or on or around any boat launch.

x. You may cast net from a boat throughout the refuge except where posted and signed as closed.

xi. We prohibit reserving a place or saving a space for yourself or others by any means to include placing unattended equipment in designated cast-netting areas.

xii. We prohibit swimming in the refuge canals or wading into canals to cast net.

9. We prohibit the taking of turtle (see §27.21 of this chapter).

TENSAS RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of duck and coot on Tuesdays, Thursdays, Saturdays, and Sundays until 12 p.m. (noon) during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

2. We allow hunting of woodcock on designated areas of the refuge in accordance with State regulations.

3. We allow hunters to enter the refuge no earlier than 4 a.m.

4. In areas posted ''Area Closed'' or ''No Hunting Zone,'' we prohibit hunting of migratory birds at any time. We also close open fields, marked on the Public Use Regulations brochure map, to migratory bird hunting. You may obtain the Public Use Regulations brochure at the refuge headquarters in July.

5. We prohibit shooting to unload guns or muzzleloaders (see §27.42(a) of this chapter) on the refuge at any time.

6. Hunters must remove all blind materials and decoys (see §27.93 of this chapter) each day.

7. We allow nonmotorized boats, electric motors, and boats with motors 10 hp or less in refuge lakes, streams, and bayous. We prohibit storage of boats on the refuge, and you must remove them (see §27.93 of this chapter) daily.

8. We require all waterfowl hunters to report their game immediately after each hunt at the check station nearest to the point of take.

9. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals or other feed, or any nonnaturally occurring attractant on the refuge (see §32.2(h)).

10. We allow all-terrain vehicle travel on designated trails (see §27.31 of this chapter) for access typically from September 15 to the last day of the State squirrel season. We open designated trails from 4 a.m. until no later than 2 hours after legal sunset unless otherwise specified. We define an ATV as an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25×12 with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer. We require an affixed refuge all-terrain vehicle permit obtained from the refuge headquarters (typically in July). Disabled hunters using the refuge handicapped all-terrain trails must possess and carry the State's Disabled Hunter Permit. Additional handicapped or disabled access information will be available at the refuge headquarters.

11. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail or ATV trail, building, residence, above-ground oil or gas or electrical transmission facilities, or designated public facility.

12. We prohibit use and possession of any type of trail-marking material.

13. We prohibit use of organized drives for taking or attempting to take game.

14. We require a refuge access permit for all migratory bird hunts. You may find permits on the front of the Public Use Regulations brochure.

15. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult can supervise no more than two youth hunters during waterfowl hunts.

B. Upland Game Hunting. We allow hunting of raccoon, squirrel, and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow raccoon hunting beginning January 1 and typically ending the first week in February. We allow raccoon hunters to hunt from legal sunset to legal sunrise with the aid of dogs, horses, mules, and use of lights. We only allow such use of lights on the refuge at the point of kill. We prohibit all other use of lights for hunting on the refuge. Hunt dates will be available at refuge headquarters in July. We prohibit ATVs during the raccoon hunt.

2. We allow squirrel and rabbit hunting with and without dogs. We will allow hunting without dogs from the beginning of the State season and typically ending the day before the refuge deer muzzleloader hunt. We do not require wearing of hunter orange during the squirrel and rabbit hunt without dogs. Squirrel and rabbit hunting, with or without dogs, will begin the day after the refuge deer muzzleloader hunt and will conclude the last day of the State squirrel season.

3. We close squirrel and rabbit hunting during the following gun hunts for deer: refugewide youth hunt, muzzleloader hunt, and modern firearms hunts.

4. We allow hunters to enter the refuge after 4 a.m., and they must depart no later than 2 hours after legal sunset unless they are participating in the refuge raccoon hunt.

5. Conditions A5, A7, A8 (all upland game hunters), A9, A10, A11, A12, A14 (upland game hunts), and A15 (upland game hunts) apply.

6. In areas posted ''Area Closed'' or ''No Hunting Zone,'' we prohibit upland game hunting at any time.

7. We allow .22 caliber rimfire weapons for upland game. You may only possess approved nontoxic shot while on the refuge (see §32.2(k)). This requirement only applies to the use of shotgun ammunition.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Deer archery season will begin the first Saturday in November and will conclude on the last day of the State archery season (typically January 31). We require that archery hunters, including crossbow hunters, possess and carry proof of completion of the International Bowhunters Safety course. We prohibit archery hunting during the following: refuge and youth gun hunt, muzzleloader hunt, and modern firearms hunt.

2. Deer muzzleloader season lasts 3 days, on a Friday, Saturday, and Sunday between the two refuge modern firearms hunts. We allow in-line muzzleloaders and magnified scopes.

3. We will conduct two 2-day quota modern firearms hunts for deer, typically in the months of November and December. Hunt dates and permit application procedures will be available at refuge headquarters in July. Hunters may use a muzzleloader during this hunt.

4. We will conduct a 2-day population control quota youth deer hunt in the Greenlea Bend area typically in December. Hunt dates and permit application procedures will be available at the refuge headquarters in July.

5. We will conduct a refugewide youth deer hunt the weekend before Thanksgiving Day. Each participating youth hunter must be age 8 to15 and supervised by an adult who is at least age 21.

6. You may only take one deer per day during refuge deer hunts. The State season limit applies.

7. We allow turkey hunting the first 16 days of the State turkey season. We will conduct a youth turkey hunt the Saturday and Sunday before the regular State turkey season. You may harvest two bearded turkeys per season. We allow the possession of lead shot while turkey hunting on the refuge (see §32.2(k)). You may use nonmotorized bicycles on designated all-terrain vehicle trails (see §27.31 of this chapter).

8. Conditions A5, A7, A8 (deer and turkey hunters), A9 through A14 (deer and turkey hunters), A15 (each adult can supervise no more than one youth hunter during big game hunts), and B4 apply.

9. In areas posted ''Area Closed'' or ''No Hunting Zone,'' we prohibit big game hunting at all times. We close open fields, which we mark on the Public Use Regulations brochure map, during the deer muzzleloader and deer modern firearms hunts; but we open those fields for deer archery hunting. We prohibit shooting into or across any open field with a gun.

10. We allow shotguns equipped with a single piece magazine plug that allows the gun to hold no more than two shells in the magazine and one in the chamber.

11. We only allow shotgun hunters to use rifled slugs when hunting deer.

12. We prohibit possession of buckshot while on the refuge.

13. You must remove all stands, blind materials, and decoys from the refuge following each day (see §27.93 of this chapter).

14. We require a minimum of 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and in addition we require a hat or cap of unbroken hunter orange. You must wear the solid hunter-orange items while in the field.

15. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals or other feed, or any nonnaturally occurring attractant on the refuge (see §32.2(h)).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow trotlines attached with a length of cotton line that extends into the water. You must tend the trotlines at least once every 24 hours and reset them when receded waters expose them.

2. Conditions A7, A10 (the only exceptions are the Rainey Lake and Mower Woods all-terrain trails (see §27.31 of this chapter), which are open year-round with the same time restrictions as the seasonal all-terrain trails), A12, and B4 (anglers) apply.

3. We prohibit the taking of turtle (see §27.21 of this chapter).

UPPER OUACHITA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit.

2. We allow waterfowl hunting on the west side of the Ouachita River north of RCW Road. We allow waterfowl hunting on the east side of the Ouachita River outside the Mollicy levee, west of Kelby Road, and south of School Board South Road within the levee.

3. We allow woodcock hunting west of the Ouachita River. We allow woodcock hunting on the east side of the Ouachita River outside the Mollicy levee, west of Kelby Road, and south of School Board South Road within the levee.

4. We only allow dove hunting during the first 3 days of the State season east of the Ouachita River outside the Mollicy levee, west of Kelby Road, and south of School Board South Road within the levee.

5. We allow waterfowl hunting until 12 p.m. (noon) during the State season.

6. We will hold a limited lottery hunt during the State Youth Waterfowl Hunt. Application instructions are available at the refuge office.

7. Hunters may enter the refuge no earlier than 3 a.m.

8. We prohibit hunting within 150 feet (45 m) of the maintained right-of-way of roads and from or across ATV trails (see §27.31 of this chapter). We prohibit hunting within 50 feet (15 m) or trespassing on above-ground oil or gas production facilities.

9. We prohibit leaving boats, blinds, and decoys unattended.

10. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

11. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may supervise no more than two youth hunters.

12. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A8, A9, and A12 (to hunt upland game) apply.

2. We allow hunting west of the Ouachita River. We allow hunting on the east side of the Ouachita River outside the Mollicy levee, west of Kelby Road, and south of School Board South Road within the levee.

3. We prohibit possession of firearms (see §27.42 of this chapter) larger than .22 caliber rimfire, shotgun slugs, and buckshot.

4. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season. We allow night hunting during December and January, and you may use dogs for night hunting. We prohibit selling of raccoon and opossum taken on the refuge for human consumption.

5. We allow use of dogs to hunt squirrel and rabbit after the last refuge Gun Deer Hunt.

6. If you want to use horses and mules to hunt raccoon and opossum at night, you must first obtain a special permit at the refuge office.

7. Hunters may enter the refuge no earlier than 3 a.m. and must exit no later than 2 hours after legal shooting hours.

8. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may supervise no more than one youth hunter.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A8, A9, A12 (to hunt big game), and B7 apply.

2. We allow general gun deer hunting on the following days: the first consecutive Saturday and Sunday of November; the Friday, Saturday, and Sunday following Thanksgiving Day; and the second Saturday and Sunday after Thanksgiving Day. We allow archery deer hunting during the entire State season.

3. We allow deer hunting west of the Ouachita River. We allow deer hunting on the east side of the Ouachita River outside the Mollicy levee, west of Kelby Road, and south of School Board South Road within the levee.

4. The daily bag limit is one deer of either sex. The State season limit applies.

5. During general Gun Deer Hunts, you must check all deer on the day taken during general Gun Deer Hunts at a refuge check station between 7 a.m. and 7 p.m. unless stated otherwise in the annual refuge hunting brochure and permit.

6. Archery hunters must possess and carry proof of completion of the International Bowhunters' Education Program.

7. We prohibit leaving deer stands, blinds, and other equipment unattended.

8. Deer hunters must wear hunter orange as per State deer hunting regulations on Wildlife Management Areas.

9. We prohibit hunters placing stands or hunting from stands on pine trees with white-painted bands/rings.

10. Youth hunters under age 16 must successfully complete a State-approved hunter education course. While hunting, each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult may supervise no more than one youth hunter.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow sport fishing year-round except within the Mollicy levee. We allow fishing in the Wigeon Ponds and Reservoir March 1 through October 15, from 30 minutes before legal sunrise until 30 minutes after legal sunset.

2. We prohibit outboard motors in the Wigeon Ponds. We prohibit boat launching with motors greater than 50 hp in the Reservoir.

3. We prohibit leaving boats and other personal property on the refuge unattended.

4. You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

5. We prohibit commercial fishing. Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit (that you must possess and carry) available at the refuge office.

6. We prohibit the taking of turtle (see § 27.21 of this chapter).

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 59 FR 6692, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 60 FR 5277, Jan. 26, 1995; 60 FR 62042, Dec. 4, 1995; 61 FR 45367, Aug. 29, 1996; 61 FR 46395, Sept. 3, 1996; 62 FR 47378, Sept. 9, 1997; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46357, Sept. 4, 2001; 67 FR 58945, Sept. 18, 2002; 68 FR 57316, Oct. 2, 2003; 69 FR 54362, 54394, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54169, Sept. 13, 2005; 70 FR 56376, Sept. 27, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of duck, goose, American crow, and woodcock in accordance with State regulations, seasons, and bag limits subject to the following conditions:

1. You must wear two articles of hunter-orange clothing or material. One article must be a solid-colored hunter-orange hat; the other must cover a major portion of the torso, such as a jacket, vest, coat, or poncho and must be a minimum of 50 percent hunter orange in color (such as orange camouflage) except when hunting waterfowl.

2. We will provide permanent refuge blinds at various locations that you may reserve. You may make reservations for blinds up to 1 year in advance, for a maximum of 1 week, running Monday through Sunday during the hunting season. You may make reservations for additional weeks up to 1 week in advance, on a space-available basis. We prohibit other permanent blinds. You must remove temporary blinds, boats, and decoys (see § 27.93 of this chapter) from the refuge following each day.

3. You may use dogs to locate, point, and retrieve when hunting for migratory game birds (see § 26.21(b) of this chapter).

4. We open the refuge to hunting during the hours stipulated under each State's hunting regulations but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset. We close the refuge to night hunting. You must unload all firearms (see § 27.42 of this chapter) outside of legal hunting hours.

5. We prohibit the use of all-terrain vehicles (ATVs or OHRVs) (see §27.31(f) of this chapter).

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, woodchuck, red and eastern gray squirrel, porcupine, skunk, snowshoe hare, ring-necked pheasant, ruffed grouse, and northern bobwhite in accordance with State regulations, seasons, and bag limits subject to the following conditions:

1. You may only possess approved nontoxic shot (see §32.2(k)) while on the refuge.

2. We open the refuge to hunting during the hours stipulated under State hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset. We close the refuge to night hunting. You must unload all firearms (see §27.42 of this chapter), and nock no arrows outside of legal hunting hours.

3. We prohibit the use of all-terrain vehicles (ATVs or OHRVs) (see §27.31(f) of this chapter).

4. You must wear two articles of hunter-orange clothing or material. One article must be a solid-colored hunter-orange hat; the other must cover a major portion of the torso, such as a jacket, vest, coat, or poncho and must be a minimum of 50 percent hunter orange in color (such as orange camouflage) except when hunting turkey.

5. We allow hunting of coyote and snowshoe hare with dogs during State hunting seasons. Hunting with trailing dogs on the refuge will be subject to the following regulations:

i. You must equip all dogs used to hunt coyote with working radio-telemetry collars, and you must be in possession of a working radio-telemetry receiver that can detect and track the frequencies of all collars used. We do not require radio-telemetry collars for dogs used to hunt snowshoe hare.

ii. We prohibit training during or outside of dog season for coyote or hare.

iii. We allow a maximum of four dogs per hunter.

iv. You must pick up all dogs the same day you release them.

C. Big Game Hunting. We allow hunting of bear, white-tailed deer, and moose in accordance with State regulations, seasons, and bag limits subject to the following conditions:

1. We open the refuge to hunting during the hours stipulated under State hunting regulations but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset. We close the refuge to night hunting. You must unload all firearms (see §27.42 of this chapter) and nock no arrows outside of legal hunting hours.

2. We allow bear hunting with dogs during State hunting seasons. Hunting with trailing dogs on the refuge will be subject to the following regulations:

i. You must equip all dogs used to hunt bear with working radio-telemetry collars and hunters must be in possession of a working radio-telemetry receiver that can detect and track the frequencies of all collars used.

ii. We prohibit training during or outside of dog season for bear.

iii. We allow a maximum of four dogs per hunter.

iv. You must pick up all dogs the same day you release them.

3. We allow prehunt scouting of the refuge; however, we prohibit dogs and firearms (see §27.42 of this chapter) during prehunt scouting.

4. Each hunter must wear two articles of hunter-orange clothing or material. One article must be a solid-colored hunter-orange hat; the other must cover a major portion of the torso, such as a jacket, vest, coat, or poncho and must be a minimum of 50 percent hunter orange in color (*i.e.*, orange camouflage).

5. We prohibit the use of all-terrain vehicles (ATVs or OHRVs) (see §27.31(f) of this chapter).

6. We allow temporary tree stands and blinds, but hunters must remove them by the end of the season (see §27.93 of this chapter). We prohibit nails, screws, or screw-in climbing pegs to build or access a stand or blind (see §32.2(i)).

D. Sport Fishing. [Reserved]

MOOSEHORN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, American woodcock, and Wilson's snipe on designated areas of the Baring and Edmunds Division of the refuge in accordance with State regulations subject to the following conditions:

1. We require every hunter to possess and carry a personally signed refuge hunting permit. Permits and regulations are available at checkpoints throughout the refuge.

2. You must complete a Hunter Information Card at a self-clearing check station after each hunt before leaving the refuge.

3. We allow hunters to enter the refuge 2 hours before legal shooting hours, and they must exit the refuge by 1 hour past legal shooting hours.

4. You may hunt American woodcock and Wilson's snipe on the Edmunds Division and that part of the Baring Division that lies west of State Route 191.

5. You may hunt waterfowl (duck and goose) in that part of the Edmunds Division that lies north of Hobart Stream and west of U.S. Route 1, and in those areas east of U.S. Route 1, and refuge lands that lie south of South Trail, and in that portion of the Baring Division that lies west of State Route 191.

6. We prohibit hunting of migratory birds in the Nat Smith Field and Marsh or Bills Hill Ponds on the Edmunds Division.

7. We prohibit construction or use of any permanent blind.

8. You may only use portable or temporary blinds.

9. You must remove portable or temporary blinds and decoys from the refuge following each day's hunt (see §§27.93 and 27.94 of this chapter).

10. We prohibit motorized or mechanized vehicles and equipment in designated Wilderness Areas. This includes all vehicles and items such as winches, pulleys, and wheeled game carriers. Hunters must remove animals harvested within the Wilderness Areas by hand without the aid of mechanical equipment of any type.

B. Upland Game Hunting. We allow hunting of ruffed grouse, snowshoe hare, red fox, red squirrel, gray squirrel, raccoon, skunk, and woodchuck on designated areas of the Baring and Edmunds Divisions of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, and A10 apply.

2. We allow hunters to enter the refuge ½ hour before legal shooting hours, and they must exit the refuge by ½ hour past legal shooting hours except for hunters pursuing raccoons at night.

3. During the firearms big game seasons, you must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material.

4. We allow the hunting of ruffed grouse, snowshoe hare, red fox, red squirrel, gray squirrel, raccoon, skunk, and woodchuck on the Edmunds Division and that part of the Baring Division that lies west of State Route 191.

5. We prohibit hunting of upland game on refuge lands from April 1 through September 30.

6. You must register with the refuge office prior to hunting raccoon or red fox with trailing dogs.

C. Big Game Hunting. We allow hunting of black bear, bobcat, eastern coyote, moose, and white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A10, B3, and B5 apply.

2. We allow hunters to enter the refuge ½ hour before legal shooting hours, and they must exit the refuge by ½ hour past legal shooting hours, except for hunters pursuing eastern coyotes at night.

3. We allow bear hunting from October 1 to the end of the State Prescribed Season.

4. We allow eastern coyote hunting from October 1 to March 31 annually.

5. If you harvest a bear, deer, or moose on the refuge, you must notify the refuge office in person or by phone within 24 hours and make the animal available for inspection by refuge personnel.

6. We prohibit construction or use of permanent tree stands, blinds, or ladders.

7. You must use only portable tree stands, blinds, and ladders.

8. You must clearly label any tree stand, blind, or ladder left on the refuge overnight with your name, address, phone number, and hunting license number.

9. You must remove all tree stands, blinds, and ladders from the refuge on the last day of the muzzleloader deer season (see §§27.93 and 27.94 of this chapter).

10. You may hunt black bear, eastern coyote, and white-tailed deer during the State archery and firearms deer seasons on that part of the Baring Division that lies east of State Route 191.

11. You may hunt black bear, bobcat, eastern coyote, moose, and white-tailed deer on the Edmunds Division and that part of the Baring Division that lies west of State Route 191.

12. You may only use a long, recurve, or compound bow to hunt during the archery deer season, and a muzzleloader to hunt during the deer muzzleloader season on that part of the refuge that lies east of Route 191.

13. You must register with the refuge office prior to hunting black bear, bobcat, or eastern coyote with trailing dogs.

14. We prohibit hunting in the following areas:

i. The South Magurrewock Area: The boundary of this area begins at the intersection of the Charlotte Road and U.S. Route 1; it follows the Charlotte Road in a southerly direction to a point just south of the fishing pier and observation blind, where it turns in an easterly direction, crossing the East Branch of the Magurrewock Stream, and proceeds in a northerly direction along the upland edge of the Upper and Middle Magurrewock Marshes to U.S. Route 1 where it follows Route 1 in a southerly direction to the point of origin.

ii. The North Magurrewock Area: The boundary of this area begins where the northern exterior boundary of the refuge and Route 1 intersect; it follows the boundary line in a westerly direction to the railroad grade where it follows the main railroad grade and refuge boundary in a southwest direction to the upland edge of the Lower Barn Meadow Marsh; it then follows the upland edge of the marsh in an easterly direction to U.S. Route 1, where it follows Route 1 to the point of origin.

iii. The posted safety zone around the refuge headquarters complex: The boundary of this area starts where the southerly edge of the Horse Pasture Field intersects with the Charlotte Road. The boundary follows the southern edge of the Horse Pasture Field, across the abandoned Maine Central Railroad grade, where it intersects with the North Fireline Road. It follows the North Fireline Road to a point near the northwest

corner of the Lane Construction Tract. The line then proceeds along a cleared and marked trail in a northwesterly direction to the Barn Meadow Road. It proceeds south along the Barn Meadow Road to the intersection with the South Fireline Road, where it follows the South Fireline Road across the Headquarters Road to the intersection with the Mile Bridge Road. It then follows the Mile Bridge Road in a southerly direction to the intersection with the Lunn Road, then along the Lunn Road leaving the road in an easterly direction at the site of the old crossing, across the abandoned Maine Central Railroad grade to the Charlotte Road (directly across from the Moosehorn Ridge Road gate). The line follows the Charlotte Road in a northerly direction to the point of origin.

iv. The Southern Gravel Pit: The boundary of this area starts at a point where Cranberry Brook crosses the Charlotte Road and proceeds south along the Charlotte Road to the Barin/Charlotte Town Line, east along the Town Line to a point where it intersects the railroad grade where it turns in a northerly direction, and follows the railroad grade to Cranberry Brook, following Cranbettery Brook in a westerly direction to the point of origin.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit motorized boats on Bearce and Conic Lakes.

2. We only allow fishing from ½ hour before legal sunrise to ½ hour after legal sunset.

3. We allow fishing in the following areas on the Baring Division of the refuge:

i. Bearce Lake, Conic Lake, James Pond, Ledge Pond, and Vose Pond;

ii. Clark Brook and the West Branch of the Magurrewock Stream from the outlet of the Howard Mill Flowage water control structure to the handicapped-accessible fishing pier located off the Charlotte Road; and

iii. Barn Meadow Brook, Cranberry Brook, Mahar Brook, and Moosehorn Stream.

4. We allow fishing in the following areas on the Edmunds Division of the refuge: Hobart Lake, Hobart Stream, Cranberry Brook, Crane Meadow Brook, Crane Mill Stream, and Crane Mill Flowage.

5. We prohibit fishing on the stretch of Moosehorn Stream on the Baring Division that lies west of the Charlotte Road and east of the Mile Bridge Road between March 31 and July 14.

6. We prohibit trapping of bait fish on the refuge.

PETIT MANAN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, woodcock, rail, gallinule, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit erection of permanent waterfowl blinds.

2. You must remove all temporary blinds, concealment materials, boats, and decoys (see § 27.93 of this chapter) each day.

B. Upland Game Hunting. We allow hunting of upland game on designated areas in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

2. We allow only pointing and flushing dogs.

3. We prohibit the hunting of crows.

4. You may hunt coyotes from November 1 to March 31.

C. Big Game Hunting. We allow hunting of white-tailed deer and bear on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit dogs.

2. We only allow black bear hunting during the firearm season for white-tailed deer.

3. You must remove all tree stands by the last day of the white-tailed deer hunting season (see § 27.93 of this chapter).

4. We normally close the refuge to all visitors from legal sunset to legal sunrise. However, during hunting season, we allow hunters to enter the refuge ½ hour prior to legal sunrise and remain on the refuge ½ hour after legal sunset.

D. Sport Fishing. [Reserved]

RACHEL CARSON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, and snipe in accordance with State regulations on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, and Spurwink River Divisions of the refuge subject to the following conditions:

1. Prior to entering designated refuge hunting areas, you must obtain a refuge hunting permit, pay a recreation fee, and sign and carry the permit at all times.

2. You may only take sea duck when the State sea duck season coincides with the regular duck season.

3. You may take waterfowl by falconry during State seasons.

4. We open Designated Youth Hunting Areas to hunters age 17 and under who possess and carry a refuge hunting permit. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. The accompanying adult must possess and carry a refuge hunting permit and may also hunt.

5. You may use seasonal blinds with a Special Use Permit. A permitted seasonal blind is available to permitted hunters on a first-come, first-served basis. The permit holder

for the blind is responsible for the removal of the blind at the end of the season and compliance with all conditions of the Special Use Permit. You must remove temporary blinds, decoys, and boats from the refuge each day (see §§ 27.93 and 27.94 of this chapter).

6. We open the refuge to hunting during the hours stipulated by State regulations but no longer than ½ hour before legal sunrise to ½ hour after legal sunset. We close the refuge to night hunting. You must unload all firearms (see § 27.42(b) of this chapter) outside of legal hunting hours.

7. We prohibit all-terrain vehicles (ATVs or OHRVs) (see § 27.31(f) of this chapter).

8. We close the Moody, Little River, Biddeford Pool, and Goosefare Brook divisions of the refuge to all migratory bird hunting.

B. Upland Game Hunting. We allow hunting of pheasant and grouse on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, Goosefare Brook, and Spurwink River division of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A6, and A7 apply.

2. You may take pheasant and grouse by falconry during State seasons.

3. You may only possess approved nontoxic shot (see § 32.2(k)) while on the refuge.

4. We close the Moody, Little River, and Biddeford Pool division of the refuge to all upland game hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, Little River, Goosefare Brook, and Spurwink River Divisions of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A6, and A7 apply.

2. We only allow hunting of deer with shotgun and archery. We prohibit rifles and muzzleloading firearms.

3. You must use only portable tree stands and ladders. We prohibit use of nails, screws, or bolts to attach tree stands and ladders to trees (see § 32.2(i)). You must remove tree stands and ladders from the refuge following each day (see §§ 27.93 and 27.94 of this chapter).

4. We close the Moody and Biddeford Pool Division of the refuge to white-tailed deer hunting.

5. We close the Moody and Biddeford Pool divisions of the refuge to white-tailed deer hunting.

6. We only allow archery on those areas of the Little River division open to hunting.

7. You may hunt fox and coyote with archery or shotgun during daylight hours of the State firearm deer season only.

8. Bow hunters with refuge permits may apply for the special ''Wells Hunt''. We must receive letters of interest by November 1 for consideration in a random drawing. Selected hunters must comply with regulations as set by the State.

9. You must report any deer harvested to the refuge office within 48 hours.

D. Sport Fishing. We allow sport fishing along the shoreline on the following designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. At the Brave Boat Harbor division on the north side (York) of the stream crossing under Route 103, beginning at Route 103 then downstream to the first railroad trestle.

2. At the Moody division on the north side of the Ogunquit River and downstream of Route 1, beginning at the refuge boundary then downstream a distance of 500 feet (150 m).

3. At the Moody division on the east side of Stevens Brook and downstream of Bourne Avenue, beginning at Bourne Avenue then downstream to where the refuge ends near Ocean Avenue.

4. At the Lower Wells division on the west side of the Webhannet River downstream of Mile Road, from Mile Road north to the first creek.

5. At the Upper Wells division on the south side of the Merriland River downstream of Skinner Mill Road, beginning at the refuge boundary and then east along the oxbow to the woods.

6. At the Mousam River division on the north side of the Mousam River downstream of Route 9, beginning at the refuge boundary and then east to a point opposite Great Hill Road. Access is from the Bridle Path along the first tidal creek.

7. At the Goosefare Brook division on the south side of Goosefare Brook where it flows into the Atlantic Ocean.

8. At the Spurwink River division on the west side (Scarborough) of the Spurwink River upstream of Route 77, beginning at Route 77 and then upstream approximately 1,000 feet (300 m) to a point near the fork in the river.

9. You may launch boats from car top from legal sunrise to legal sunset at Brave Boat Harbor division on Chauncey Creek at the intersection of Cutts Island Road and Sea Point Road.

10. We allow car-top launching from legal sunrise to legal sunset at Spurwink River division on the upstream side of Route 77 at the old road crossing.

11. We allow fishing from legal sunrise to legal sunset.

12. We prohibit lead jigs and sinkers.

13. Anglers must attend their lines at all times.

14. We prohibit collection of bait on the refuge.

SUNKHAZE MEADOWS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds 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 subject to the following condition: You may possess only approved nontoxic shot while in the field (see §32.2(k)).

C. Big Game Hunting. We allow hunting of deer, moose, and bear on designated areas of the refuge in accordance with State regulations subject to the following condition: You must wear, in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored hunter-orange clothing or material during firearms big game season.

D. *Sport Fishing.* We allow sport fishing on the waters of and from the banks of Baker Brook, Birch Stream, Buzzy Brook, Dudley Brook, Johnson Brook, Little Birch Stream, Little Buzzy Brook, Sandy Stream, and Sunkhaze Stream.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30784, May 12, 2000; 65 FR 56403, Sept. 18, 2000; 66 FR 46358, Sept. 4, 2001; 67 FR 58946, Sept. 18, 2002; 69 FR 54362, 54410, Sept. 8, 2004; 70 FR 54172, Sept. 13, 2005]

§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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge permits for all hunters regardless of age. We require that permits must be in the hunter's possession along with a valid Maryland State hunting license, any required stamps, and a photo identification. Permits are nontransferable.

2. We require that hunters obtain deer hunt permits only through the mail, by mailing an application and administration fee to the refuge after applications are available in July. To obtain an application and regulations leaflet (including designated areas and map, dates of hunts, bag limits, and permit fees) for archery, youth, muzzleloader, and shotgun hunts, we require hunters to contact the refuge hunt coordinator or refuge Visitor Center, which is open from 9 a.m. to 4 p.m. daily.

3. We allow archery hunters to obtain a permit; permits are available at the Visitor Center, after the first week of September until the end of the archery season.

4. We allow walk-in youth hunters to obtain a permit at the check station on the day of the hunt.

5. A licensed or exempt-from-licensed unarmed adult, age 21 or older, must accompany youth hunters (at least age 12 but less than age 16) at all times in the field.

6. We require a physician to certify ''wheelchair-bound'' permanently disabled hunters; and an assistant, who must not use a firearm, must accompany these hunters. We require the permanently disabled certification to accompany the hunters' permit application.

7. We only allow participants possessing authorized permits to enter the hunt areas.

8. Beginning at 5 a.m., we require check-in for the youth hunts, muzzleloader hunts, and shotgun hunts.

9. At the refuge check station on the day of the kill for all firearm hunts, we require hunters to properly tag and present for examination all deer killed.

10. We require hunters to seek refuge employee assistance to retrieve deer from closed areas.

11. We do not require check-in or check out at the refuge for the archery hunt, but we require hunters to register harvested deer at one of the State check stations designated by the refuge.

12. We only allow weapons that meet State regulations (bows and arrows for archery, shotguns with slugs and/or No. 1 buckshot or larger for youth hunts and shotgun hunts, and muzzleloading rifles and muzzleloading shotguns only for muzzleloader hunts). We prohibit handguns and breech-loading rifles.

13. We only allow access to hunt areas on designated roads and parking areas indicated on hunt maps in the regulations leaflet (obtained with application by mail or at the Visitor Center) (see §27.31 of this chapter). The only other access we allow is walk-in or bicycles. We prohibit access by boats or ATVs.

14. We only allow scouting on designated days listed in the regulations for permitted hunters.

15. We do not require check-in or check out for scouting.

16. We prohibit firearms or other weapons on the refuge when scouting.

17. We require adult hunters, age 21 or older, to accompany permitted youth hunters while scouting.

18. We require a minimum of 400 square inches (2,600 cm^2) of solid-colored daylight fluorescent-orange clothing to be worn on

the head, chest, and back of all hunters during the youth, muzzleloader, and shotgun hunts.

19. We require the use of a tree stand that elevates the hunter a minimum of 8 feet (240 cm) above the ground for hunting Area B2 (except disabled hunters). We allow temporary, removable, ladder, fixed, and climbing-type tree stands that do not damage trees in all other areas (see §§32.2(i)).

20. We prohibit screw-in steps, spikes, or other objects that may damage trees.

21. We prohibit hunting from a permanently constructed tree stand.

22. We allow hunters to preinstall tree stands during the scouting days for use during selected hunts and to leave the tree stands in the hunting area at the hunter's discretion. We require hunters to remove all stands the last day of the refuge hunting season (we are not responsible for damage, theft, or other hunter occupancy) (see §27.93 of this chapter).

23. We prohibit dogs in hunt areas.

24. We prohibit hunting from or shooting across a roadway where we allow vehicle traffic.

25. We prohibit driving deer during youth hunts.

26. We prohibit commercialized guiding.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing and crabbing from April 1 through September 30 during daylight hours.

2. We restrict fishing and crabbing to boats and the Key Wallace roadway across the Little Blackwater River.

3. We require a valid State sport fishing license. We do not require a refuge permit.

4. We require anglers to attend all fish and crab lines.

5. We prohibit boat launching from refuge lands except for canoes/kayaks at the canoe/kayak ramp located near the Blackwater River Bridge on Route 335. A public launching ramp is available at Shorter's Wharf.

6. We prohibit the use of air boats on refuge waters.

EASTERN NECK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 in accordance with State hunting regulations subject to the following conditions:

1. We require hunters to carry a signed refuge hunt permit when scouting on the designated scouting days and when hunting. Hunters must turn in their hunt permit at the end of the hunt day or when leaving the refuge during the hunt day at the check-in station.

2. We only allow use of bow and arrows, shotguns, and muzzleloaders for deer hunting and shotguns for turkey hunting.

3. We prohibit possession of a loaded weapon (see §27.42(b) of this chapter) on or within 50 feet (15 m) of any graveled, dirt, or paved refuge road or any designated parking area.

4. We require a minimum of 400 square inches (2,600 cm^2) of solid hunter-orange clothing or material as the outermost layer of clothing on the head, chest, and back when deer hunting.

5. You must wear a hunter-orange cap or hat when moving to or from your blind or stand when turkey hunting.

6. Each youth hunter (age 15 or under) must remain within sight and normal voice contact of an adult age 18 or older. Children must be at least age 10 to hunt on the refuge.

7. We only allow parking in designated parking areas.

8. We prohibit hunting in the No Hunting Zones; however, you may walk through these areas with an unloaded weapon (see §27.42(b) of this chapter) (no shells in the chamber or magazine cap off of the muzzleloader).

9. For deer hunting, the legal shooting hours are from legal sunrise to legal sunset.

10. For turkey hunting, the legal shooting hours are from ½ hour before legal sunrise to 12 p.m. (noon).

11. We prohibit entry to the refuge by boats during refuge hunts.

12. We only allow persons possessing a refuge hunt permit to be on the refuge during hunting days.

13. We prohibit the use of ATVs during refuge hunts (see §27.31(f) of this chapter).

14. We allow the use of marking tape, reflective pins, or other removable materials to mark trails to and from stands. You must remove the marking material (see §27.93 of this chapter) at the end of your hunt day. We prohibit paint or any other permanent marker to mark trails.

D. Sport Fishing. We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing and crabbing from Eastern Neck Island bridge.

2. We only allow fishing and crabbing from April 1—September 30 during daylight hours at the Ingleside Recreation Area.

3. We only allow fishing from the Boxes Point and Duck Inn Trails during daylight hours.

4. We allow fishing and crabbing from boardwalk located adjacent to the Eastern Neck Island bridge.

PATUXENT RESEARCH REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and dove on the North Tract in accordance with State regulations subject to the following conditions:

1. We require a fee-hunting permit.

2. We require hunters age 17 and under to have a parent or guardian countersign to receive a hunting permit. An adult, age 21 or older, possessing a hunting permit, must accompany hunters age 16 and younger in the field.

3. You must check-in and out at the Hunter Control Station (HCS) and exchange your hunting permit for a daily hunting pass and a vehicle pass every time you enter or exit the refuge, including breaks, lunch, and dinner.

4. We restrict hunters to the selected area and activity until you check out at the HCS.

5. You must use established and maintained roads and not block traffic (see § 27.31(h) of this chapter).

6. We prohibit hunting on or across any road, within 50 yards (45 m) of a road, within 150 yards (135 m) of any occupied structure, or within 25 yards (22.5 m) from any designated ''No Hunting'' area. Only those with a State ''Hunt from a Vehicle Permit'' may hunt from the roadside at designated areas.

7. You must wear at least a fluorescent-orange hat or cap when walking from your vehicle to your hunting site. ''Jump Shooters'' must wear at least a fluorescent-orange hat or cap while hunting. If you stop and stand, you may replace the orange hat or cap with a camouflage one.

8. You may only carry one shotgun, 20 gauge or larger, in the field. We prohibit additional firearms.

9. We only allow the taking of Canada goose during the special September and late season for a resident Canada goose.

10. We prohibit hunting of goose, duck, or dove during the deer firearm seasons and the early deer muzzleloader seasons that occur in October.

11. We prohibit dove hunting during any deer muzzleloader or firearms seasons.

12. We require waterfowl hunters to use retrievers on any impounded waters. Retrievers must be of the traditional breeds, such as Chesapeake Bay, Golden, Labrador, etc.

13. We require dogs to be under the immediate control of their owner at all times. Law enforcement officers may seize dogs running loose or unattended (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of turkey, bobwhite quail, grey squirrel, eastern cottontail rabbit, and woodchuck on the North Tract and turkey on the Central Tract in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A6 apply.

2. You must wear a minimum of 400 square inches (2,600 cm^2) of fluorescent orange on your head, chest, and back while hunting upland game except for turkey hunting. We encourage turkey hunters to wear fluorescent orange.

3. We prohibit hunting of upland game during the firearms and muzzleloader seasons.

4. We select turkey hunters by a computerized lottery for youth, disabled, mobility impaired, and general public hunts. We require documentation for disabled and mobility-impaired hunters.

5. We require each turkey hunter to attend a turkey clinic sponsored by the National Wild Turkey Federation.

6. We require turkey hunters to pattern their weapons prior to hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer in accordance with State regulations subject to the following conditions:

1. We require you to pass a proficiency test with each weapon that you desire to use prior to issuing you a hunting permit.

2. Conditions A1 through A6 apply.

3. You must wear a minimum of 400 square inches (2,600 cm^2) of fluorescent orange on your head, chest, and back while hunting. Bow hunters must follow this requirement when moving to and from the deer stand and while tracking. We do not require bow hunters to wear the fluorescent orange when positioning to hunt except during the deer muzzleloader season.

4. We will extract a jaw from each deer harvested before leaving the refuge.

5. We publish the Refuge Hunting Regulations, which include the daily and yearly bag limits and hunting dates for the North, Central, and South Tracts, in July. We give hunters a copy of the regulations with the fee permit, and they must know the specific hunt seasons and regulations.

6. You must use portable tree stands equipped with a safety belt. You must wear the safety belt while in the tree stand. The stand must be at least 10 feet (3 m) off the ground. You must remove tree stands daily from the refuge (see § 27.93 of this chapter). Hunters must use deer stands to hunt the South and Central Tracts. (We will make limited accommodations for disabled hunters for Central Tract lottery hunts.)

7. We prohibit the firing of weapons after legal shooting hours, including the unloading of muzzleloaders.

8. We prohibit use of dogs to hunt or track wounded deer.

9. If you wish to track wounded deer beyond 1½ hours after legal sunset, you must report in person to the HCS. If you are hunting on the refuge's South or Central Tracts, you must call the HCS. The HCS manager will call a refuge law enforcement officer to gain consent to track. We prohibit tracking later than 2½ hours after legal sunset. We may revoke your hunting privileges if you wound a deer and do not make a reasonable effort to retrieve it. This may include next-day tracking.

10. North Tract: We allow shotgun, muzzleloader, and bow hunting in accordance with the following conditions:

i. Conditions C1 through C9 apply.

11. Central Tract: We allow shotgun and bow hunting in accordance with the following conditions:

i. Conditions C1 through C9 apply.

ii. We only allow bow hunters to hunt on the Schafer Farm.

iii. We select Central Tract shotgun and bow hunters by a computerized lottery. You will be assigned a specific hunting location.

iv. You must carry a flashlight, whistle, and a compass while hunting.

12. South Tract: We allow shotgun, muzzleloader, and bow hunting in accordance with the following regulations:

i. Conditions C1 through C9 and C11iv apply.

ii. You must access South Tract hunting areas A, B, and C off Springfield Road through the Old Beltsville Airport, and South Tract hunting area D off Maryland Route 197 through Gate #4 and park in designated parking areas.

iii. We prohibit shooting into any open meadow or field area.

iv. We prohibit parking along the National Wildlife Visitor Center road or in the visitor center parking lot.

D. Sport Fishing. We allow sport fishing in accordance with State regulations subject to the following conditions:

1. We require a free refuge fishing permit, which you must carry with you at all times while fishing. Organized groups may request a group permit. The group leader must carry a copy of the permit and stay with the group at all times while fishing.

2. You may take one additional licensed adult or two youths age 15 or under to fish under your permit and in your presence.

3. You may only use earthworms for live bait.

4. We prohibit harvesting bait on the refuge.

5. You must attend all fishing lines.

6. We prohibit fishing from all bridges except the south side of Bailey Bridge.

7. You may take the following species: Chain pickerel, catfish, golden shiner, eel, and sunfish (includes bluegill, black crappie, warmouth, and pumpkinseed).

8. You must catch and release all bass.

9. North Tract: We allow sport fishing in accordance with the following conditions:

i. We allow sport fishing at Lake Allen, Rieve's Pond, New Marsh, Cattail Pond, Bailey Bridge Pond, Bailey Bridge (south side), and Little Patuxent River (downstream only from Bailey's Bridge).

ii. Conditions D1 through D8 apply.

iii. We require a free North Tract refuge access permit that you must possess and carry at all times. If you are age 17 or under, you must have a parent or guardian countersign to receive an access permit. A parent or legal guardian must accompany those anglers age 17 and under.

iv. You may fish year-round at Lake Allen, New Marsh, Cattail Pond, Bailey Bridge Pond, Bailey Bridge (south side), and the Little Patuxent River (downstream only from Bailey Bridge) except during the white-tailed deer muzzleloader and shotgun seasons and the waterfowl hunting season. We also reserve the right to close Lake Allen at any time.

v. You may fish at Rieve's Pond from February 1 to August 31 and on Sundays from September 1 to January 31.

vi. We allow wading, for fishing purposes only, downstream from Bailey Bridge on the Little Patuxent River. We prohibit wading in other bodies of water.

vii. We prohibit the use of any type of watercraft.

10. South Tract: We allow sport fishing in accordance with the following conditions:

i. Conditions D1 through D8 apply.

ii. You must park your vehicle in the parking lot located behind Refuge Gate #8 off Maryland Route 197.

iii. You must display your fishing permit on your vehicle dashboard.

iv. We allow sport fishing at the pier and designated shorelines at Cash Lake. See Refuge Fishing Regulations for areas opened to fishing. We post other areas with ''No fishing beyond this point''.

v. You may fish from mid-June until mid-October.

vi. You may fish between the hours of 6 a.m. until legal sunset. We open refuge trails from legal sunrise until 5:30 p.m. daily.

vii. We prohibit boat trailers.

viii. You may use watercraft for fishing in accordance with the State boating laws subject to the following conditions: You may use car-top boats 14 feet (4.2 m) or less, canoes, kayaks, and inflatable boats. You may only use electric motors, 4 hp or less. We prohibit sailboats.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6685, 6693, Feb. 11, 1994; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30784, May 12, 2000; 69 FR 54362, 54412, Sept. 8, 2004; 70 FR 54174, Sept. 13, 2005]

§ 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.

ASSABET RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of woodcock on designated portions of the refuge in accordance with State regulations subject to the following conditions:

1. We allow woodcock hunting within the portions of the refuge located north of Hudson Road, except those areas north of Hudson

Road that are designated as ''archery only'' hunting on the current refuge hunting map. These archery only hunting areas north of Hudson Road are those portions of the refuge that are external to Patrol Road from its southerly intersection with White Pond Road, northwesterly and then easterly, to its intersection with Old Marlborough Road.

2. We require refuge permits.

3. You must possess and carry all applicable hunting licenses, permits, stamps, and a photographic identification while hunting on the refuge.

4. We prohibit use of motorized vehicles on the refuge. The refuge will provide designated parking areas for hunters. Consult the refuge manager for further details.

5. During any season when it is legal to hunt deer with a shotgun or muzzleloader, we require all hunters to wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on their chest, back, and head. During all other times, if you are engaged in woodcock hunting on the refuge, you must wear a minimum of a solid-orange hat.

6. We prohibit the use of electronic calls during any hunting season.

7. We prohibit trimming or cutting of branches larger than the diameter of a quarter (see §27.61 of this chapter).

8. We prohibit the marking any tree or other refuge feature with flagging, paint, reflective material, or any other substance (see §27.61 of this chapter).

9. You may scout hunting areas on the refuge once you have obtained a refuge permit. Scouting may begin no earlier than 1 month from the opening day of the hunting season. We prohibit the use of dogs during scouting.

10. We allow hunters to enter the refuge 1½ hours before legal hunting hours, and they must leave the refuge no later than 1½ hours after legal sunset.

11. For seasons wherein State regulations allow use of dogs, we allow no more than two dogs per hunting party. We prohibit the training of dogs on the refuge.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow shotgun hunting for ruffed grouse, cottontail rabbit, and gray squirrel within those portions of the refuge located north of Hudson Road, except those areas north of Hudson Road designated as ''archery only'' hunting on the current refuge hunting map. These archery only hunting areas north of Hudson Road are those portions of the refuge that are external to Patrol Road from its southerly intersection with White Pond Road, northwesterly and then easterly, to its intersection with Old Marlborough Road.

2. Conditions A2, A3, A4, A6, A7, A8, A9, A10, and A11 apply.

3. You may possess only approved nontoxic shot while in the field (see §32.2(k)).

4. We prohibit construction or use of any permanent structure while hunting on the refuge. You must remove all temporary blinds each day (see §§27.93 and 27.94 of this chapter).

5. During seasons when it is legal to hunt deer with a shotgun or muzzleloader, we require all hunters, including archers and small game hunters, to wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on their chest, back, and head. During all other times, if you are engaged in ruffed grouse, squirrel, or cottontail rabbit hunting on the refuge, you must wear a minimum of a solid-orange hat.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow shotgun and muzzleloader hunting of white-tailed deer, as well as shotgun hunting of turkey, within the portions of the refuge located north of Hudson Road, except those areas north of Hudson Road that are designated as ''archery only'' hunting on the current refuge hunting map. These archery only hunting areas north of Hudson Road are those portions of the refuge that are external to Patrol Road from its southerly intersection with White Pond Road, northwesterly and then easterly, to its intersection with Old Marlborough Road.

2. We allow archery deer and archery turkey hunting within all portions of the refuge during the hunting seasons for these species.

3. We require refuge permits. We limit the numbers of deer and turkey hunters allowed to hunt on the refuge. If the number of applications to hunt these species received is greater than the number of permits available, we will issue permits by random selection.

4. Conditions A3, A4, A6, A7, A8, A9, and A10 apply.

5. During seasons when it is legal to hunt deer with a shotgun or muzzleloader, we require all hunters, including archers, to wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on their chest, back, and head.

6. You may use decoys to hunt turkey.

7. We prohibit driving deer by any means on the refuge.

8. We prohibit construction or use of permanent structures while hunting. We prohibit driving a nail, spike, screw, or other metal object into any tree or hunting from any tree into which a nail, spike, screw, or other object has been driven (see §32.2(i)).

9. You may use temporary tree stands while engaged in hunting deer during the applicable archery, shotgun, or muzzleloader

deer seasons. You must remove all stands or any blinds by legal sunset each day (see §§ 27.93 and 27.94 of this chapter). We require all tree stands to have the name and address of the owner clearly printed on the stand.

10. We prohibit possession of buckshot while hunting during any season on the refuge.

D. Sport Fishing. We allow sport fishing in Puffer Pond in accordance with State regulations subject to the following conditions:

1. We allow fishing from nonmotorized canoes and car-top boats, as well as from designated locations on the banks of Puffer Pond. We prohibit the use of trailers to launch or retrieve canoes or boats on the refuge.

2. We allow catch and release fishing only.

3. We prohibit the use of live bait.

4. We prohibit lead sinkers.

5. We prohibit taking of frogs or turtles on the refuge (see § 27.21 of this chapter).

6. You may fish on Puffer Pond from ½ hour before legal sunrise to ½ hour after legal sunset.

7. We prohibit night fishing or ice fishing on the refuge.

8. We prohibit open fires anywhere on the refuge.

9. The refuge will provide designated parking areas for anglers. Consult the refuge manager for further details.

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of ducks and geese on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge permits. We limit the numbers of waterfowl hunters allowed to hunt on the refuge. If the number of applications received to hunt waterfowl is greater than the number of permits available, we will issue permits by random selection.

2. We will provide waterfowl hunters maps showing the portions of the refuge designated as open.

3. You must possess and carry all applicable hunting licenses, permits, stamps, and a photographic identification while hunting on the refuge.

4. We prohibit construction or use of any permanent structure while hunting on the refuge. You must remove all temporary blinds by legal sunset each day (see §§ 27.93 and 27.94 of this chapter).

5. We prohibit use of motorized vehicles on the refuge.

6. Except while hunting waterfowl from a blind or from a boat, you must wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on your chest, back, and head during any season when it is legal to hunt deer with a shotgun or muzzleloader.

7. We prohibit the use of electronic calls during any hunting season.

8. We prohibit trimming or cutting of branches larger than the diameter of a quarter (see § 27.61 of this chapter).

9. We prohibit the marking any tree or other refuge feature with flagging, paint, reflective material or any other substance (see § 27.61 of this chapter).

10. You may scout hunting areas on the refuge once you have obtained a refuge permit. Scouting may begin no earlier than 1 month from the opening day of the hunting season. We prohibit the use of dogs during scouting.

11. We allow hunters to enter the refuge 1½ hours before legal hunting hours, and they must leave the refuge no later than 1½ hours after legal sunset.

12. We allow no more than two dogs per hunting party. We prohibit the training of dogs on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery hunting of whitetail deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow archery hunting of whitetail deer within the portions of the Concord Unit of the refuge that are located north of Massachusetts Route 225. We also allow archery hunting of whitetail deer within the portions of the Sudbury Unit of the refuge that are located north of Stonebridge Road in Wayland, Massachusetts and south of Lincoln Road/Sherman's Bridge Road on the Sudbury and Wayland Town Line.

2. We prohibit the use of firearms for hunting deer on the refuge. However, you may archery hunt in the portions of the refuge that are open for deer hunting during the archery, shotgun, and muzzleloader seasons established by the State.

3. We require refuge permits. We limit the numbers of deer hunters allowed to hunt on the refuge. If the number of applications received to hunt deer on the refuge is greater than the number of permits available, we will issue permits by random selection.

4. Conditions A3, A5, A7, A8, A9, A10, and A11 apply.

5. During seasons when it is legal to hunt deer with a shotgun or muzzleloader, we require all hunters, including archers, to wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on their chest, back, and head.

6. We prohibit the use of decoys to hunt deer on the refuge.

7. We prohibit driving deer by any means on the refuge.

8. We prohibit construction or use of permanent structures while hunting. We prohibit driving nails, spikes, screws, or other metal object into any tree or hunting from

any tree in which a nail, spike, screw, or other object has been driven (see § 32.2(i)).

9. You may use temporary tree stands while engaged in hunting deer. You must remove all stands or any blinds by legal sunset (see §§ 27.93 and 27.94 of this chapter). We require all tree stands to have the name and address of the owner clearly printed on the stand.

D. Sport Fishing. We allow sport fishing in designated areas of the refuge in accordance with State regulations subject to the following condition: We allow fishing along the main channels of the Concord and Sudbury Rivers and from designated banks of Heard Pond. We limit access to Heard Pond to foot traffic only.

MONOMOY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing on the portions of the Monomoy Islands that we do not post as closed to public use from legal sunrise to legal sunset.

2. We allow surf fishing from the Morris Island shore 24 hours a day.

NANTUCKET NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing in accordance with State regulations subject to the following conditions:

1. We close the western refuge shoreline and beach area to surf fishing during the period of April 15 through July 31 annually, and you may not operate a vehicle on the west-facing beach and shoreline (see § 27.31 of this chapter). We only allow surf fishing on the northeast-facing shoreline during this period of time.

2. We may close the northeast-facing shoreline and beach if piping plover nesting is occurring in this portion of the refuge.

3. We require a permit for the use of over-the-sand, surf-fishing vehicles.

4. If we do not otherwise close an area because of these conditions, we allow fishing 24 hours a day.

OXBOW NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of waterfowl, woodcock, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow waterfowl and common snipe hunting within the portions of the refuge located south of Massachusetts Route 2 and west of the B&M railroad tracks.

2. We allow woodcock hunting within the portions of the refuge south of Massachusetts Route 2 and west of the B&M railroad tracks; north of Massachusetts Route 2 and south of Hospital Road; as well as within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts.

3. We require refuge permits. We limit the numbers of waterfowl hunters allowed to hunt on the refuge. If the number of applications received to hunt waterfowl is greater than the number of permits available, we will issue permits by random selection.

4. You must possess and carry all applicable hunting licenses, permits, stamps, and a photographic identification while hunting on the refuge.

5. We prohibit construction or use of any permanent structure while hunting on the refuge. You must remove all temporary blinds each day (see §§ 27.93 and 27.94 of this chapter).

6. We prohibit use of motorized vehicles on the refuge.

7. With the exception of waterfowl hunters hunting within a blind or from a boat, during any season when it is legal to hunt deer with a shotgun or muzzleloader, we require all hunters to wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on their chest, back, and head. During all other times, if you are engaged in woodcock hunting on the refuge, you must wear a minimum of a solid-orange hat.

8. We prohibit the use of electronic calls during any hunting season.

9. We prohibit trimming or cutting of branches larger than the diameter of a quarter (see § 27.51 of this chapter).

10. We prohibit the marking any tree or other refuge feature with flagging, paint, reflective material, or any other substance (see § 27.51 of this chapter).

11. You may scout hunting areas on the refuge once you have obtained a refuge permit. Scouting may begin no earlier than 1 month from the opening day of the hunting season. We prohibit the use of dogs during scouting.

12. We allow hunters to enter the refuge 1½ hours before legal hunting hours, and they must leave the refuge no later than 1½ hours after legal sunset.

13. For seasons wherein State regulations allow use of dogs, we allow no more than two dogs per hunting party. We prohibit the training of dogs on the refuge.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow shotgun hunting of ruffed grouse, cottontail rabbit, and gray squirrels within the areas of the refuge located south of Massachusetts Route 2 and west of the B&M railroad tracks; north of Massachusetts Route 2 and south of Hospital Road; and, within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts, subject to the following conditions:

2. We require refuge permits.

3. You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

4. Conditions A4, A5, A6, A8, A9, A10, A11, A12, and A13 apply.

5. With the exception of waterfowl hunters hunting within a blind or from a boat, during seasons when it is legal to hunt deer with a shotgun or muzzleloader, we require all hunters, including archers and small game hunters, to wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on their chest, back, and head. During all other times, if you are engaged in ruffed grouse, squirrel, or cottontail rabbit hunting on the refuge, you must wear a minimum of a solid-orange hat.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow shotgun, archery, and muzzleloader hunting of white-tailed deer, as well as shotgun and archery hunting of turkey, within the portions of the refuge located south of Massachusetts Route 2 and west of the B&M railroad tracks.

2. We allow archery deer and archery turkey hunting within the portions of the refuge located south of Massachusetts Route 2 and east of the B&M railroad tracks, as well as within the portions of the refuge along the easterly side of the Nashua River located north of the commuter rail tracks in Ayer, Massachusetts.

3. We allow archery deer hunting as well as shotgun and archery turkey hunting within the portions of the refuge located north of Massachusetts Route 2 and south of Hospital Road; and, within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, MA.

4. We require refuge permits. We limit the numbers of deer and turkey hunters allowed to hunt on the refuge. If the number of applications received to hunt these species is greater than the number of permits available, we will issue permits by random selection.

5. Conditions A4, A6, A8, A9, A10, A11, and A12 apply.

6. With the exception of waterfowl hunters hunting within a blind or from a boat, during seasons when it is legal to hunt deer with a shotgun or muzzleloader, we require all hunters, including archers, to wear a minimum of 500 square inches (3,250 cm^2) of solid-orange clothing or material in a conspicuous manner on their chest, back, and head.

7. Hunters may only use decoys to hunt turkey.

8. We prohibit driving deer by any means on the refuge.

9. We prohibit construction or use of permanent structures while hunting. You may not drive nails, spikes, screws or other metal object into any tree or hunt from any tree in which a nail, spike, screw or other object has been driven (see § 32.2(i)).

10. You may use temporary tree stands while engaged in hunting deer during the applicable archery, shotgun, or muzzleloader deer seasons. You must remove all stands or any blinds by legal sunset (see §§ 27.93 and 27.94 of this chapter). We require all tree stands to have the name and address of the owner clearly printed on the stand.

11. We prohibit possession of buckshot while hunting during any season on the refuge.

D. Sport Fishing. We allow sport fishing along the banks of the Nashua River in accordance with State regulations.

PARKER RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. Hunting of waterfowl and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters may not use or possess more than 25 shells per day.

2. Hunters using Area B must set out a minimum of six waterfowl decoys and hunt within 50 yards of these decoys.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the Plum Island portion of the refuge in accordance with State hunting regulations. You may hunt deer on designated day(s) during the regular State shotgun season subject to the following conditions:

1. We require that all hunters have a valid State hunting license, applicable deer tags, and firearms identification card (FID) or license to carry (LTC). The FID and LTC only apply to Massachusetts residents. All hunters regardless of age must possess and carry a refuge permit. This is a quota hunt, and we will randomly select a limited number of hunters from those that apply. You may apply by mail from September 1 until October 1.

2. If selected from the random drawing, you must attend a refuge-specific hunter orientation session prior to the hunt.

3. We only allow shotguns (slugs only) and shoulder-fired muzzleloaders (single projectile only) for our deer hunt.

4. You must check-in and out at the refuge entrance gatehouse.

5. We prohibit alcoholic beverages (See §32.2(j)).

6. We prohibit hunting from the North Pool or Stage Island Observation towers.

7. We prohibit loaded firearms (see §27.42 of this chapter) on or within 150 feet (45 m) of the refuge road.

8. You must bring all deer to the refuge deer check station located at our subheadquarters 2.5 miles (4 km) south of the refuge entrance gate. This site is an official State check station.

9. We will only allow permitted refuge hunters or those individuals hunting at Sandy Point State Reservation at the southern end of Plum Island access to the refuge or Sandy Point on the day(s) of the deer hunt.

10. We prohibit vehicular travel (emergency excepted) on refuge roads from ½ hour before legal sunrise until 8:30 a.m. We prohibit accessing the refuge after 2:30 p.m. during the deer hunt.

11. Parking regulations are subject to change and will be determined based on the number of permitted hunters and available hunt areas. We will provide this information in detail to all permitted hunters attending the required hunter-orientation session.

D. Sport Fishing. Saltwater fishing is permitted on designated areas of the refuge subject to the following conditions:

1. We allow saltwater fishing on the ocean beach and the surrounding waters of the Broad Sound.

2. A permit is required for night fishing and for the use of over-the-sand surf-fishing vehicles.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6693, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30785, May 12, 2000; 65 FR 56404, Sept. 18, 2000; 66 FR 46358, Sept. 4, 2001; 69 FR 54362, 54415, Sept. 8, 2004; 70 FR 54176, Sept. 13, 2005]

§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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer and black bear is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

KIRTLAND'S WARBLER WILDLIFE MANAGEMENT AREA

A. Migratory Game Bird Hunting. 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]

SENEY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We only allow hunting of woodcock and snipe on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of ruffed grouse and snowshoe hare on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of snowshoe hare on Unit B during the entire State season.

2. We only allow hunting of snowshoe hare on Unit A from December 1 through March 31.

C. Big Game Hunting. We allow hunting of deer and bear on designated areas of the refuge subject to the following condition: We do not allow the use of dogs while deer or bear hunting.

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 fishing weights or lures containing lead.

2. We allow ice fishing from January 1 through the end of February from legal sunrise to legal sunset.

3. We do not allow ice shanties, houses, or shelters on F Pool.

4. When ice fishing, we do not allow snowmobiles or all-terrain vehicles. We prohibit all-terrain vehicles and snowmobiles on the refuge.

5. We allow fishing on designated refuge pools, and the Creighton, Driggs, and Manistique Rivers from May 15 through September 30 from legal sunrise to legal sunset.

6. We prohibit boats and flotation devices on the refuge pools.

7. We prohibit motorized boats on the Creighton and Driggs Rivers.

SHIAWASSEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose on designated areas in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We allow goose hunting on designated cropland fields until 12 p.m. (noon) with a required checkout time of 1 p.m.

3. You may only possess approved nontoxic shotgun shells (see §32.2(k)) in quantities of 10 or less.

4. We require hunters to stay within 50 feet (15 m) of posted site.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. Hunters must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored hunter orange clothing or material.

3. We require that you must display a minimum of 100 square inches (650 cm^2) solid-colored, hunter-orange material on the external surface of portable blinds.

4. During muzzleloader hunts we require only guns capable of firing one round before reloading.

5. We allow hunters with a State medical permit to use crossbows.

D. Sport Fishing. We allow sport fishing on designated areas in accordance with State regulations subject to the following conditions:

1. We allow fishing by boat in navigable waterways but not within any managed refuge units.

2. We allow bank fishing from legal sunrise to legal sunset only at designated sites along the Spaulding Drain and the Tittabawassee and Cass Rivers.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6693, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 67 FR 58946, Sept. 18, 2002; 69 FR 54362, 54415, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and moose on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters may use portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.

2. You must remove all stands and personal property from the refuge by legal sunset each day (see §§27.93 and 27.94 of this chapter).

3. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.

4. We prohibit the use of snowmobiles and ATVs.

5. We allow the use of wheeled, nonmotorized conveyance devices (*i.e.*, bikes, retrieval carts) except in the Wilderness Area.

6. We allow the use of nonmotorized boats and canoes.

7. We prohibit entry into the ''Closed Areas''.

8. We prohibit camping.

D. Sport Fishing. [Reserved]

BIG STONE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. We allow hunting of 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 in accordance with State regulations 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.

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see §26.21(b) of this chapter).

5. We prohibit camping.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters may use portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.

2. You must remove all stands and personal property from the refuge by legal sunset each day (see §§27.93 and 27.94 of this chapter).

3. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.

4. We prohibit camping.

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.

BIG STONE WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.

2. We prohibit the construction or use of permanent blinds, stands, or scaffolds.

3. You must remove all personal property, which includes boats, decoys, and blinds brought onto the WPA each day (see §§ 27.93 and 27.94 of this chapter).

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

5. We prohibit camping.

B. Upland Game Hunting. We allow upland game hunting throughout the district in accordance with State regulations subject to the following conditions: Conditions A4 and A5 apply.

C. Big Game Hunting. We allow big game hunting throughout the district in accordance with State regulations subject to the following conditions:

1. Hunters may use portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.

2. You must remove all stands and personal property from the WPAs each day (see §§ 27.93 and 27.94 of this chapter).

3. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.

4. Condition A5 applies.

D. Sport Fishing. We allow fishing throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.

2. You must remove all ice fishing shelters and all other personal property from the WPAs each day (see § 27.93 of this chapter).

3. Condition A5 applies.

DETROIT LAKES WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations, except that we prohibit hunting on the Headquarters Waterfowl Production Area (WPA) in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County. The following conditions apply:

1. We prohibit the use of motorized boats.

2. We prohibit the construction or use of permanent blinds, stands, or scaffolds (see §§ 27.93 and 27.94 of this chapter).

3. You must remove all personal property, which includes boats, decoys, and blinds brought onto the WPAs each day (see §§ 27.93 and 27.94 of this chapter).

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season.

5. We prohibit camping.

B. Upland Game Hunting. We allow upland game hunting in accordance with State regulations throughout the district (except that we allow no hunting on the Headquarters Waterfowl Production Area [WPA] in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County) subject to the following conditions: Conditions A4 and A5 apply.

C. Big Game Hunting. We allow big game hunting in accordance with State regulations throughout the district, except that we prohibit hunting on the Headquarters Waterfowl Production Area (WPA) in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County. The following conditions apply:

1. Hunters may use portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.

2. You must remove all stands and personal property from the WPAs each day (see §§ 27.93 and 27.94 of this chapter).

3. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.

4. Condition A5 applies.

D. Sport Fishing. We allow fishing in accordance with State regulations throughout the district subject to the following conditions:

1. You must remove all ice fishing shelters and all other personal property from the WPAs each day (see § 27.93 of this chapter).

2. Condition A5 applies.

FERGUS FALLS WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. 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) in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.

2. You must remove boats, decoys, blinds, and blind materials (see § 27.93 of this chapter) brought onto the WPAs at the end of each day.

3. During the State-approved hunting season, we allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

4. We prohibit the construction or use of permanent blinds, stands, or scaffolds (see §§27.93 and 27.94 of this chapter).

5. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.

6. We prohibit camping.

B. Upland Game Hunting. We allow upland game hunting throughout the district (except that we prohibit hunting on the Townsend, Headquarters, Mavis, and Gilmore WPAs in Otter Tail County, and Larson WPA in Douglas County) in accordance with State regulations subject to the following conditions: Conditions A3 and A6 apply.

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) in accordance with State regulations subject to the following conditions:

1. We prohibit the construction or use of permanent blinds, platforms, or ladders.

2. You must remove all portable hunting stands and blinds from the area at the end of each day (see §27.93 of this chapter).

3. Condition A6 applies.

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) in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A6 apply.

2. You must remove all ice fishing structures, devices, and personal property (see §27.93 of this chapter) brought onto the area following each day of fishing.

GLACIAL RIDGE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, woodcock, snipe, rail, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit all types of watercraft.

2. We restrict vehicles to designated parking lots (see §27.31 of this chapter).

B. Upland Game Hunting. We allow hunting of prairie chicken and sharp-tailed grouse on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Only those hunters selected by the Minnesota Department of Natural Resources to hunt prairie chicken may hunt sharp-tailed grouse.

2. Condition A2 applies.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must remove all stands from the refuge at the end of each day's hunt.

2. Condition A2 applies.

D. Sport Fishing. [Reserved]

LITCHFIELD WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district except we prohibit hunting on the Phare Lake Waterfowl Production Area in Renville County. All hunting is in accordance with State regulations subject to the following conditions:

1. You must remove boats, decoys, and other personal property following each day's hunt.

2. You must remove portable or temporary blinds and any material brought onto the area for blind construction following each day's hunt.

3. We prohibit the use of motorized boats.

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times (see §26.21(b) of this chapter).

5. We prohibit camping.

B. Upland Game Hunting. We allow upland game hunting throughout the district (except we prohibit hunting on the Phare Lake Waterfowl Production Area in Renville County) in accordance with State regulations subject to the following conditions: Conditions A4 and A5 apply.

C. Big Game Hunting. We allow big game hunting throughout the district, except we prohibit hunting on the Phare Lake Waterfowl Production Area in Renville County. Hunting is in accordance with State regulations 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.

3. Condition A5 applies.

D. Sport Fishing. We allow sport fishing throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.

2. You must remove all ice fishing structures, devices, and personal property (see §27.93 of this chapter) brought onto the area at the end of the day.

3. Condition A5 applies.

MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require permit for special hunts.

2. We prohibit the use of motorized boats.

3. We prohibit the construction or use of permanent blinds, stands, or scaffolds.

4. You must remove all personal property, which includes boats, decoys, and blinds brought onto the refuge each day (see §§ 27.93 and 27.94 of this chapter).

5. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season.

6. We prohibit entry to hunting areas earlier than 2 hours before legal shooting hours.

7. We prohibit camping.

B. Upland Game Hunting. Hunters may hunt upland game, except for furbearers and crows, on designated areas of the refuge consistent with State regulations, subject to the following conditions:

1. Hunters may only use shotguns and bows and arrows in designated areas.

2. You may possess only approved nontoxic shot while in the field.

3. We allow the use of .22 caliber rimfire rifles on designated areas of the refuge.

4. Conditions A5 and A7 apply.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits may be required.

2. The construction or use of permanent blinds or platforms is not permitted.

3. All portable stands must be removed from the refuge at the end of each day's hunt.

4. Hunters may not use or possess single shot projectiles (shotgun slugs, or bullets) on the Soberg Waterfowl Production Area.

5. We prohibit the possession of centerfire rifles or handguns on the refuge.

6. We allow the use of shotguns and muzzleloaders on designated areas.

7. Conditions A6 and A7 apply.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Only bank fishing is permitted.

2. Ice fishing is permitted when ice conditions are safe.

3. Ice fishing shelters must be removed from the refuge following each day's fishing activity.

MINNESOTA VALLEY WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.

2. We prohibit the construct or use of permanent blinds, stands, or scaffolds.

3. You must remove all personal property, which includes boats, decoys, and blinds brought onto the WPAs each day (see §§ 27.93 and 27.94 of this chapter).

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

5. We prohibit camping.

B. Upland Game Hunting. We allow upland game hunting throughout the district in accordance with State regulations subject to the following conditions: Conditions A4 and A5 apply.

C. Big Game Hunting. We allow big game hunting throughout the district in accordance with State regulations subject to the following conditions:

1. Hunters may use portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.

2. Hunters may not possess single shot projectiles (shotgun slugs or bullets) on the Soberg Waterfowl Production Area.

3. You must remove all stands and personal property from the WPAs at the end of each day (see §§ 27.93 and 27.94 of this chapter).

4. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.

5. Condition A5 applies.

D. Sport Fishing. We allow sport fishing throughout the district in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A5 apply.

2. You must remove all ice fishing shelters and all other personal property from the WPAs each day (see §§ 27.93 and 27.94 of this chapter).

MORRIS WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district except that we prohibit hunting on the designated portions of the Edward-Long Lake Waterfowl Production Area (WPA) in Stevens County in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.

2. You must remove boats, decoys, blinds, and blind materials (see § 27.93 of this chapter) at the end of each day.

3. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

4. We prohibit camping.

B. Upland Game Hunting. We allow hunting of upland game, except that we prohibit hunting on the designated portions of the Edward-Long Lake Waterfowl Production Area in Stevens County, in accordance with State regulations subject to the following conditions: Conditions A3 and A4 apply.

C. Big Game Hunting. We allow hunting of deer throughout the district except that we prohibit hunting on the designated portions of the Edward-Long Lake Waterfowl Production Area in Stevens County in accordance

with State regulations subject to the following conditions:

1. We prohibit the construction or use of permanent blinds, platforms, or ladders.

2. You must remove all portable hunting stands and blinds from the area at the end of each day (see § 27.93 of this chapter).

3. Condition A4 applies.

D. Sport Fishing. We allow fishing throughout the district except that we prohibit fishing on the designated portions of the Edward-Long Lake Waterfowl Production Area (WPA) in Stevens County in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A4 apply.

2. You must remove all ice fishing structures, devices, and personal property (see § 27.93 of this chapter) brought onto the WPA at the end of each day's fishing.

NORTHERN TALLGRASS PRAIRIE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas in accordance with State regulations subject to the following conditions:

1. You must remove boats, decoys, portable or temporary blinds, materials brought onto the refuge, and other personal property at the end of each day's hunt.

2. We prohibit the construction or use of permanent blinds, stands, or scaffolds.

3. We prohibit the use of motorized watercraft.

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

5. We prohibit camping.

B. Upland Game Hunting. We allow hunting of upland game on designated areas in accordance with State regulations subject to the following conditions:

1. Hunters may possess only approved nontoxic shot while in the field.

2. We prohibit the use of dogs for hunting furbearers. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

3. Hunters may take weasel, coyote, gopher, crow, and all other species for which there is no closed season only during a State-designated open season for other upland game species.

4. Condition A5 applies.

C. Big Game Hunting. We allow hunting of big game in accordance with State regulations subject to the following conditions:

1. We prohibit the construction or use of permanent blinds, stands, or scaffolds.

2. You must remove all temporary blinds, stands, and scaffolds at the end of each day's hunt.

3. We prohibit the use of motorized watercraft.

4. Condition A5 applies.

D. Sport Fishing. [Reserved]

RICE LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of woodcock and common snipe on designated areas in accordance with State regulations subject to the following conditions:

1. Shotgun hunters may possess only approved nontoxic shot while in the field.

2. We require that the visible portion of at least one article of clothing worn above the waist be blaze orange.

3. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

4. We prohibit camping.

B. Upland Game Hunting. We allow hunting of ruffed grouse, spruce grouse, gray and fox squirrels, cottontail rabbit, and snowshoe hare on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Shotgun hunters may possess only approved nontoxic shot while hunting upland game species.

2. We require that the visible portion of at least one article of clothing worn above the waist be blaze orange.

3. Conditions A3 and A4 apply.

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.

5. Condition A4 applies.

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.

4. Condition A4 applies.

RYDELL NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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.

5. We prohibit camping.

D. Sport Fishing. We allow sport fishing on Tamarac Lake in accordance with State regulations subject to the following conditions:

1. We only allow fishing from designated fishing piers.

2. We allow fishing from May 1 to November 1.

3. We allow parking at designated parking lots only (see § 27.31 of this chapter).

4. Condition C5 applies.

SHERBURNE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, rail, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

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. We prohibit entry to hunting areas earlier than 2 hours before legal shooting hours.

5. We prohibit hunting during the State Special Goose Hunt (the early September and late December Canada goose hunting seasons).

6. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times, during the State-approved hunting season (see § 26.21(b) of this chapter).

7. We prohibit camping.

B. Upland Game Hunting. We allow hunting of ruffed grouse, ring-necked pheasant, gray and fox squirrel, snowshoe hare, cottontail rabbit, and jackrabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Shotgun hunters may possess only approved nontoxic shot while hunting for all upland game species.

2. We prohibit field possession of upland game species on areas closed to upland game hunting.

3. Conditions A6 and A7 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulation 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 must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

4. We prohibit the possession of firearms or archery equipment on areas closed to white-tailed deer hunting.

5. We prohibit deer pushes or deer drives in the areas closed to deer hunting.

6. Conditions A4 and A7 apply.

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. Migratory Game Bird Hunting. We allow the hunting of goose, duck, coot, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunting by tribal members is in accordance with White Earth Reservation regulations on those portions of the Reservation that are a part of the refuge.

2. You must remove all personal property, which includes boats, decoys, and blinds brought onto the refuge each day (see §§ 27.93 and 27.94 of this chapter).

3. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times, during the State-approved hunting season (see § 26.21(b) of this chapter).

4. We prohibit camping.

B. Upland Game Hunting. We allow hunting of ruffed grouse, red, gray, and fox squirrel, cottontail rabbit, jackrabbit, snowshoe hare, red fox, raccoon, and striped skunk on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunting by tribal members is in accordance with White Earth Reservation regulations on those parts of the Reservation that are part of the refuge.

2. You may only hunt red fox, raccoon, and striped skunk from ½ hour before legal sunrise until legal sunset from September 1 through the last day of February.

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.

5. Conditions A3 and A4 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunting by tribal members is in accordance with White Earth Reservation regulations on those parts of the Reservation that are 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.

4. Condition A4 applies.

D. Sport Fishing. We allow fishing on designated areas of the refuge between the hours of 5 a.m. and 10 p.m. in accordance with State regulations subject to the following conditions:

1. We allow fishing in North Tamarac Lake, Wauboose Lake, and Two Island Lake all year in accordance with State and/or White Earth Reservation regulations.

2. We allow fishing 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. We only allow bank fishing in an area 50 yards (45 m) on either side of the Ottertail River Bridges on County Roads #26 and #126 during State seasons.

4. We allow fishing in Pine Lake from December 1 until March 31.

5. You must remove all ice fishing shelters and all other personal property from the refuge each day (see §§27.93 and 27.94 of this chapter).

6. Condition A4 applies.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on areas designated by the refuge manager and shown on maps available at refuge offices in accordance with State regulations. We prohibit migratory bird hunting March 16 through August 31 each year. All migratory bird hunting is subject to the following conditions:

1. You must possess a hunting license valid in the State in which you are hunting and be in compliance with all applicable State and Federal regulations and requirements (see §32.2). You cannot reserve hunting areas, except at Potter's Marsh Managed Hunt Area, Pool 13, near Thomson, Illinois, in accordance with procedures established by the refuge manager.

2. In areas posted and shown on maps as ''No Entry—Sanctuary,'' we prohibit migratory bird hunting at all times and all public entry except as specified. These areas are named and located as follows:

i. Pool Slough, Pool 9, Minnesota/Iowa, 1,112 acres.

ii. Bertom Island, Pool 11, Wisconsin, 31 acres.

iii. Guttenberg Ponds, Pool 11, Iowa, 252 acres.

iv. Spring Lake, Pool 13, Illinois, 3,686 acres.

3. In areas posted and shown on maps as ''Area Closed'' and ''Area Closed—No Motors,'' we prohibit migratory bird hunting at all times. We ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck season. In areas also marked ''no motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck season.

These ''Area(s) Closed'' are named and located as follows:

i. Nelson-Trevino, Pool 4, Wisconsin, 3,773 acres (no voluntary avoidance provision).

ii. Peterson Lake, Pool 4, Minnesota/Wisconsin, 3,111 acres (no voluntary avoidance provision).

iii. Weaver Bottoms/Lost Island, Pool 5, Minnesota/Wisconsin, 3,508 acres.

iv. Polander Lake, Pool 5A, Minnesota/Wisconsin, 1,907 acres.

v. Lake Onalaska, Pool 7, Wisconsin, 7,369 acres (voluntary avoidance on 3,356 acres until mid-November).

vi. Wisconsin Islands, Pool 8, Minnesota/Wisconsin, 6,510 acres.

vii. Harpers Slough, Pool 9, Iowa/Wisconsin, 5,209 acres.

viii. Wisconsin River Delta, Pool 10, Wisconsin, 1,406 acres (closed November 1 to end of duck season).

ix. 12-Mile Island, Pool 11, Iowa, 1,145 acres.

x. Bertom-McCartney, Pool 11, Wisconsin, 2,384 acres (no voluntary avoidance provision).

xi. Pleasant Creek, Pool 13, Iowa, 2,067 acres.

xii. Elk River, Pool 13, Iowa, 1,237 acres.

The ''Area(s) Closed—No Motors'' are named and located as follows:

xiii. Spring Lake, Pool 5, Wisconsin, 243 acres.

xiv. Sturgeon Slough, Pool 10, Wisconsin, 340 acres.

xv. 12-Mile Island, Pool 10, Iowa, 540 acres.

xvi. John Deere Marsh, Pool 11, Iowa, 439 acres.

xvii. Kehough Slough, Pool 12, Illinois, 343 acres.

xviii. Beaver Island, Pool 14, Iowa, 717 acres.

4. In areas posted and shown on maps as ''No Hunting Zone'' or ''No Hunting or Trapping Zone,'' we prohibit migratory bird hunting at all times. You must unload and encase firearms in these areas. These areas are named and located as follows:

i. Upper Halfway Creek Marsh, Pool 7, Wisconsin, 141 acres.

ii. Hunter's Point, Pool 8, Wisconsin, 82 acres.

iii. Goose Island, Pool 8, Wisconsin, 986 acres (also no motors and voluntary avoidance as in condition A3).

iv. Sturgeon Slough, Pool 10, Wisconsin, 66 acres.

v. Goetz Island Trail, Pool 11, Iowa, 32 acres.

vi. Crooked Slough Backwater, Pool 13, Illinois, 2,467 acres.

vii. Crooked Slough Proper, Pool 13, Illinois, 192 acres.

viii. Frog Pond, Pool 13, Illinois, 64 acres.

ix. Ingersoll Learning Center, Pool 13, Illinois, 41 acres.

5. We prohibit hunting of migratory birds within 50 yards (45 m) of the Great River Trail at Thomson Prairie, within 150 yards (135 m) of the Great River Trail at Mesquaki Lake, and within 400 yards (360 m) of the Potter's Marsh Managed Hunt area, all in or near Pool 13, Illinois.

6. You may retrieve dead or wounded game from areas posted ''Area Closed,'' ''No Hunting Zone,'' and ''No Hunting or Trapping Zone'' provided you do not take a loaded gun into the area and do not attempt to chase birds from the area. You may not use a motor to aid in the retrieval of game in areas posted ''Area Closed—No Motors.'' You may not retrieve birds or other game from areas posted ''No Entry—Sanctuary.''

7. You may not engage in open-water waterfowl hunting in Pool 11, approximate river miles 586–592, Grant County, Wisconsin as marked with signs and as shown on refuge maps. Open-water hunting regulations and definitions that apply for Wisconsin outside of Grant County will apply in this area.

8. You may possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

9. We allow the use of dogs for hunting in accordance with State regulations. When dogs are not actively engaged in authorized hunting activities, the following conditions apply:

i. We prohibit dogs disturbing or endangering wildlife or people while on the refuge.

ii. All dogs while on the refuge must be under the control of their owners/handlers at all times or on a leash.

iii. We prohibit allowing dogs to roam.

iv. All dogs must be on a leash when on hiking trails, or other areas so posted.

v. We allow working a dog in refuge waters by tossing a retrieval dummy or other object for out-and-back exercise.

vi. Owners/handlers of dogs are responsible for disposal of dog droppings on refuge public use concentration areas such as trails, sandbars, and boat landings.

vii. We prohibit field trials and commercial/professional dog training.

10. We prohibit the construction of permanent hunting blinds (see § 27.92 of this chapter). You may use natural material for seasonal blinds, with restrictions. You may gather grasses and marsh vegetation from the refuge for blind-building materials; however, Phragmites (giant cane) may not be cut or brought onto the refuge. You may not gather, bring onto the refuge, or use for blind building tree(s) or other plant parts, including dead wood on the ground, greater than 2 inches (5 cm) in diameter. We prohibit constructing hunting blinds from rocks placed for shoreline protection (rip rap). You may leave only seasonal blinds made entirely of natural vegetation and biodegradable twines on the refuge. We consider all such blinds public property and open to use by any person on a first-come-first-served basis. You may use manmade material for temporary blinds, with restrictions. You may not use lumber, pipe, posts, or timbers greater than 2 inches (5 cm) in diameter. At the end of each day's hunt, you must remove all manmade blind materials, including boat blinds. Any blinds containing manmade materials left on the refuge are subject to immediate removal and disposal. Manmade materials include, but are not limited to, wooden pallets, metal fence posts, wire, nails, staples, netting, or tarps (see §§ 27.93 and 27.94 of this chapter).

11. We will phase out the construction and use of permanent hunting blinds for waterfowl hunting within the Savanna District of the refuge. We will no longer allow permanent blinds on the refuge in Pool 12 beginning with the 2007–2008 waterfowl hunting season, Pool 14 after the 2007–2008 season, and Pool 13 after the 2008–2009 season. The following regulations apply for phase out of permanent hunting blinds:

i. All permanent blinds must have the current name, address, and telephone number of the blind owner, posted no smaller than 3″ x 5″ (7.5 cm x 12.5 cm) inside the blind.

ii. The blind's owner must remove from the refuge all blind materials, including old blind materials located within 100 yards (90 m) of the blind, within 30 days of the end of the waterfowl hunting season.

iii. After the phase-out year of permanent blinds in each pool, refuge hunting blind regulations in Condition A10 will apply, except that we require a 200-yard (180-m) spacing distance between hunting parties on the Illinois portions of the refuge in Pools 12, 13, and 14.

12. You may set up hunting equipment the day of the hunt but must remove it at the end of each day. You may place and leave hunting equipment and decoys on the refuge only from 1 hour before the start of legal shooting hours until ½ hour after the close of legal shooting hours. You may not use nails, wire, screws, or bolts to attach a stand to a tree, or hunt from a tree into which a

metal object has been driven or screwed for support (see § 32.2(i) and § 27.93 of this chapter).

13. We prohibit the cutting, removing, or damaging of any tree or other vegetation except as allowed for blinds in Condition A10 or by written permit. You may not clear vegetation for shooting lanes or limb trees for trees stands (see § 27.51 of this chapter).

14. We prohibit camping during waterfowl hunting seasons within areas posted ''No Entry—Sanctuary,'' ''Area Closed,'' ''Area Closed—No Motors,'' and ''No Hunting Zone'' or on any sites not clearly visible from the main commercial navigation channel of the Mississippi River. We define camping as erecting a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, or mooring or anchoring of a vessel for the apparent purpose of overnight occupancy, or occupying or leaving personal property, including boats or other craft, at a site anytime between the hours of 11 p.m. and 3 a.m. on any given day. Where we allow camping, you must occupy claimed campsites each night.

15. We prohibit the building or use of warming fires while hunting (see § 27.95 of this chapter). We only allow campfires in conjunction with camping, day-use activities on beaches, or on the ice while ice fishing using only dead wood on the ground, or materials brought onto the refuge such as charcoal or firewood. You must remove any unused firewood brought onto the refuge upon departure due to threat of invasive insects.

16. We prohibit all vehicle use on or across refuge lands at any time except on designated routes of travel or on the ice over navigable waters accessed from boat landings. We prohibit parking beyond vehicle control barriers or on grass or other vegetation. You may not park or operate vehicles in a manner that obstructs or impedes any road, trail, fire lane, boat ramp, access gate, or other facility or in a manner that creates a safety hazard or endangers any person, property, or environmental feature. We may impound any vehicle left parked in violation at the owner's expense (see § 27.31 of this chapter).

17. We require that you keep all refuge lands clean during your period of use or occupancy. At all times you must keep all refuse, trash, and litter contained in bags or other suitable containers and not left scattered on the ground or in the water. You must remove all personal property, refuse, trash, and litter immediately upon vacating a site. We consider animal carcasses and spent shells to be litter (see § 27.94 of this chapter).

B. Upland Game Hunting. We allow hunting of upland game on areas of the refuge designated by the refuge manager and shown on maps available at refuge offices in accordance with State regulations. We prohibit upland game hunting from March 16 through August 31 each year except for spring wild turkey hunting, and squirrel hunting on the Illinois portion of the refuge. All upland game hunting is subject to the following conditions:

1. Condition A1 applies.

2. We prohibit the carrying, possessing, or discharging of firearms (including dog training pistols and dummy launchers), air guns, or any other weapons on the refuge, unless you are a licensed hunter or trapper engaged in authorized activities during established seasons, in accordance with Federal, State, and local regulations. We prohibit target practice on the refuge (see §§ 27.42 and 27.43 of this chapter).

3. In areas posted and shown on maps as ''No Entry—Sanctuary,'' we prohibit entry and upland game hunting at all times. In areas posted and shown on maps as ''No Entry—Sanctuary October 1 to end of state duck hunting season,'' we allow upland game hunting beginning the day after the respective State duck hunting season until upland game season closure or March 15, whichever comes first, except we allow spring turkey hunting during State seasons. We describe these areas more fully in Condition A2.

4. In areas posted and shown on maps as ''Area Closed'' and ''Area Closed—No Motors,'' we allow upland game hunting beginning the day after the respective State duck hunting season until upland game season closure or March 15, whichever comes first, except we allow spring turkey hunting during State seasons. We ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck season. In areas also marked ''Area Closed—No Motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck season. We describe these areas more fully in Condition A3.

5. In areas posted and shown on maps as ''No Hunting Zone'' or ''No Hunting or Trapping Zone,'' we prohibit upland game hunting at all times. You must unload and encase firearms in these areas. We describe these areas more fully in Condition A4.

6. We prohibit hunting of upland game within 50 yards (45 m) of the Great River Trail at Thomson Prairie, within 150 yards (135 m) of the Great River Trail at Mesquaki Lake, and within 400 yards (360 m) of the Potter's Marsh Managed Hunt area, all in or near Pool 13, Illinois.

7. You may only use or possess approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

8. We prohibit the shining of a light to locate any animal on the refuge except at the point of kill for species specified in respective State night or artificial light hunting

regulations (see § 27.73 of this chapter). You may use lights to find your way. We prohibit the distribution of bait or feed, the hunting over bait or feed, and the use or possession of any drug on any arrow for bow hunting (see § 32.2(g) and (h)). You must comply with all other hunt method regulations of the respective State on the refuge.

9. Conditions A6, A9, A10, and A12 through A17 apply.

C. Big Game Hunting. We allow hunting of big game on areas of the refuge designated by the refuge manager and shown on maps available at refuge offices in accordance with State regulations. We prohibit big game hunting from March 16 through August 31 each year. All big game hunting is subject to the following conditions:

1. Conditions A1 and B2 apply.

2. In areas posted and shown on maps as ''No Entry—Sanctuary,'' we prohibit entry and big game hunting at all times. In areas posted and shown on maps as ''No Entry—Sanctuary October 1 to end of state duck hunting season,'' we allow big game hunting beginning the day after the respective State duck hunting season until big game season closure or March 15, whichever comes first. We describe these areas more fully in Condition A2.

3. In areas posted and shown on maps as ''Area Closed'' and ''Area Closed—No Motors'' we allow big game hunting beginning the day after the respective State duck hunting season until big game season closure or March 15, whichever comes first. We ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck season. In areas also marked ''Area Closed—No Motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck season. These areas are described more fully in Condition A3.

4. In areas posted and shown on maps as ''No Hunting Zone'' or ''No Hunting or Trapping Zone,'' we prohibit big game hunting at all times. You must unload and encase firearms in these areas. We describe these areas more fully in Condition A4.

5. We prohibit hunting of big game within 50 yards (45 m) of the Great River Trail at Thomson Prairie, within 150 yards (135 m) of the Great River Trail at Mesquaki Lake, and within 400 yards (360 m) of the Potter's Marsh Managed Hunt area, all in or near Pool 13, Illinois.

6. Conditions A6, A9, A10, A12 through A17, and B7 apply.

D. Sport Fishing. We allow fishing on areas of the refuge designated by the refuge manager and shown on refuge maps available at refuge offices in accordance with State regulations subject to the following conditions:

1. In the Bertrom Island ''No Entry—Sanctuary'' area, Pool 11, Wisconsin we prohibit entry and fishing at all times.

2. In the Spring Lake ''Area Closed'' area, Pool 13, Illinois, we prohibit fishing from October 1 until the day after the close of the State duck hunting season.

3. In areas posted and shown on maps as ''Area Closed'' and ''Area Closed—No Motors,'' we allow fishing; however, we ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck season. In areas also marked ''Area Closed—No Motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck season. We describe these areas more fully in Condition A3.

4. On Mertes Slough, Pool 6, Wisconsin, we allow only hand-powered boats or boats with electric motors.

5. For the purpose of determining length limits, slot limits, and daily creel limits, the impounded areas of Spring Lake, Duckfoot Marsh, and Pleasant Creek in Pool 13, Illinois, are part of the Mississippi River site-specific State regulations.

6. Conditions A10, and A13 through A17 apply.

WINDOM WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit hunting on the Worthington Waterfowl Production Area (WPA) in Nobles County, or designated portions of the Wolf Lake WPA in Cottonwood County.

2. We prohibit the use of motorized boats.

3. You must remove all personal property, which includes boats, decoys, and blinds brought onto the WPAs at the end of each day (see §§ 27.93 and 27.94 of this chapter).

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

5. We prohibit camping.

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 in accordance with State regulations subject to the following conditions:

1. We prohibit hunting on the Worthington WPA in Nobles County, Headquarters WPA in Jackson County, and designated portions of the Wolf Lake WPA in Cottonwood County.

2. We allow the use of portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.

3. You must remove all stands and personal property from the WPAs at the end of each day (see §§27.93 and 27.94 of this chapter).

4. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.

D. Sport Fishing. We allow fishing throughout the district in accordance with State regulations subject to the following conditions:

1. Conditions A2 and A5 apply.

2. You must remove all ice fishing shelters and other personal property from the WPAs each day (see §27.93 of this chapter).

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6693, Feb. 11, 1994; 59 FR 55186, 55196, Nov. 3, 1994; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 62 FR 47379, Sept. 9, 1997; 63 FR 46917, Sept. 3, 1998; 65 FR 30785, May 12, 2000; 65 FR 56404, Sept. 18, 2000; 66 FR 46358, Sept. 4, 2001; 67 FR 58946, Sept. 18, 2002; 68 FR 57317, Oct. 2, 2003; 69 FR 54362, 54416, Sept. 8, 2004; 70 FR 54178, Sept. 13, 2005; 72 FR 51542, Sept. 7, 2007]

§ 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. Migratory Game Bird Hunting. We allow hunting of migratory waterfowl, coot, snipe, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. All hunters must possess and carry a valid, signed refuge hunting permit certifying that you understand and will comply with all regulations, and hunters must carry a State license and a signed Federal and State duck stamp on their person while hunting on the refuge. Hunters born after January 1, 1972, also must carry a Hunter Education Safety Course card or certificate. You may obtain permits at North Mississippi Refuges Complex Headquarters, 2776 Sunset Drive, Grenada, Mississippi 38901, or at the Dahomey National Wildlife Refuge Office, Box 831, Highway 446, Boyle, Mississippi 38730, or by mail from the above addresses.

2. All users may enter the refuge 2 hours before legal sunrise and must exit the refuge no later than 2 hours after legal sunset. We prohibit entering or remaining on the refuge before or after hours.

3. We only allow hunting of migratory game birds on Wednesdays, Saturdays, and Sundays, from ½ hour before legal sunrise to 12 p.m. (noon). Hunters must remove all decoys, blind material (see §27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day. After duck, merganser, and coot season closes, you may hunt goose daily from ½ hour before legal sunrise until legal sunset.

4. Each hunter must obtain a daily User Information Card (pink) available at each refuge information station and follow the printed instructions on the card. Hunters must place the card in plain view on the dashboard of their vehicle so the personal information is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the hunter information stations. Include all game harvested, and if there is none, report ''0.''

5. We may close certain areas of the refuge for sanctuary or administrative purposes. We will mark such areas with ''No Hunting'' or ''Area Closed'' signs.

6. We prohibit handguns of all kinds.

7. Waterfowl hunters may leave boats meeting all State registration requirements on refuge water bodies throughout the waterfowl season. You must remove boats (see §27.93 of this chapter) within 72 hours after the season closes.

8. We restrict motor vehicle use to roads designated as vehicle access roads on the refuge map (see §27.31 of this chapter). We prohibit blocking access to any road or trail entering the refuge (see §27.31(h) of this chapter).

9. All hunters or persons on the refuge for any reason during any open refuge hunting season must wear a minimum of 500 square inches (3,250 cm^2) of visible, unbroken, fluorescent orange-colored material above the waistline. Waterfowl hunters must comply while walking/boating to and from actual hunting area. Waterfowl hunters may remove the fluorescent orange while actually hunting.

10. We only allow dogs on the refuge when specifically authorized for hunting. We encourage the use of dogs to retrieve dead or wounded waterfowl. Dogs must remain in the immediate control of their handlers at all times (see §26.21(b) of this chapter).

11. You must remove decoys, blinds, other personal property, and litter (see §§27.93 and 27.94 of this chapter) from the hunting area following each morning's hunt. We prohibit cutting or removing trees and other vegetation (see §27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

12. We prohibit ATVs (see §27.31(f) of this chapter), horses, and mules on the refuge.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, beaver, nutria, raccoon, coyotes, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4, A5, A8, and A12 apply.

2. We restrict all public use to the period beginning 2 hours before legal sunrise and ending 2 hours after legal sunset. We prohibit entering or remaining on the refuge before or after hours. We establish special provisions for raccoon hunting; contact the refuge office for details.

3. You may only possess shotguns with approved nontoxic shotgun shot (see §32.2(k)) and .22 caliber rifles. We prohibit all handguns.

4. All hunters or persons on the refuge for any reason during any open refuge hunting season must wear a minimum of 500 square inches (3,250 cm2) of visible, unbroken, fluorescent orange-colored material above the waistline.

5. We only allow dogs on the refuge after the general Gun Deer Hunt. Dogs must remain in the immediate control of their handlers at all times (see §26.21(b) of this chapter).

6. We prohibit cutting or removing trees and other vegetation (see §27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

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 subject to the following conditions:

1. Conditions A1, A4, A5, A6, A8, and A12 apply.

2. We restrict all public use to 2 hours before legal sunrise until 2 hours after legal sunset. We prohibit entering or remaining on the refuge before or after hours.

3. All hunters or persons on the refuge for any reason during any open refuge hunting season must wear a minimum of 500 square inches (3,250 cm^2) of visible, unbroken, fluorescent orange-colored material above the waistline. We do not require this for turkey hunting.

4. We prohibit dogs for any big game hunt.

5. We prohibit use or possession of any drug or device for employing such drug for hunting (see §32.2(g)).

6. We prohibit organized drives for deer.

7. We prohibit hunting or shooting across any open, fallow, or planted field from ground level or on or across any public road, public highway, railroad, or their right-of-way during all general gun and primitive weapon hunts.

8. You may erect portable deer stands (see §32.2i)) 2 weeks prior to the opening of archery season on the refuge, and you must remove them by January 31 (see §27.93 of this chapter). We prohibit cutting or removing trees and other vegetation (see §27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. All anglers must possess and carry a valid, signed refuge fishing permit certifying that you understand and will comply with all regulations.

2. We close the refuge to fishing from October 1 through February 28.

3. We prohibit possession of any weapon (see §27.42 of this chapter) while fishing on the refuge.

4. We prohibit possession or use of jugs, seines, nets, hand-grab baskets, slat traps/baskets, or any other similar devices and commercial fishing of any kind.

5. We allow trotlines, yo-yos, limb lines, crawfish traps, or any other similar devices for recreational use only. You must tag or mark these devices with your full name, full residence address including zip code, written with waterproof ink, legibly inscribed or legibly stamped on the tag. You must attend these devices a minimum of once a day. If you do not attend these devices (see §27.93 of this chapter), you must remove them from the refuge.

6. We prohibit snagging or attempting to snag fish.

7. We allow crawfishing.

8. We only allow the taking of frog by Special Use Permit.

COLDWATER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. All persons fishing who are 16 years of age and older must carry a State license on the refuge. You must have a signed refuge fishing permit in your possession when fishing on the refuge. You may obtain permits at North Mississippi Refuges Complex Headquarters, 2776 Sunset Drive, Grenada, Mississippi 38901, or at the Dahomey National Wildlife Refuge Office, Box 381, Highway 446, Boyle, Mississippi 38730, or by mail from the above addresses.

2. We close the refuge to fishing from October 1 through February 28.

3. We allow fishing in bar pits along the Corps of Engineers levee only.

4. We prohibit possession of any weapon while fishing on the refuge. This does not include fishing knives unless they are longer than 3 inches (7.5 cm).

5. We prohibit possession or use of jugs, seines, nets, hand-grab baskets, slat traps/baskets, or any other similar devices and commercial fishing of any kind.

6. We allow trotlines, yo-yos, limb lines, crawfish traps, or any other similar devices for recreational use only, and you must tag or mark them with waterproof ink, legibly inscribed or legibly stamped on the tag with your full name and full residence address, including zip code. You must attend these devices a minimum of once daily. If you are not going to attend these devices, you must remove them from the refuge.

7. We prohibit snagging or attempting to snag fish.

8. We allow crawfishing.

9. We allow taking of frogs by Special Use Permit only.

GRAND BAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting from 30 minutes before legal sunrise until 12 p.m. (noon) on Saturdays, Sundays, Wednesdays, and Thursdays. Hunters may enter the refuge 2 hours before legal sunrise. Hunters must remove all decoys, blind material (see §27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

2. You must only use portable or temporary blinds.

3. You may only possess approved nontoxic shot (see §32.2(k)) while hunting waterfowl in the field.

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 target practice on refuge property.

7. We prohibit mules and horses on refuge hunts.

8. We allow retrievers for waterfowl hunting. We require all dogs to wear a collar displaying the owner's name, address, and telephone number.

9. You must unload and case or dismantle firearms (see §27.42(b) of this chapter) 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 possess and carry a current, signed copy of the refuge hunting permit while participating in refuge hunts.

11. Youth hunters under age 16 must possess and carry a State-approved hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. An adult may supervise no more than two youths during small game hunts and one youth during big game hunts.

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 through A7 and A9 through A11 apply.

2. You may only possess approved nontoxic shot while hunting on the refuge (see §32.2(k)). All shotgun ammunition must meet legal shot-size requirements. We only allow .22 caliber rimfire.

3. We prohibit the possession of dogs for squirrel hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 through A7, A9 through A11, and B3 apply.

2. We only allow hunting with bow and arrow. We prohibit the use of poisonous arrows (see §32.2(g)). We prohibit firearms.

3. We prohibit the use or construction of any permanent tree stand. We allow portable and climbing stands, but you must remove them from the tree when not in use or they will be subject to confiscation (see §27.93 of this chapter).

4. We prohibit hunting by organized deer drives of two or more hunters. We define ''drive'' as the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animals more susceptible to harvest.

5. We prohibit hunting with the aid of bait (see §32.2(h)).

D. Sport Fishing. [Reserved]

HILLSIDE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, coot, and dove in accordance with State regulations subject to the following conditions:

1. We are open for hunting during the State season except during the muzzleloader deer hunt.

2. There is no early teal season.

3. We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon).

4. Hunters must remove all decoys, blind material (see §27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

5. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Hunters age 16 and older must possess and carry a valid signed refuge Public Use Permit certifying that he or she understands and will comply with all regulations. One adult may supervise no more than one youth hunter.

6. Each day before hunting, all hunters must obtain a daily User Information Card (pink) available at the hunter information stations (see refuge brochure map) and follow the printed instructions on the card. You must display this card in plain view on the dashboard of your vehicle while hunting or fishing so that the personal information is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the refuge information stations.

7. Failure to display the User Information Card will result in the loss of the hunter's refuge annual Public Use Permit.

8. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

9. We prohibit possession of alcoholic beverages.

10. We prohibit possession of plastic flagging tape.

11. We prohibit handguns.

12. You must unload and case guns (see §27.42(b) of this chapter) transported in/on vehicles, ATVs, and boats under power.

13. You must park vehicles in such a manner as to not obstruct roads, gates, turnrows, or firelanes (see §27.31(h) of this chapter).

14. Valid permit holders may take the following furbearers in season incidental to other refuge hunts with legal firearms used for that hunt: raccoon, opossum, coyote, beaver, bobcat, and nutria.

15. We only allow ATVs on designated trails (see §27.31 of this chapter) (see refuge brochure map).

16. We open for dove hunting the first and second State season. Contact the refuge headquarters for specific dates and open areas.

17. You may only take dove with shotguns shooting approved nontoxic shot.

18. You may only possess approved nontoxic shot (see §32.2(k)) while in the field.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A5 through A15 apply.

2. We only allow shotguns with approved nontoxic shot (see §32.2(k)) and .22 caliber rimfire rifles for taking small game (we prohibit .22 caliber magnums).

3. We only allow dogs for rabbit and quail hunting typically during the last 2 weeks in February. Hunt dates are available at the refuge headquarters and printed in the refuge brochure. We restrict hunting to the waterfowl hunting area (see refuge brochure map).

4. During the rabbit-with-dog and quail hunts, any person hunting or accompanying another person hunting must wear at least 500 square inches (3,250 cm2) of unbroken flourescent-orange material visible above the waistline as an outer garment.

5. Beginning the first day after the deer muzzleloader hunt, we restrict hunting to the designated waterfowl hunting area (see refuge brochure map).

6. We prohibit horses and mules.

C. Big Game Hunting. We allow hunting of white-tail deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunts and hunt dates are available at the refuge headquarters in July, and we post them in the refuge brochure.

2. We only allow ATVs on designated trails (see §27.31 of this chapter) beginning the second Saturday in September through February 28 (see refuge brochure map).

3. Beginning the first day after the muzzleloader hunt, we restrict hunting to the designated waterfowl hunting area (see refuge brochure map).

4. Conditions A5 through A7 and B6 apply.

5. During all gun and muzzleloader deer hunts: all participants must wear at least 500 square inches (3,250 cm2) of unbroken flourescent-orange material visible above the waistline as an outer garment while hunting and enroute to and from hunting areas; we prohibit hunting from tripods and other free-standing platforms in fields and tree plantations (during muzzleloader deer hunt); and we prohibit all other public use on the refuge.

6. We prohibit organized drives for deer.

7. We prohibit hunting from or shooting across open fields from ground level.

8. We only allow crossbows in accordance with State law.

9. You must unload guns (see §27.42(b) of this chapter) while standing beside, in, or walking across any portion of a field, tree plantation, road, pipeline, or powerline right-of-way. We define ''a loaded gun'' as shells in the gun or percussion caps on muzzleloaders.

10. Stands adjacent to fields and tree plantations must be a minimum of 10 feet (300 cm) above ground.

11. We prohibit attaching stands to any power or utility pole.

12. You may place stands on the refuge 7 days prior to and must remove them (see §27.93 of this chapter) by day 7 after the close of the refuge deer season.

13. You must remove stands in the January/February closed area by the last day of the muzzleloader hunt.

14. You must field-dress deer.

15. We designate check station dates and requirements in the refuge brochure.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close all refuge waters during the muzzleloader deer hunt.

2. We allow fishing in the borrow ponds along the north levee (see refuge brochure map) throughout the year except during the muzzleloader Gun Deer Hunt.

3. We open all other refuge waters March 1 through November 15.

4. We prohibit trot lines, limb lines, jugs, seines, and traps.

5. We prohibit fishing from bridges.

6. We allow frogging during the State bullfrog season.

7. We only allow ATVs on designated trails (see §27.31 of this chapter) (see refuge brochure map) September 15 through February 28.

MATHEWS BRAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, and coot in accordance with State regulations subject to the following conditions:

1. We allow hunting during the open State season.

2. There is no early teal season.

3. Beginning the opening day of duck season, we restrict hunting to the designated waterfowl hunt area only (see refuge brochure map).

4. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older.

5. During the refuge youth hunts, scheduled the first 2 weekends in January, both youth and accompanying adult may hunt. Only one adult may accompany each youth hunter.

6. We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon).

7. Hunters must remove all decoys, blind material (see §27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

8. If you are a hunter age 16 or older, you must possess and carry a valid, signed refuge Public Use Permit certifying that you understand and will comply with all regulations.

9. Each day before hunting, each hunter must obtain a daily User Information Card (pink) available at the hunter information stations (see refuge brochure map) and follow the printed instructions on the card. You must display this card on the dashboard of your vehicle while hunting or fishing so that the personal information is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the refuge information stations.

10. Failure to display the User Information Card will result in the loss of the hunter's refuge annual Public Use Permit.

11. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

12. We prohibit possession of alcoholic beverages.

13. We prohibit possession of plastic flagging tape.

14. We prohibit handguns.

15. You must unload and case guns (see §27.42(b) of this chapter) transported in/on vehicles and boats under power.

16. We prohibit parking vehicles in such a manner as to obstruct roads, gates, turnrows, or firelanes (see §27.31(h) of this chapter).

17. Valid permit holders may take the following furbearers in season incidental to other refuge hunts with legal firearms used for that hunt: raccoon, opossum, coyote, beaver, bobcat, and nutria.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 applies.

2. We only allow shotguns with approved nontoxic shot (see §32.2(k)) or .22 caliber rimfire rifles for taking small game (we prohibit .22 caliber magnums).

3. We only allow dogs for rabbit hunting typically the last 2 weeks in February. Hunt dates are available at the refuge headquarters and printed in the refuge brochure. We restrict hunting to the waterfowl hunting area (see refuge brochure map).

4. During the rabbit-with-dog hunt, any person hunting or accompanying another person hunting must wear at least 500 square inches (3,250 cm^2) of unbroken flourescent-orange material visible above the waistline as an outer garment.

5. We prohibit horses and mules.

C. Big Game Hunting. We allow archery hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow archery hunting October 1 through January 31.

2. State bag limits apply.

3. Beginning the first day of duck season, we restrict hunting to the designated waterfowl hunt area only (see refuge brochure map).

4. Conditions A7 through A9 and B5 apply.

5. We prohibit organized drives for deer.

6. We only allow crossbows in accordance with State law.

7. We prohibit attaching stands to any power or utility pole.

8. You may place stands on the refuge 7 days prior to and must remove them (see §27.93 of this chapter) by day 7 after the close of the refuge deer season.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing in all refuge waters throughout the year, except in the waterfowl sanctuary, which we close from the first day

of duck season through March 15 (see refuge brochure map).

2. We prohibit trot lines, limb lines, jugs, seines, and traps.

3. We allow frogging during the State bullfrog season.

MORGAN BRAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, and coot on the refuge in accordance with State regulations subject to the following conditions:

1. We open for hunting during the State season, except we close during the muzzleloader deer hunt.

2. There is no early teal season.

3. We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon).

4. Hunters must remove all decoys, blind material (see § 27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

5. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. If you are a hunter age 16 or older you must possess and carry a valid, signed refuge Public Use Permit certifying that you understand and will comply with all regulations.

6. Each day before hunting, all hunters must obtain a daily User Information Card (pink) available at each refuge information station (see refuge brochure map) and follow the printed instructions on the card. You must display this card in plain view on the dashboard of your vehicle while hunting or fishing so the personal information is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the refuge information stations.

7. Failure to display the User Information Card will result in the loss of the hunter's refuge annual Public Use Permit.

8. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

9. We prohibit possession of alcoholic beverages.

10. We prohibit plastic flagging tape.

11. We prohibit handguns at all times.

12. You must unload and case guns (see § 27.42(b) of this chapter) transported in/on vehicles, ATVs, and boats under power.

13. We prohibit parking of vehicles in such a manner as to obstruct roads, gates, turnrows, or firelanes (see § 27.31(h) of this chapter).

14. We allow take by valid permit holders of the following in-season furbearers, incidental to other refuge hunts with legal firearms used for that hunt: raccoon, opossum, coyote, beaver, bobcat, and nutria.

15. We only allow ATVs on designated trails (see § 27.31 of this chapter) (see refuge brochure map).

16. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A5 (we only allow one adult per youth hunter), and A6 through A14 apply.

2. We only allow shotguns shooting approved nontoxic shot (see § 32.2(k)) and .22 caliber rimfire rifles for taking small game (we prohibit .22 caliber magnums).

3. We only allow dogs for rabbit and quail hunting typically during the last 2 weeks in February. Hunt dates are available at the refuge headquarters and printed in the refuge brochure. We restrict hunting to the waterfowl hunting area (see refuge brochure map).

4. During the rabbit and quail-with-dog hunt, any person hunting or accompanying another person hunting must wear at least 500 square inches (3,250 cm2) of unbroken flourescent-orange material visible above the waistline as an outer garment.

5. Beginning the first day after the deer muzzleloader hunt, we restrict hunting to the designated waterfowl hunting area (see refuge brochure map).

6. We prohibit horses.

C. Big Game Hunting. We allow hunting of white-tail deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunt information and dates are available both at the refuge headquarters in July and posted in the refuge brochure.

2. We only allow ATVs on designated trails (see § 27.31 of this chapter) beginning the second Saturday in September through February 28 (see refuge brochure map).

3. Beginning the first day after the muzzleloader hunt, we restrict hunting to north of Providence Road and the area west and south of Spring Branch (see refuge brochure map).

4. During all gun and muzzleloader deer hunts, all participants must wear at least 500 square inches (3,250 cm^2) of unbroken flourescent-orange material visible above the waistline as an outer garment while hunting and enroute to and from hunting areas.

5. During muzzleloader deer hunts, we prohibit all other public use.

6. We prohibit organized drives for deer.

7. We prohibit hunting from or shooting across open fields from ground level.

8. We only allow crossbows in accordance with State law.

9. We define a loaded gun as shells in the gun or percussion caps on muzzleloaders.

10. You must unload guns (see §27.42(b) of this chapter) while standing beside, in, or walking across any portion of a field, tree plantation, road, pipeline, or powerline right-of-way.

11. During the muzzleloader deer hunt, we prohibit hunting from tripods and other free-standing platforms in fields and tree plantations.

12. Stands adjacent to fields and tree plantations must be a minimum of 10 feet (3 m) above ground.

13. We prohibit attaching stands to any power or utility pole.

14. You may place stands on the refuge 7 days prior to and must remove them (see §27.93 of this chapter) by day 7 after the close of the refuge deer season.

15. You must remove stands in the January/February closed area by the last day of the muzzleloader hunt.

16. Hunters must field-dress their deer.

17. We designate check station dates and requirements in the refuge hunt brochure.

18. Conditions A5 through A7 and B6 apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close all refuge waters during the muzzleloader deer hunt.

2. We only allow fishing in refuge waters north of Providence Road throughout the year except during the muzzleloader deer hunt.

3. We open all other refuge waters March 1 through November 15.

4. We prohibit trot lines, limb lines, jugs, seines, and traps.

5. We prohibit fishing from bridges.

6. We allow frogging during the State bullfrog season.

7. We only allow ATVs on designated trails (see §27.31 of this chapter) (see refuge brochure map) September 15 through February 28.

8. We will post separate fishing regulations for Providence Ponds on Morgan Brake at the Morgan Brake office.

NOXUBEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. Hunters may hunt waterfowl, coots, and woodcock on designated areas of the refuge subject to the following condition: Permits required.

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. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The sport fishing, boating, and bow fishing seasons extend from March 1 through October 31, except for the Noxubee River and borrow pit areas along Highway 25 that are open year-round.

2. We prohibit anglers leaving boats overnight on the refuge (see §27.93 of this chapter).

3. Anglers must keep boat travel at idle speed, and they must not create a wake when moving.

4. We prohibit limb lines, snag lines, and hand grappling in Ross Branch, Bluff, and Loakfoma Lakes.

5. Anglers must tag pole and set hooks with their name and address when using them in rivers, creeks, and other water bodies. Anglers must remove these devices when not in use.

6. Trotlining:

i. Anglers must label each end of the trotline floats with the owner's name and address.

ii. We limit trotlines to one line per person, and we allow no more than two trotlines per boat.

iii. Anglers must tend all trotlines every 24 hours and remove them when not in use.

7. Jug fishing:

i. Anglers must label each jug with their name and address.

ii. Anglers must attend all jugs every 24 hours and remove them when not in use.

8. We require a Special Use Permit for night time bow fishing.

PANTHER SWAMP NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, and coot in accordance with State regulations subject to the following regulations:

1. We allow hunting during the open State season except we close during all Limited Permit Hunts.

2. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Both youth and accompanying adult may hunt. Only one adult may accompany each youth hunter.

3. There is no early teal season.

4. We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon).

5. Hunters must remove all decoys, blind material (see §27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

6. Each hunter age 16 and older must possess and carry a valid, signed refuge Public Use Permit certifying that they understand and will comply with all regulations.

7. Each day before hunting, all hunters must obtain a daily User Information Card (pink) available at the hunter information stations (see refuge brochure map) and follow the printed instructions on the card. You must display this card in plain view on the dashboard of your vehicle while hunting or fishing so that the personal information is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the refuge information stations.

8. Failure to display the User Information Card will result in the loss of the hunter's refuge annual Public Use Permit.

9. You may obtain hunt dates both at the refuge headquarters in July and posted in the refuge brochure.

10. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

11. We prohibit possession of alcoholic beverages.

12. We prohibit plastic flagging tape.

13. We prohibit handguns at all times.

14. You must unload and case guns (see §27.42(b) of this chapter) transported in/on vehicles, ATVs, and boats under power.

15. We prohibit parking of vehicles in such a manner as to obstruct roads, gates, turnrows, or firelanes (see §27.31(h) of this chapter).

16. We allow take by valid permit holders of the following furbearers in season, incidental to other refuge hunts with legal firearms used for that hunt: Raccoon, opossum, coyote, beaver, bobcat, and nutria.

17. We only allow ATVs, beginning the second Saturday in September through February 28, on designated trails (see §27.31 of this chapter) (see refuge brochure map).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting during the open State season except we close during limited refuge deer hunts. You may obtain information on the hunts and hunt dates both at the refuge headquarters in July and posted in the refuge brochure.

2. Conditions A2 (squirrel hunting), A6 through A8, and A10 through A17 apply.

3. We only allow shotguns with approved nontoxic shot (see §32.2(k)) and .22 caliber rimfire rifles for taking small game (we prohibit .22 caliber magnums). We prohibit possession of toxic shot, buckshot, and slugs.

4. We only allow dogs for rabbit hunting typically the last 2 weeks in February. You may obtain hunt dates both at the refuge headquarters and printed in the refuge brochure (see refuge brochure map for open areas).

5. During the rabbit-with-dog and quail hunts, any person hunting or accompanying another person hunting must wear at least 500 square inches (3,250 cm^2) of unbroken flourescent-orange material visible above the waistline as an outer garment.

6. Beginning the first day after the last Limited Deer Gun Hunt, we restrict hunting to the designated waterfowl hunting area (see refuge brochure map).

7. We prohibit horses.

C. Big Game Hunting. We allow hunting of white-tail deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A7, A8, A9, A17, B6, and B7 apply.

2. We may require a Limited Hunt Permit for spring turkey hunting, regular gun deer, and muzzleloader deer hunting. We issue the Limited Hunt Permit by random computer drawing. If we draw your name, there is a fee for each permit. Limited Hunt Permits are not transferable and are nonrefundable. Contact the refuge headquarters for specific requirements. The regular gun deer and muzzleloader deer hunts require a Limited Hunt Permit that we assign by random computer drawing. If we draw your name, there is a fee for each permit. Limited Hunt Permits are not transferable and nonrefundable. Contact the refuge headquarters for specific requirements, hunt, and application dates.

3. We may designate dates for youth (ages 12 to 15) turkey hunting. Contact the refuge headquarters or see the refuge brochure for youth hunt dates. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older (one youth per adult).

4. During spring turkey season we only allow ATVs on Southern Natural Gas pipeline, from Cotton's access to Tupelo Brake Duck Club boundary (see refuge brochure map).

5. You must immediately tag all harvested turkeys prior to moving them.

6. We only allow shotguns shooting approved nontoxic shot (see §32.2(k)) and archery while turkey hunting.

7. You must immediately tag all game harvested prior to moving it during limited hunts; we provide the tags.

8. We designate check station dates and requirements in the refuge hunt brochure.

9. If you are a hunter age 16 or older, you must possess and carry a valid, signed refuge Public Use Permit or Limited Hunt Permit certifying that you understand and will comply with all regulations.

10. During all gun or muzzleloader deer hunts, all participants must wear at least 500 square inches (3,250 cm^2) of unbroken flourescent-orange material visible above the waistline as an outer garment while

hunting and enroute to and from hunting areas.

11. We prohibit all other public use on the refuge during all gun and muzzleloader deer hunts.

12. We prohibit organized drives for deer.

13. We prohibit hunting from or shooting across open fields from ground level.

14. During all Limited Permit Hunts, each hunter must possess and carry only their own current permit and/or tags.

15. We only allow crossbows in accordance with State law.

16. We define a loaded gun as shells in the gun or percussion caps on muzzleloaders.

17. You must unload guns (see §27.42(b) of this chapter) while standing beside, in, or walking across any portion of a field, tree plantation, road, pipeline, or powerline right-of-way.

18. During muzzleloader, rifle, and youth Gun Deer Hunts, we prohibit hunting from tripods and other free-standing platforms in fields and tree plantations.

19. Stands adjacent to fields and tree plantations must be a minimum of 10 feet (3 m) above ground.

20. We prohibit attaching stands to any power or utility pole.

21. You may place stands on the refuge 7 days prior to and must remove them (see §27.93 of this chapter) by day 7 after the close of the refuge deer season.

22. You must remove stands in the January/February closed area by the last day of the muzzleloader hunt.

23. You must field-dress deer.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close all refuge waters during limited deer gun hunts.

2. We open waters between the East and West levee, the Landside Ditch, and the portion of Panther Creek adjacent to the West Levee year-round except during limited Gun Deer Hunts.

3. We open all other refuge waters March 1 through November 15.

4. We prohibit trot lines, limb lines, jugs, seines, and traps.

5. We allow frogging during the State bullfrog season.

6. We only allow ATVs for fishing access on designated gravel roads when we close such roads to vehicular traffic.

ST. CATHERINE CREEK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot during the State season in accordance with State regulations subject to the following conditions:

1. We allow hunting in Butler Lake, Salt Lake, and Gilliard Lake from ½ hour before legal sunrise until 12 p.m. (noon) on Tuesdays, Thursdays, and Saturdays.

2. If you are a hunter age 16 or older you must possess and carry a valid, signed refuge Public Use Permit certifying that you understand and will comply with all regulations.

3. We will close waterfowl hunting in Butler Lake and Salt Lake after the Natchez River gauge reaches 28 feet (8.4 m) or higher.

4. We will close waterfowl hunting in Gilliard Lake when the Natchez River gauge reaches 32 feet (9.6 m) or higher.

5. We restrict access to Butler Lake waterfowl hunting only to Butler Lake Road.

6. Hunters must remove decoys, blind material (see §27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day.

7. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

8. You must use portable blinds.

9. All users must obtain a daily use reporting card and place it in plain view on the dashboard of their vehicle so that the personal information is readable. Users must return cards to a refuge kiosk upon departure from the refuge.

10. Hunters may enter the refuge 2 hours before legal sunrise and must exit the refuge no later than 2 hours after legal sunset. We prohibit entering or remaining on the refuge before or after hours.

11. All persons in all underway boats must wear U.S. Coast Guard-approved personal flotation devices.

12. You must hand-launch boats except at designated boat ramps, where you may trailer-launch them.

13. We only open ATV trails (see §27.31 of this chapter) to ATV traffic during scheduled hunts and scouting periods.

14. Hunters must be age 16 or older to operate an ATV on the refuge.

15. We allow use of retrievers.

16. State bag limits apply.

17. We prohibit hunting on Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Day.

18. We prohibit the following acts: possession of alcohol; entering the refuge from private property; hunters entering from public waterways; overnight parking; parking or hunting within 150 feet (45 m) of any petroleum facility or equipment, or refuge residences and buildings; parking by hunters in refuge headquarters parking lot; and possession of hand guns on the refuge.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, and woodcock in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotguns, .22 caliber long rifles, and muzzleloading rifles under .38 caliber shooting patched round balls, except for raccoon hunting (see 4iv below). We prohibit the possession of .22 caliber magnum rifles,

slugs, buckshot, or rifle ammunition larger than .22 rimfire.

2. You must wear a hunter-orange hat and upper garment when hunting in open fields or reforested areas.

3. We prohibit use of motorized boats after the Natchez River gauge reaches 28 feet (8.4 m) or higher.

4. We only allow raccoon hunting during the month of February from legal sunset to legal sunrise with the following conditions:

i. We require dogs.

ii. We prohibit hunting along/from Carthage-Linwood Road.

iii. We prohibit the use of boats and ATVs.

iv. You may only use .22 caliber rimfire rifles (no magnums).

5. You may take beaver, nutria, coyote, and bobcat incidental to the hunt.

6. Conditions A2, A7 through A14, and A16 through A18 apply.

7. We prohibit the following acts: target practice; marking trails with tape, paper, paint, or any other artificial means; and riding horses or mules.

C. Big Game Hunting. We allow deer, hog, and lottery youth turkey hunting in accordance with State regulations subject to the following conditions:

1. We only allow still hunting.

2. You may only take one deer per day: We allow residents to take one deer of either sex per day; however, we prohibit nonresidents from harvesting antlerless deer.

3. We require hunters to wear a hunter-orange hat and upper garment at all times during all muzzleloader hunts and during the youth gun hunt.

4. During late muzzleloader (after December 25) hunts, the following specific conditions apply: You may only take bucks with a minimum of 14-inch (35 cm) inside antler spread.

5. During traditional primitive weapon season, the following specific conditions apply:

i. You must only use flintlock and sidelock percussion muzzleloaders with iron sights and patched-round balls.

ii. We prohibit in-line muzzleloaders, electronic sights, scopes, fiber optic sights, and conical bullets.

iii. You must use recurve and long bows without sights.

6. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older.

7. We must receive all applications for the limited youth lottery draw turkey hunt by February 28 of each year.

8. Youth (ages 10 to15) gun deer and waterfowl hunts will coincide with designated State youth hunts each year. Youth deer hunters may use any weapon deemed legal by the State except for buckshot, which we prohibit.

9. We prohibit insertion of metal objects into trees or hunting from trees that contain inserted metal objects (see § 32.2(i)).

10. We prohibit the use or possession of climbing spurs.

11. You must dismantle blinds and tripods, and you must remove stands from the tree each day. You must remove all stands, blinds, and tripods (see § 27.93 of this chapter) from the refuge before February 7 of each year.

12. You may only take feral hog with bow and arrow and muzzleloading rifles during and incidental to archery and primitive weapon deer seasons.

13. You must check all deer harvested on the refuge at one of the three self-clearing, mandatory deer check stations.

14. You must immediately field-dress all deer upon harvest.

15. State season bag limits apply.

16. Conditions A2, A7 through A14, A17, A18, B3, B5, and B7 apply.

D. Sport Fishing. We allow fishing during daylight hours only from March 1 through the last day of archery season each year in accordance with State regulations subject to the following conditions:

1. We require a public use permit for all anglers between the ages of 16 and 65.

2. We prohibit the use of ATVs (see § 27.31(f) of this chapter).

3. On the Sibley Unit, we prohibit boats north of the Ring Levee, except you may hand-launch boats in Swamp Lake during nonflood conditions.

4. An adult age 21 or older must supervise youth age 15 and under who may fish in the Kids Pond. We prohibit adults from fishing in this pond.

5. We allow bow fishing. Bow anglers must abide by State law.

6. We allow nighttime bow fishing on the refuge but only through a Special Use Permit issued by the refuge manager.

7. We prohibit the following acts: Possession of alcohol; entering the refuge from private property; overnight parking; target practice; riding horses or mules; possession or use of commercial fishing or trotline equipment, including limb lines, nets, traps, yo-yos, or jugs; and possession of any firearms (see § 27.42 of this chapter).

8. Conditions A9, A11, and A12 apply.

TALLAHATCHIE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory waterfowl, coots, snipe, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Hunters born after January 1, 1972, also must carry a

Hunter Education Safety Course card or certificate. All hunters must possess and carry a valid, signed refuge Hunting Permit certifying that he or she understands and will comply with all regulations. You may obtain permits at North Mississippi Refuges Complex Headquarters, 2776 Sunset Drive, Grenada, Mississippi 38901, or at the Dahomey National Wildlife Refuge Office, Box 831, Highway 446, Boyle, Mississippi 38730, or by mail from the above addresses.

2. We restrict all public use to the period beginning 2 hours before legal sunrise and ending 2 hours after legal sunset except during the raccoon hunt. We prohibit entering or remaining on the refuge before or after hours.

3. We only allow hunting of migratory game birds on Wednesdays, Saturdays, and Sundays from ½ hour before legal sunrise and ending at 12 p.m. (noon). Hunters must remove all decoys, blind material (see §27.93 of this chapter), and harvested waterfowl from the area no later than 1 p.m. each day. After duck, merganser, and coot season closes, we allow hunting of goose daily, during the period beginning ½ hour before legal sunrise and ending at legal sunset.

4. We prohibit public hunting north of Mississippi Highway 8.

5. Each hunter must obtain a daily User Information Card (pink) available at each refuge information station and follow the printed instructions on the card. You must display the card in plain view on the dashboard of your vehicle so that the personal information is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the refuge information stations. Include all game harvested, and if you harvest no game, report ''0.''

6. We may close certain areas of the refuge for sanctuary or administrative purposes. We will mark such areas with ''No Hunting'' or ''Area Closed'' signs.

7. We prohibit all handguns.

8. Waterfowl hunters may leave boats meeting all State registration requirements on refuge water bodies throughout the waterfowl season. You must remove boats (see §27.93 of this chapter) within 72 hours after the season closes.

9. We restrict motor vehicle use to roads designated as vehicle access roads on the refuge map (see §27.31 of this chapter). We prohibit blocking access to any road or trail entering the refuge (see §27.31(h) of this chapter).

10. All hunters or persons on the refuge for any reason during any open refuge hunting season must wear a minimum of 500 square inches (3,250 cm^2) of visible, unbroken, fluorescent orange-colored material above the waistline. Waterfowl hunters must comply while walking/boating to and from actual hunting area. Waterfowl hunters may remove the fluorescent orange while actually hunting.

11. We only allow dogs on the refuge when specifically authorized for hunting. We encourage the use of dogs to retrieve dead or wounded waterfowl. Dogs must remain in the immediate control of their handlers at all times (see §26.21(b) of this chapter).

12. You must remove decoys, blinds, other personal property, and litter (see §§27.93 and 27.94 of this chapter) from the hunting area following each morning's hunt. We prohibit cutting or removing trees and other vegetation (see §27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

13. We prohibit ATVs (see §27.31(f) of this chapter), horses, and mules on the refuge.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, beaver, nutria, raccoon, coyote, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4, A5, A6, A9, and A13 apply.

2. We restrict all public use to the period beginning 2 hours before legal sunrise and ending 2 hours after legal sunset. We prohibit entering or remaining on the refuge before or after hours. We establish special provisions for raccoon hunting; contact the refuge office for details.

3. We only allow shotguns with approved nontoxic shotgun shot (see §32.2(k)) and .22 caliber rifles. We prohibit all handguns.

4. All hunters or persons on the refuge for any reason during any open refuge hunting season must wear a minimum of 500 square inches (3,250 cm^2) of visible, unbroken, fluorescent orange-colored material above the waistline.

5. We only allow dogs on the refuge after the general Gun Deer Hunt. Dogs must remain in the immediate control of their handlers at all times (see §26.21(b) of this chapter).

6. We prohibit the cutting or removal of trees and other vegetation (see §27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

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 subject to the following conditions:

1. Conditions A1, A4, A5, A6, A7, A9, and A13 apply.

2. We restrict all public use to 2 hours before legal sunrise and to 2 hours after legal sunset. We prohibit entering or remaining on the refuge before or after hours.

3. All hunters or persons on the refuge for any reason during any open refuge hunting season must wear a minimum of 500 square

inches (3,250 cm^2) of visible, unbroken, fluorescent orange-colored material above the waistline. We do not require this for turkey hunting.

4. We prohibit dogs for any big game hunt.

5. We prohibit use or possession of any drug or device for employing such drug for hunting (see § 32.2(g)).

6. We prohibit organized drives for deer.

7. We prohibit hunting or shooting across any open, fallow, or planted field from ground level or on or across any public road, public highway, railroad, or their rights-of-way during all general gun and primitive weapon hunts.

8. You may erect portable deer stands 2 weeks prior to the opening of archery season on the refuge, and you must remove them (see § 27.93 of this chapter) by January 31. We prohibit the cutting or removal of trees and other vegetation (see § 27.51 of this chapter). We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

D. *Sport Fishing.* We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. All anglers must possess and carry a valid, signed refuge fishing permit certifying that you understand and will comply with all regulations. You may obtain permits at North Mississippi Refuges Complex Headquarters, 2776 Sunset Drive, Grenada, Mississippi 38901, or at the Dahomey National Wildlife Refuge Office, Box 381, Highway 446, Boyle, Mississippi 38730, or by mail to the above addresses.

2. We close the refuge to fishing from October 1 through February 28.

3. We only allow bank or boat sport fishing south of Mississippi Highway 8.

4. We prohibit possession of any weapon (see § 27.42 of this chapter) while fishing on the refuge.

5. We prohibit possession or use of jugs, seines, nets, hand-grab baskets, slat traps/baskets, or any other similar devices and commercial fishing of any kind.

6. We only allow trotlines, yo-yos, limb lines, crawfish traps, or any other similar devices for recreational use. You must tag or mark them with the angler's full name and full residence address, including zip code written with waterproof ink, legibly inscribed or legibly stamped on the tag; and attend the devices a minimum of once daily. When not attended, you must remove these devices (see § 27.93 of this chapter) from the refuge.

7. We prohibit snagging or attempting to snag fish.

8. We allow crawfishing.

9. We only allow take of frog by Special Use Permit.

YAZOO NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of dove and snow goose on the refuge in accordance with State regulations subject to the following conditions:

1. If you are a hunter age 16 or older, you must possess and carry a valid, signed refuge Public Use Permit that certifies that you understand and will comply with all regulations.

2. Each day before hunting, all hunters must obtain a daily User Information Card (pink) available at each refuge information station (see refuge brochure map) and follow the printed instructions on the card. You must display this card in plain view on the dashboard of your vehicle while hunting or fishing so that the personal information is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the refuge information stations. Failure to display the User Information Card may result in the loss of the hunter's refuge annual Public Use Permit.

3. We only allow hunting of snow goose by Special Use Permit. Contact the refuge office for details.

4. Hunt dates are available at the refuge headquarters in July and posted in the refuge brochure.

5. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. We only allow one adult per youth hunter.

6. We prohibit hunting or entry into areas designated as ''CLOSED'' (see refuge brochure map).

7. We prohibit possession of alcoholic beverages.

8. We prohibit possession of plastic flagging tape.

9. We prohibit handguns at all times.

10. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)).

11. You must unload and case guns (see § 27.42(b) of this chapter) transported in/on vehicles, ATVs, and boats under power.

12. We prohibit parking of vehicles in such a manner as to obstruct roads, gates, turnrows, or firelanes (see § 27.31(h) of this chapter).

13. We allow valid permit holders to take the following furbearers in season, incidental to other refuge hunts with legal firearms used for that hunt: raccoon, opossum, coyote, beaver, bobcat, and nutria.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A3, A5 through10, and A12 through A14 apply.

2. We only allow shotguns with approved nontoxic shot (see §32.2(k)) and .22 caliber rimfire rifles (we prohibit .22 caliber magnums).

3. During the rabbit-with-dog hunt, any person hunting or accompanying another person hunting must wear at least 500 square inches (3,250 cm^2) of unbroken flourescent-orange material visible above the waistline as an outer garment.

4. We prohibit horses.

5. We allow hunting for rabbit on the Herron Tract, Brown Tract (east of the Sunflower River), Middleton-Miller-Zepponi Tracts, and Carter Tract. Contact refuge headquarters for hunt dates, maps, and additional information.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A2, A3, A5, B4, and B5 (we allow archery except on the Carter Tract) apply.

2. If you are a hunter age 16 or older, you must possess and carry a valid refuge annual Public Use Permit or Limited Hunt Permit that certifies that you understand and will comply with all regulations. Permits are not transferable and are nonrefundable.

3. The youth regular gun deer, muzzleloader deer, and senior citizen Gun Deer Hunts require a Limited Hunt Permit assigned by random computer drawing. If we draw your name, there is a fee for each permit. Contact the refuge headquarters for specific requirements, hunt, and application dates.

4. During all gun or muzzleloader deer hunts, all participants must wear at least 500 square inches (3,250 cm^2) of unbroken flourescent-orange material visible above the waistline as an outer garment while hunting and enroute to and from hunting areas.

5. We prohibit all other public use during all gun and muzzleloader deer hunts.

6. We prohibit organized drives for deer.

7. We prohibit hunting from or shooting across open fields from ground level.

8. During all Limited Permit Hunts, each hunter shall possess and carry only their own current permit and/or tags.

9. We only allow crossbows in accordance with State law.

10. We define a loaded gun as shells in the gun or percussion caps on muzzleloaders.

11. You must unload guns (see §27.42(b) of this chapter) while standing beside, in, or walking across any portion of a field, tree plantation, road, pipeline, or powerline right-of-way.

12. We prohibit hunting from tripods and other free-standing platforms during muzzleloader, rifle, and youth Gun Deer Hunts in fields and tree plantations.

13. Stands adjacent to fields and tree plantations must be a minimum of 10 feet (3 m) above ground. We prohibit attaching stands to any power or utility pole. You may place stands on the refuge 7 days prior to and must remove them (see §27.93 of this chapter) by day 7 after the close of the refuge deer season. You must remove stands in the January/February closed area by day 7 after the last deer hunt.

14. You must field dress and check all deer at refuge headquarters.

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29085, May 18, 1993; 59 FR 6694, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 61 FR 45367, Aug. 29, 1996; 61 FR 46396, Sept. 3, 1996; 62 FR 47379, Sept. 9, 1997; 63 FR 46917, Sept. 3, 1998; 65 FR 30785, May 12, 2000; 66 FR 46358, Sept. 4, 2001; 68 FR 57317, Oct. 2, 2003; 69 FR 54362, 54418, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54182, Sept. 13, 2005]

§ 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 FISH AND WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must remove all your blinds, boats, and decoys (see §27.93 of this chapter) from the refuge each day except for blinds made entirely of marsh vegetation.

2. We prohibit cutting of woody vegetation (see §27.51 of this chapter) on the refuge for blinds.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations subject to the following condition: You may only possess approved nontoxic shot (see §32.2(k)).

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit use of tree spikes to assist in climbing trees for the purpose of hunting on the refuge (see §32.2(i)).

2. We prohibit the construction or use of permanent blinds, platforms, or ladders at any time.

3. We prohibit hunting over or placing on the refuge any salt or other mineral blocks (see §32.2(h)).

4. We only allow portable tree stands from September 15 through January 31. You must

place your full name and address on your stands.

5. You must unload or dismantle and case all firearms while transporting them in a motor vehicle (see § 27.42(b) of this chapter).

6. We restrict deer hunters on the Boone's Crossing Unit to archery methods only except for hunters on Johnson Island where State-allowed methods of take are in effect.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: You must operate all motorized boats at no-wake speed.

CLARENCE CANNON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting during the State-designated Managed Deer Hunt.

2. We require hunters to check-in and out of the refuge each day.

3. We prohibit shooting at deer that are on any portion of the main perimeter levee.

4. We only allow the use of portable stands, and hunters must remove them (see § 27.93 of this chapter) at the end of each day.

5. We close the area south of Bryants Creek to deer hunting.

6. We require hunters to have all harvested deer checked by refuge personnel before removing them from the refuge.

7. You must park all vehicles in designated parking areas (see § 27.31 of this chapter).

D. Sport Fishing. We allow fishing in accordance with State regulations subject to the following conditions:

1. We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

2. We only allow fishing from a boat. We prohibit bank fishing.

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. Migratory Game Bird Hunting. We allow waterfowl hunting on Pool 8 in accordance with State regulations subject to the following conditions:

1. We allow the use of hunting dogs, but the hunter must leash the dog or have it under strict voice command at all times (see § 26.21(b) of this chapter).

2. We allow hunting from ½ hour before legal sunrise until 1 p.m.

3. We prohibit the use of paint, flagging, reflectors, tacks, or other manmade materials to mark trails or hunting locations (see § 27.61 of this chapter).

B. Upland Game Hunting. We allow hunting of squirrel only in the Public Hunting Area of the refuge in accordance with State regulations subject to the following conditions:

1. The Public Hunting Area and the road leading to the area from the Hunter Sign-In Station are open 1½ hours before legal sunrise until 1½ hours after legal sunset.

2. We require that all hunters register at the Hunter Sign-In/Sign Out Stations and record the number of hours hunted and squirrels harvested.

3. We prohibit hunting of all other species.

4. We prohibit the use of dogs for squirrel hunting.

5. We allow squirrel hunting from the State opening day through September 30.

6. We only allow shotguns and .22 caliber rimfire rifles.

7. Shotgun hunters may only possess approved nontoxic shot while in the field (see § 32.2(k)).

8. We require that all hunters wear a hat and a shirt, vest, or coat of hunter orange that is plainly visible from all sides during the overlapping portion of the squirrel and archery deer seasons.

9. Condition A3 applies.

C. Big Game Hunting. We allow big game hunting in the Public Hunting Area in accordance with State regulations subject to the following conditions:

1. Condition B1 applies.

2. We require that all hunters register at the Hunter Sign-In/Sign Out Stations and record the number of hours hunted and deer harvested.

3. We allow archery hunting for deer and turkey during the fall season. We prohibit the use or possession of firearms during these seasons.

4. Condition B8 applies.

5. We allow spring turkey hunting. We only allow shotguns with approved nontoxic shot (see § 32.2(k)).

6. We prohibit the use of salt or mineral blocks.

7. We only allow portable tree stands from 2 weeks before to 2 weeks after the State archery deer season. You must clearly mark all stands with the owner's name, address, and phone number.

8. We only allow one tree stand per deer hunter.

9. Condition A3 applies.

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State ''impounded waters'' regulations subject to the following conditions:

1. We prohibit fishing in all areas between Ditch 2 and Ditch 6 (including Ditches 3, 4, and 5) plus the moist soil units, and Monopoly Marsh from October 1 through March 1.

2. We only allow fishing in May Pond and Fox Pond with rod and reel or pole and line. Anglers may only take bass greater than 12 inches (30 cm) in length from May Pond.

3. We prohibit the use or possession of gasoline-powered boat motors. We allow the use of electric trolling motors, except that we prohibit all motors within the Wilderness Area.

4. Anglers must remove watercraft (see § 27.93 of this chapter) from the refuge at the end of each day's fishing.

5. Anglers may take nongame fish by nets and seines for personal use only from March 1 through September 30.

6. Anglers must attend trammel and gill nets at all times and plainly label them with the owners's name, address, and phone number.

7. We only allow the use of trotlines, throwlines, limb lines, bank lines, and jug lines from 1 hour before legal sunrise until 1 hour after legal sunset. Anglers must remove all fishing lines (see § 27.93 of this chapter) from the refuge at the end of each day's fishing. Anglers must mark each line with their name, address, and phone number.

8. We allow the take of common snapping turtle and soft-shelled turtle only using pole and line. We require all anglers immediately release all alligator snapping turtles (see § 27.21 of this chapter).

SQUAW CREEK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of light geese on designated areas of the refuge in accordance with State regulations during the spring conservation order season subject to the following conditions:

1. Hunters must remain within direct sight of the guide in the hunt boundary at all times.

2. We allow the guide and hunters into the hunt boundary up to 2 hours prior to legal shooting time.

3. Hunting will stop at 12 p.m. (noon), and hunters must be out of the fields by 2 p.m.

4. We allow hunting dogs, portable blinds, and decoys at the discretion of the guide.

5. We prohibit pit blinds.

6. Hunting dogs must be under the immediate control of their handlers at all times (see § 26.21 of this chapter).

7. We prohibit retrieving crippled geese outside of the hunt boundary, including adjacent private land. This includes retrieval by hunting dogs.

8. We prohibit vehicles beyond the established parking area located adjacent to State Highway 118 (see § 27.31 of this chapter).

9. We prohibit ATV use on the refuge.

10. Both the guide and hunters are responsible for ensuring that all trash, including spent shotgun shells are removed from the hunt area each day (see §§ 27.93 and 27.94 of this chapter).

11. Violations of these rules may result in the revocation of the guide's Special Use Permit as deemed appropriate by the refuge manager.

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.

SWAN LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6694, Feb. 11, 1994; 61 FR 45367, Aug. 29, 1996; 61 FR 46397, Sept. 3, 1996; 65 FR 30785, May 12, 2000; 65 FR 56404, Sept. 18, 2000; 66 FR 46359, Sept. 4, 2001; 69 FR 54362, 54426 Sept. 8, 2004; 70 FR 54182, Sept. 13, 2005; 70 FR 56376, Sept. 27, 2005]

§ 32.45 Montana.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BENTON LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, swan, and coot in designated areas of the refuge in accordance with State regulations subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

1. We prohibit access to refuge hunting areas from other than authorized refuge parking areas. We prohibit hunting on or within 25 yards (22.5 m) of dikes or roads except the marked portion of the dike between Marsh Units 5 and 6. Hunters must have a means of bird retrieval, using a boat, boots, or a trained dog, while hunting on this dike (see § 26.21(b) of this chapter).

2. We allow hunting with the opening of waterfowl season and close November 30.

3. Hunters with a documented mobility disability may reserve an accessible blind in advance by contacting a refuge officer or calling the refuge office.

4. We only allow nonmotorized boats on refuge waters.

5. We allow hunting from temporary portable blinds or blinds made from natural vegetation.

6. We prohibit the retrieval of downed game from areas closed to hunting.

7. You must unload and case all firearms (see § 27.42(b) of this chapter) when outside of the refuge hunt area on the refuge.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, and gray partridge in designated areas of the refuge in accordance with State regulations subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

1. Conditions A2, A6, and A7 apply.

2. We prohibit access to refuge hunting areas from other than authorized refuge parking areas.

3. We prohibit hunting on or within 25 yards (22.5 m) of dikes or roads except the marked portion of the dike between Marsh Units 5 and 6.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may sport fish on designated areas of the refuge as posted by signs.

BLACK COULEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow nonmotorized boats on refuge waters.

2. You must remove all boats, decoys, portable blinds, other personal property, and any materials brought onto the refuge for blind construction by legal sunset (see §§ 27.93 and 27.94 of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot (see § 32.2(k)).

2. Fox and coyote hunters may only use centerfire rifles, rimfire rifles, or shotguns with approved nontoxic shot.

3. We require game bird hunters to wear at least one article of blaze-orange clothing visible above the waist.

C. Big Game Hunting. [Reserved]

D. Sport Fishing [Reserved]

BOWDOIN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must check-in and check out of the refuge daily. Before hunting, each hunter must record the date, their name, and the time checking into the refuge on a register inside the Hunter Registration Kiosk at refuge headquarters. After hunting, each hunter must record hunting data (hours hunted waterfowl and/or upland game and the number of birds harvested) before departing the refuge.

2. We prohibit air-thrust boats or boats with motors greater than 25 hp.

3. You must remove all boats, decoys, portable blinds, other personal property, and any materials brought onto the refuge for blind construction by legal sunset (see §§ 27.93 and 27.94 of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Condition A1 applies.

2. You must possess and carry a refuge Special Use Permit to hunt fox and coyotes.

3. You may only possess approved nontoxic shot (see § 32.2(k)).

4. Fox and coyote hunters may only use centerfire rifles, rimfire rifles, or shotguns with approved nontoxic shot.

5. We require game bird hunters to wear at least one article of blaze-orange clothing visible above the waist.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. Refuge open to hunting of migratory game birds in accordance with State law.

B. Upland Game Hunting. Hunting of upland game birds, turkey and coyote is permitted on designated areas of the refuge subject to the following condition:

1. Coyote hunting allowed from the first day of antelope rifle season through March 1 annually.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow the use of portable blinds and stands. You may install stands and blinds no sooner than August 1, and you must remove them by December 15 of each year. We limit each hunter to three stands or blinds. The hunter must have their name, address, phone number, and automated licensing system number (ALS) visibly marked on the stand.

2. We allow hunting of elk on designated areas of the refuge. You must possess and carry a refuge permit to hunt elk on the refuge.

D. Sport fishing. Refuge open to sport fishing in accordance with State law, and as specifically designated in refuge publications.

CREEDMAN COULEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Air-thrust boats and boats with motors greater than 10 horsepower motors are not permitted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

HAILSTONE NATIONAL WILDLIFE REFUGEE

A. Migratory Game Bird Hunting. 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]

HALFBREED LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

HEWITT LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit air-thrust boats and boats with motors greater than 25 hp.

2. You must remove all boats, decoys, portable blinds, other personal property, and any materials brought onto the refuge for blind construction by legal sunset (see §§27.93 and 27.94 of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

LAKE MASON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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]

LAKE THIBADEAU NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

LAMESTEER NATIONAL WILDLIFE REFUGEE

A. Migratory Game Bird Hunting. 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. The refuge unit is open to the hunting of upland game but has no refuge-specific regulations as it follows guidelines set out in State law.

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. Anglers may sport fish in accordance with state law.

LEE METCALF NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot from established blinds in designated areas of the refuge in accordance with State regulations subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

1. Hunting Access: We have numbered the blinds and assigned them to a single access point designated in the refuge hunting leaflet. Hunters must park at this access point and at the numbered parking space corresponding to a blind. Hunters must walk to the blind along mowed trails designated in the hunting leaflet. We open the access point to hunters who intend to immediately hunt on the refuge. We prohibit wildlife observation, scouting, and loitering at the access point.

2. Hunting Hours: We open the hunting area, defined by the refuge boundary fence, 2 hours before and require departure 2 hours after legal waterfowl hunting hours, as defined by the State.

3. Registration: Each hunter must record the date, his or her name, Automated License System number, date of birth, and the time checking into the hunt area at the appropriate register before hunting; must set the appropriate blind selector before and after hunting; and must record hunting data (hours hunted, the number of shots fired, and birds harvested) 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. We prohibit attempting to ''reserve'' a blind for use later in the day by depositing a vehicle or other equipment on the refuge. A hunter must be physically present in the hunting area in order to use a blind.

6. We prohibit blocking access to refuge gates (see §27.31(h) of this chapter).

7. Hunters with a documented mobility disability may reserve an accessible blind in advance by contacting a refuge officer.

8. No more than four hunters or individuals may use a blind at one time.

9. You may only possess approved nontoxic shotshells (see §32.2(k)) in quantities of 25 or less.

10. You must conduct all hunting from within 10 feet (3 m) of a blind.

11. All hunters must have a visible means of retrieving waterfowl such as a float tube, waders, or a dog capable of retrieving.

12. We prohibit falconry hunting.

13. We prohibit boats, fishing gear, and fires (see §27.95 of this chapter).

14. We require dogs be on a leash at the hunter access point and when walking to and from the hunt area/blind (see §26.21(b) of this chapter).

15. We require hunters to unload shotguns (see §27.42(b) of this chapter) at the hunter access point and when walking to and from the hunt area/blind.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

1. Hunting Access: Hunters must enter and exit the hunt areas through designated archery hunting access points. We open access points to hunters intending to immediately hunt on the refuge. We prohibit wildlife observation, scouting, and loitering at access points and parking areas.

2. Condition A2 applies.

3. Registration: Each hunter must record the date, his or her name, Automated License System number, and date of birth at the appropriate register before hunting and must record hunting data (hours hunted, the number of arrows released, and deer harvested) at the appropriate register before departing the hunting area.

4. Tree Stands and Blinds: We only allow portable tree stands and blinds that must be removed each day (see §27.93 of this chapter).

5. We prohibit preseason entry or scouting.

6. Hunters may not enter or retrieve deer from closed areas of the refuge without the consent of a refuge officer.

7. We prohibit boats, fishing gear, fires (see §27.95 of this chapter), and firearms.

8. Hunters with a documented mobility disability may access designated locations in the hunting area to hunt from ground blinds. To access these areas, hunters must contact the refuge manager in advance to obtain a Special Use Permit.

9. We prohibit the use of any mechanized vehicle to enter or exit the hunt area; this includes bicycles.

D. Sport Fishing. We allow fishing on designated areas (Wildlife Viewing Area) of the refuge in accordance with State regulations in effect on the Bitterroot River from Tucker Crossing to Florence Bridge.

LOST TRAIL NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 open fires.

8. We prohibit retrieval of game through areas closed to hunting without prior consent by the refuge manager.

9. We allow only portable or temporary blinds and tree stands.

10. We allow parking in designated areas only.

11. 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]

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, snipe, and dove on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of pheasant, partridge, and sharp-tailed grouse on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of deer and antelope on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to posted refuge restrictions.

NATIONAL BISON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

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.

NINE-PIPE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

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.

PABLO NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

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.

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State hunting regulations subject to the following conditions:

1. We only allow hunting on Lower Red Rock Lake and that portion of the River Marsh located directly north of Lower Red Rock Lake. We close all other areas of the refuge to hunting of goose, duck, and coot.

2. Hunters must remove all blinds, decoys, shell casings, and other personal equipment (see §§27.93 and 27.94 of this chapter) from the refuge each day.

3. We only allow nonmotorized boats in the hunt area east of the Lower Red Rock Lake dam. We allow boats with motors 10 hp or less west of Lower Red Rock Lake dam.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer, elk, moose, and pronghorn antelope on designated areas of the refuge in accordance with State hunting regulations subject to the following conditions:

1. Moose hunting on the refuge portion of Montana moose hunt zone 334 opens October 15 and runs through the end of the State moose season.

2. We restrict moose hunting to the willow bog area south of Elk Springs Creek and nearby foothills at the southeast corner of the refuge. We prohibit moose hunting in all other areas of the refuge.

3. You may hire outfitters or ranchers for the retrieval of big game.

4. We only allow retrieval of game in closed areas of the refuge with the consent of a refuge employee.

5. We prohibit use of wheeled game carts or other mechanical transportation devices for game retrieval on portions of the refuge designated as Wilderness Area.

6. We prohibit horses north of Red Rock Pass Road except for the retrieval of big game. We only allow horses for back-country access to the Centennial Mountains south of Red Rock Pass Road. We require the use of certified weed-free hay or pellets.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State fishing regulations subject to the following conditions:

1. We allow fishing from the third Saturday in May through November 30 on Odell Creek, Red Rock Creek, and Elk Springs Creek west of Elk Lake Road.

2. We allow fishing from July 15 through September 30 on Widgeon Pond, Culver Pond, MacDonald Pond, Picnic Creek, and Elk Springs Creek east of Elk Lake Road.

3. We allow fishing in open areas from ½ hour before legal sunrise to ½ hour after legal sunset.

4. We prohibit fishing on all other refuge waters.

5. You must only use pole and line or rod and reel to fish on the refuge.

6. You must use artificial lures or flies when fishing refuge waters; we prohibit bait fishing.

7. We prohibit the use or possession of lead sinkers or any lead fishing product while fishing.

8. We prohibit tubes and other flotation devices used for fishing unless posted at refuge parking areas as open.

SWAN RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. [Reserved]

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. Migratory Game Bird Hunting. 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. 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. Migratory Game Bird Hunting. 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.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6694, Feb. 11, 1994; 60 FR 62044, Dec. 4, 1995; 62 FR 47379, Sept. 9, 1997; 63 FR 46918, Sept. 3, 1998; 65 FR 30786, May 12, 2000; 67 FR 58946, Sept. 18, 2002; 69 FR 54362, 54427, Sept. 8, 2004; 70 FR 54182, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of ducks, geese, and coots on designated areas of the refuge subject to the following conditions:

1. You may access the refuge from 1½ hours before legal sunrise to 1 hour after legal sunset along the immediate shoreline and including the high bank of the Missouri River. You may access the hunting area by water or, if by land, only within the public use area of the Island Unit and only with shotgun cased and unloaded.

2. You must remove all blinds and decoys at the conclusion of each day's hunt.

3. You must adhere to all applicable State hunting regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer in accordance with State regulations subject to the following condition: We require a refuge hunt permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance

with State regulations subject to the following conditions:

1. We allow personally attended hook and line fishing and archery fishing (rough fish only) from ½ hour before legal sunrise to ½ hour after legal sunset.

2. We only allow fishing from the shoreline. We prohibit all watercraft in the Boyer Chute waterway.

3. We prohibit floating lines, limblines, trotlines, crossbows, snagging devices, nets, and spears.

4. We prohibit ice fishing.

5. We prohibit digging or netting bait, frogging, or collecting mussels.

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and coot in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close the refuge to the general public from legal sunset to legal sunrise. However, hunters may enter the designated hunting area 2 hours before legal sunrise and must be back to their vehicle in the process of leaving the refuge 2 hours after legal sunset. Official shooting hours are from ½ hour before legal sunrise until ½ hour after legal sunset for deer, coyote, and furbearer hunters; and from ½ hour before legal sunrise until legal sunset for all other hunters.

2. We only allow you to unleash dogs used to locate, point, and retrieve upland and small game and migratory birds on the refuge while hunting (see §26.21(b) of this chapter).

3. We open the refuge to hunting from September 1 through January 31 in accordance with State regulations.

4. We allow decoys, but hunters must remove them (see §27.93 of this chapter) at the end of each day.

5. We restrict vehicles to roads that are open to the public (see §27.31 of this chapter). We prohibit hunters taking vehicles off of approved roads to set up blinds, decoys, or to retrieve game or for any other purposes other than emergencies. We allow parking within one vehicle length of the road.

6. We prohibit publicly organized hunts unless authorized under a Special Use Permit.

7. We only allow temporary blinds and stands, and hunters must remove them (see §27.93 of this chapter) at the end of each day.

8. We only allow floating blinds on Island Lake. We prohibit all boats (including a floating device of any kind) on all other refuge lakes.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, jack rabbit, furbearer, coyote, ring-necked pheasant, and prairie grouse on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A6 apply.

2. We prohibit baiting. We allow electronic calls for coyote and furbearer hunting.

3. Coyotes and all furbearers or their parts, if left in the field, must be left out of view of the public. Otherwise hunters must remove them from the refuge and properly dispose of them.

C. Big Game Hunting. We allow hunting of white-tailed deer and mule deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4, A5, A6, and A7 apply.

2. We prohibit tree stands that cause damage to the tree by penetrating into the bark and tree climbing spikes or screw-in steps that penetrate beyond the outer bark of a tree (see §32.2(i)).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close the refuge to the general public from legal sunset to legal sunrise. However, anglers may enter the refuge 1 hour before legal sunrise and remain until 1 hour after legal sunset.

2. We open Island Lake to fishing year-round and open Smith and Crane Lakes to fishing seasonally from November 1 through February 15. We close all other refuge lakes.

3. We prohibit the possession or use of live or dead minnows and the possession of any fish not taken lawfully from one of the refuge lakes open to fishing.

4. We only allow boating and float tubes on Island Lake. We prohibit use of internal combustion motors for boats on Island Lake; we close all other refuge lakes to boating or float tubing.

5. We prohibit leaving temporary shelters used for fishing overnight on the refuge.

DESOTO NATIONAL WILDLIFE REFUGE

Refer to §32.34 Iowa for regulations.

FORT NIOBRARA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing on the portions of the Minnechaduza Creek and downstream from Cornell Dam along the Niobrara River that flows through the refuge.

2. We prohibit the use of limb or set lines.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, pheasant, State-defined furbearers, and coyote on designated areas of

the refuge in accordance with State regulations subject to the following conditions:

1. We close the Lake Alice Unit to all public entry from October 15 through January 14.

2. Hunters must be 15 years of age or younger. A licensed hunter 19 years of age or older must accompany youth hunters. We prohibit adults accompanying youth hunters to hunt or carry firearms. The accompanying adult is responsible for ensuring that the hunter does not engage in conduct that would constitute a violation of refuge or State regulations.

3. We close the refuge to public use from legal sunset to legal sunrise. However, youth hunters and their adult guides may enter the designated hunting area 1 hour prior to legal sunrise.

4. We only allow dogs for pheasant-hunting on the refuge.

C. Big Game Hunting. We allow archery hunting of mule deer and white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close the Lake Alice Unit to all public entry from October 15 through January 14.

2. We close the refuge to public use from legal sunset to legal sunrise. However, archery deer hunters may enter the designated hunting area 1 hour prior to legal sunrise and remain until 1 hour after legal sunset.

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. Migratory Game Bird Hunting. 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.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55187, Nov. 3, 1994; 60 FR 62044, Dec. 4, 1995; 61 FR 45367, Aug. 29, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46918, Sept. 3, 1998; 68 FR 57317, Oct. 2, 2003; 69 FR 54362, 54428, Sept.8, 2004; 70 FR 54183, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, snipe, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting only on designated days.

2. We only allow motorless boats or boats with electric motors on the refuge hunting area during the migratory waterfowl hunting season.

3. We open the refuge to the public from 1 hour before legal sunrise until 1 hour after legal sunset.

4. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of quail and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A3 and A4 apply.

2. We only allow hunting on designated days.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Desert National Wildlife Refuge

A. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, snipe, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting only on designated days.

2. We only allow motorless boats or boats with electric motors on the refuge hunting area during the migratory waterfowl hunting season.

3. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of quail and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting on designated days.

2. Conditions A3 applies.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance

with State regulations subject to the following conditions:

1. We allow fishing year-round with the exception of the North Marsh that we close October 1 to February 1.

2. We only allow motorless boats or boats with electric motors on the Upper Lake, Middle Pond, and Lower Lake.

3. We prohibit the use of boats, rubber rafts, or other flotation devices on the North Marsh.

RUBY LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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 in accordance with State laws 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 allow fishing by wading and from personal flotation devices (float tubes) and bank fishing in designated areas.

3. You may use only artificial lures in the Collection Ditch and adjoining spring ponds.

4. We do not allow boats on refuge waters from January 1 through June 14.

5. During the boating season, we allow boats only on the South Marsh. June 15 through July 31, we allow only motorless boats or boats with battery-powered electric motors. Anglers must remove all gasoline-powered motors. August 1 through December 31, we allow only motorless boats and boats propelled with motors with a total of 10 horsepower or less.

6. We allow launching of boats only from designated landings.

7. We prohibit the possession of live or dead bait fish, any amphibians (including frogs), and crayfish on the refuge.

8. We do not allow storage of boats of any kind on the refuge beginning January 1 through May 31.

9. We do not allow off-road vehicles on the refuge.

SHELDON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit hunting on the following waters: Big Spring Reservoir, Catnip Reservoir, Dunfurrena Ponds, and the ''Little Sheldon'' portion of the refuge.

2. Hunters may only use boats with electric motors.

3. We only allow portable blinds and temporary blinds constructed of synthetic material.

B. Upland Game Hunting. We allow hunting of quail, grouse, and chukar on the refuge except in the following areas: The ''Little Sheldon'' portion of the refuge and around the Dunfurrena Ponds in accordance with State regulations subject to the following condition: We allow sage grouse hunting and require a State permit.

C. Big Game Hunting. We allow hunting of deer, antelope, and bighorn sheep on the refuge except in the following areas: The ''Little Sheldon'' portion of the refuge and around Dunfurrena Ponds in accordance with State regulations subject to the following conditions:

1. We allow ground blinds, and you must not construct them earlier than 1 week prior to the opening day of the legal season for which you have a valid permit.

2. You must remove blinds (see §27.93 of this chapter) within 24 hours of harvesting an animal or at the end of the permittee's legal season.

3. You must tag blinds with the owner's name and permit number.

4. We prohibit destruction of natural vegetation (see §27.51 of this chapter) or below-ground excavation.

D. Sport Fishing. We allow fishing in Big Spring Reservoir, Catnip Reservoir, and in the Dunfurrena Ponds in accordance with State regulations subject to the following conditions:

1. We only allow boats with electric motors.

2. We only allow individuals who are age 12 or under, age 65 or older, or disabled to fish in McGee Pond.

STILLWATER MANAGEMENT AREA

A. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance

with State regulations subject to the following conditions.

1. We prohibit hunting inside the posted no hunting zone around the residence of the former Alves property.

2. We prohibit hunting inside the posted no hunting zone located south of Division Road as shown in the refuge brochure.

3. We prohibit loaded weapons (see §27.42(b) of this chapter) inside the posted retrieval zone. The zone begins on the north edge of Division Road and extends 200 yards (180 m) northward.

4. We allow persons to transport rifles and pistols through the refuge only when unloaded and cased (see §27.42(b) of this chapter).

5. We prohibit boating outside of the waterfowl and youth waterfowl hunting season except on Swan Check Lake where we allow nonmotorized boating all year.

6. We prohibit boats on Swan Lake, the northeast corner of North Nutgrass Lake, and the north end of Pintail Bay. We allow the use of nonmotorized carts, sleds, floating blinds, and other floating devices in these areas to transport hunting equipment and to conceal hunters, but not to transport hunters.

7. We only allow outboard motor boats on Lead Lake, Tule Lake, Goose Lake, South Nutgrass Lake, the southeast corner of North Nutgrass Lake, and south end of Pintail Bay.

8. We only allow air-thrust boats on Goose Lake, South Nutgrass Lake, the southeast corner of North Nutgrass Lake, and the south end of Pintail Bay.

9. You may not operate air-thrust boats until 1 hour after the legal shooting time on opening day of waterfowl season.

10. We require air-thrust boat owners to get a Special Use Permit from the refuge manager and to display a number on their airboats.

11. We allow nonmotorized boats on all lakes and bays except Swan Lake, the northeast corner of North Nutgrass Lake, and the north end of Pintail Bay.

12. We prohibit all-terrain vehicles on the refuge (see §27.31(f) of this chapter).

13. We only allow parking on boat landings and designated parking areas.

14. We only allow camping in designated areas.

15. We prohibit campfires (see §27.95 of this chapter).

B. Upland Game Hunting. We allow hunting of upland game species on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A4, A12, A13, A14, and A15 apply.

2. Hunters must only use shotguns with approved nontoxic shot (see §32.2(k)).

C. Big Game Hunting. We allow hunting of mule deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A12, A13, A14, and A15 apply.

2. Hunters must only use shotguns, muzzleloading weapons, or bow and arrow.

3. We allow persons to transport centerfire rifles and pistols through the refuge only when unloaded and cased (see §27.42(b) of this chapter).

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6694, Feb. 11, 1994; 60 FR 62044, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46919, Sept. 3, 1998; 65 FR 30786, May 12, 2000; 65 FR 56405, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58948, Sept. 18, 2002; 69 FR 54362, 54429, Sept. 8, 2004]

§32.48 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. Migratory Game Bird Hunting. We allow hunting of waterfowl in accordance with State regulations subject to the following conditions:

1. We do not require a separate Federal permit for waterfowl hunting.

2. We only allow hunting from Great Bay up to the refuge boundary signs and hunters may not retrieve birds beyond refuge signs from the shoreline.

3. We only allow portable blinds. You must remove all decoys, blinds, and boats (see §27.93 of this chapter) each day.

4. Waterfowl hunters may only access shorelines by boat from launching areas outside the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The deer hunt will be the first weekend of the State's either-sex season for Wildlife Management Unit M, usually held in November.

2. We close the refuge to all other public use during the hunt weekend.

3. We require refuge permits (you must possess and carry) for the deer hunt for a fee of $20.00. By lottery we draw 20 hunters for each day, for a total of 40. We also draw 20 alternate hunters.

4. A licensed and permit-holding adult who is at least age18 must accompany youth hunters up to age 16 when hunting. We charge no refuge permit fee to youth hunters.

5. Youth hunters must have successfully completed a State hunter education course.

6. We require deer hunters to wear in a visible manner on the head, chest, and back, a minimum of 400 square inches (2,600 cm^2) of solid-colored, blaze-orange clothing or material.

7. We only allow shotgun hunting with slugs. We prohibit other firearms, including handguns, at any time while on the refuge.

8. You must unload shotguns (see §27.42(b) of this chapter) outside of legal State hunting hours and while traveling through any designated safety zone.

9. We only allow portable tree stands that hunters must remove (see §27.93 of this chapter) at the end of the day.

10. Two weeks prior to the hunt, we will allow selected hunters a refuge permit (you must possess and carry) to scout for 4 days. Scout days are Wednesdays through Saturdays during daylight hours only.

11. You must possess and carry the refuge permit with you at all times while scouting and hunting the refuge.

12. You must check-in at the refuge electronic gate between 4:30 a.m. and 5:30 a.m. on your assigned hunt day.

13. We open the entire refuge to deer hunting, with the exception of designated safety zones and the former Weapons Storage Area.

14. In order to protect bald eagles from disturbance, we may, on a daily basis, close Woodman Point to deer hunting if significant numbers of roosting bald eagles are using the area.

15. You must park in designated parking areas and along roads up to barricades; from there, hunters must only travel by foot.

16. You must take harvested deer to the refuge office before leaving.

17. The refuge is located in Newington, New Hampshire, along the eastern shoreline of Great Bay. McIntyre Road borders the refuge to the east. The southern boundary begins approximately ¼ mile (.4 km) north of the intersection of Fabyan Point Road and McIntyre Road and continues west to the shoreline of Great Bay. The northern boundary begins approximately 150 feet (45 m) south of the intersection of McIntyre Road and Little Bay Road and continues west to the shoreline of Great Bay. The western boundary is the shoreline of Great Bay.

D. Sport Fishing. [Reserved]

LAKE UMBAGOG NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, American crow, and woodcock in accordance with State regulations, seasons, and bag limits subject to the following conditions:

1. You must wear two articles of hunter-orange clothing or material. One article must be a solid-colored hunter-orange hat; the other must cover a major portion of the torso, such as a jacket, vest, coat, or poncho and must be a minimum of 50 percent hunter orange in color (such as orange camouflage) except when hunting waterfowl.

2. We will provide permanent refuge blinds that are available by reservation. You may make reservations for particular blinds up to 1 year in advance, for a maximum of 1 week, running Monday through Sunday during the hunting season. You may make reservations for additional weeks up to 1 week in advance, on a space-available basis. We prohibit other permanent blinds. You must remove temporary blinds, boats, and decoys (see §27.93 of this chapter) from the refuge each day.

3. You may use dogs (see §26.21(b) of this chapter) to retrieve, point, and flush when hunting for migratory birds.

4. We open the refuge to hunting during the hours stipulated under each State's hunting regulations but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset. We close the refuge to night hunting. Hunters must unload all firearms (see §27.42 of this chapter) outside of legal hunting hours.

5. We prohibit the use of all-terrain vehicles (ATVs or OHRVs) on refuge land (see §27.31(f) of this chapter).

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, woodchuck, red and eastern gray squirrel, porcupine, skunk, snowshoe hare, ring-necked pheasant, ruffed grouse, and northern bobwhite in accordance with State regulations, seasons, and bag limits subject to the following conditions:

1. We prohibit night hunting.

2. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

3. We open the refuge to hunting during the hours stipulated under State hunting regulations but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset. We close the refuge to night hunting. Hunters must unload all firearms (see §27.42 of this chapter), and nock no arrows outside of legal hunting hours.

4. We prohibit the use of all-terrain vehicles (ATVs or OHRVs) on refuge land (see §27.31(f) of this chapter).

5. You must wear two articles of hunter-orange clothing or material. One article must be a solid-colored hunter-orange hat; the other must cover a major portion of the torso, such as a jacket, vest, coat, or poncho and must be a minimum of 50 percent hunter orange in color (such as orange camouflage) except when hunting turkey.

6. We allow hunting of coyotes and snowshoe hare with dogs during State hunting seasons. Hunting with trailing dogs on the refuge will be subject to the following regulations:

i. You must equip all dogs used to hunt coyote with working radio-telemetry collars, and you must be in possession of a working radio-telemetry receiver that can detect and track the frequencies of all collars used. We

require no radio-telemetry collars for dogs used to hunt snowshoe hare.

ii. We prohibit training during or outside of dog season for coyote or hare.

iii. We allow a maximum of four dogs per hunter.

iv. You must pick up all dogs the same day you release them (see §26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting of bear, white-tailed deer, and moose in accordance with State regulations, seasons, and bag limits subject to the following conditions:

1. Conditions B3 and B4 apply.

2. We allow bear hunting with dogs during State hunting seasons. Hunting with trailing dogs on the refuge will be subject to the following conditions:

i. You must equip all dogs used to hunt bear with working radio-telemetry collars, and you must be in possession of a working radio-telemetry receiver that can detect and track the frequencies of all collars used.

ii. We prohibit training during or outside of dog season for bear.

iii. We allow a maximum of four dogs per hunter.

iv. You must pick up all dogs the same day you release them (see §26.21(b) of this chapter).

3. We allow prehunt scouting of the refuge; however, we prohibit dogs and firearms during prehunt scouting.

4. Each hunter must wear two articles of hunter-orange clothing or material. One article must be a solid-colored hunter orange hat; the other must cover a major portion of the torso, such as a jacket, vest, coat, or poncho and must be a minimum of 50 percent hunter orange in color (such as orange camouflage).

5. We allow temporary tree stands and blinds, but you must remove them (see §27.93 of this chapter) by the end of the season. We prohibit nails, screws, or screw-in climbing pegs to build or access a stand or blind (See §32.2(i)).

D. Sport Fishing. [Reserved]

SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, common snipe, sora, Virginia rail, common moorhen, and American woodcock on the Pondicherry Division of the refuge in accordance with State regulations subject to the following conditions:

1. You may only use portable blinds. You must remove all blinds, decoys, shell casings, and other personal equipment and refuse from the refuge by legal sunset (see §§27.93 and 27.94 of this chapter).

2. 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 cm^2) of hunter-orange clothing or material, except when hunting waterfowl.

3. We allow the use of retrieving dogs but dogs must be under voice command at all times (see §26.21 of this chapter).

4. We allow hunting during the hours stipulated under the State's hunting regulations but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset. We prohibit night hunting. You must unload all firearms (see §27.42 of this chapter) outside of legal hunting hours.

5. We prohibit all-terrain vehicles (ATV's or OHV's).

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, American crow, snowshoe hare, ring-necked pheasant, and ruffed grouse on the Pondicherry Division of the refuge in accordance with State regulations subject to the following conditions:

1. 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 cm^2) of hunter-orange clothing or material.

2. Conditions A3, A4, and A5 apply.

3. We allow hunting of snowshoe hare and coyote with dogs from October 1 to March 15. You may hunt with trailing dogs on the refuge subject to the following conditions:

i. We will only allow dog training outside the established hunting seasons under a Special Use Permit issued by the refuge manager.

ii. We allow a maximum of four dogs per hunter.

iii. You must pick up all dogs the same day you release them (see §26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, black bear, and wild turkey on the Pondicherry Division of the refuge in accordance with State regulations subject to the following conditions:

1. We allow bear hunting with dogs during the established State hound season. Hunting with trailing dogs on the refuge will be subject to the following conditions:

i. We allow a maximum of four dogs per hunter.

ii. You must pick up all dogs the same day you release them (see §26.21(b) of this chapter).

2. We prohibit the use of bait (see §32.2(h)).

3. We allow temporary tree stands and blinds, but you must remove them (see §§27.93 and 27.94 of this chapter) by the end of the season. Your name and address must be clearly visible on the tree stand. We prohibit nails, screws, or screw-in climbing pegs to build or access a stand or blind (See §32.2(i)).

4. 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 hunter-orange clothing or material, except when hunting turkey or while engaged in archery hunting.

5. Conditions A5 and A6 apply.

6. We allow prehunt scouting of the refuge; however, we prohibit firearms during prehunt scouting.

7. We will only allow dog training outside the established hunting seasons under a Special Use Permit issued by the Refuge Manager.

D. Sport Fishing. [Reserved]

[65 FR 30786, May 12, 2000, as amended at 65 FR 56405, Sept. 18, 2000; 69 FR 54362, 54430, Sept. 8, 2004; 70 FR 54183, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of waterfowl, coot, moorhen, rail, common snipe, and woodcock in accordance with State regulations subject to the following conditions:

1. We only allow hunting on those refuge tracts located west of Route 47 in the Delaware Bay Division and on those tracts north of Route 550 in the Great Cedar Swamp Division. We prohibit hunting on the Two Mile Beach Unit.

2. While hunting migratory game birds, except waterfowl, you must wear in a visible manner on your head, chest, and back a minimum of 400 square inches (2,600 cm²) of solid-colored, hunter-orange clothing or material.

3. You must remove all hunting blind materials, boats, and decoys (see § 27.93 of this chapter) at the end of each hunting day. We prohibit permanent or pit blinds.

4. The common snipe season on the refuge begins with the start of the State early woodcock south zone season and continues through the end of the State common snipe season.

5. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer in accordance with State regulations subject to the following conditions:

1. We prohibit hunting on the following areas:

i. The posted ''Closed Area'' of Tract 200 in the Delaware Bay Division;

ii. The posted ''Closed Area'' in Tract 334 in the Delaware Bay Division; and

iii. The Two Mile Beach Unit.

2. During the firearms big game seasons, you must wear, in a visible manner on head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored, hunter-orange clothing or material.

D. Sport Fishing. [Reserved]

EDWIN B. FORSYTHE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, coot, moorhen, and rail on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must remove all hunting blind materials, boats, and decoys (see § 27.93 of this chapter) at the end of each hunting day. We prohibit permanent or pit blinds.

2. You may use trained dogs for the retrieval of authorized game birds (see § 26.21(b) of this chapter).

3. You may possess a maximum of 25 approved nontoxic shotshells per day in all hunting units of the Barnegat Division and a maximum of 50 approved nontoxic shotshells per day in Unit 1 of the Brigantine Division (see § 32.2(k)).

4. In Hunting Unit B of the Barnegat Division, we restrict hunting to designated sites, with each site limited to one party of hunters.

5. In Hunting Units B, D, E, and F of the Barnegat Division, we require a minimum of six decoys, and we prohibit jump shooting.

6. Access is by boat only in all Units of the Barnegat Division except Unit A South and Unit F. You may access these units by foot or boat. Access is by boat only in all Units of the Brigantine Division.

7. You may not enter hunt Units before 4 a.m.

8. No person including, but not limited to, a guide, guide service, outfitter, club, or other organization, will provide assistance, services, or equipment on the refuge to any other person for compensation unless such guide, guide service, outfitter, club, or organization has obtained a Special Use Permit from the refuge for a fee.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer in New Jersey Deer Management Zones 56, 57, and 58 in accordance with State regulations subject to the following conditions:

1. We require persons hunting on the refuge for the first time to attend one of the four refuge-specific hunter-orientation sessions conducted during the fall.

2. We require a State permit for the appropriate State Deer Management Zone. You must have this permit stamped and validated in person at the Brigantine or Barnegat office. Hunters will receive maps of the refuge-specific zones upon validation.

3. Hunters may enter the refuge no earlier than 2 hours before shooting time and must leave no later than 1 hour after the end of

shooting time. Refuge hunting hours are consistent with State hunting hours.

4. During firearm big game season, hunters must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material.

5. You may scout on the 2 Sundays prior to the opening day of your respective zone permit.

D. Sport Fishing. We allow fishing at the Holgate Unit, Little Beach Island, Graveling Point, Lily Lake, and the posted fishing areas along the south side of Parkertown Dock Road, North side of Cedar Run Dock Road, end of Stafford Avenue, and the middle branch of the Forked River in accordance with State regulations subject to the following conditions:

1. We close the Holgate unit and Little Beach Island during the migratory bird nesting season. We may extend the closure of the bay side portion of the Holgate Unit through October.

2. We require a Special Use Permit to fish from Little Beach Island. You may obtain permits from the refuge headquarters.

3. We only allow car-top-type launches at Lily Lake. There is no boat ramp.

4. We prohibit use of internal combustion engines on Lily Lake.

5. We will close the Forked River fishing area during zone 58 big game hunting season.

6. We will open Forked River and Lily Lake from legal sunrise until legal sunset.

7. We prohibit fishing, clamming, and crabbing from any waters within tract 122X, locally known as the AT&T properties. We close this tract to all public use.

GREAT SWAMP NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require a State permit for the appropriate New Jersey Deer Management Zone.

2. In addition to the State permit, we require a Deer Hunting Permit (along with a fee) issued by the refuge. This permit must be stamped for validation.

3. We require refuge hunters to pass a written examination before allowing them to hunt on the refuge.

4. Hunters must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored hunter-orange clothing or material.

5. Hunters must be in possession of refuge and State hunting permits at all times while hunting on the refuge.

6. Refuge hunting regulations, as listed in the ''Great Swamp National Wildlife Refuge Public Deer Hunt Map,'' and found in the examination, will be in effect.

D. Sport Fishing. [Reserved]

SUPAWNA MEADOWS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of geese and ducks on designated areas of the refuge during designated refuge seasons subject to the following conditions:

1. We allow loaded and uncased firearms in an unanchored boat only when retrieving crippled birds.

2. You must remove all hunting blind materials, boats, and decoys following each day's hunt. We do not allow permanent blinds.

3. 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:

1. A State permit for the appropriate New Jersey Deer Management Zone is required.

2. In addition to the State permit, a Special Use Deer Hunting Permit issued by the refuge is required.

3. All hunters must attend a refuge hunter orientation session.

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. You may only use single-projectile ammunition when hunting from a stand elevated at least 6 feet (1.8 m) above ground level and only in firearms equipped with adjustable sights or a scope. Hunters may use buckshot when hunting from the ground or from stands less than 6 feet above ground level.

D. Sport Fishing. We allow fishing and crabbing on the refuge in designated areas subject to the following conditions:

1. We prohibit the taking of frogs, salamanders, and turtles from all nontidal waters and refuge lands.

2. We prohibit fishing in designated nontidal waters from sunset to sunrise.

3. We prohibit bow fishing in nontidal waters.

WALLKILL RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of all migratory bird species on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger.

2. We issue one companion permit at no charge to each hunter. We allow companions

to observe and call, but they cannot shoot a firearm or bow. Companion and hunters must set up in the same location.

3. We have seven hunting areas on the refuge. We allow migratory bird hunting in Areas A, D, E, and G. We close Areas C and F to migratory bird hunting. We close Area B to migratory bird hunting except we open 119 Owens Station Road to State-licensed disabled hunters. We provide maps with the refuge permit (you must possess and carry) that show these areas in detail.

4. We provide you with hunt parking areas and issue parking permits that you must clearly display in your vehicle. Hunters who park on the refuge must park in identified hunt parking areas.

5. You must wear, in a visible manner, a minimum of 400 square inches (2,600 cm^2) of solid-color, hunter-orange clothing or material on the head, chest, and back, except when hunting duck and goose.

6. You may only possess approved nontoxic shotgun shells (see §32.2(k)) in quantities of 25 or less daily.

7. We prohibit use or erection of permanent or pit blinds. You must remove all hunting blind material, boats, and decoys (see §27.93 of this chapter) from the refuge at the end of each hunting day.

8. We prohibit the use of all terrain vehicles (ATVs) on the refuge (see §27.31(f) of this chapter), except if you have a State of New Jersey—disabled hunting license, have received a disabled hunting permit from the refuge, have a certificate of ATV safety class completion, and are hunting in the disabled hunter area located at 119 Owens Station Road.

9. We allow prehunt scouting, and we allow the use of dogs while hunting. However, we prohibit dogs during prehunt scouting.

10. We limit the number of dogs per hunting party to no more than two dogs.

11. We allow hunters to enter the refuge 2 hours before shooting time, and they must leave no later than 2 hours after the end of shooting time.

12. We prohibit the hunting of crows on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A4, A8, A9, and A11 apply.

2. We have seven hunting areas on the refuge. We allow white-tailed deer and turkey hunting in Areas A, D, E, F, and G. Area B is open for big game hunting east of the abandoned railroad bed. Also in Area B, we only allow State-licensed, disabled hunters to hunt at 119 Owens Station Road. We close Area C to big game hunting. We provide maps with the refuge permit (you must possess and carry) that show these areas in detail.

3. We require firearms hunters to wear, in a visible manner, a minimum of 400 square inches (2,600 cm^2) of solid-color, hunter-orange clothing or material on the head, chest, and back. Bow hunters must meet the same requirements when we open the firearm season. We do not require turkey hunters to wear orange at any time.

4. You must remove all stands and other hunting material (see §27.93 of this chapter) from the refuge at the end of each day.

D. Sport Fishing. We allow fishing in designated sections of the refuge in both New York and New Jersey in accordance with State regulations subject to the following conditions:

1. We allow fishing in and along the banks of the Wallkill River and in the pond at refuge headquarters.

2. We require that anglers park in designated parking areas to access the Wallkill River through the refuge.

3. You may launch canoes, kayaks, or small boats at designated river access locations.

4. We allow fishing from legal sunrise to legal sunset.

5. We prohibit commercial fishing on the refuge.

6. We prohibit the taking of frog and turtle (see §27.21 of this chapter).

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6686, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 52868, Oct. 11, 1995; 60 FR 62044, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46919, Sept. 3, 1998; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 69 FR 54362, 54432, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, mourning dove, and sandhill crane on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. On the North Tract (including Salt Creek Wilderness Area and the portion of the refuge located north of U.S. Highway 70) all hunting must be in accordance with State seasons and regulations. On the Middle Tract (the portion of the refuge located between U.S. Highway 70 and U.S. Highway 380), we restrict hunting to goose, duck, sandhill crane, and American coot (no dove) in the

designated public hunting area in the southern portion of the Tract that never approaches closer than 100 yards (90 m) to the public auto tour route only; we limit hunting to Tuesdays, Thursdays, and Saturdays during the period when the State seasons for that area are open simultaneously for ALL these species; and all hunting must cease at 1 p.m. (local time) on each hunt day. On the South Tract (the portion of the refuge located south of U.S. Highway 380), we only allow hunting during Special Hunts (Youth hunters [17 years of age and younger] and/or Physically Impaired) as per State seasons and regulations.

2. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

3. We prohibit pit or permanent blinds and require daily removal of all waterfowl decoys and all temporary blinds/stands (see §27.93 of this chapter).

4. We only allow unleashed hunting/retrieving dogs on the refuge when hunters are legally present in areas where we allow hunters, only if the dogs are under the immediate control of hunters at all times (see §26.21(b) of this chapter), and only to pursue species legally in season at that time.

5. We do not require refuge or other special hunt permits other than those required by the State (*e.g.*, sandhill crane permits).

B. Upland Game Hunting. We allow hunting of pheasant, quail, cottontail, and jack rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. On the North Tract (including Salt Creek Wilderness Area and the portion of the refuge located north of U.S. Highway 70), all hunting must be in accordance with State seasons and regulations. On the Middle Tract (the portion of the refuge located between U.S. Highway 70 and U.S. Highway 380), we only allow pheasant hunting and restrict hunting to the designated public hunting area in the southern portion of the Tract that never approaches closer than 100 yards (90 m) from the public auto tour route; we limit hunting to Tuesdays, Thursdays, and Saturdays during the State season for the Middle Tract; and all hunting must cease at 1 p.m. (local time) on each hunt day. On the South Tract (the portion of the refuge located south of U.S. Highway 380) we only allow public hunting during Special Hunts (Youth hunters [17 years of age and younger] and/or Physically Impaired) as per State seasons and regulations.

2. Conditions A2 and A4 apply.

3. We do not require refuge or other special hunt permits other than those required by the State.

C. Big Game Hunting. We allow hunting of mule deer, white-tailed deer, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We restrict all hunting to the North Tract (including Salt Creek Wilderness Area and the portion of the refuge located north of U.S. Highway 70) in accordance with State seasons and regulations, with the specification that we only allow hunt and take of feral hog (no bag limit) during deer hunts for that area and only with the weapon legal for deer on that day in that area.

2. Condition B3 applies.

3. We only allow use of portable blinds or stands, and require daily removal of all blinds and stands (see §27.93 of this chapter).

D. Sport Fishing. [Reserved]

Bosque Del Apache National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning and white-winged dove and light goose on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit for hunting of light goose. The permit is available through a lottery drawing, and we must receive applications for the permit by November 30 of each year along with a $6.00 nonrefundable application fee.

2. We allow hunting of light goose on Monday, Wednesday, and Friday during a week in January to be determined by refuge staff. We will announce hunt dates by September 1 of the previous year. Hunters must report to the refuge headquarters by 4:45 a.m. each hunt day. Legal hunting hours will run from ½ hour before legal sunrise and will not extend past 11:00 a.m. local time.

3. We allow the use of hunting dogs for bird retrieval. You must keep dogs on a leash when not hunting (see §26.21(b) of this chapter).

4. We prohibit hunters and dogs from retrieving dead or wounded birds in closed areas.

5. All State and Federal hunting and fishing regulations regarding methods of take, dates, bag limits, etc., apply to all hunting and fishing on the refuge, in addition to these refuge-specific regulations.

6. We prohibit canoeing, boating, or floating through the refuge on the Rio Grande.

7. We prohibit hunting any species on the Rio Grande within the refuge.

8. We prohibit falconry on the refuge.

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotguns and bows and arrows.

2. Conditions A5 through A8 apply.

3. We allow cottontail rabbit hunting between December 1 and the last day of February.

C. Big Game Hunting. We allow hunting of mule deer and oryx on designated areas of

the refuge in accordance with State regulations subject to the following conditions:

1. Refer to the refuge map for designated areas.

2. Hunting on the eastside of the Rio Grande is by foot or horseback only.

3. We allow oryx hunting from the east bank of the Rio Grande and east to the refuge boundary. We will allow hunters possessing a valid State special off-range permit to hunt oryx on the refuge during the concurrent State deer season. We also may establish special hunt dates each year for oryx. Contact the refuge manager for special dates.

4. Conditions A5 through A8 apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing on all canals within the refuge boundaries (Interior Drain, Riverside Canal, and Low Flow Conveyance Channel), and unit 25AS either from the boardwalk or from shore.

2. We allow fishing from April 1 through September 30.

3. We allow fishing from 1 hour before legal sunrise until 1 hour after legal sunset.

4. We prohibit trotlines, bows and arrows, boats or other floatation devices, seining, dip netting, traps, using bait taken from the refuge, taking of turtle (see § 27.21 of this chapter), littering, and all other activities not expressly allowed.

5. Access to the canals is via the tour loop. We prohibit fishing in closed areas of the refuge, with the exception of the Low Flow Conveyance Channel.

6. We allow frogging for bullfrog on the refuge from June 1 through August 15 in areas that are open to fishing. We only allow frogging from 1 hour before legal sunrise to 1 hour after legal sunset. Interested persons must obtain a free Special Use Permit at the refuge visitor center.

7. All State and Federal fishing regulations regarding methods of take, dates, creel limits, etc., apply to all fishing on the refuge, in addition to these refuge-specific regulations.

8. We prohibit fishing for any species on the Rio Grande within the refuge.

9. Condition A6 applies.

LAS VEGAS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning dove and Canada goose on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit and pay a fee.

2. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

3. Youth hunters age 17 and under must hunt under the supervision of an adult age 21 or older.

4. We prohibit hunters and dogs from entering closed areas to retrieve birds.

5. We only allow Canada goose hunting on designated day(s) of the week as identified on the permit.

6. Shooting hours for Canada goose are from ½ hour before legal sunrise to 1 p.m. local time.

7. The bag limit for Canada goose is two.

8. For Canada goose hunting, you may only possess approved nontoxic shells (see § 32.2(k)) while in the field in quantities of six or less.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MAXWELL NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [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.

D. Sport Fishing. [Reserved]

SEVILLETA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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]

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6694, Feb. 11, 1994; 60 FR 62045, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58948, Sept. 18, 2002; 69 FR 54362, 54433, Sept. 8, 2004; 70 FR 54184, Sept. 13, 2005]

§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. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. We allow hunting of goose, duck, rail, coot, gallinule, snipe, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. For hunting of goose, duck, and coot (only allowed on Tuesdays, Thursdays, and Saturdays):

i. We require refuge waterfowl hunting permits. We allocate permits by random drawing at the Waterfowl Hunter Check Station on Route 77 on hunt days, except that we conduct a mail-in lottery for permits issued for opening day and the first two Saturdays of the regular waterfowl season. Permits allow up to three hunters to hunt. We charge a daily fee. A hunt stand is available for physically challenged hunters possessing a Golden Access Passport. We will allocate the hunt stand in a separate random draw for opening day and by first-come, first-served basis for other hunt days. The permit will allow one helper who may also hunt.

ii. You must possess and carry a valid New York State Waterfowl Education Certificate of Qualification.

iii. You must provide and use a minimum of six decoys.

iv. We only allow hunting from ½ hour before legal sunrise to 12 p.m. (noon). All hunters must check out no later than 1 p.m. by returning the Harvest Report portion of your permit to the Waterfowl Hunter Check Station.

v. You may only possess approved nontoxic shotshells (see §32.2(k)) in the field in quantities of 20 or less.

vi. You must hunt within 100 feet (30 m) of your designated stand unless actively pursuing crippled birds.

2. For hunting of rail, gallinule, snipe, and woodcock:

i. We require refuge daily small-game hunt permits and reports. You may obtain these self-issued permits at several kiosks located around the refuge. The hunter must complete and sign Part ''A'' and possess and carry Part ''B'' while hunting, then complete and return Part ''B'' to one of the kiosks at the end of the hunt day.

ii. You may only possess approved nontoxic shot in the field (see §32.2(k)).

iii. We only allow hunting east of Sour Springs Road.

3. We allow youths ages 12 to 17 to hunt goose and duck on the first Sunday of the regular waterfowl season subject to the following conditions:

i. Each youth hunter must preregister at the refuge office.

ii. Each youth hunter must participate in the prehunt orientation and education program.

iii. Each youth must hunt with a preapproved, nonhunting adult (see refuge manager for details), who must be properly licensed to participate in the program.

iv. Conditions 1iv, 1v, and 1vi above apply.

B. Hunting of Upland Game. We allow hunting of ruffed grouse, gray squirrel, cottontail rabbit, pheasant, coyote, fox, raccoon, skunk, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge daily small-game hunt permits and reports. You may obtain these self-issued permits at several kiosks located around the refuge. You must complete and sign Part A and possess and carry Part B while hunting, then complete and return Part B to one of the kiosks at the end of the hunt day.

2. We only allow hunting from legal sunrise to legal sunset. We prohibit night hunting.

3. We allow hunting only between October 1 and the last day of February.

4. You must only possess approved nontoxic shot (see §32.2(k)) while in the field if hunting with a shotgun.

5. You must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material during any firearms deer season.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. White-tailed deer:

i. We require refuge daily deer hunt permits and reports. These self-issued permits are available at several kiosks located around the refuge. You must complete and sign Part A and possess and carry Part B while hunting, then complete and return Part B to one of the kiosks at the end of the hunt day.

ii. All hunters must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material during any firearms deer season.

iii. If you use portable tree stands, blinds, and decoys, you must remove all equipment (see § 27.93 of this chapter) from the refuge at the end of the day.

2. Turkey (only allowed during the spring season):

i. We require refuge spring turkey hunting permits. We select permittees, except youth permittees as designated below, from a mail-in, random drawing for available permits. We charge a nonrefundable application processing fee.

ii. Only youth hunters ages 12 to 17, accompanied by a properly licensed, preapproved nonhunting adult (see refuge manager for details), may hunt at the refuge on the first Sunday of the season. All youth hunters must register at the refuge headquarters and attend a mandatory orientation.

iii. You may use portable blinds and decoys, but you must remove all equipment (see § 27.93 of this chapter) at the conclusion of each day.

iv. You may only scout during the 7 days immediately preceding the season. You must possess and carry your permit when scouting. We prohibit calling or possessing a call of any kind while scouting.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only fish or frog from legal sunrise to legal sunset.

2. We allow fishing or frogging in Oak Orchard Creek east of Route 63 and on other designated areas of the refuge year-round during the State season.

3. We only allow ice fishing on Ringneck Marsh from December 15 through the last day of February.

4. We allow frogging in areas open for public fishing. We prohibit guns or archery equipment to kill or capture frog.

5. We prohibit wading or 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.

6. We require that anglers remove boats, structures, or other equipment (see § 27.93 of this chapter) from the refuge after the completion of the day's fishing activities.

7. We allow fishing and frogging from Schoolhouse Marsh dike and Center Marsh dike from July 15 to September 30.

MONTEZUMA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of waterfowl on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require daily refuge permits (you must possess and carry)/reservations.

2. We only allow hunting on Tuesdays, Thursdays, and Saturdays during the established refuge season set within the State western zone season.

3. We take telephone reservations from 8 a.m. to 8:30 a.m. on Tuesdays, Thursdays, and Saturdays for the next hunt day (except for opening day).

4. We take opening day reservations between 8 a.m. and 8:30 a.m. on the day immediately before the season opener.

5. The reservation telephone number is 315–568–4136.

6. All telephone reservations are available on a first-come, first-served basis.

7. Persons with a reservation may bring one companion.

8. Hunters reserve the parking area of their choice when making their reservations.

9. All hunters with reservations and their companions must check-in at the Route 89 Hunter Check Station at least 1 hour before legal shooting time or forfeit their reservation.

10. Forfeited reservations become available on a first-come, first-served basis to standby hunters at the Route 89 Hunter Check Station.

11. We require $10.00 per reservation fee. Hunters with either Golden Age or Access Passports receive a 50 percent discount.

12. We require motorless boats to hunt and limit hunters to one boat per reservation.

13. We select hunting sites in a free-roam system.

14. You may only possess approved nontoxic shells (see § 32.2(k)) while in the field in quantities of 15 or less.

15. We prohibit shooting from the dike.

16. Hunting ends at 12 p.m. (noon), and all hunters must check out by 1 p.m.

17. We require successful completion of the New York State Waterfowl Identification Course, the Montezuma Nonresident Waterfowl Identification Course, or a suitable nonresident State Waterfowl Identification Course to hunt the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting of white-tailed deer on designated portions of the refuge by archery, firearms (see §27.42 of this chapter), or muzzleloaders during established refuge seasons set within the general State white-tailed deer season.

2. We prohibit Sunday hunting.

3. Each hunter must possess, carry, and return at day's end a valid daily hunt permit card.

4. Daily hunt permits are available at the Route 89 Hunter Check Station on a first-come, first-served basis, issued by refuge personnel or available on a self-service basis.

5. We make available 150 firearms hunt permit cards each day on a first-come, first-served basis.

6. Hunters must fill out Part A of the daily hunt permit card at check-in and leave it with refuge personnel or deposit it in the Part A box at the Route 89 Hunter Check Station.

7. The hunter must carry Part B of the daily hunt permit card while hunting the refuge.

8. The hunter must complete Part B and deposit it in the Part B box at the Route 89 Hunter Check Station by the end of the hunt day.

9. Successful opening day archery hunters must bring their deer to the Route 89 Hunter Check Station.

10. Successful firearms hunters must bring their deer to the Route 89 Hunter Check Station on the days we staff it.

11. Firearms hunters must wear in a visible manner on the head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-blaze orange.

12. We only allow shotguns and muzzleloaders during the firearms (see §27.42 of this chapter) season. We prohibit handguns.

13. Hunters must have all guns unloaded (see §27.42 of this chapter) between legal sunset and legal sunrise.

14. Hunters must disassemble, lock, or case all bows after legal sunset and before legal sunrise.

15. We prohibit advance scouting.

16. We prohibit boats and canoes on refuge pools. We prohibit hunting on the open water portions of the refuge pools.

17. We prohibit ATVs (see §27.31(f) of this chapter).

18. Hunters may only use portable tree stands and must remove them (see §27.93 of this chapter) from the refuge each day.

19. We prohibit screw-in tree steps (see §32.2(i)).

20. We allow firearms hunters to be on the refuge during the period that begins 1 hour before legal sunrise and ends 1 hour after legal sunset.

21. We allow archery hunters to be on the refuge during the period that begins 1 hour before legal sunrise (except for opening day) and ends 1 hour after legal sunset.

22. On opening day, we allow archery hunters on the refuge during the period that begins 2 hours before legal sunrise and ends 1 hour after legal sunset.

D. Sport Fishing. Anglers may only access the New York State Barge Canal System Waters at two sites on the refuge: The Seneca River Fishing Access Site and the May's Point Fishing Area. Anglers may either bank fish or boat fish in accordance with State regulations.

OYSTER BAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish in Huntington Bay from the refuge shoreline when the refuge is open to visitors. All fishing is in accordance with state regulations.

WERTHEIM NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of whitetail deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow archery and shotgun hunting of white-tailed deer within portions of the refuge on specific days between October 1 and January 31.

2. We require refuge permits. We limit the number of deer hunters allowed to hunt on the refuge. We will issue permits by random selection.

3. You must take the specified number of antlerless deer as noted in the refuge hunting regulations before taking an antlered deer.

4. You must possess and carry all applicable and valid hunting licenses, permits, stamps, and a photographic identification while hunting on the refuge.

5. You must possess proof of completion of the refuge-specific orientation program upon check-in at the designated refuge hunting location.

6. You must limit driving to designated access roads and park only in designated areas (see § 27.31 of this chapter). We prohibit use of motorized vehicles on the refuge to retrieve white-tailed deer.

7. You must display refuge parking permits face-up on the vehicle dashboard while hunting.

8. We allow hunters to enter the refuge 1 hour before legal hunting hours. Hunters must leave the refuge no later than 1 hour after legal sunset.

9. We prohibit the use of dogs to hunt or pursue game. We prohibit driving deer by any means on the refuge. We prohibit the use of decoys to hunt deer on the refuge.

10. We prohibit carrying a loaded weapon and/or discharge of a firearm within the designated 500-foot (150 m) ''No Hunt Buffer'', vehicles, or parking areas (see § 27.42(b) of this chapter).

11. We prohibit shooting directly into or towards the 500-foot (150 m) ''No Hunt Buffer''.

12. We prohibit the killing or crippling of any deer without the hunter making reasonable effort to retrieve the deer and retain it in his/her actual custody.

13. Hunters assigned to Unit 5 must hunt from portable tree stands and must direct aim away from a public road and/or dwelling.

14. You must have only shotgun shells loaded with slugs during the firearms season.

15. You must wear a minimum of 400 square inches (2,600 cm^2) of solid-orange clothing, visible on head, chest, and back during the firearms season. Camouflage orange does not qualify.

16. We prohibit construction or use of permanent structures while hunting. We prohibit driving a nail, spike, screw or other metal object into any tree or hunting from any tree on the refuge in which a nail, spike, screw or other object has been driven (see § 32.2(i)).

17. You may use temporary or portable tree stands while hunting deer. You must remove all stands or any blinds by legal sunset (see §§ 27.93 and 27.94 of this chapter). We require all tree stands to have the name and address of the owner clearly printed on the stand.

18. You must report all accidents and injuries to refuge personnel as soon as possible and by no later than your departure from the refuge.

19. Failure to comply with Federal, State, and/or refuge regulations will lead to dismissal from the refuge and elimination of participation in future hunts.

20. You must abide all rules and regulations listed on the hunting permit.

21. We prohibit the use of any bait, salt, or enticement (see § 32.2(h)).

22. A nonhunting adult (see the refuge manager for details) with a valid State hunting license must accompany junior hunters.

23. We prohibit the marking of any tree, trail, or other refuge feature with flagging, paint, reflective material or any other substance.

24. You may scout hunting areas on the refuge only during designated times and days. We prohibit the use of dogs during scouting.

25. We prohibit the use of electronic calls during any hunting season.

26. We prohibit the trimming or cutting of branches larger than the diameter of a quarter (see § 27.61 of this chapter).

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.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6695, Feb. 11, 1994; 60 FR 62045, Dec. 4, 1995; 63 FR 46919, Sept. 3, 1998; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000; 69 FR 54362, 54434, Sept. 8, 2004; 70 FR 54184, Sept. 13, 2005]

§ 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.

ALLIGATOR RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Birds. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a valid refuge hunting permit.

2. We prohibit construction or use of a permanent blind.

3. We close the Farming Area to waterfowl hunting.

4. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. An adult may directly supervise (up to two) youth hunters (age 15 and under), who must have successfully completed a State-approved hunter safety course and possess and carry proof of certification.

5. You may only possess approved nontoxic shot in the field (see §32.2(k)).

6. We allow retrieving dogs in designated areas. We prohibit the use of dogs in the Gum Swamp Unit.

7. We open the refuge to daylight use only, except that we allow hunters to enter and remain in open hunting areas from 1 hour before legal shooting time until one hour after legal shooting time.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4, A5, and A7 apply.

2. We only allow dog training during the corresponding hunt season.

3. We require a Special Use Permit to hunt raccoon or opossum from ½ hour after legal sunset until ½ hour before legal sunrise.

4. We allow the use of dogs in designated areas as shown in the refuge Hunting Regulations and Permit Map brochure.

5. We allow retrieving, pointing, and flushing dogs in designated areas. We prohibit the use of dogs in the Gum Swamp Unit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4 (an adult may only supervise one youth hunter), A7 and B2 apply.

2. We close the Hyde county portion of the refuge to all hunting during State bear seasons.

3. We only allow pursuit/trailing dogs in designated areas as shown in the Refuge Hunting Regulations and Permit Map brochure.

4. Unarmed hunters may walk to retrieve stray dogs from closed areas and ''no dog hunting'' areas.

D. Sport Fishing. We allow fishing and frogging in accordance with State regulations subject to the following conditions:

1. We only allow fishing from legal sunrise to legal sunset.

2. We only allow pole and line, rod and reel, or cast net.

3. We require a Special Use Permit for fishing or frogging between legal sunset and legal sunrise.

4. You must only take frog by use of frog gigs.

CEDAR ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of tundra swan, Canada and snow goose, brant, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on 400 acres (160 ha) of marsh located along the southern border of West Bay and the eastern border of West Thorofare Bay between the John Day Ditch and the Thorofare Ditch. The hunt area extends 300 feet (90 m) from the shoreline into the marsh.

2. We allow portable blinds, but you must remove them (see §27.93 of this chapter) each day.

3. Hunters/hunt parties must not hunt closer than 150 yards (135 m) apart.

4. You may use decoys but you must remove them (see §27.93 of this chapter) daily upon completion of your hunting.

5. We only allow hunting during the State waterfowl seasons occurring in 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 Birds. We allow hunting of swan, goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require a North Carolina Waterfowl Hunt Permit or a Refuge Hunt Permit. You must carry a permit while hunting on the refuge.

2. You must hunt from assigned blind location.

3. We allow hunting on Wednesdays and Saturdays during the State waterfowl season.

4. We allow hunting from ½ hour before legal sunrise to 1 p.m.

5. We allow access 1½ hours before legal shooting time, and all parties must be off the refuge by 2 p.m.

6. All hunters holding a North Carolina Waterfowl Hunt Permit must check-in at the Knotts Island Market by 5:15 a.m. on the morning of the hunt. We require no check-in for hunters holding Snow Goose Hunt Permits.

7. All guides must obtain and carry a refuge Special Use Permit to conduct guided hunts on the refuge.

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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require a Refuge Deer Hunting Permit that hunters must sign and carry while hunting on the refuge.

2. We allow the use of shotguns, muzzleloading rifles/shotguns, and bows. We prohibit the use of all other rifles and pistols.

3. We allow access to hunting areas from 5 a.m. until 8 p.m.

4. We prohibit carrying a loaded firearm on or within 50 feet (15 m) of gravel roads.

5. We prohibit the marking of trees or vegetation (see §27.51 of this chapter) with blazes, flagging, or other marking devices.

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 Corey's 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. Migratory Game Bird Hunting. We allow the hunting of tundra swan, snow goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge-issued permits that you must validate at the refuge headquarters, sign, possess, and carry while hunting.

2. Each hunt participant must pay a $12.50 daily user fee.

3. We restrict hunting to designated blinds assigned by refuge personnel.

4. Hunters may only shoot crippled waterfowl from outside the assigned blind.

5. There is a 30-shell limit per blind hunter per day.

6. You may use decoys, but you must remove them (see §27.93 of this chapter) daily upon completion of your hunt.

7. All waterfowl hunters must check out at the assigned station prior to leaving the refuge.

8. Shooting hours are from ½ hour before legal sunrise until 12 p.m. (noon). Hunting hours on the first day of the youth hunt are from 1 p.m. until legal sunset.

9. We allow the use of retrieving dogs, but dogs must be under voice command at all times (see §26.21(b) of this chapter).

10. You must unload guns (see §27.42(b) of this chapter) during transport through the refuge.

11. We only allow the taking of Canada goose during the State September Canada goose season subject to the following conditions:

i. We allow hunting Monday through Saturday during the State season, and we require refuge-issued permits that you must obtain at the refuge office, sign, possess, and carry while hunting.

ii. We close the following areas to hunting of Canada goose: Impoundments MI–4, MI–5, and MI–6; in Rose Bay Canal, Outfall Canal, Lake Landing Canal and Waupoppin Canal; 150 feet (45 m) from the mouth of the canals where they enter Lake Mattamuskeet; and 150 yards (135 m) from State Route 94.

iii. We allow portable blinds, but you must remove them (see §27.93 of this chapter) daily.

12. Each youth hunter (age 16 and under) must remain within sight and normal voice contact of an adult age 21 or older. Youth hunters must have completed a State-certified hunter safety course and possess and carry the form or certificate.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow the hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The hunter must possess and carry a signed, refuge-issued permit while hunting.

2. We close to hunting areas along the Entrance Road, MI–4 impoundment, signed areas along State Route 94, areas around the refuge headquarters, and refuge residence area.

3. Hunters may take one antlered deer and one antlerless deer per day, or two antlerless deer per day.

4. Hunters may take deer with shotgun, bow and arrow, or muzzleloading rifle/shotgun.

5. We allow hunters on the refuge from 1 hour before legal shooting time until 1 hour after legal shooting time.

6. Hunters can use boats to access hunt areas, but we prohibit hunting from a boat.

7. You must check all deer taken at the check station near refuge headquarters.

8. We prohibit erecting portable blinds and tree stands prior to the hunt, and you must remove them (see §27.93 of this chapter) from the refuge each day.

9. Hunters must wear a minimum of 500 square inches (3,250 cm^2) of hunter-orange material above the waist that is visible from all directions.

10. An adult may only supervise one youth hunter. The youth hunter must be within sight and normal voice contact of the adult.

D. Sport Fishing. We allow fishing for game and nongame fish and the catching of blue crabs on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We are open to sport fishing, bow fishing, and crabbing from March 1 through November 1 from ½ hour before legal sunrise to ½ hour after legal sunset, except we allow bank fishing and crabbing year-round from:

i. State Route 94;

ii. The north bridge and south of the north bridge at Lake Landing;

iii. The Outfall Canal water control structure;

iv. The Central Canal bridge on Wildlife Drive; and

v. Along the west main and east main canal between Entrance Road metal bridge and Number One East Canal as posted.

2. We allow bank fishing and crabbing from the North Carolina Highway 94 causeway 24 hours per day, year-round.

3. We allow fishing boats and motors March 1 through November 1. We prohibit airboats, sailboats, Jet Skis, and windboards.

4. We prohibit bank fishing along the Entrance Road from State Route 94 to the Entrance Road metal bridge.

5. We prohibit herring dipping.

6. We allow crabbing subject to the following conditions:

i. We only allow five handlines and hand-activated traps per person. Owners must be in attendance.

ii. We prohibit crab pots.

iii. You may only possess 12 crabs per person per day.

PEA ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing in accordance with State regulations subject to the following conditions:

1. We require a nighttime fishing permit for surf fishing between ½ hour after legal sunset and ½ hour before legal sunrise.

2. We prohibit fishing and crabbing North Pond, South Pond, and New Field Pond Impoundments.

PEE DEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning dove on designated dates and areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require all hunters to possess and carry a signed Refuge General Hunt Permit and government-issued picture ID while in the field.

2. Legal shooting hours are 12 p.m. (noon) until legal sunset.

3. Validly licensed adults, age 21 or older, holding applicable permits must accompany and supervise, remaining in sight and voice contact at all times, any youth hunters (under age 16). Each adult may supervise no more than two youth hunters. Youth hunters must possess and carry evidence of successful completion of a State-approved hunter education course.

4. We prohibit possession of a loaded firearm within 100 feet (30 m) of any vehicle or road open to vehicle traffic. We define a loaded firearm as a firearm with ammunition in the magazine or chamber, or a percussion cap in place on a muzzleloader.

5. We prohibit the discharge of a weapon (see §27.42 of this chapter) on or across a road open to vehicle traffic.

6. We prohibit entering or crossing a ''No Hunting Zone'' or ''Closed Area''. We prohibit the discharge of a weapon (see §27.42 of this chapter) within, into, or across a ''No Hunting Zone'' or ''Closed Area''. We require consent from refuge personnel to enter a ''No Hunting Zone'' or ''Closed Area'' for the purpose of tracking and/or retrieving legally taken game animals.

7. We prohibit the discharge of a weapon (see §27.42(a) of this chapter) for a purpose other than to take or attempt to take legal game animals during established hunting seasons.

8. We prohibit waterfowl hunting. By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918, we close the following area to the pursuing, hunting, taking, capturing, or killing of migratory birds or attempting to take, capture, or kill migratory birds: All the area consisting of the bed of the Pee Dee River, bank to bank, submerged or exposed including the water thereof, from the confluence of Pressley Creek and the Pee Dee River to approximately 5 miles (8 km) downstream to the confluence of Brown Creek and the Pee Dee River. Included also are the waters surrounding Buzzard Island and that part of the Pee Dee River on the northeast side of Leak Island beginning approximately 1/4 mile (.4 km) downstream from the head of Leak Island (at the head of a small unnamed island), and continuing downstream to the main channel of the Pee Dee River and containing, in all, a total of 220 acres (88 ha).

B. Upland Game Hunting. We allow hunting of quail, rabbit, squirrel, raccoon, and opossum on designated dates and areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A3 through A7 apply.

2. We prohibit raccoon hunters from entering or remaining on the refuge from 1 hour before legal sunrise until 1 hour after legal sunset on established hunt dates.

3. We prohibit raccoon hunters from hunting on the night prior to the opening of a firearms deer hunt and on the nights during the deer hunt except the last night.

4. We require dogs on raccoon/opossum hunts. All dogs must wear a collar displaying the owner's name, address, and phone number.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated dates and areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A3 through A7 apply (for A3, adults may supervise no more than one youth hunter).

2. We require each person participating in a quota deer hunt to possess and carry a refuge Quota Deer Hunt Permit for the hunt in which he or she will be participating. Quota Deer Hunt Permits are nontransferable.

3. During deer hunts we prohibit hunters from entering the refuge earlier than 4 a.m., and they must leave the refuge no later than 2 hours after legal sunset.

4. We prohibit adults from possessing or discharging a firearm during the youth deer hunt.

5. During refuge firearms deer hunts, all participants must wear at least 500 square inches (3,250 cm^2) of unbroken, fluorescent-orange material above the waist as an outer garment while hunting and while en route to and from hunting areas.

6. During State firearms deer seasons, all archery hunters must wear at a minimum a fluorescent-orange hat while hunting and while en route to and from hunting areas.

7. We prohibit man driving for deer. We define a ''man drive'' as an organized hunting technique involving two or more individuals where hunters attempt to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

8. We prohibit placing a tree stand on the refuge more than 3 days prior to the opening day of the deer hunt in which you will be participating. You must remove the tree stands (see §27.93 of this chapter) by the last day of that hunt.

9. You must wear a safety belt or harness at all times when using any tree stand or climbing equipment.

10. You must check all deer killed on refuge quota deer hunts at the refuge check station on the date of kill prior to removing the animal from the refuge.

11. We prohibit the use of dogs for deer hunting.

12. We prohibit the use of plastic flagging.

13. We prohibit the use of all-terrain vehicles (ATVs) or off-highway vehicles (OHVs) (see §27.31(f) of this chapter).

14. During refuge firearms deer hunts, we prohibit all other public use on the refuge.

D. Sport Fishing. We allow fishing on designated dates and areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit boats utilizing gasoline-powered motors.

2. You must unload and load boats by hand on all waters except those having designated launch ramps.

3. We prohibit possession or use of trotlines, set hooks, gigs, jug lines, limblines, snagging devices, nets, seines, fish traps, or other special devices.

4. We prohibit taking or attempting to take frog and turtle (see §27.21 of this chapter).

5. We prohibit swimming.

POCOSIN LAKES NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, swan, dove, woodcock, rail, and snipe in accordance with State regulations subject to the following conditions:

1. We prohibit hunting on the Davenport and Deaver tracts (which include the area surrounding the Headquarters/Visitor Center and the Scuppernong River Interpretative Boardwalk), the Pungo Shop area, New Lake, refuge lands between Lake Phelps and Shore Drive, and that portion of the Pinner Tract east of SR 1105.

2. We allow you to retrieve game from closed areas listed above with consent from a refuge employee, but we prohibit possession of any type of weapon (see §27.42 of this chapter) in a closed area.

3. We require all hunters to possess and carry a signed, self-service refuge general hunting permit while hunting on the refuge.

4. We open the refuge for daylight-use only, except that we allow hunters to enter and remain in open hunting areas from 1½ hours before legal shooting time until 1½ half hours after legal shooting time.

5. We only allow the use of all terrain vehicles (ATVs) on designated ATV trails (see §27.31 of this chapter) and only to transport hunters and their equipment to hunt and scout. We only allow ATV use on the ATV trails at the following times:

i. When we open the ATV trail and surrounding area to hunting;

ii. One week prior to the ATV trail and surrounding area opening to hunting; and

iii. On Sundays, when we open the ATV trail and surrounding area for hunting the following Monday.

6. You must unload and case or dismantle all weapons (see §27.42(b) of this chapter) transported via a motorized vehicle or boat under power.

7. We only allow the use of biodegradable-type flagging. We prohibit affixing plastic flagging, dots, glow tacks, reflectors, or other materials to refuge vegetation (see §27.51 of this chapter).

8. We prohibit migratory game bird hunting on the Pungo Unit.

9. You may only possess approved nontoxic shot (see §32.2(k)) while migratory game bird hunting west of Evans Road.

10. We only allow the use of portable blinds and temporary blinds constructed of natural materials, but we prohibit the cutting any live vegetation on the refuge (see §27.51 of this chapter). You must remove portable blinds (see §27.93 of this chapter) at the end of each day.

11. We allow the use of dogs to point and retrieve migratory game birds, but they must be under your immediate control at all times (see §26.21(b) of this chapter).

12. While hunting, we require youth hunters age 16 or younger to possess and carry proof that they successfully passed a State-approved hunter education course. Youth hunters may only hunt under the direct supervision of a licensed hunter over age 21. One licensed hunter over age 21 may supervise up to two migratory game bird youth hunters at a time.

B. Upland Game Hunting. We allow the hunting of quail, squirrel, raccoon, opossum, rabbit, beaver, nutria, and fox in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A7 apply.

2. We prohibit upland game hunting on the Pungo Unit.

3. We only allow the taking of beaver and nutria with firearms (see §27.42 of this chapter) and only during those times when we open the area hunted to hunting of other game animals with firearms.

4. We prohibit the hunting of raccoon and opossum during, 5 days before, and 5 days after the State bear seasons. Outside of these periods, we allow the hunting of raccoon and opossum at night but only while possessing a special Refuge Nighttime Raccoon and Opossum Hunting Permit.

5. We only allow the use of shotguns and .22 caliber rim-fire rifles for hunting. We also allow disabled hunters to use crossbows while possessing the required State permit.

6. You may only possess approved nontoxic shot (see §32.2(k)) while hunting upland game west of Evans Road.

7. We allow the use of dogs for pointing and retrieving upland game and for chasing rabbit (but not fox). The dogs must be under your immediate control at all times (see §26.21(b) of this chapter), and we prohibit possession of buckshot or slugs while hunting with dogs.

8. You must wear 500 square inches (3,250 cm^2) of fluorescent-orange material above the waist that is visible from all sides when hunting upland game.

9. While hunting, we require that youth hunters under age 16 must possess and carry proof that they successfully passed a State-approved hunter education course. Youth hunters may only hunt under the direct supervision of a licensed hunter age 21 or older. A licensed hunter age 21 or older may directly supervise up to two upland game youth hunters at a time.

C. Big Game Hunting. We allow the hunting of deer, turkey, and boar in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A7 apply.

2. You may only hunt spring turkey if you possess and carry a valid refuge turkey hunting permit. The permits are valid only for the dates and areas shown on the permit. We require an application and a fee for these permits and hold a drawing, when necessary, to select the permittees.

3. We only allow the use of shotguns, muzzleloaders, and bow and arrow for deer and wild boar hunting. We allow disabled hunters to use crossbows but only while possessing the required State permit.

4. You may only possess approved nontoxic shot (see §32.2(k)) while hunting turkeys west of Evans Road and on the Pungo unit. You may use slugs, buckshot, and muzzleloader ammunition containing lead for deer hunting in these areas. We prohibit boar hunting on the Pungo Unit (they are only known to occur in the Frying Pan area of the refuge).

5. We only allow deer hunting with shotguns and muzzleloaders on the Pungo Unit while possessing a special Pungo Deer Gun-Hunt Permit issued by the refuge. These permits are valid only for the designated 2-day period shown on the permit. We set the dates of these special 2-day hunts following the publication of the State deer seasons. We require an application and a fee for these permits and hold a drawing, when necessary, to select the permittees.

6. During the special Pungo Deer Gun-Hunts, we only allow permitted hunters on the Pungo Unit. We only allow permitted hunters on the Pungo Unit from 1 hour before legal shooting time until 1 hour after legal shooting time. You must take any deer harvested during a Pungo Deer Gun-Hunt to the deer check station located at the Pungo Shop for harvest reporting and data collection.

7. We allow deer hunting with bow and arrow on the Pungo Unit during all State deer seasons prior to December 1; however, we prohibit hunting on the Pungo Unit on the designated Pungo Deer Gun-Hunts referred to above without a valid Pungo Deer Gun-Hunt Permit.

8. You must wear 500 square inches (3,250 cm^2) of fluorescent-orange material above the waist that is visible from all sides while hunting deer and wild boar in any area open to hunting these species with firearms.

9. We only allow the use of portable tree stands and require that you remove them (see §27.93 of this chapter) at the end of each day, except that hunters with a valid Pungo Deer Gun-Hunt Permit may install a stand on the Pungo Unit the day before the start of their hunt and leave it until the end of the 2nd day of their 2-day hunt. You must tag stands left overnight on the refuge with the hunter's name, address, and telephone number.

10. While hunting, we require youth hunters (under age 16) to possess and carry proof that they successfully passed a State-approved hunter education course. Youth hunters may only hunt under the direct supervision of a licensed hunter age 21 and older. A licensed hunter age 21 and older may only

supervise one big game youth hunter at a time.

D. Sport Fishing. We allow fishing in accordance with State regulations subject to the following conditions.

1. We only allow fishing in Pungo Lake and New Lake from March 1 through October 31, except that we close Pungo Lake and the entire Pungo Unit to fishing during the special 2-day Pungo Deer Gun Hunts in late September and October.

2. We only allow fishing from the bank in the Pungo Unit; we prohibit use of boats in this area. We prohibit leaving a boat anywhere on the refuge overnight.

3. We only allow fishing from legal sunrise to legal sunset.

ROANOKE RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of ducks and coots on designated areas of the refuge subject to the following condition: We require a State-issued refuge permit.

B. Upland Game Hunting. We allow hunting of squirrel, raccoon, and opossum on designated areas of the refuge subject to the following conditions:

1. We require a State-issued refuge permit.

2. You may possess only approved nontoxic shot while in the field.

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 State-issued refuge permit.

D. Sport Fishing. [Reserved]

SWANQUARTER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow the hunting of tundra swan, snow goose, brant, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on refuge marshlands that include Great Island, Marsh Island, and all of the refuge marshlands adjacent to Juniper Bay eastward to West Bluff Bay.

2. We prohibit hunting within the 27,000 acre (10,800 ha) Presidential Proclamation Area as posted.

3. We allow portable blinds. You must remove blinds (see §27.93 of this chapter) each day.

4. We prohibit hunters/hunt parties from hunting closer than 150 yards (135 m) apart.

5. You may use decoys, but you must remove them (see §27.93 of this chapter) daily upon completion of your hunt.

6. We allow hunting during the State waterfowl season occurring in November, December, and January.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6695, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 62045, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 63 FR 46919, Sept. 3, 1998; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58948, Sept. 18, 2002; 69 FR 54362, 54436, Sept. 8, 2004; 70 FR 54185, Sept. 13, 2005; 70 FR 56377, Sept. 27, 2005]

§ 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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, partridge, cottontail rabbit, and fox on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on the day following the close of the State firearm deer season through the end of the regular upland bird season.

2. We allow hunting of cottontail rabbit and fox on the day following the close of the State firearm deer season through March 31.

3. We allow access by foot travel only.

4. We prohibit open fires (see §27.95(a) of this chapter) and camping on the refuge.

C. Big Game Hunting. We allow deer hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit entering the refuge before legal shooting hours on the opening day of firearms deer season. Thereafter, you may enter, but not shoot, prior to legal hours. We require all hunters to be off the refuge 1½ hours after legal sunset.

2. We allow deer hunting on the refuge during the State Youth Deer Season except in designated closed areas around refuge headquarters, the wildlife observation area, and the auto tour route. Consult the refuge hunting map for open and closed hunting areas during the State Youth Deer Season.

3. Firearm deer hunters may not enter the refuge after harvesting a deer unless unarmed (see §27.42(b) of this chapter) and wearing blaze orange.

4. We allow access by foot travel only. You may use a vehicle on designated refuge roads and trails to retrieve deer during the following times only: 9:30 to 10 a.m.; 1:30 to 2 p.m.; and ½ hour after legal sunset for 1 hour.

5. We allow only temporary tree stands and blinds. You must remove all tree stands and

blinds at the end of each day (see §§ 27.93 and 27.94 of this chapter).

6. Condition B4 applies.

D. Sport Fishing. We allow fishing in accordance with State regulations subject to the following conditions:

1. We only allow boats, up to a maximum of 25 hp, on Arrowwood Lake and Jim Lake from May 1 to September 30 of each fishing year.

2. We allow bank fishing along major road rights-of-way during the entire State fishing season.

3. We allow bank fishing on interior portions of the refuge from May 1 through September 30 of each fishing year. We only allow walk-in access, except for designated areas.

4. We allow fishing in the bypass channel during the regular State fishing season. We allow walk-in access along maintenance trails from June 1 through September 30 of each fishing year.

5. We allow bow fishing for rough fish along road rights-of-way in accordance with State regulations from May 1 through September 30 of each fishing year. We prohibit the use of crossbows.

6. We allow ice fishing on Arrowwood Lake, Jim Lake, and the south ⅓ of Mud Lake. We allow fish houses and vehicles (automobiles and trucks only) on the ice as conditions permit. You must remove fish houses by March 15. You may use portable fish houses after March 15, but you must remove them from the refuge each day (see § 27.93 of this chapter).

7. We prohibit snowmobiles and ATVs on the refuge (see § 27.31(f) of this chapter).

8. We prohibit water activities not related to fishing (sailing, skiing, tubing, etc.)

9. We prohibit open fires (see § 27.95(a) of this chapter) and camping on the refuge.

ARROWWOOD WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by legal sunset (see §§ 27.93 and 27.94 of this chapter).

AUDUBON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, gray partridge, and sharp-tailed grouse on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We annually open to upland bird hunting on the day following the close of the regular deer gun season. The hunting seasons continue until the State season closes. The refuge has designated open and closed areas for hunting.

2. We prohibit driving vehicles on refuge roads while hunting or to access hunting areas. Hunters must park at the refuge boundary and walk in.

3. Hunters may retrieve game up to 100 yards (90 m) inside the refuge boundary fence and closed areas of the refuge. Retrieval time must not exceed 10 minutes, and hunters may use dogs. We prohibit firearms while retrieving game.

4. We prohibit hunting on all refuge islands.

C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge gun, muzzleloader, and bow deer hunting seasons open and close according to State regulations. The refuge has designated opened and closed areas for deer hunting.

2. We close the refuge to the State special youth deer hunting season.

3. We prohibit driving vehicles on refuge roads while hunting or to access hunting areas. All hunters must park at the refuge boundary and walk in. Hunters may use designated refuge roads to retrieve downed deer.

4. Hunters must only use portable tree stands that they install and remove (see § 27.93 of this chapter) each day. We prohibit permanent tree stands.

5. We prohibit hunting on all refuge islands.

D. Sport Fishing. We allow ice fishing on the refuge in accordance with State regulations subject to the following conditions:

1. The refuge ice fishing season opens when ice is present and closes on March 31.

2. We restrict vehicle use to refuge roads and designated ice access points (see § 27.31 of this chapter).

AUDUBON WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

CHASE LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow deer hunting on the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit deer hunting until the start of the State deer gun season.
2. We prohibit the use of horses for any purpose.
3. Hunters may only enter the refuge on foot.

D. Sport Fishing. [Reserved]

CHASE LAKE WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

CROSBY WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

DES LACS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. Hunters may hunt ringnecked pheasants, sharp-tailed grouse, gray partridge, turkey, cottontail rabbit, jackrabbits, snowshoe hares and fox 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 use falconry for upland game hunting.

3. Upland game bird and rabbit season opens annually on the day following the close of the regular firearm deer season through the end of the State season.

4. The upland game bird and rabbit falconry season opens annually on the day following the close of the regular firearm deer season through March 31.

5. Fox hunting opens annually on the day following the close of the regular firearm deer season through March 31.

6. Turkey hunting is subject to all State regulations, license requirements, units, and dates.

C. Big Game Hunting. Hunters may hunt deer on designated areas of the refuge subject to the following condition:

1. Archers may hunt throughout the entire State archery season.

2. Deer hunting with rifle and muzzleloader is subject to all State regulations and license units.

D. Sport Fishing. [Reserved]

DEVILS LAKE WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following conditions:

1. We prohibit hunting on Lambs Lake Waterfowl Production Area in Nelson County; Pleasant Lake Waterfowl Production Area in Benson County; and Hart, Nelson, Little Goose, and Vold Waterfowl Production Areas in Grand Forks County.

2. We prohibit hunting on portions of Kellys Slough Waterfowl Production Area in Grand Forks County, as posted.

3. You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following conditions: Conditions A1, A2, and B2 apply.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following conditions:

1. We prohibit fishing on Hart, Nelson, Vold, and Kellys Slough Waterfowl Production Areas in Grand Forks County.

2. You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

A. Hunting Migratory Game Birds. We allow hunting of goose, duck, and coot on nine designated Public Hunting Areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge daily from 5 a.m. to 10 p.m.

2. We allow waterfowl retrieval without a firearm within 100 yards (90 m) of the interior boundary of Public Hunting Areas and within 100 yards (90 m) of the exterior refuge boundary.

B. Upland Game Hunting. We allow hunting of grouse, partridge, turkey, pheasant, and fox on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge daily from 5 a.m. to 10 p.m.

2. We allow hunting for sharp-tailed grouse, partridge, and pheasant on nine designated Public Hunting Areas.

3. We allow hunting for sharp-tailed grouse, partridge, ruffed grouse, and turkey south of the Upham-Willow City Road.

4. We open to hunting annually for sharp-tailed grouse, partridge, and pheasant on the remainder of the refuge, except the closed area around the refuge headquarters, on the day following the close of the firearm deer season and close as per the State seasons.

5. Fox hunting opens annually on the day following the close of the firearm deer season and closes March 31. We allow hunting from ½ hour before legal sunrise until ½ hour after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge daily from 5 a.m. to 10 p.m.

2. We open the entire refuge, except the closed area around the refuge headquarters, for hunting during the State's youth, muzzleloader, and archery seasons.

3. We open nine Public Hunting Areas on the refuge for deer hunting during the regular firearms season without a refuge permit.

4. You must possess and carry a refuge permit to hunt on the refuge outside the nine Public Hunting Areas during the regular firearms season.

5. Hunters must remove blinds and stands (see § 27.93 of this chapter) daily.

D. Sport Fishing. We allow fishing on 14 designated areas (listed below) of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge daily from 5 a.m. to 10 p.m.

2. We open all refuge waters to ice fishing between December 15 and the end of the State fishing season.

3. We only allow boat fishing in designated areas.

4. We close to boat fishing the last Friday of September.

5. We only allow nonmotorized boats or boats with electric motors.

6. We allow fishing at the following locations:

i. Nelson Bridge, from both banks downstream (northwest) ¼ mile (.4 km) and upstream (south) to the refuge boundary;

ii. Souris River—Scenic Canoe Route, from both banks and boats, 100 feet upstream (30 m) (east) from Johnson Bridge and downstream (northwest) 13 miles (20.8 km) to the end of the Canoe Route at Dam 1, including Sandhills Slough;

iii. Dam 1, on the north bank downstream (west) 100 yards (90 m). We prohibit entry to or fishing from the dam;

iv. Dam 2, from both banks 50 feet (15 m) downstream from the water control structure;

v. Dam 320, from the bank starting 300 feet (90 m) east of the dam for ¼ mile (.4 km) upstream (east);

vi. Old Freeman Bridge, from both banks or boat, downstream (west) 1 ½ mile (2.4 km) from Dam 320;

vii. Cutbank Culvert on Highway 14, from the highway right-of-way 50 feet (15 m) either side of the culvert;

viii. Highway 14 Bridge, from both banks ¼ mile (.4 km) downstream (north) and ¼ mile (.4 km) upstream (south) from the bridge;

ix. Russell-Kramer Road, from both banks or boat, upstream (south) 200 feet (60 km) from the bridge and downstream (north) from the bridge to the Soo Line railroad bridge;

x. Newburg Road, from the road right-of-way 100 feet (30 km) on either side of the bridge;

xi. Scheflo Bridge, from the road right-of way on either side of the bridge and upstream (south) on the east bank to the downstream (north) side of the water control structure;

xii. Highway 5, from the highway right-of way 100 feet (30 km) on either side of the bridge;

xiii. Westhope-Landa Road, from the road right-of-way 150 feet (45 km) on either side of the bridge, or from a boat downstream (north) 2 miles (3.2 km) from the road; and

xiv. Below Dam 357, from both banks or boat on all waters downstream (north) of the dam to the Canadian border.

J. CLARK SALYER WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

KULM WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

LAKE ALICE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions;

1. Refer to the refuge hunting map for designated hunting areas and information on hunting in specific zones.
2. We prohibit the use of motorized (gas and electric) boats.
3. We prohibit shooting from, on, or across any refuge road.
4. You must remove all boats, decoys, portable blinds, other personal property, and any materials brought onto the refuge for blind construction by the end of each day (see §§27.93 and 27.94 of this chapter).
5. We prohibit pit blinds.
6. We prohibit retrieval of waterfowl in the Archery Only or Deer and Late Season Pheasant areas; refer to refuge hunting map for information on hunting in specific zones.

B. *Upland Game Hunting.* We allow hunting of ring-necked pheasants, sharp-tailed grouse, gray partridge, cottontail rabbit, jackrabbit, snowshoe hare, and fox on designated areas of the refuge in accordance with State regulations subject to the following condition: Refer to the refuge hunting map for designated hunting areas and restrictions.

C. Big Game Hunting. We allow deer and fox hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Condition A1 applies.
2. We allow archery hunting on designated areas of the refuge only; refer to the refuge hunting map for information on hunting in specific zones.
3. We prohibit the use of horses for any purpose.
4. We prohibit trapping, baiting, and spotlighting.
5. We prohibit permanent tree stands. We allow portable tree stands that hunters must remove from the refuge by the end of each day (see §27.93 of this chapter). We prohibit the use of screw-in tree steps or similar objects that may damage trees (see §32.2(i)).

D. Sport Fishing. [Reserved]

LAKE ILO NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge all year for fishing from legal sunrise to legal sunset. The refuge has designated open and closed areas for fishing.
2. We open the refuge to boating from May 1 through September 30.
3. We open the refuge to ice fishing from October 1 through March 31.
4. We restrict vehicle use to refuge roads, designated boat ramps, and ice access points (see §27.31 of this chapter).
5. We prohibit fishing and public use on refuge islands and concrete dam spillways.

LAKE NETTIE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open portions of the refuge to gun, muzzleloader, bow, and the special youth deer hunting seasons according to State regulations. The refuge has designated open and closed areas for deer hunting.
2. We close all refuge roads to vehicle use for hunting and retrieval of deer. Hunters must park vehicles at the refuge boundary and walk in.
3. Hunters may walk in to retrieve deer in areas marked with no hunting zone signs. We prohibit firearms while retrieving deer from these areas.
4. Hunters must only use portable tree stands that they install and remove (see §27.93 of this chapter) each day. We prohibit permanent tree stands.

D. Sport Fishing. [Reserved]

LAKE ZAHL NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasants, 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 regular firearm deer season through the end of the State season.
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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, sharp-tailed grouse, and grey partridge on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

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.

3. We close to upland game hunting those areas marked with yellow closed to hunting signs.

4. We prohibit hunters and dogs from entering closed areas to retrieve game.

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must only enter the refuge on foot.

2. We allow archery hunting. We restrict open archery areas to those areas of the refuge open to firearms during the firearm season.

3. We close to deer hunting during the firearm deer season those areas marked with yellow closed to hunting signs. We also close this area to muzzleloader hunters during muzzleloader season.

4. We prohibit hunters entering closed areas to retrieve game.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We restrict bank fishing to public use areas on Unit 1 and Long Lake Creek.

2. We restrict boat fishing to Long Lake Creek.

3. We restrict boats to 25 hp maximum.

4. We restrict boats to the period from May 1 through September 30.

5. We restrict ice fishing to Unit 1 and Long Lake Creek.

6. We prohibit motorized vehicles on ice (see § 27.31 of this chapter).

7. We only allow fishing from legal sunrise to legal sunset.

8. Anglers must park vehicles in designated parking areas.

LONG LAKE WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

LOSTWOOD NATIONAL WILDLIFE REFUGE

A. Hunting f 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]

LOSTWOOD WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

SIBLEY LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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. [Reserved]

SLADE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer in accordance with State regulations subject to the following condition: Hunters must only enter the refuge on foot.

D. Sport Fishing. [Reserved]

STEWART LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow ice or shore fishing in accordance with State regulations subject to the following condition: We restrict vehicle use to the refuge road (see § 27.31 of this chapter).

TEWAUKON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow ring-necked pheasant hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The season opens on the first Monday following the close of the State deer gun season and continues through the close of the State pheasant season.

2. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

C. Big Game Hunting. We allow deer bow hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The season closes September 30 and reopens the Friday following the close of the State gun deer season and continues through the end of the State archery deer season.

2. We allow deer gun hunting by refuge permit holders on designated areas of the refuge in accordance with State regulations.

3. We allow youth deer hunting on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated waters (Tewaukon and Sprague Lakes only) in accordance with State regulations.

TEWAUKON WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas and Wildlife Development Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

UPPER SOURIS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of sharp-tailed grouse, Hungarian partridge, and pheasant on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may use dogs to hunt.

2. We require hunters, and nonhunters accompanying hunters, to wear the State-required, legal-orange clothing when hunting game birds during the deer gun season.

3. We open for hunting on Unit I during the North Dakota State hunting seasons. Unit I includes all refuge land north of the township road that runs east of Tolley, across Dam 41 (Carter Dam), and east to State Route 28.

4. We open for hunting on Unit II during the State hunting seasons, except we close from the first day of the regular State waterfowl season through the last day of State deer rifle season. Unit II includes refuge land between Lake Darling Dam and the township road that runs east of Tolley.

5. We close land south of Lake Darling Dam to all upland game bird hunting.

6. We prohibit hunting on the area surrounding the refuge headquarters buildings and residences. We post these areas with ''Closed to Hunting'' signs.

7. We prohibit remaining on the refuge between the hours of 10 p.m. and 5 a.m.

8. We prohibit weapons (see § 27.42(b) of this chapter) in boats, canoes, float tubes, or any other floatable object.

9. We prohibit the use of snowmobiles, all-terrain vehicles (ATVs) or similar vehicles on the refuge (see § 27.31(f) of this chapter).

10. We prohibit the use of horses during all hunting seasons.

C. Big Game Hunting. We allow archery, gun, and muzzleloader hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B7 through B10 apply.

2. You must possess and carry a State deer bow permit to hunt deer on the refuge during the State deer bow season.

3. You must possess and carry a special State-issued refuge permit for State deer gun hunting in Unit IIIA2 to hunt deer on the refuge during the State deer gun season.

4. You must possess and carry a State muzzleloader deer permit to hunt deer on the refuge during the State muzzleloader season.

5. We only allow preseason scouting in open public use areas and areas marked ''foot traffic only.''

6. We require hunters to walk in to hunt.

7. You must remove your harvested deer only by carrying, dragging, or using a hand-pulled cart or sled.

8. You may use portable tree stands but must remove them (see § 27.93 of this chapter) daily from the refuge.

9. We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

10. You may only use strap-on steps or removable climbing ladders if needed to access portable tree stands (see § 32.2(i)).

11. You may hunt all of the refuge with the exception of the following areas: the area surrounding the refuge headquarters buildings, Office/Visitor Center, residences, fenced equipment yard, and gun range. We post these areas with ''No Trespassing'' or ''Closed to Hunting'' signs.

12. We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the bow, gun, or muzzleloader deer hunting seasons. However, bow hunters may hunt on the refuge any time the State bow season is open.

13. Youth deer hunters (14 years of age) may hunt on the refuge if they register at the refuge office prior to hunting during the State Youth Deer Season. An adult or guardian age 18 or older must accompany youth hunters.

14. You may not return to the refuge with a weapon after you have filled your deer tag; however, you may carry a shotgun while hunting upland game birds in open hunting units.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B7 and B9 apply.

2. We allow use of fishing boats, canoes, and float tubes in designated boat fishing areas (see below) on Lake Darling for fishing from May 1 through September 30.

3. You may bank fish in designated areas (see below) whenever there is open water.

4. We prohibit the use of bow, spear, or underwater spearing equipment to take fish.

5. We prohibit fishing or access to fishing areas along the Prairie-Marsh Scenic Drive.

6. We prohibit swimming, sailing, water skiing, pleasure boating, and overnight camping.

7. You may ice fish on all ice-covered waters of the Souris River and Lake Darling; however, we designate access sites where you can walk or drive onto the ice (see below).

8. We allow you to drive licensed cars and pickups on the ice from Lake Darling Dam north to Carter Dam (Dam 41) for ice fishing.

9. We allow walk-in access at designated sites (see below) on the Souris River north of Carter Dam (Dam 41) and south of Lake Darling Dam for ice fishing. We prohibit vehicles to drive onto the ice in these areas (see § 27.31 of this chapter).

10. We allow you to place fish houses on the ice of Lake Darling.

11. We prohibit use of campers or other structures not made of floatable materials as fish houses. We require that all fish houses

must be able to float above the water surface until they are removed from the water. We require that anglers remove fish houses or parts thereof from the refuge ice, water, and land by no later than 10 p.m. March 15. We prohibit ice houses or parts thereof to be cut off and left or burned on the refuge.

12. We allow anglers to place portable fish houses on the Souris River north of Carter Dam (Dam 41) and south of Lake Darling Dam for ice fishing, and you must remove them (see §27.93 of this chapter) daily from the refuge.

13. We designate the following fishing sites and lake and river access sites:

i. BAKER BRIDGE—We allow bank fishing on a loop of the Souris River located on the north side of County Road 8. The open area begins at the bridge and goes west to a point where the river meets the refuge boundary fence. You may walk onto the ice from this area for ice fishing.

ii. SILVER BRIDGE—We allow bank fishing from the road right-of-way around the bridge abutments. You may walk onto the ice from this area for ice fishing.

iii. OUTLET FISHING AREA —Bank fishing begins ¼ mile (.4 km) below Lake Darling Dam and extends south approximately 600 yards (540 m). We prohibit open water fishing on the Beaver Lodge Canoe Trail or on the Oxbow Nature Trail (southeast of the parking lot). You may walk onto the ice for ice fishing from the Outlet Fishing Area and from the Beaver Lodge Canoe Trail launch site for ice fishing.

iv. LANDINGS 1, 2, and 3 on LAKE DARLING—We open the lake to boat fishing from Lake Darling Dam north 3 miles (4.8 km) to the buoy line. We allow you to launch boats at Landings 1, 2, and 3 boat ramps. We only allow driving access onto the ice at Landings 1, 2, and 3 boat ramps for ice fishing. You may bank fish along the west shore from Lake Darling Dam north approximately 1 ¼ miles (2 km) to Landing 3. The Pullout Area on the west end of Lake Darling Dam is the only bank fishing area open on Lake Darling Dam. You may walk onto the ice from the bank fishing area and from Lake Darling Dam for ice fishing.

v. SPILLWAY FISHING AREA on LAKE DARLING—We prohibit entry to this area if signs ''Area Beyond This Sign Closed'' are present. If the area is open, you may walk onto the ice for ice fishing. We prohibit driving vehicles onto the ice from this area (see §27.31 of this chapter).

vi. GRANO CROSSING on LAKE DARLING '' You may bank fish from the road right-of-way on both sides of the crossing and within the boundaries of the Grano Boat Ramp. You may fish from boats on the lake north from Grano Crossing to Greene Crossing. We allow launching of boats at the Grano Boat Ramp. We prohibit operating a boat above idle speed in the boat ramp bay area. You may walk onto the ice from Grano Crossing and the Grano Boat Ramp for ice fishing. We allow driving access onto the ice at two vehicle road approaches located on the west end of the Grano Crossing (see §27.31 of this chapter).

vii. GREENE CROSSING on LAKE DARLING—You may bank fish from the road right-of-way on both sides of the crossing and the Greene Boat Ramp area. You may fish from boats on the lake south from Greene Crossing to Grano Crossing. We allow launching of boats at the Greene Boat Ramp. You may walk onto the ice from these areas for ice fishing. We allow driving access onto the ice at two vehicle road approaches located on the west end of the Greene Crossing and at the Greene Boat Ramp (see §27.31 of this chapter).

viii. CARTER DAM (DAM 41)—You may bank fish on both sides of the road near the water control structure (east end of the dam) and culvert (west end of the spillway). You may walk onto the ice for ice fishing.

ix. HIGHWAY 5—You may bank fish on the north side of the road from the bridge west to a point where the road meets the river. You may walk onto the ice for ice fishing on the north and south sides of the highway where the ice meets the highway right-of-way.

x. SOURIS RIVER NORTH OF MOUSE RIVER PARK TO THE NORTH END OF THE REFUGE—We allow boat fishing and canoeing. There is a boat launching ramp at the Park. You may walk onto the ice from Mouse River Park for ice fishing.

xi. SWENSON BRIDGE—You may bank fish from the road right-of-way. You may walk onto the ice from this area for ice fishing.

VALLEY CITY WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following

condition: We prohibit the use of horses for any purpose.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29085, May 18, 1993; 59 FR 6686, Feb. 11, 1994; 59 FR 55187, 55191, Nov. 3, 1994; 60 FR 62045, Dec. 4, 1995; 63 FR 46919, Sept. 3, 1998; 65 FR 30788, May 12, 2000; 65 FR 56407, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002; 69 FR 54362, 54440, Sept. 8, 2004; 70 FR 54185, Sept. 13, 2005]

§ 32.54 Ohio.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CEDAR POINT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

1. You may fish only during daylight hours during designated dates.

2. We do not allow boats or flotation devices.

OTTAWA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose and duck on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit. All hunters must check-in and out at the hunter check station.

2. We require that hunting stop at 12 p.m. (noon) each day.

3. We require that hunters hunt within 75 yards (67.5 m) of the assigned blind.

4. You may only possess approved nontoxic shotshells (see § 32.2(k)) while in the field in quantities of 25 or less.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We require that hunters check out at the refuge check station no later than 6 p.m.

3. Hunters must check all deer harvested at the refuge check station.

4. We require that hunters wear a hat and outer jacket/vest that is blaze orange.

5. We require that hunters remain within their assigned unit.

6. We prohibit possession of more than one hunting weapon while in the field.

7. We prohibit the construction or use of permanent blinds or tree stands.

8. We require that hunters obtain permission from refuge officials before tracking a wounded deer out of their assigned hunting unit.

9. We prohibit shooting from any road.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing from legal sunrise to legal sunset during designated dates.

2. We prohibit boats or flotation devices.

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 61492, Nov. 30, 1995; 65 FR 30789, May 12, 2000; 65 FR 56407, Sept. 18, 2000; 69 FR 54362, 54444, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. We allow hunting of duck in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge permit. We require no fee.

2. We prohibit taking of goose during the duck hunt.

3. Species and bag limits are in accordance with State regulations.

4. We allow duck hunting on Fridays, Saturdays, Sundays, and Mondays, from ½ hour before legal sunrise until 1 p.m. Refer to the refuge hunting brochure for opening and closing dates.

5. You may only use portable blinds. You must remove blinds, decoys, and all personal equipment (see § 27.93 of this chapter) daily.

6. We prohibit off-road vehicle use (see § 27.31 of this chapter).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, turkey, and raccoon in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge permit. We require no fee.

2. We only allow shotguns and .22 caliber rimfire rifles for rabbit and squirrel. We only allow special archery hunts by refuge Special Use Permit.

3. Raccoon hunting only: Hunt hours are legal sunset to legal sunrise only. State firearm restrictions apply.

4. We publish opening and closing dates in the Refuge Hunt Brochure.

5. We allow dogs for hunting squirrel, rabbit, and raccoon, but you must remove the dogs from the refuge at the end of the hunt (see § 26.21(b) of this chapter).

6. We offer refuge-controlled turkey hunts. You may call the refuge office or the State for information concerning these hunts.

7. Turkey hunters must check-in and out at a refuge check station. Refuge staff provide a hunter briefing as part of the check-in.

8. We prohibit the construction or use of permanent blinds during turkey hunts.

9. We prohibit off-road vehicle use (see § 27.31 of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We offer refuge-controlled deer hunts (archery, primitive, youth primitive). For information concerning these hunts, contact the refuge office or the State.

3. We will offer a limited archery season deer hunt following the controlled deer hunt. Contact the refuge office for more information.

4. You may hunt feral hog during any established refuge hunting season. Refuge permits and legal weapons apply for the current hunting season.

5. We prohibit scouting when we are conducting controlled deer hunts.

6. You may use tree stands, but you must remove them (see § 27.93 of this chapter) immediately following the end of the hunt season.

7. We prohibit off-road vehicle use (see § 27.31 of this chapter).

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. A fishing brochure with a map is available from the refuge office. We identify parking areas and open and closed areas on the map.

2. We prohibit the possession of firearms.

3. We allow year-round fishing on the Deep Fork River. We allow fishing from March 1 through October 31 on sloughs, farm ponds, and impoundments not connected to the river.

4. Game fish species and creel/possession limits are in accordance with State regulations.

5. We allow bowfishing on the refuge from legal sunrise to legal sunset from May 15 through September 30.

6. We prohibit snagging and netting.

7. We only allow trotlines, juglines, limblines, and yo-yos in the Deep Fork River and prohibit them in any other areas on the refuge. Anglers must mark lines and attend and remove them (see § 27.93 of this chapter) in accordance with State regulations.

8. We allow noodling in accordance with State fishing regulations.

9. We prohibit the taking of turtle and mussel (see § 27.21 of this chapter).

LITTLE RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit off-road vehicle use (see § 27.31 of this chapter).

2. We prohibit building and use of permanent blinds. You may only use portable blinds. You must remove blinds, decoys, and all personal equipment from the refuge daily (see §§ 27.93 and 27.94 of this chapter).

3. You may hunt from ½ hour before legal sunrise until 12 p.m. (noon) each day.

4. You must possess and carry a signed refuge permit while hunting.

5. You may only hunt duck during designated refuge seasons.

6. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, turkey, beaver, and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Turkey hunters using firearms (see § 27.42 of this chapter) must pay fees and obtain a controlled hunt permit through the State.

2. Conditions A1 and A4 apply.

3. You may only hunt upland game during designated refuge seasons.

4. Shotgun hunters may only possess approved nontoxic shot while in the field (see § 32.2(k)).

5. You may hunt beaver during any established refuge hunting season. Refuge permits and legal weapons apply for the current hunting season.

C. Big Game Hunting. We allow hunting of deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Deer hunters using firearms (see § 27.42 of this chapter) must pay fees and obtain a controlled hunt permit through the State.

2. Condition A1 applies.

3. You may hunt feral hog during any established refuge hunting season. Refuge permits and legal weapons apply for the current hunting season.

4. Deer archery hunters must possess and carry a signed refuge permit while hunting.

5. You may only hunt big game during designated refuge seasons.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing from legal sunrise to legal sunset.

2. Condition A1 applies.

OPTIMA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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.

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. Migratory Game Bird Hunting. We allow hunting of duck, goose, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

2. We require hunters to check-in and out of the refuge.

3. Hunting begins ½ hour before legal sunrise and ends at 12 p.m. (noon).

4. We prohibit hunting during the regular State rifle deer season on Saturdays, Sundays, and Mondays.

B. Upland Game Hunting. We allow hunting of quail and pheasant on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A4 apply.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits and payment of a fee are required.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close designated areas of the Great Salt Plains Reservoir.

2. We allow fishing from April 1 through October 15.

3. We prohibit trotlines within 500 feet (150 m) of the shoreline of the Jet Recreation Area.

4. Posts used to secure or anchor trotlines must reach a minimum of 2 feet (30 cm) above the water surface, and you must mark them to make them clearly visible to boaters.

5. We prohibit the taking of any type of bait from refuge lands or waters.

6. We only allow fishing on Bonham Pond: By youths age 14 and under or by any person with a disability, only from legal sunrise to legal sunset, and with a limit of one pole per person.

SEQUOYAH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, dove, coot, snipe, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require a free annual refuge permit for all hunting. The hunter must possess and carry the signed permit while hunting.

2. We only open the refuge to hunting on Saturdays, Sundays, Mondays, and Tuesdays. Hunters may only enter the open portion of Sally Jones Lake by boat after 5 a.m. and must leave by 1 hour after legal sunset. We generally designate open hunting areas as: Area A—Sandtown Bottom, Area B—Webber Bottom, and Area C—Girty Bottom. We prohibit hunting or shooting within 50 feet (15 meters) of designated roads or parking areas. All hunters must park in designated parking areas.

3. Season lengths and bag limits will be in accordance with State regulations with the exception that all hunting, except for the conservation light goose season, will close on January 31 of each year. If a conservation light goose season is in effect, it will follow State regulations with the exception of special refuge regulations and hunting days.

4. We only allow legal shotguns. You must unload and case shotguns (see § 27.42(b) of this chapter) while transporting them in a vehicle or boat.

5. We prohibit construction of pit blinds or permanent blinds. You must reduce blinds to a natural appearance or remove them (see § 27.93 of this chapter) at the end of the day. You must remove all empty shells, litter, decoys, boats, or other personal property (see §§ 27.93 and 27.94 of this chapter) at the end of the day. We prohibit camping in boats or otherwise spending the night on any area of the refuge.

6. We allow boats, and you must operate them under applicable State laws and comply with all licensing and marking regulations from their State of origin.

7. We allow the use of dogs for hunting, but the dogs must remain under the immediate control of the hunter at all times (see § 26.21(b) of this chapter). We prohibit entry by hunters or dogs to closed areas to retrieve or rally game.

8. We prohibit guiding or outfitting for commercial purposes.

9. We restrict the use of airboats within the refuge boundary to the navigation channel and the designated hunting areas from September 1 to March 1.

10. We prohibit hunters entering the Sandtown Bottom Unit prior to 5 a.m. during hunting season. Hunters must leave the Sandtown Bottom Unit by 1 hour after legal sunset during hunting season.

B. Upland Game Hunting. We allow hunting of squirrel, quail, and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A7, A8, and A9 apply.

2. We only open the refuge to hunting on Saturdays, Sundays, Mondays, and Tuesdays. We generally designate open areas as: Area A—Sandtown Bottom, Area B—Webber Bottom, and Area C—Girty Bottom. We prohibit hunting or shooting within 50 feet (15 meters) of designated roads or parking areas. All hunters must park in designated parking areas.

3. Season lengths and bag limits will be in accordance with State regulations with the exception that all upland game hunting will close on January 31 of each year.

4. We only allow legal shotguns and approved nontoxic shot (see §32.2(k)). You must plug shotguns so they are incapable of holding more than three shells. You must unload and case shotguns (see §27.42(b) of this chapter) while transporting them by vehicle or boat.

5. We require upland game hunters to follow State blaze-orange regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a refuge-controlled hunt permit, and comply with the designated refuge season, hunting methods, and location guidelines for that year.

2. Hunters must apply to the State-controlled deer hunt drawing administered by the Oklahoma Department of Wildlife Conservation for selection. We require those hunters to attend a prehunt briefing, and they must follow all applicable State regulations.

3. We require payment of State and Federal special deer hunting fees.

4. Condition A9 applies.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Fishing and frogging will follow State seasons, limits, and regulations with the exception that from September 1 to March 31 we prohibit fishing or frogging in the closed zone south of refuge headquarters, as designated by buoys and signs. We close the Horton Slough area south of the refuge headquarters to fishing and entry east to the confluence of Little Vian Creek.

2. We prohibit boating on the closed portion of Sally Jones Lake from September 1 to March 31.

3. You must remove trotlines (see §27.93 of this chapter) from the closed zone before September 1.

4. Conditions A6 (boats used for fishing), A8, and A9 apply.

5. We prohibit the possession of any firearms or bows with arrows while frogging.

TISHOMINGO NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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 and maps.

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. Migratory Game Bird Hunting. We allow hunting of duck, goose, and sandhill crane on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require permits and payment of a fee to hunt goose and sandhill crane.

2. Goose and sandhill crane hunters must hunt from designated pit blinds.

3. We allow youth hunters, ages 12 to 16, to hunt duck in a controlled youth hunt in conjunction with a waterfowl seminar.

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. 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).

3. You must check in and out of hunt areas daily at the refuge office or check station.

4. You must take bagged deer and/or hog to the refuge check station.

5. We will determine bag limits on deer annually.

6. We prohibit the use of bait.

7. A nonhunting mentor of 21 years of age or older must accompany, and be in the immediate presence of, participants in the Youth Hunt, who must be between the ages of 12 and 18. Hunters and mentors must BOTH wear hunter orange clothing meeting or exceeding the minimum State requirements.

8. We prohibit handguns.

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.

WICHITA MOUNTAINS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 condition: Permits and payment of a fee are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fish may be taken only with pole and line or rod and reel.

2. Taking any type of bait from refuge lands or waters is not permitted.

3. Taking of frogs and turtles is not permitted.

4. Hand-powered boats are permitted only on Jed Johnson, Rush, Quanah Parker, and French Lakes.

5. Anglers may use electric trolling motors on boats 14′ or less in length only on Jed

Johnson, Rush, Quanah Parker and French Lakes.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6695, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 61213, Nov. 29, 1995; 60 FR 62046, Dec. 4, 1995; 61 FR 46398, Sept. 3, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46920, Sept. 3, 1998; 65 FR 30789, May 12, 2000; 65 FR 56407, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002; 69 FR 54362, 54445, Sept. 8, 2004; 70 FR 54188, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and snipe on that portion of the refuge west of U.S. Highway 101 and outside the Bandon city limits, in accordance with State regulations subject to the following conditions;

1. You may only use portable blinds or blinds constructed of on-site dead vegetation (see § 27.51 of this chapter) or driftwood.

2. You must remove all blinds, decoys, shotshell hulls, and other personal equipment and refuse (see §§ 27.93 and 27.94 of this chapter) from the refuge at the end of each day.

3. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing in accordance with State regulations, on that portion of the refuge west of U.S. Highway 101.

BEAR VALLEY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

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]

COLD SPRINGS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, dove, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

2. We open the refuge from 5 a.m. until 1½ hours after legal sunset.

3. You may only possess approved nontoxic shotshells (see § 32.2(k)) per day on the refuge in quantities of 25 or less.

4. We only allow vehicles on designated routes of travel and require hunters to park in designated parking areas (see § 27.31 of this chapter). We reserve parking lot F solely for Memorial Marsh Unit waterfowl hunters.

5. We require waterfowl hunting parties to space themselves a minimum of 200 yards (180 m) apart in the free-roam area along the reservoir shoreline.

6. We only allow portable blinds and temporary blinds constructed of natural materials.

7. We only allow nonmotorized boats and boats with electric motors within that portion of reservoir open to hunting.

8. On the Memorial Marsh Unit, we only allow hunting from numbered field blind sites, and hunters must only park their vehicles at the numbered post corresponding to the numbered field blind site they are using (see § 27.31 of this chapter). Selection of parking sites/numbered posts is on a first-come, first-served basis at parking lot F. We prohibit free-roam hunting or jump shooting, and you must remain within 100 feet (30 m) of the numbered field blind post unless retrieving birds or setting decoys. We allow a maximum of four persons per blind site.

9. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of pheasant, chukar, Hungarian partridge, and quail on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, and Christmas Day.

2. We prohibit hunting of upland game birds until 12 p.m. (noon) of each hunt 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. We do not allow hunting of upland game birds until noon of each hunt day.

6. Condition A9 applies.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. In the Cold Springs Reservoir, we only allow fishing from March 1 through September 30.

2. On the south side of the reservoir, we only allow bank fishing.

3. We only allow use of nonmotorized boats and boats with electric motors.

4. From October 1 through the last day of February, we only allow bank fishing, and only in the area beginning at the west inlet canal, north across the face of the dam to the closed area sign.

5. We only allow fishing with hook and line.

6. The refuge is open from 5 a.m. to 1½ hours after legal sunset.

DEER FLAT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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 is permitted only on the Snake River Sector.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of chukar only on the western slopes of Hart Mountain and Poker Jim Ridge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of deer, antelope, and bighorn sheep on the refuge in areas designated by permit issued from the State in accordance with State regulations subject to the following conditions:

1. We allow ground blinds, but we prohibit construction of them earlier than 1 week prior to the opening day of the legal season for which you have a valid permit.

2. You must remove blinds (see §27.93 of this chapter) within 24 hours of harvesting an animal or at the end of the permittee's legal season.

3. We limit hunters to one blind each, and you must tag blinds with the owner's name and permit number.

4. We prohibit destruction of natural vegetation (see §27.51 of this chapter) or below-ground excavation.

5. We require hunters to check-in at the refuge headquarters prior to hunting on the refuge and check out at the refuge headquarters upon completion of the hunt.

6. We prohibit hunting within 3 miles (4.8 km) of the refuge headquarters.

D. Sport Fishing. We allow fishing on the refuge only in Rock Creek, Guano Creek, and Warner Pond in accordance with State regulations.

JULIA BUTLER HANSEN REFUGE FOR THE COLUMBIAN WHITE-TAILED DEER

A. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. We allow hunting of dove, goose, duck, merganser, coot, snipe, and pigeon on designated areas of the refuge in accordance with State regulations 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 (see §32.2(k)).

B. Upland Game Hunting. We allow hunting of pheasant, quail, partridge, chukar, coyote, and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of pheasant, quail, partridge, chukar, and rabbit from the third Saturday in November until the end of the State pheasant season on designated areas of the Blitzen Valley east of Highway 205. We allow hunting of pheasant, quail, partridge, chukar, and rabbit on designated areas on Malheur Lake concurrent with the State pheasant season.

2. We allow hunting of all upland game species during authorized State seasons on designated areas of the refuge west of Highway 205 and south of Foster Flat Road.

3. You may possess only approved nontoxic shot while in the field (see §32.2(k) of this chapter) on designated areas east of Highway 205 and on Malheur Lake.

C. Big Game Hunting. We allow hunting of deer and pronghorn on designated areas of the refuge west of Highway 205 and south of Foster Flat Road in accordance with State regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing year-round in the Blitzen River, East Canal, and Mud Creek upstream from and including Bridge Creek. We allow fishing in Krumbo Reservoir from the fourth Saturday in April until the end of October.

2. We prohibit boats, except for nonmotorized boats and boats with electric motors, on Krumbo Reservoir.

MCKAY CREEK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

2. We open the refuge from 5 a.m. to 1½ hours after legal sunset.

3. You may only possess approved nontoxic shotshells (see §32.2(k)) on the refuge in quantities of 25 or less per day.

4. We only allow vehicles on designated routes of travel and require hunters to park in designated parking areas (see §27.31 of this chapter).

5. We require waterfowl hunting parties to space themselves a minimum of 200 yards (180 m) apart.

6. We only allow portable blinds and temporary blinds constructed of natural materials.

7. We prohibit the use of boats.

8. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, and A8 apply.

2. On the opening weekend of the hunting season, we require all hunters to possess and carry a signed refuge permit.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: We allow fishing from March 1 through September 30.

MCNARY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State regulations and special conditions listed for

McNary National Wildlife Refuge in the State of Washington.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations and special conditions listed for McNary National Wildlife Refuge in the State of Washington.

C. Big Game Hunting. We allow deer hunting on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and special conditions listed for McNary National Wildlife Refuge in the State of Washington.

SHELDON NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and common snipe on designated areas of the Boardman and McCormack Units in accordance with State regulations subject to the following conditions:

1. We open the refuge from 5 a.m. to 1½ hours after legal sunset.

2. You may only possess approved nontoxic shotshells (see §32.2(k)) on the refuge in quantities of 25 or less.

3. We prohibit off-road vehicle travel and all use of ATVs (see §27.31(f) of this chapter). We only allow vehicles on designated routes of travel and require hunters to park in designated parking areas (see §27.31 of this chapter).

4. The McCormack Unit is a fee-hunt area only open to hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day during State waterfowl seasons.

5. Prior to entering the McCormack Fee Hunt Unit, we require you to stop at the check station to obtain a refuge permit (you must possess and carry), pay a recreation user fee, and obtain a blind assignment before hunting.

6. On the McCormack Unit, we only allow hunting from assigned blind sites and require hunters to remain within 100 feet (90 m) of marked blind sites unless retrieving birds.

7. On the Boardman Unit, we require waterfowl hunting parties to space themselves a minimum of 200 yards (180 m) apart. We only allow portable blinds and temporary blinds constructed of natural materials.

8. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit hunting of upland game birds until 12 p.m. (noon) of each hunt day.

2. On the McCormack Fee Hunt Unit, we only allow hunting on Wednesdays, Saturdays, Sundays, and Thanksgiving Day.

3. On the McCormack Unit, we require all hunters to possess and carry a signed refuge permit on the opening weekend of the hunting season.

4. Condition A8 applies.

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting by special refuge permit only. You must possess and carry the special refuge permit at all times while hunting.

2. Condition A8 applies.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge from 5 a.m. to 1½ hours after legal 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.

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. [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.

2. Hunters must check in and out of the refuge by use of self-service permits.

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.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6696, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 62046, Dec. 4, 1995; 61 FR 46398, Sept. 3, 1996; 62 FR 47381, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30790, May 12, 2000; 65 FR 56407, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002; 68 FR 57318, Oct. 2, 2003; 69 FR 54362, 54447, Sept. 8, 2004; 70 FR 54189, Sept. 13, 2005; 70 FR 56377,Sept. 27, 2005]

§ 32.57 Pennsylvania.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ERIE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning dove, rail, common snipe, goose, duck, coot, and crow on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on the refuge from September 1 through the end of February.

2. We only allow nonmotorized boats for waterfowl hunting. Hunters must remove boats (see § 27.93 of this chapter) from the refuge by legal sunset.

3. We require that hunters remove blinds and decoys from the refuge by legal sunset (see §§ 27.93 and 27.94 of this chapter)

4. We allow dogs for hunting; however, they must be under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

5. We prohibit field possession of migratory game birds in areas of the refuge closed to migratory game bird hunting.

B. Upland Game Hunting. We allow hunting of grouse, squirrel, rabbit, woodchuck, pheasant, quail, raccoon, fox, coyote, skunk, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on the refuge from September 1 through the end of February.

2. We require all persons to possess and carry a refuge Special Use Permit while hunting fox, coyote, and raccoon on the refuge.

3. We allow dogs for hunting; however, they must be under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

C. Big Game Hunting. We allow hunting of deer, bear, and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on the refuge from September 1 through the end of February. We also allow spring turkey hunting in accordance with State regulations.

2. Hunters must remove blinds, scaffolds, tree stands, and decoys (see § 27.93 of this chapter) from the refuge by legal sunset.

3. We prohibit organized deer drives in hunt area B of the Sugar Lake Division. We define a ''drive'' as three or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animal more susceptible to harvest.

4. We require all persons to possess and carry a refuge Special Use Permit while hunting bear on the refuge.

5. We require all hunters to notify the refuge within 48 hours of the harvest of a deer, bear, or turkey.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow bank fishing only on the Seneca Unit of the refuge. We prohibit wading.

2. We allow fishing from ½ hour before legal sunrise until ½ hour after legal sunset.

3. We prohibit the use of watercraft for fishing, with the exception of Area 5 where we allow nonmotorized watercraft use from the second Saturday in June through September 15. They must remain in an area from the dike to 3,000 feet (900 m) upstream.

4. We require that all anglers must remove watercraft from the refuge by legal sunset (see § 27.93 of this chapter).

5. We allow ice fishing in Areas 5 and 7 only.

6. All persons must possess and carry a refuge Special Use Permit while taking minnow or turtle.

7. We prohibit the taking of frog.

8. We prohibit the possession of live baitfish on the Seneca Unit.

9. We prohibit the taking or possession of shellfish on the Seneca Unit of the refuge.

JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM

A. Migratory Game Bird Hunting. [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. Sport Fishing. We allow sport fishing on the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing on all refuge waters, except:

i. The East side of the Main Impoundment from the Dike Road south to the Trolley Bed trail; and

ii. The small pond located on the south side of Bartram Ave at the I–95 South on ramp.

2. We allow fishing on the refuge from legal sunrise to legal sunset.

3. Anglers may only operate boats, canoes, and floats in tidal waters. We prohibit them on the refuge impoundments and ponds.

4. We only allow fishing from the shoreline in refuge impoundments and ponds. We prohibit wading.

5. We prohibit bowfishing or spearfishing on the refuge.

6. We prohibit the take, collection, or capture of reptile or amphibian on the refuge.

OHIO RIVER ISLANDS NATIONAL WILDLIFE REFUGE

Refer to § 32.68 West Virginia for regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62047, Dec. 4, 1995; 61 FR 31461, June 20, 1996; 61 FR 46398, Sept. 3, 1996; 62 FR 47381, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30791, May 12, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002; 69 FR 54362, 54448, Sept. 8, 2004; 70 FR 54189, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. [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. Anglers may saltwater fish and shellfish in Ninigret Pond from the refuge shoreline only from sunrise to sunset in accordance with state and refuge regulations.

PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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.

SACHUEST POINT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean and Sakonnet River 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. Migratory Game Bird Hunting. 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.

[63 FR 46921, Sept. 3, 1998, as amended at 69 FR 54362, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require each hunter to carry at all times while hunting a signed, current refuge hunting regulations brochure containing a refuge hunt permit. The hunt permit is invalid until signed by the hunter.

2. Each youth hunter (age 15 and under) must remain within sight and normal voice contact of an adult age 21 or older. Youth hunters must have successfully completed a State-approved hunter education course.

3. We only allow hunting until 12 p.m. (noon) each day during the State waterfowl season.

4. We prohibit hunting on Corps of Engineer dredge spoil sites located on refuge property on Jehossee Island.

5. We prohibit permanent blinds. You must remove portable blinds and decoys (see § 27.93 of this chapter) at the end of each day.

6. We only allow use of retrieving dogs while hunting.

7. We allow scouting all year from legal sunrise to legal sunset.

8. Access to the hunt areas is by boat only. We prohibit boat launching on the refuge.

9. We do not require hunter check-in and check out. There is no quota on the number of hunters.

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 in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We only allow hunting on days designated annually by the refuge within the State season. We only allow hunting on designated refuge areas within the Edisto Unit and the Combahee Unit.

3. We only allow archery or muzzleloader hunting, and there is no quota on the number of hunters allowed to participate. During a special quota permit hunt for the mobility impaired, we allow use of centerfire rifles or shotguns.

4. Access into all refuge hunt areas for hunting and scouting is by foot or bicycle. We may open some refuge roads on hunt days.

5. We allow scouting all year from legal sunrise to legal sunset.

6. Hunters may enter the refuge no earlier than 5 a.m. on hunt days and must leave the refuge no later than 1 hour after legal sunset.

7. We do not require hunter check-in and check out. However, you must check all deer taken during any hunt at the designated refuge check station before removal from the refuge. In addition, you must tag all antlerless deer with an antlerless tag provided by the refuge.

8. The refuge daily bag limit is two antlerless deer and one antlered buck that must have at least three antler points on one side. We define a ''point'' as an antler projection of at least 1 inch (2.5 cm) or more in length.

9. You may take feral hog during refuge deer hunts. There is no size or bag limit on hog.

10. We only allow one portable tree stand per hunter and only during the actual days of each hunt.

11. We prohibit hunting on or within 100 feet (30 m) of all routes marked as roads or trails (see § 27.31 of this chapter) on the hunt brochure map.

12. All permanently fixed ground blinds are for the mobility-impaired hunt only.

13. We prohibit crossbows on the archery hunts. We only allow muzzleloading rifles using a single projectile on the muzzleloader hunts. We prohibit buckshot.

14. You may use flagging to mark the site of hunter entry from roads or trails and again at the stand site. You may use clothes pins with reflective tape between these sites to mark the route to the stand. Hunters must label all such markers with their full name and remove them (see § 27.93 of this chapter) at the end of the hunt.

15. We require hunters to wear an outer garment visible above the waist that contains a minimum of 500 square inches (3,250 cm^2) of solid, florescent-orange material at all times during the muzzleloader and mobility-impaired hunts.

16. We prohibit the use of organized drives for taking or attempting to take game.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing in impounded waters contained within dikes and levees in the Beaufort County portion of the refuge annually from April 1 through August 31 during daylight hours. We close fishing during all remaining times within all refuge-impounded waters.

2. We prohibit boat use within refuge-impounded waters. We only allow bank fishing.

3. We only allow hook and line sport fishing utilizing rod and reel or pole.

4. We only open access into refuge areas to fishing by foot or bicycle.

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of marsh hens/rails only on designated areas of the refuge subject to the following conditions:

1. We require a refuge hunt permit.

2. You may possess only approved nontoxic shot.

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. Migratory Game Bird Hunting. We allow hunting of mourning dove and woodcock on designated areas of the refuge in accordance

with State regulations subject to the following conditions:

1. All hunters must possess and carry a signed refuge General Hunt Permit and a government-issued picture ID.

2. All hunters must complete a Small Game Check Sheet attached to the refuge General Hunt Permit. You must turn each check sheet in daily at one of the small game check sheet drop boxes.

3. We prohibit discharge of weapons (see § 27.42 of this chapter) within, into, or across a ''No Hunting Zone'' or ''Closed Area''. We prohibit entering or crossing a ''No Hunting Zone'' or ''Closed Area'' to access areas open to hunting. We require consent from refuge personnel to enter a ''No Hunting Zone'' or ''Closed Area'' for the purpose of tracking and/or retrieving legally taken game animals.

4. Each youth hunter (age 16 or younger) must remain within sight and normal voice contact and under supervision of an adult age 21 or older with a valid license and applicable permit. Each adult may supervise no more than two youth hunters. Each youth hunter must possess and carry evidence of successful completion of a State-approved hunter education course.

5. We prohibit loaded firearms (see § 27.42 of this chapter) within 100 feet (30 m) of maintained refuge roads or within 500 feet (150 m) of the paved visitor's drive. We prohibit discharge of any weapon on or across any part of the refuge road system. We define a ''loaded firearm'' as a firearm with shells in the magazine or chamber, or, for muzzleloaders, a gun with the percussion caps put in place.

6. Hunters must possess shotguns with shot no larger than No. 5.

7. Legal shooting hours for September dove hunts are 12 p.m. (noon) to 6:30 p.m.

8. We prohibit discharge of weapons for any purpose other than to take or attempt to take legal game animals during established hunting seasons.

B. Upland Game Hunting. We allow hunting of quail, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A5 and A8 apply.

2. We require dogs for hunting raccoon and opossum. All dogs must wear a collar displaying the owner's name, address, and phone number.

3. Upland game hunters may possess shotguns with shot no larger than No. 4 or .22 caliber rimfire rifles or primitive muzzleloading rifles of .40 caliber or smaller. We prohibit possession of buckshot or slugs.

4. Upland game hunters using archery equipment must use small game tips on the arrows.

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 subject to the following conditions:

1. All hunters must possess and carry a signed refuge General Hunt Permit and a government-issued picture ID; however, in addition, turkey hunters must have a Refuge Quota Turkey Hunt Permit. Refuge Quota Turkey Hunt Permits are nontransferable.

2. You must promptly check all deer and hog killed on the refuge during modern gun hunts at the Refuge Check Station on the day of the kill prior to removal from the refuge. You must promptly check all antlerless deer killed on the refuge during the primitive weapons and archery hunts at the refuge office on the day of the kill prior to removal from the refuge. You must self-check all antlered bucks and hogs at the Refuge Check Station during the primitive weapons and archery hunts. In addition, you must have all antlerless deer tagged by refuge staff prior to removal from the refuge. You must promptly check and tag all turkey killed on the refuge during the Refuge Quota Turkey Hunt at the refuge office on the day of the kill prior to removal from the refuge.

3. Conditions A3 through A5 apply.

4. During big game deer hunts, we prohibit hunters from entering the refuge before 4 a.m., and they must leave the refuge no later than 2 hours after legal sunset. We will lock gates 2 hours after legal sunset on the last day of each hunt.

5. During refuge firearms deer hunts all participants must wear at least 500 square inches (3,250 cm^2) of unbroken, flourescent-orange material above the waistline as an outer garment visible while hunting and while en route to and from hunting areas.

6. During the primitive weapons hunt, you may use bow and arrow, muzzleloading shotguns (20 gauge or larger), or muzzleloading rifles (.40 caliber or larger). We prohibit revolving rifles or black-powder handguns.

7. During the modern gun hunts, you may use shotguns, rifles (centerfire and larger than .22 caliber), handguns (.357 caliber or larger and barrel length no less than 6 inches [15 cm]), or any weapon allowed during the primitive weapons hunt. We prohibit military, hard-jacketed bullets, and .22 caliber rimfire rifles during the modern gun hunts.

8. We prohibit driving deer. We define a ''drive'' as an organized hunting technique involving two or more individuals attempting to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

9. You must identify deer stands used on the refuge with the hunter's name, address, and phone number.

10. We prohibit the use of dogs for any big game hunting.

11. We prohibit the use of flagging or reflective tape, paint, tacks, or other trail

markers. You may use painted clothes pins or clothes pins with reflective tape or tacks attached, but you must remove them (see §27.93 of this chapter) at the end of each hunt.

12. Youth hunts are for hunters ages 10 through 15 only. We prohibit adults from discharging firearms during youth deer and turkey hunts.

13. The bag limit during each deer hunt is the State limit plus two antlerless deer and unlimited hogs.

14. We require you to field-dress or remove the deer whole prior to transportation in a vehicle or removing them from the refuge.

15. We prohibit the use of ATVs, except by mobility-impaired hunters with a Special Use Permit during big game hunts. Mobility-impaired hunters must have a State Disabled Hunting license, be confined to a wheelchair, need mechanical aids to walk, or have complete single-or double-leg amputation.

16. We prohibit turkey hunters from calling a turkey for another hunter unless both hunters have Refuge Quota Turkey Hunt Permits.

17. We prohibit turkey hunting in the area defined as east of Hwy. 145, south of Rt. 9, and north of Hwy. 1.

18. Turkey hunts end each day at 1 p.m., and you must unload, case, or dismantle all weapons (see §27.42 of this chapter) after 1 p.m.

19. During turkey hunts we only allow one weapon per hunter.

20. The bag limit for the entire hunt is two bearded turkey.

21. We prohibit discharge of weapons (see §27.42(a) of this chapter) for any purpose other than to take or attempt to take legal game animals during established hunting seasons.

D. Sport Fishing. We allow fishing on all areas of the refuge, except Martins Lake and those areas closed for management purposes, in accordance with State regulations subject to the following conditions:

1. We allow fishing from 1 hour before legal sunrise to 1 hour after legal sunset.

2. We allow nonmotorized boats and boats with electric motors. We allow boats with permanently mounted gas motors as long as you lock the propeller out of the water. You must hand load and unload boats except at designated boat ramps. We prohibit skidding boats up or down dams or on water control structures. We provide boat ramps at Pool D, Pool L, Honkers Lake, and Mays Lake.

3. We allow bank fishing on all designated waters.

4. We prohibit bow fishing, fish baskets, nets, set hooks, trotlines, or snagging devices.

5. We prohibit snagging of fish by pulling or jerking any device equipped with one or more hooks through the water for the purpose of impaling fish.

6. We prohibit swimming or wading in any areas of the refuge.

PINCKNEY ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must have a signed refuge permit on your person at all times. We require payment of a fee for the quota gun hunt. You may obtain information about the quota hunt drawing at the refuge headquarters in Savannah, Georgia.

2. Hunters must check-in at the designated check station between 4 a.m. and 5 a.m. and park in the designated area prior to hunting. We require personal identification at check-in.

3. Any movement within the refuge must be by foot or bicycle. We limit entry and exit points for authorized motor vehicles to designated check stations or other specified areas (see §27.31 of this chapter). We prohibit entry by boat, and we prohibit hunters to leave by boat to reach other parts of the island.

4. We require hunters to wear an outer garment that contains a minimum of 500 square inches (3,250 cm^2) of hunter-orange material above the waistline.

5. We prohibit participating in organized drives for deer.

6. Each hunter may place one stand on the refuge during the week (Monday through Friday only) preceding the hunt. You must remove all stands (see §27.93 of this chapter) at the end of the hunt.

7. We prohibit camping on the refuge.

8. We only allow shotguns, 20 gauge or larger, with slugs.

9. If you are a hunter on the refuge, you must be in your stand from ½ hour before legal sunrise until 9 a.m. and from 2 hours before legal sunset until legal sunset.

10. We prohibit hunting closer than 100 yards (90 m) to U.S. Highway 278 or the check station area, or closer than 200 yards (180 m) to the residence area.

11. We prohibit flagging, blazing, or using other trail-marking devices to locate stands or for any other purpose.

12. Refuge personnel must check deer harvested during a scheduled hunt before hunters leave the refuge.

13. You may take five deer (no more than four antlerless).

14. We close the refuge to the public on hunt days.

15. Hunters age 15 and younger must possess and carry a valid hunter education card in order to hunt.

16. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a

license. One adult may supervise no more than one youth hunter.

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.

SANTEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning doves on designated areas of the refuge subject to the following condition: We require a refuge permit.

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

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas north of South Carolina Highway 170 of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge permit at all times while hunting on the refuge. Permits and general hunting information are available at the refuge headquarters in Savanna, Georgia.

2. We only allow temporary blinds. You must remove decoys and other personal property (see §27.93 of this chapter) from the refuge daily.

3. We prohibit hunting within 100 yards (90 m) of South Carolina Highway 170.

B. Upland Game Hunting. We allow hunting of squirrel November 1 through November 30 on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge permit at all times while hunting on the refuge. Permits and hunt information are available at the refuge headquarters in Savannah, Georgia.

2. We only allow .22 caliber rimfire rifles or shotguns with #2 shot or smaller for squirrel hunting.

3. We prohibit handguns.

4. We prohibit dogs.

5. You may take feral hog with weapons legal for this hunt (no bag limit).

6. We require a big game license.

7. We require hunters to wear a visible outer garment that contains a minimum of 500 square inches (3,250 cm^2) of hunter-orange material above the waistline (except during the archery-only deer hunt, the turkey hunt, and the waterfowl hunt.

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 subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit at all times. We require payment of a fee for the wheelchair-dependent hunters' quota gun hunt for deer. Permits, quota hunt applications, and information about the quota hunt drawing are available at the refuge headquarters in Savannah, Georgia.

2. We allow archery hunting for deer and hog from October 1 through October 31 on designated areas.

3. We only authorize bows for deer/hog hunting during the archery hunt.

4. We allow gun hunting for deer and hog during the archery hunt.

5. We only allow shotguns with slugs, muzzleloaders, and bows for deer and hog hunting throughout the designated hunt area. However, we only allow centerfire rifles of .22 caliber or larger north of Interstate Highway 95. We prohibit handguns.

6. You may take five deer, no more than three antlerless and two antlered. There is no bag limit on feral hogs.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing in refuge impoundments and canals from March 1 through November 30 annually.

2. We allow fishing in Kingfisher Pond year-round.

3. We allow fishing from legal sunrise to legal sunset.

4. We allow fishing year-round in the canals adjacent to the wildlife drive.

5. Anglers may only use nonmotorized boats and boats with electric motors within impounded water.

WACCAMAW NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry at all times while hunting a signed, current refuge hunting regulations brochure containing a refuge hunt permit. The hunt permit is invalid until signed by the hunter.

2. Each youth hunter (age 15 and under) must remain within sight and normal voice contact and under supervision of an adult age 21 or older. Youth hunters must have successfully completed a State-approved hunter education course.

3. We only allow waterfowl hunting until 12 p.m. (noon) each Saturday during the State waterfowl season. Hunters may enter the refuge no earlier that 5 a.m. on hunt days and must be off the refuge by 2 p.m.

4. We allow scouting Monday through Friday during the waterfowl season. We prohibit possession of a firearm by anyone scouting. You must be off the refuge by 2 p.m.

5. You may only possess approved nontoxic shot (see §32.2(k)) while hunting all species of migratory birds on the refuge.

6. We require permanent blinds. You must remove portable blinds and decoys (see §27.93 of this chapter) at the end of each day.

7. We only allow use of retrieving dogs while hunting.

8. We do not require hunter check-in and check out. There is no quota on the number of hunters.

9. We prohibit discharge of weapons (see §27.42(a) of this chapter) for any purpose other than to take or attempt to take legal game animals during established hunting seasons.

10. We prohibit hunting on any unit for wildlife other than that which is officially opened and posted or entering any areas posted as ''Closed'' or ''No Hunting Zones''.

B. Upland Game Hunting. We allow hunting of gray squirrel, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A9, and A10 apply.

2. We only allow hunting on days designated annually by the refuge within the State season. We only allow upland game hunting on designated Refuge areas within Refuge Unit 1.

3. You may only possess approved nontoxic shot (see §32.2(k)) in shotguns. We allow .22 caliber rimfire rifles.

4. We prohibit squirrel hunting from a boat or other water conveyance on the refuge.

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A9, and A10 apply.

2. We only allow hunting on days designated annually by the refuge within the State season.

3. We close refuge hunting areas to the general public during big game hunts.

4. We allow archery, muzzleloading (black powder) and centerfire rifles, and shotguns.

5. We prohibit crossbows, blow guns, and drugged arrows (see §32.2(g)). We only allow muzzleloading rifles using a single projectile on the muzzleloader hunts. We prohibit buckshot, .22 caliber rimfire, and full-metal jacketed military ammunition.

6. Access into all refuge hunt areas for hunting and scouting is by foot or boat. We may open some refuge roads on hunt days. We prohibit ATVs (see §27.31(f) of this chapter) and air boats on the refuge.

7. We allow scouting all year during daylight hours except during the State waterfowl season. During the waterfowl season, the same regulations that apply to scouting for waterfowl (A4), apply to scouting for big game species.

8. Hunters may enter the refuge no earlier than 5 a.m. on hunt days and must leave the refuge no later than 1 hour after legal sunset.

9. We do not require hunter check-in and check out.

10. The refuge limit on deer is one antlered buck per refuge hunt. Hunters can harvest an additional two antlerless deer per hunt during coinciding State doe days.

11. You may take feral hogs during refuge deer hunts. There is no size or bag limit on hog. We may offer special hog hunts during and after deer season to further control this invasive species. You must dispatch all feral hogs before removing them from the refuge.

12. We prohibit hunting on or within 100 feet (30 m) of all routes marked as roads or trails (see §27.31 of this chapter) on the hunt brochure map.

13. You must hunt deer and feral hog from an elevated deer stand. We prohibit shooting a hog from a boat.

14. We only allow one portable tree stand per hunter and only during the actual days of each hunt. You must remove deer stands (see §27.93 of this chapter) from the refuge no later than 3 days after each refuge big game hunt.

15. We allow use of flagging to make the site of hunter entry from roads or trails and again at the stand site. We allow use of clothes pins with reflective tape between these sites to make the route to the stand. Hunters must label all such markers with their full name and remove them (see §27.93 of this chapter) at the end of the hunt.

16. We require hunters to wear an outer garment visible above the waist that contains a minimum of 500 square inches (3,250 cm^2) of solid, flourescent-orange material at all times during big game hunts except for turkey.

17. We prohibit the use of organized drives, including the use of boats, as an aid in the taking or attempting to take big game species.

18. We prohibit distribution of bait or hunting over a baited area (see §32.2(h)).

19. We limit turkey hunts to annual quota hunts. We will select hunters by a random

drawing. Selected hunters must sign, possess, and carry a Refuge Turkey Hunt Permit at all times during the hunt.

20. We prohibit turkey hunters from calling a turkey for another hunter unless both hunters have Refuge Turkey Hunt Permits.

21. We prohibit turkey hunting in Refuge Units 2 and 3.

22. Turkey hunts begin each day at legal sunrise and end each day at 1 p.m., and you must unload and case or dismantle all weapons (see § 27.42 of this chapter) after 1 p.m.

23. During turkey hunts we only allow one weapon per hunter.

24. The bag limit for the entire hunt is one bearded turkey.

D. Sport Fishing. We allow fishing in accordance with State regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62047, Dec. 4, 1995; 63 FR 46921, Sept. 3, 1998; 65 FR 30791, May 12, 2000; 65 FR 56408, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002; 69 FR 54362, 54449, Sept. 8, 2004; 70 FR 54190, Sept. 13, 2005]

§ 32.61 South Dakota.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

HURON WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following conditions:

1. We allow hunters to leave portable tree stands and free-standing elevated platforms on Waterfowl Production Areas from the first Saturday after August 25 through February 15.

2. You must label portable tree stands and free-standing elevated platforms with your name and address or current hunting license number so it is legible from the ground.

3. We prohibit the use of horses for any purpose.

4. You must remove portable ground blinds and other personal property by the end of each day (see §§ 27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

LACREEK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, common snipe, sandhill crane, American crow, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following condition: We only allow hunting of migratory game birds on the Little White River Recreation Area.

B. Upland Game Hunting. We allow hunting of cock ring-necked pheasant and sharptail grouse on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit on all areas, except the Little White River Recreation Area.

2. We prohibit hunting with the aid of a motor vehicle. No person may discharge a firearm within ½ mile (.8 km) of any motor vehicle available for his/her transportation unless that motor vehicle is parked in a designated parking area.

C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require a State permit for muzzleloader deer hunting.

2. You must possess and carry a refuge permit for archery deer hunting.

3. Condition B2 applies.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing on Pools 3, 4, 7, 10, the Little White River Recreation Area, and Cedar Creek Trout Ponds 2 and 3.

2. We allow boats with motors on all areas open to fishing, except the Trout Ponds.

3. No person may violate the ''no-wake zone'' that includes all waters within 500 feet (150 m) of the shoreline or emergent marsh vegetation on any refuge pool, except the Little White River Recreation Area.

4. We prohibit the use or possession of live minnows or bait fish on all waters of the refuge except the Little White River Recreation Area.

5. We restrict fishing to ½ hour before legal sunrise and to ½ hour after legal sunset on all refuge waters open to fishing, except the Little White River Recreation Area.

LAKE ANDES WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following conditions:

1. We allow hunters to leave portable tree stands and free-standing elevated platforms on Waterfowl Production Areas from the first Saturday after August 25 through February 15.

2. You must label portable tree stands and free-standing elevated platforms with your name and address or current hunting license number so it is legible from the ground.

3. We prohibit the use of horses for any purpose.

4. You must remove portable ground blinds and other personal property by the end of each day (see §§27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

MADISON WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following conditions:

1. We allow hunters to leave portable tree stands and free-standing elevated platforms on Waterfowl Production Areas from the first Saturday after August 25 through February 15.

2. You must label portable tree stands and free-standing elevated platforms with your name and address or current hunting license number so it is legible from the ground.

3. We prohibit the use of horses for any purpose.

4. You must remove portable ground blinds and other personal property by the end of each day (see §§27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§27.93 and 27.94 of this chapter).

SAND LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of waterfowl on designated portions of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunters to use the spaced perimeter blinds on a first-come, first-served basis located along those posted sections of road right-of-way closed to hunting.

2. We restrict vehicle parking to designated parking lots in the vicinity of the waterfowl blind areas (see §27.31 of this chapter).

3. Unarmed waterfowl hunters on the perimeter of the refuge may retrieve downed waterfowl up to 100 yards (90 m) inside the refuge boundary.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, and partridge on designated portions of the refuge in accordance with State regulations subject to the following conditions:

1. The game bird season begins the Monday following closure of the refuge firearms deer season and continues through December 31.

2. Refuge access is ''walk-in'' only. We prohibit motor vehicles, bicycles, snowmobiles,

and all-terrain vehicles (see § 27.31(f) of this chapter).

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Only firearms deer hunters with a Sand Lake refuge permit (you must possess and carry) may hunt deer on the refuge.

2. Hunters with a valid State archery license may hunt on the refuge during the established refuge archery deer season. Consult the refuge manager for current season dates.

3. All individuals afield during the refuge firearms deer season must wear a minimum of 400 square inches (2,600 cm^2) of solid fluorescent orange material on the head, chest, and back that must be visible at all times.

4. We allow portable, elevated hunting platforms not attached to trees and portable ground blinds, but they must bear the name and address of the owner or user or the year and big game tag number of the owner or user. The labeling must be readily visible and legible.

5. Beginning the Saturday after August 25 licensed archery deer hunters and firearms deer hunters holding refuge permits (you must possess and carry) may place tree stands, elevated platforms, and portable ground blinds on the refuge. Hunters must remove all such devices (see § 27.93 of this chapter) by February 15.

6. Deer hunters may enter the refuge 1 hour before legal shooting time and remain no longer than 1 hour after shooting time ends.

7. Refuge access is ''walk-in'' only. We allow vehicles on designated refuge roads ONLY for retrieving harvested deer and ONLY during the following times: 9:30–10 a.m., 1:30–2 p.m., and from the end of legal shooting time to 1 hour after the end of shooting time (see § 27.31 of this chapter).

8. We restrict vehicle parking to designated parking lots in the vicinity of the waterfowl blind areas (see § 27.31 of this chapter).

9. We prohibit bicycles, snowmobiles, and all-terrain vehicles at all times (see § 27.31(f) of this chapter).

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Fishing hours are ½ hour before legal sunrise to ½ hour after legal sunset.

2. We prohibit motorized vehicles on the ice during winter (see § 27.31 of this chapter).

3. We allow ice fishing shanties, but anglers must remove them (see § 27.93 of this chapter) daily.

4. We prohibit open fires (see § 27.95 of this chapter).

SAND LAKE WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following conditions:

1. We allow hunters to leave portable tree stands and free-standing elevated platforms on Waterfowl Production Areas from the first Saturday after August 25 through February 15.

2. You must label portable tree stands and free-standing elevated platforms with your name and address or current hunting license number so it is legible from the ground.

3. We prohibit the use of horses for any purpose.

4. You must remove portable ground blinds and other personal property by the end of each day (see §§ 27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

WAUBAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow deer hunting on designated areas in accordance with State regulations subject to the following conditions:

1. We prohibit deer hunting on Headquarters Island.

2. We prohibit erecting tree stands prior to hunt start dates. Hunters must remove them (see § 27.93 of this chapter) by the end of the hunt.

3. Hunters may launch nonmotorized watercraft from designated access points to travel to islands.

4. We close archery seasons during refuge firearm seasons.

5. We prohibit deer drives during archery seasons. We define a drive as the act of chasing, pursuing, disturbing, or otherwise directing deer so as make the animals more susceptible to harvest by another hunter.

6. Refuge firearm hunters must wear a minimum of 400 square inches (2,600 cm^2) of solid flourescent-orange material visible on the head, chest, and back.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow ice fishing after refuge firearm deer seasons close. We prohibit open water fishing at any time.

2. Anglers must not be on the ice until 1 hour prior to legal sunrise and must be off the ice by 1 hour after legal sunset.

3. Anglers must remove ice shacks (see § 27.93 of this chapter) daily prior to closed fishing hours.

4. We restrict angler foot travel to posted access points, public roads, and lake ice.

WAUBAY WETLAND MANAGEMENT DISTRICT

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by the end of each day (see §§ 27.93 and 27.94 of this chapter). We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

B. Upland Game Hunting. We allow upland game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: We prohibit the use of horses for any purpose.

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following conditions:

1. We allow hunters to leave portable tree stands and free-standing elevated platforms on Waterfowl Production Areas from the first Saturday after August 25 through February 15.

2. You must label portable tree stands and free-standing elevated platforms with your name and address or current hunting license number so it is legible from the ground.

3. We prohibit the use of horses for any purpose.

4. You must remove portable ground blinds and other personal property by the end of each day (see §§ 27.93 and 27.94 of this chapter).

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations subject to the following condition: You must remove boats, motor vehicles, fishing equipment, and other personal property (excluding ice houses) by the end of each day (see §§ 27.93 and 27.94 of this chapter).

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 62047, Dec. 4, 1995; 62 FR 47381, Sept. 9, 1997; 65 FR 30791, May 12, 2000; 65 FR 56408, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 69 FR 54362, 54452, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54190, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (*e.g.*, ATVs) on the refuge (see § 27.31(f) of this chapter).

3. You must possess and carry a signed refuge permit and report game taken as specified within the permit.

4. Legal hunting hours for duck, goose, coot, and merganser are ½ hour before legal sunrise to 12 p.m. (noon)

5. Mourning dove, woodcock, and snipe seasons close during all firearms and muzzleloader deer seasons.

6. You may only use portable blinds, and you must remove all boats, blinds, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. daily.

7. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset.

8. Each youth hunter (under age 16) must remain within sight and normal voice contact and under supervision of an adult age 21 or older. One adult hunter may supervise no more than two youth hunters.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3, and A7 through A8 apply.

2. Spring squirrel season is closed on the refuge.

3. Squirrel, rabbit, and quail seasons close during all firearms and muzzleloader deer seasons.

4. We allow hunting for raccoon and opossum from legal sunset to legal sunrise.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3, and A7 through A8 (each adult may supervise only one youth hunter) apply.

2. You may only participate in the refuge turkey hunts with a special quota permit issued through a random drawing. You may obtain information for permit applications at the refuge headquarters.

3. You may only possess approved nontoxic shot (see §32.2(k)) while hunting turkey.

4. We only allow the use of portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see §§27.93 and 27.94 of this chapter) from the refuge at the end of each day's hunt.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing from legal sunrise to legal sunset.

2. We only allow fishing with pole and line or rod and reel.

3. We prohibit possession of unauthorized fishing gear, including trotlines, limblines, juglines, yo-yos, nets, spears, and snag hooks, while fishing on the refuge.

4. We allow the use of bow and arrow or a gig to take nongame fish on refuge waters.

5. We prohibit taking frog or turtle on the refuge (see §27.21 of this chapter).

CROSS CREEKS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of Canada geese (September season only) on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. You must possess and carry a valid refuge permit while hunting on the refuge.

3. We set and publish season dates and bag limits annually in the refuge Public Use Regulations available at the refuge office.

4. We prohibit hunting within 50 yards (45 m) of any building, public use road, or boat launching ramp.

5. We allow hunters access to the refuge from 1½ hours before legal sunrise to 1½ hours after legal sunset.

6. We prohibit the use of motorized off-road vehicles (*e.g.*, ATVs) on the refuge.

7. We prohibit the use of horses or other animal conveyances on refuge hunts.

8. Youth hunters under age 16 must remain in sight and normal voice contact with an adult hunter age 21 or older. One adult hunter may supervise no more than two youth hunters.

9. We allow the use of dogs to retrieve geese.

10. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge at the end of each day.

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. You must possess and carry a valid refuge permit while hunting on the refuge.

3. We set and publish season dates and bag limits annually in the refuge public use regulations available at the refuge office.

4. We prohibit hunting within 50 yards (45 m) of any building, public use road, or boat launching ramp.

5. We allow hunters access to the refuge from 1½ hours before legal sunrise to 1½ hours after legal sunset.

6. We prohibit the use of motorized off-road vehicles (*e.g.*, ATVs) on the refuge (see §27.31(f) of this chapter).

7. We prohibit the use of horses or other animal conveyances on refuge hunts.

8. Each youth hunter (under age 16) must remain within sight and normal voice contact of an adult age 21 or older. One adult hunter may supervise no more than two youth hunters.

9. We do not open for spring squirrel hunting.

C. Big Game Hunting. We allow the hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B8 (one adult hunter may supervise no more than one youth hunter) apply.

2. We only allow the use of portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see §27.93 of this chapter) from the refuge at the end of each day.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing on refuge pools and reservoirs from March 16 through November 14 from legal sunrise to legal sunset.

2. We prohibit bows and arrows, trotlines, limblines, jugs, and slat baskets in refuge pools and reservoirs.

3. We prohibit taking of frog and turtle on the refuge (see §27.21 of this chapter).

4. We prohibit leaving boats unattended on the refuge.

HATCHIE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (e.g., ATVs) on the refuge (see § 27.31(f) of this chapter).

3. You must possess and carry a signed refuge permit and report game taken as specified within the permit.

4. We only allow waterfowl hunting on Tuesdays, Thursdays, and Saturdays. Legal hunting hours for duck, goose, coot, and merganser are ½ hour before legal sunrise to 12 p.m. (noon).

5. Mourning dove, woodcock, and snipe seasons close during all firearms and muzzleloader deer seasons.

6. We allow only portable blinds, and hunters must remove all boats, blinds, and decoys (see §§ 27.93 and 27.94 of this chapter) from the refuge by 1 p.m. daily.

7. We allow hunters to access the refuge no more than 2 hours before legal sunrise, and they must leave the refuge no more than 2 hours after legal sunset.

8. Each youth hunter (under age 16) must remain within sight and normal voice contact of an adult (age 21 or older).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3 and A7 through A8 apply.

2. Spring squirrel season is closed on the refuge.

3. Squirrel, rabbit, and quail seasons close during all firearms and muzzleloader deer seasons.

4. Hunting hours for raccoon and opossum are legal sunset to legal sunrise.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3, A7, and A8 (each adult may supervise only one youth hunter) apply.

2. You may only participate in the refuge deer gun hunts with a special quota permit issued through random drawing. Information for permit applications and season dates is available at the refuge headquarters.

3. You may only possess approved nontoxic shot (see § 32.2(k)) while hunting turkey.

4. We only allow the use of portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see §§ 27.93 and 27.94 of this chapter) from the refuge at the end of each day's hunt.

5. We allow archery-only hunting between State Highway 76 and Interstate 40.

6. We only allow archery hunting the first 16 days of the State season.

7. We are closed to Youth-Deer hunting.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We only allow fishing with pole and line or rod and reel.

3. We prohibit possession of unauthorized fishing gear, including trotlines, limblines, juglines, yo-yos, nets, spears, and snag hooks, while fishing on the refuge.

4. We allow use of a bow and arrow or gig to take nongame fish on refuge waters.

5. We prohibit taking frog or turtle on the refuge (see § 27.21 of this chapter).

6. We seasonally close the sanctuary areas of the refuge to the public November 15 through March 15.

7. We open Oneal Lake for fishing during a restricted season and for authorized special events. Information on event and season dates is available at the refuge headquarters.

8. You must immediately release all largemouth bass under 14 inches (30 cm) in length on Goose and Quail Hollow Lakes.

9. We allow the use of nonmotorized boats and boats with electric motors only.

10. We only allow bank fishing on Goose Lake.

LAKE ISOM NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (*e.g.,* ATVs) on the refuge (see § 27.31(f) of this chapter).

3. We set and publish season dates and bag limits annually in the refuge Public Use Regulations available at the refuge office.

4. You must possess and carry a valid refuge permit and report game taken as specified within the permit.

5. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset.

6. Hunting hours for raccoon are 7 p.m. to 12 p.m. (midnight).

7. Each youth hunter (under age 16) must remain within sight and normal voice contact of an adult age 21 or older. One adult hunter may supervise no more than two youth hunters.

C. Big Game Hunting. We allow archery only hunting for white-tailed deer on the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B5, B7 (each adult may only supervise one youth hunter) apply.

2. We only allow the use of portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see §27.93 of this chapter) from the refuge at the end of each day.

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following conditions:

1. We open all waters of Lake Isom to fishing only from March 16 through November 14 from legal sunrise to legal sunset.

2. We only allow boats with electric or outboard motors of 10 hp or less.

3. We prohibit taking frog or turtle from refuge waters (see §27.21 of this chapter).

LOWER HATCHIE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (*e.g.,* ATVs) on the refuge (see §27.31(f) of this chapter).

3. You must possess and carry a signed refuge permit and report game taken as specified within the permit.

4. Legal hunting hours for duck, goose, coot, and merganser are ½ hour before legal sunrise to 12 p.m. (noon).

5. Mourning dove, woodcock, and snipe seasons close during all firearms and muzzleloader deer seasons.

6. You may only use portable blinds, and you must remove all boats, blinds, and decoys (see §27.93 of this chapter) from the refuge by 1 p.m. daily.

7. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset.

8. We close Sunk Lake Public Use Natural Area to all migratory game bird hunting, and we close the southern unit of Sunk Lake Public Use Natural Area to all hunting.

9. Each youth hunter (under age 16) must remain within sight and normal voice contact of an adult age 21 or older. One adult hunter may supervise no more than two youth hunters.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge and the northern unit of Sunk Lake Public Use Natural Area in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3, A7, and A9 apply.

2. Spring squirrel season is closed on the refuge.

3. Squirrel, rabbit, and quail seasons close during all firearms and muzzleloader deer seasons.

4. Hunting hours for raccoon and opossum are legal sunset to legal sunrise.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3, and A7 through A9 (each adult may supervise only one youth hunter) apply.

2. You may only participate in the refuge turkey hunts with a special quota permit issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. You may only possess approved nontoxic shot while hunting turkey (see §32.2(k)).

4. We only allow the use of portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see §§27.93 and 27.94 of this chapter) from the refuge at the end of each day's hunt.

5. We allow archery-deer hunting only on the northern unit of Sunk Lake Public Use Natural Area.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge and the Sunk Lake Public Use Natural Area in accordance with State regulations subject to the following conditions:

1. We only allow fishing from legal sunrise to legal sunset.

2. We only allow fishing with pole and line or rod and reel.

3. We prohibit possession of unauthorized fishing gear, including trotlines, limblines, juglines, yo-yos, nets, spears, and snag hooks, while fishing on the refuge.

4. We allow use of a bow and arrow or a gig to take nongame fish on refuge waters.

5. We prohibit taking frog or turtle on the refuge (see §27.21 of this chapter).

6. We seasonally close the sanctuary area of the refuge and the southern unit of Sunk Lake Public Use Natural Area to the public November 15 through March 15.

7. We allow the use of nonmotorized boats and boats with electric motors only on Sunk Lake Public Use Natural Area.

REELFOOT NATIONAL WILDLIFE REFUGE

Refer to §32.36 Kentucky for regulations.

TENNESSEE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of Canada geese (September season

only) on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We require a refuge hunt permit for all hunters age 16 and older. We charge a fee for all hunt permits. You must possess and carry a valid refuge permit while hunting on the refuge.

3. We set and publish season dates and bag limits annually in the refuge Public Use Regulations available at the refuge office.

4. We prohibit hunting within 50 yards (45 m) of any building, public use road, or boat launching ramp.

5. We allow access for goose hunting on the refuge 1½ hours before legal sunrise until 1½ hours after legal sunset.

6. We prohibit the use of motorized off-road vehicles (*e.g.*, ATVs) on the refuge.

7. We prohibit the use of horses or other animal conveyances on refuge hunts.

8. Youth hunters under age 16 must remain in sight and normal voice contact with adult hunters age 21 or older. One adult hunter may supervise no more than two youth hunters.

9. We allow the use of dogs to retrieve geese.

10. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge at the end of each day.

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We require a refuge hunt permit for all hunters age 16 and older. We charge a fee for all hunt permits. You must possess and carry a valid refuge hunt permit while hunting on the refuge.

3. We set and publish season dates and bag limits annually in the refuge Public Use Regulations available at the refuge office.

4. We prohibit hunting within 50 yards (45 m) of any building, public use road, or boat launching ramp.

5. We allow hunters access to the refuge from 1½ hours before legal sunrise to 1½ hours after legal sunset.

6. We allow hunting for raccoon from legal sunset to legal sunrise.

7. We prohibit the use of motorized off-road vehicles (*e.g.*, ATVs) on the refuge (see § 27.31(f) of this chapter).

8. We prohibit the use of horses and other animal conveyances on refuge hunts.

9. Each youth hunter (under age 16) must remain within sight and normal voice contact and under supervision of an adult age 21 or older. One adult may supervise no more than two youth hunters.

10. We do not open for spring squirrel hunting on the refuge

11. You may take coyote and beaver incidental to legal hunting activities.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B5, B7 through B9 (each adult may only supervise one youth hunter), and B11 apply.

2. You may only participate in the refuge quota deer hunts with a special quota permit issued through random drawing. Information for permit applications is available at the refuge headquarters.

D. Sport Fishing. We allow fishing on designated portions of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing in Swamp Creek, Sulphur Well Bay, Bennetts Creek, and all interior impoundments from March 16 through November 14. The remainder of the refuge portion of Kentucky Lake will remain open year-round. We allow bank fishing year-round along Refuge Lane, from the New Johnsonville Pump Station, and from Busseltown Pump Station areas.

2. We limit boats to no wake speed on all refuge impoundments.

3. We prohibit leaving boats unattended on the refuge.

4. We allow fishing on interior refuge impoundments from legal sunrise to legal sunset.

5. We close the Grassy Lake heron rookery to all public entry as posted November 15 through August 31.

6. We prohibit taking frog or turtle on the refuge (see § 27.21 of this chapter).

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29085, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62047, Dec. 4, 1995; 62 FR 47382, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30791, May 12, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58950, Sept. 18, 2002; 69 FR 54362, 54454, Sept. 8, 2004; 70 FR 54191, Sept. 13, 2005]

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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. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Season dates will be concurrent with the State for the September teal season, youth-

only season, and duck and coot regular season in the Texas South Zone, and goose regular season in the Texas East Zone, with the exception that we will prohibit duck (not including the September teal and youth-only seasons) and coot hunting on the refuge until the last Saturday in October. If the State-specified duck and coot regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

2. You must possess and carry a signed refuge hunting permit while hunting on all hunt units of the refuge.

3. Hunters may enter the refuge hunt units no earlier than 4 a.m. Hunting starts at the designated legal shooting time and ends at 12 p.m. (noon). Hunters must leave refuge hunt units by 12:30 p.m. We close refuge hunt units on Thanksgiving, Christmas, and New Year's Day.

4. We allow hunting in portions of the East Unit on Saturdays, Sundays, and Tuesdays during the regular waterfowl season. We require payment of a $10.00 daily or $40.00 annual fee to hunt on the East Unit. All hunters must check-in and out through the check station when hunting the East Unit from a vehicle. We will allow a maximum of 100 hunters to access the East Unit by vehicle. We allow hunting in designated areas from East Bay Bayou, Jackson Ditch, and Onion Bayou via boat. We require hunters accessing the East Unit by boat from Jackson Ditch, East Bay Bayou, or Onion Bayou to pay the $40.00 annual fee. We prohibit access to the East Unit Reservoirs from Onion Bayou via boat. We prohibit use of motorized boats on the East Unit except on ponds accessed from Jackson Ditch.

5. We allow hunting on the East Unit Special Goose Hunt Areas by permit on a first-come, first-served basis the morning of the hunt. Hunters must have goose decoys to hunt the Special Goose Hunt Areas. We allow a minimum of two and a maximum of six persons per permit. All Special Goose Hunt Area hunters must accompany a valid permit holder. Individuals in each group must set up and stay in their permitted area and stay within 50 feet (15 m) of each other unless retrieving goose.

6. We randomly draw permits the morning of the hunt for the East Unit Special Duck Hunt Areas. Hunters must set up within 50 yards (45 m) of the post marker and must stay within 50 feet (15 m) of each other unless retrieving waterfowl. We allow a minimum of two and a maximum of six persons per permit.

7. We allow hunting in the Pace Tract daily during the September teal season and regular waterfowl season.

8. All hunters using the Oyster Bayou Boat Ramp must register at the main refuge entrance.

9. We allow hunting in portions of the Middleton Tract daily during the September teal season and on Saturdays, Sundays, and Wednesdays of the regular waterfowl season. We restrict motorized boats in inland waters of the Middleton Tract to motors of 25 hp or less or electric trolling motors.

10. Youth hunters, age 17 and younger, must be under the supervision of an adult age 18 or older.

11. We only allow shotguns for waterfowl hunting.

12. We prohibit the use of airboats, marsh buggies, ATVs (see §27.31(f) of this chapter) and personal watercraft.

13. On inland waters of refuge hunt areas open to motorized boats, we restrict the operation of motorized boats to lakes, ponds, ditches, and other waterways. We prohibit the operation of motorized boats on or through emergent wetland vegetation.

14. On inland waters of the refuge hunt areas open to motorized boats, we restrict the use of boats powered by air-cooled or radiator-cooled engines to those powered by a single engine of 25 hp or less and utilizing a propeller 9 inches (22.5 cm) in diameter or less.

15. We only allow vehicular travel on designated roads and in parking areas. We prohibit hunting from roads and blocking access to any road or trail entering or on the refuge (see §27.31(h) of this chapter).

16. We prohibit pits and permanent blinds. We allow portable blinds or temporary natural vegetation blinds. You must remove portable blinds (see §27.93 of this chapter) from the refuge daily.

17. The minimum permitted distance between hunt parties is 200 yards (180 m).

18. Dogs accompanying hunters must be under the immediate control of handlers at all times (see §26.21(b) of this chapter).

19. You must remove all decoys, boats, spent shells, marsh chairs, and other equipment (see §27.93 of this chapter) from the refuge daily. We prohibit the use of plastic flagging, reflectors, or reflective tape.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing and crabbing on shoreline areas on East Galveston Bay, along East Bay Bayou on the East Bay Bayou Tract, along West Line Road to the southern end of Shoveler Pond, and along the canal from the Oyster Bayou Boat Ramp to the southwest corner of Shoveler Pond.

2. We only allow fishing and crabbing with pole and line, rod and reel, or hand-held line.

3. We allow cast-netting for bait for personal use along waterways in areas open to the public and along public roads.

4. We prohibit the use of trotlines, setlines, bows and arrows, gigs, or spears.

5. We prohibit boats and other flotation devices on inland waters. You may launch motorized boats into East Bay at the East Bay Boat Ramp on Westline Road and at the Oyster Bayou Boat Ramp (boat canal). You may launch nonmotorized boats along East Bay Bayou and along the shoreline on East Galveston Bay.

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 hunt brochure.

6. We allow archery hunting in October within the deer season for the county on specified days listed in the refuge hunt brochure.

7. We allow firearm hunting in November within the deer season for the county on specified days listed in the refuge hunt brochure.

8. Firearm hunters must wear a total of 400 square inches (10.16 m^2) hunter orange including 144 square inches (936 cm^2) visible in front and 144 square inches visible in rear. 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.

12. We prohibit hunters possessing handguns during archery and rifle hunts. We allow the use of archery equipment and centerfire rifles in accordance with State law.

13. We only allow you to use biodegradable flagging to mark trails and your hunt stand location during the archery and rifle hunts on the refuge. We color code the flagging used each weekend during the rifle hunts. You must use the designated flagging color specified for particular hunt dates. We provide this information on the refuge hunt permit and in refuge regulations sent to permittees. You must remove flagging (see § 27.93 of this chapter) at the end of the hunt.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. You may not use crab traps in any refuge marshes, including Matagorda Island.

2. Beginning April 15 through October 15, you may fish on the refuge only in areas designated in the refuge fishing brochure.

3. You may fish all year in marshes on Matagorda Island and in areas designated in the refuge fishing brochure.

BALCONES CANYONLANDS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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 prohibit 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 visibly wear 400 square inches (2,600 cm^2) 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.

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. We allow hunting in November, December, and/or January.

2. We require hunters to check in and out daily at designated check stations.

3. We allow bows and arrows, shotguns, and rifles.

4. We may immediately close to hunting the entire refuge or any portion thereof 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 cm^2) 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 BOGGY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Season dates will be concurrent with the State for the September teal season, youth-only season, and duck and coot regular season in the Texas South Zone, and goose regular season in the Texas East Zone, with the exception that we will prohibit duck (not including the September teal and youth-only seasons) and coot hunting on the refuge until the last Saturday in October. If the State-specified duck and coot regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

2. We prohibit the building or use of pits and permanent blinds.

3. We only allow the use of airboats in tidal navigable waters unless otherwise posted.

4. We prohibit target practice on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

BRAZORIA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Season dates will be concurrent with the State for the September teal season, youth-only season, and duck and coot regular season in the Texas South Zone, and goose regular season in the Texas East Zone, with the exception that we will prohibit duck (not including the September teal and youth-only seasons) and coot hunting on the refuge until the last Saturday in October. If the State-specified duck and coot regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

2. We prohibit the building of pits and permanent blinds.

3. You must possess and carry a refuge permit to hunt on certain portions of the hunting area.

4. We only allow the use of airboats in tidal navigable waters unless otherwise posted.

5. We prohibit target practice on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing in accordance with State regulations subject to the following conditions:

1. We allow fishing only on Nick's Lake, Salt Lake, and Lost Lake and along the Salt Lake Weir Dike and the Bastrop Bayou Public Fishing Areas.

2. We allow access for shore fishing at Bastrop Bayou, Clay Banks and Salt Lake Public Fishing Areas, and Salt Lake Weir Dike.

3. We open Bastrop Bayou to fishing 24 hours a day; we prohibit camping.

4. We open all other fishing areas from legal sunrise to legal sunset.

5. We only allow nonmotorized boat launching at the Salt Lake Public Fishing Area. The refuge provides no other boat launching facilities.

6. We prohibit the use of trotlines, sail lines, set lines, jugs, gigs, spears, bush hooks, snatch hooks, crossbows, or bows and arrows of any type.

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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.

5. Hunting hours will be from 9 a.m. to the close of legal shooting time as listed in the State of Texas pheasant hunting regulations.

6. All hunters must check in and out at refuge headquarters.

7. Only shotguns are permitted.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

HAGERMAN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. You must obtain a refuge permit and pay a hunt fee.

2. We allow hunting with firearms including shotguns, 20 gauge or larger, loaded with rifled slug during a special youth hunt as listed in the refuge hunt information sheet. We require permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Lake Texoma and connected streams are open to fishing year round.

2. 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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer, feral pig, and nilgai antelope on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to pay a fee and obtain a refuge hunt permit. We issue replacement permits for an additional nominal fee. All hunt fees are nonrefundable. We require the hunter to possess and carry a signed and dated refuge hunt permit.

2. We allow archery and firearm hunting on designated units of the refuge. Units 1, 2, 3, 5, 6, and 8 are open to archery hunting during designated dates. Units 2, 3, 5, 6, and 8 are open to firearm hunting during designated dates. We close the following areas to hunting: Adolph Thomae, Jr. County Park in Unit 3, posted ''No Hunting Zones'' within all hunt units, La Selva Verde Tract (Armstrong), Waller Tract, COHYCO, Inc. Tract, Bahia Grande Unit, and South Padre Unit.

3. We offer hunting during specific portions of the State hunting season. We determine specific deer hunt dates annually, and they usually fall within November, December, and January. We may provide special feral pig and nilgai antelope hunts to reduce populations at any time during the year.

4. We annually establish a specific bag limit for deer hunted on the refuge in the refuge hunt brochure. We have an unlimited bag limit on feral pig and nilgai antelope.

5. We require hunters to visibly wear 400 square inches (2,600 cm^2) of hunter orange, which includes wearing a minimum of 144 square inches (936 cm^2) visible on the chest, a minimum of 144 square inches (936 cm^2) visible on the back, and a hunter-orange hat or cap visible on the head when in the field. We allow hunter-orange camouflage patterns. We allow archery hunters during the archery-only hunts to remove their hunter orange in the field only when hunting at a stationary location.

6. Each youth hunter, ages 12 to 17, must be accompanied by and remain within sight and normal voice contact of an adult age 18 or older. Hunters must be at least age 12.

7. We only allow the use of shoulder-fired muzzleloaders and rifled firearms. We prohibit possession of a pistol or shotgun while hunting. Muzzleloader firearms must be .40 caliber or larger, and modern-rifled firearms must be center fired and .22 caliber or larger. We prohibit loaded firearms (see §27.42 of this chapter) in the passenger compartment of a motor vehicle (we define ''loaded'' as having rounds in the chamber or magazine or a firing cap on a muzzleloading firearm). We prohibit target practice or ''sighting-in'' on the refuge.

8. We allow a 9-day scouting period, ending 1 week prior to the commencement of the refuge deer hunting season. A permitted

hunter and a limit of two nonpermitted individuals may enter the hunt units during the scouting period. We allow access to the units during the scouting period from legal sunrise to legal sunset. You must clearly display refuge-issued Hunter Vehicle Validation Tags/Scouting Permits (available from the refuge office) face up on the vehicle dashboard.

9. We only allow hunters to enter the refuge 1 hour before legal shooting hours during the permitted hunt season. All hunters must check out daily at the refuge check station at the end of their hunt or no later than 1 hour after legal shooting hours.

10. We allow vehicle parking at Unit 1 and Unit 6 designated parking areas and along the roadsides of General Brandt Road (FM 106), Buena Vista Road, Lakeside Road, and County Road (see § 27.31 of this chapter).

11. We restrict vehicle access to service roads not closed by gates or signs (see § 27.31 of this chapter). You must only access hunt units by foot or bicycle.

12. We allow hunting from portable stands or by stalking and still hunting. There is a limit of one blind or stand per permitted hunter. You must attach hunter identification (name, address, permit number, and phone number), to the blind or stand. We prohibit attaching blinds and stands to trees or making blinds and stands from natural vegetation (see §§ 32.2(i) and § 27.51 of this chapter)). You must remove all blinds and stands (see § 27.93 of this chapter) at the end of the permitted hunt season.

13. We prohibit hunting with dogs.

14. Hunters must field-dress all harvested big game in the field and check the game at the refuge check station before removal from the refuge. You may quarter deer, feral pig, and nilgai antelope in the field as defined by State regulations. You may use a nonmotorized cart to assist with the transportation of harvested game animals.

15. We prohibit use of or hunting from any type of watercraft or floating device.

16. You must receive authorization from a refuge employee to enter closed refuge areas to retrieve harvested game.

17. We require written documentation from a licensed physician to certify a hunter as temporarily or permanently disabled or mobility impaired no later than 10 calendar days before the start of the scouting or hunt period. We allow the use of all-terrain vehicles (ATVs), which excludes motorcycles and full-size passenger vehicles, for hunters with mobility impairments and other disabilities through the issuance of a Special Use Permit.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing and crabbing from Adoph Thomae Jr. County Park on San Martin Lake of the Bahia Grande Unit, and on the South Padre Island Unit year-round.

2. We require payment of an entry fee and boat launch at Adolph Thomae Jr. County Park. We allow access to the park between 6 a.m. and 10 p.m. from June through October, and between 6 a.m. and 9 p.m. from November through May.

3. We only allow pole and line, rod and reel, hand line, dip net, or cast net for fishing. We prohibit the use of crab traps or pots for crabbing. Anglers must attend all fishing lines, crabbing equipment, or other fishing devices at all times.

4. We prohibit the taking and use of frog, salamander, and other amphibian as bait.

5. We allow the use of boats for sport fishing. You may launch boats at Adolph Thomae Jr. County Park. We only allow bank and wade fishing on the shoreline of San Martin Lake within the refuge boundary. We only allow access by foot behind posted refuge boundary signs.

6. We only allow camping at Adolph Thomae Jr. County Park.

LOWER RIO GRANDE VALLEY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of mourning, white-winged, and white-tipped dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to pay a fee and obtain a refuge hunt permit. All hunt fees are nonrefundable. We require hunters to possess and carry a signed (by permittee and an authorized refuge staff member) refuge hunt permit.

2. We allow hunting on areas of the refuge during limited periods of the State-designated hunting season. We publish these dates in the refuge hunting sheet.

3. You may only possess approved nontoxic shot while in the field (see § 32.2(k)).

4. We require hunters to be at least age 12. Youth hunters, age 17 and younger must be under the supervision of an adult age 18 or older.

5. We determine the location and method of hunting each year and publish this information in the refuge hunting sheet.

6. We only allow parking in designated locations.

7. We allow the use of properly trained retrievers during these hunts.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunters to take white-tailed deer, feral hog, and nilgai antelope on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3 and A5 through A7 apply.

2. We annually establish bag limits for white-tailed deer based on survey data provided by the State. We establish no bag limits for feral hog or nilgai antelope.

3. We require hunters to visibly wear 400 square inches (2,600 cm^2) of hunter orange, which includes wearing a minimum of 144 square inches (936 cm2) visible on the chest, a minimum of 144 square inches visible on the back, and a hunter-orange hat or cap visible on the head.

D. Sport Fishing. [Reserved]

MCFADDIN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Season dates will be concurrent with the State for the September teal season, youth-only season, and duck and coot regular season in the Texas South Zone, and goose regular season in the Texas East Zone, with the exception that we will prohibit duck (not including the September teal and youth-only seasons) and coot hunting on the refuge until the last Saturday in October. If the State-specified duck and coot regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

2. You must possess and carry a signed refuge hunting permit while hunting on all hunt units of the refuge.

3. Hunters must enter the refuge hunt units between 4 a.m. and ½ hour before the designated legal shooting time. Hunting starts at legal shooting time and ends at 12 p.m. (noon). Hunters must leave refuge hunt units by 12:30 p.m. We close refuge hunt units on Thanksgiving, Christmas, and New Year's Day.

4. You may access hunt areas by foot, nonmotorized watercraft, outboard motorboat, or airboat. Airboats may not exceed 10 hp with direct drive with a propeller length of 48 inches (120 cm) or less. Engines may not exceed 2 cylinders and 484 cc. We prohibit all other motorized vehicles. We prohibit marsh buggies, ATVs, and personal watercraft (see § 27.31(f) of this chapter).

5. On inland waters of the refuge open to motorized boats, we restrict the use of boats powered by air-cooled or radiator-cooled engines to those powered by a single engine of 25 hp or less and utilizing a propeller 9 inches (22.5 cm) in diameter or less.

6. On inland waters of the refuge open to motorized boats, we restrict the operation of motorized boats to lakes, ponds, ditches, and other waterways. We prohibit the operation of motorized boats on or through emergent wetland vegetation.

7. We allow hunting in the Central Hunt Units daily during the September teal season and on Saturdays, Sundays, and Tuesdays of the regular waterfowl season.

8. We only allow hunting in the Spaced Hunt Units on Saturdays, Sundays, and Tuesdays of the regular waterfowl season. We require payment of a $10.00 daily fee to hunt the Spaced Hunt Units. We allow a maximum of four hunters per area. Hunters must possess and carry Special Fee Area Permits while hunting.

9. We allow daily hunting in the Mud Bayou Hunt Unit during the September teal season and on Sundays, Wednesdays, and Fridays of the regular waterfowl season. We allow access by foot from the beach on Middleton Levee, or by boat from the Gulf Intracoastal Waterway via Mud Bayou.

10. Each youth hunter (age 17 and younger) must remain within sight and normal voice contact of an adult age 18 or older.

11. We only allow shotguns for waterfowl hunting.

12. We only allow vehicular travel on designated roads and in parking areas. We prohibit blocking access to any road or trail entering or on the refuge (see § 27.31(h) of this chapter).

13. We prohibit pits and permanent blinds. We allow portable blinds or temporary natural vegetation blinds. You must remove portable blinds (see § 27.93 of this chapter) from the refuge daily.

14. The minimum permitted distance between hunt parties and between hunters and driveable roads and buildings is 200 yards (180 m). We prohibit hunting from roads or levees.

15. Dogs accompanying hunters must be under the immediate control of handlers at all times (see § 26.21(b) of this chapter).

16. You must remove all decoys, boats, spent shells, marsh chairs, and other equipment (see §§ 27.93 and 27.94 of this chapter) from the refuge daily. We prohibit use of plastic flagging, reflectors, or reflective tape on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing and crabbing with pole and line, rod and reel, or handheld line.

2. We allow cast netting for bait for personal use along waterways in areas open to the public and along public roads.

3. We prohibit the use of trotlines, setlines, bows and arrows, gigs, or spears in inland waters.

4. We allow fishing and crabbing in 10–Mile Cut and Mud Bayou and in the following inland waters: Star Lake and Clam Lake. We also allow fishing and crabbing from the shoreline of the Gulf Intracoastal Waterway and along roadside ditches.

5. Conditions A5 and A6 apply.

SAN BERNARD NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Season dates will be concurrent with the State for the September teal season, youth-only season, and duck and coot regular season in the Texas South Zone, and goose regular season in the Texas East Zone, with the exception that we will prohibit duck (not including the September teal and youth-only seasons) and coot hunting on the refuge until the last Saturday in October. If the State-specified duck and coot regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

2. We prohibit the building or use of pits and permanent blinds (see §§27.92 and 27.93 of this chapter).

3. We require permits and payment of fees for the Sargent Permit Waterfowl Hunt, Big Pond Hunt Area, and Light Goose Conservation Order Season Permit Hunt Area. Hunters must abide by all terms and conditions set by the permits.

4. We only allow the use of airboats in tidal navigable waters unless otherwise posted.

5. We prohibit target practice on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing only on the refuge portions of Cow Trap Lakes, Cedar Lakes, and along Cedar Lake Creek.

2. We prohibit the use of trotlines, sail lines, set lines, jugs, gigs, spears, bush hooks, snatch hooks, crossbows, or bows and arrows of any type.

TEXAS POINT NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Season dates will be concurrent with the State for the September teal season, youth-only season, and duck and coot regular season in the Texas South Zone, and goose regular season in the Texas East Zone, with the exception that we will prohibit duck (not including the September teal and youth-only seasons) and coot hunting on the refuge until the last Saturday in October. If the State-specified duck and coot regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

2. Hunters must possess and carry a signed refuge hunting permit while hunting on the refuge.

3. Hunters must enter the refuge hunt unit between 4 a.m. and ½ hour before the designated legal shooting time. Hunting starts at legal shooting time and ends at 12 p.m. (noon). Hunters must be off refuge hunt units by 12:30 p.m. We close refuge hunt units on Thanksgiving, Christmas, and New Year's Day.

4. We allow hunting in portions of the refuge daily during the September teal season and on Saturdays, Mondays, and Wednesdays during the regular waterfowl season.

5. You may access hunt areas by foot, nonmotorized watercraft, outboard motorboat, or airboat. Airboats may not exceed 10 hp with direct drive with a propeller length of 48 inches (120 cm) or less. Engines may not exceed 2 cylinders and 484 cc. We prohibit all other motorized vehicles. We prohibit marsh buggies, ATVs, and personal watercraft (see §27.31(f) of this chapter).

6. On inland waters of the refuge open to motorized boats, we restrict the use of boats powered by air-cooled or radiator-cooled engines to those powered by a single engine of 25 hp or less and utilizing a propeller 9 inches (22.5 cm) in diameter or less.

7. On inland waters of the refuge open to motorized boats, we restrict the operation of motorized boats to lakes, ponds, ditches, and other waterways. We prohibit the operation or motorized boats on or through emergent wetland vegetation.

8. Each youth hunter (age 17 and younger) must remain within sight and normal voice contact of an adult age 18 or older.

9. We only allow shotguns for waterfowl hunting.

10. We only allow vehicle travel on designated roads and in designated parking areas (see §27.31 of this chapter). We prohibit blocking access to any road or trail entering or on the refuge (see §27.31(h) of this chapter).

11. We prohibit pits and permanent blinds. We allow portable binds or temporary natural vegetation blinds. You must remove portable blinds (see §§27.93 and 27.94 of this chapter) from the refuge daily.

12. The minimum distance between hunt parties is 200 yards (180 m). We prohibit hunting from roads or levees.

13. Dogs accompanying hunters must be under the immediate control of handlers at all times (see §26.21(b) of this chapter).

14. You must remove all decoys, boats, spent shells, marsh chairs, and other equipment (see §§27.93 and 27.94 of this chapter) from the refuge daily. We prohibit use of plastic flagging, reflectors, or reflective tape on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing and crabbing in inland waters with pole and line, rod and reel, or handheld line.

2. We only allow cast netting for bait by individuals along waterways in areas open to the public and along public roads.

3. We prohibit the use of trotlines, setlines, bows and arrows, gigs, or spears in inland waters.

4. Conditions A6 and A7 apply.

TRINITY RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting on Champion Lake by drawing.

2. We require an application fee for participants to enter the drawing. After the State announces hunting dates, we will issue a refuge permit to those drawn. The hunter must possess and carry the permit at all times when hunting.

3. We only allow hunting on Champion Lake Saturdays and Sundays during the State duck season. Hunters may not enter the refuge until 5 a.m. and must be off the hunt area by 12 p.m. (noon).

4. We only allow portable blinds. Hunters must remove all blinds, decoys, shell casings, and other personal equipment (see §§27.93 and 27.94 of this chapter) from the refuge each day.

5. We limit motors to 10 hp or less.

6. We allow retrievers, but they must be under the immediate control of the hunter at all times.

7. Each youth hunter (age 17 and under) must remain within sight and normal voice contact and under supervision of an adult age 18 or older.

8. Hunt parties must keep a minimum distance of 150 yards (135 m) between them.

B. Upland Game Hunting. We allow hunting for squirrel and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require participants to pay an application fee to enter the hunt permit drawing. We issue a refuge permit to the individuals whose names are drawn. Successful participants must possess and carry these permits at all times. Permits are nontransferable.

2. We allow hunting during a designated 23-day season. Hunters may enter the refuge and park in an assigned parking area no earlier than 4:30 a.m. We allow hunting from ½ hour before legal sunrise to legal sunset. We require hunters to return a data log card.

3. We prohibit hunting along refuge roads.

4. We prohibit the use of dogs, feeders, baiting (see §32.2(h)), campsites, fires (see §27.95(a) of this chapter), horses, bicycles, and all-terrain vehicles.

5. We restrict weapons to shotguns and rimfires.

6. Youth hunters age 17 and younger must be under the direct supervision of an adult age 18 or older.

7. The minimum distance we allow between hunt parties is 200 yards (180 m). We require hunters to visibly wear 400 square inches (2,600 cm^2) of hunter-orange, which includes wearing a minimum of 144 square inches (936 cm^2) visible on the chest, a minimum of 144 square inches visible on the back, and a hunter orange hat or cap visible on the head.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1, B2, B4, B6, and B7 apply.

2. We only allow temporary blinds. We prohibit hunting or blind erection along refuge roads.

3. We restrict weapon type used depending on unit hunted. We publish this information on the refuge permit (you must possess and carry) and in the refuge hunt brochure.

D. Sport Fishing. We allow fishing on most refuge tracts in accordance with State regulations subject to the following conditions:

1. We only allow fishing with pole and line, rod and reel, or hand-held line.

2. We prohibit the use of trotlines, setlines, bows and arrows, gigs, spears, fish traps, crab/crawfish traps or nets.

3. We prohibit the harvesting of frog or turtle (see §27.21 of this chapter).

4. We allow fishing from legal sunrise to legal sunset.

5. We limit motors to a maximum of 10 hp. We prohibit fishing or enter within 200 yards (180 m) of an established bird rookery from March through the end of June. Check at refuge headquarters for rookery locations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 62 FR 47382, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 65 FR 56408, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58950, Sept. 18, 2002; 69 FR 54362, 54457, Sept. 8, 2004; 69 FR 55995, Sept. 17, 2004; 70 FR 54192, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and tundra

swan on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters may not shoot or hunt within 100 yards (90 m) 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. You may enter the refuge 2 hours before legal sunrise and must exit the refuge by 2 hours after legal sunset. We prohibit leaving decoys, boats, vehicles, and other personal property on the refuge overnight (see §27.93 of this chapter).

6. Hunters may only park in designated parking sites.

7. Any person entering, using or occupying the refuge for waterfowl hunting must abide by all the terms and conditions in the Refuge Hunting Brochure.

8. 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.

9. You may only possess 10 shells while hunting on or within 50 feet (15 m) from the center of Unit 1A or 2C dike.

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. Migratory Game Bird Hunting. 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]

OURAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, and goose within Leota Bottom in accordance with State regulations subject to the following conditions:

1. We prohibit hunting within 100 yards (90 m) of the Green River in Leota Bottom.

2. We close the Green River within the refuge boundaries to hunting.

3. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

4. We prohibit pits and permanent blinds.

5. You may use portable blinds or blinds constructed of natural dead vegetation (see §27.51 of this chapter).

6. You must remove all decoys, shell casings, portable and temporary blinds, and other personal equipment (see §§27.93 and 27.94 of this chapter) from the refuge at the end of each day.

7. We prohibit operation of a gas-powered boat or vehicle within Leota Bottom.

8. We prohibit possession or consumption of any alcoholic beverage while hunting (see §32.2(j)).

9. During hunting season the refuge is open from 1½ hours before legal sunrise to 1½ hours after legal sunset. We gate and lock the main entrance on the west side of the Green River during closed hours.

10. We prohibit possession of a loaded firearm in your vehicle. You must unload, case, or dismantle all firearms (see §27.42 of this chapter) when traveling through the refuge.

B. Upland Game Hunting. We allow hunting of pheasants within Leota, Johnson, Brennan, and portions of Wyasket Bottoms (the southern portion of Wyasket Bottom and all of Woods Bottom are leased Ute Tribal lands that require special permitting by the Ute Tribe) in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

2. We prohibit hunting the islands and sandbars within the Green River.

3. We prohibit hunting pheasants with a shotgun capable of holding more than three shells.

4. We prohibit hunting of turkey and quail.

C. Big Game Hunting. We allow hunting of mule deer within Leota, Johnson, Brennan, and the northern portion of Wyasket Bottom (the southern portion of Wyaket Bottom and all of Woods Bottom are leased Ute Tribal lands that require special permitting by the Ute Tribe) in accordance with State regulations subject to the following conditions:

1. You may hunt with the aid of a temporary tree stand that does not require drilling or nailing into the tree.

2. You must remove your tree stand (*see* § 27.93 of this chapter) no later than the last day of the hunting season for which you have a tag.

3. We prohibit hunting on the islands and sandbars within the Green River.

4. We prohibit hunting of pronghorn and elk.

D. Sport Fishing. We allow sport fishing within and on the banks of the Green River (the southernmost portion of the Green River within the Refuge Boundary requires a Ute Tribe fishing permit) in accordance with State regulations subject to the following conditions:

1. We prohibit fishing on or from the diked interior impoundments or canals.

2. You may only fish with the aid of a pole, hook, and line. We prohibit trot lines, bow and arrows, spears, spear guns, cross bows, and firearms.

3. You must release unharmed any of the four endangered fish if caught (razorback sucker, Colorado pike minnow, humpbacked chub, or bonytailed chub).

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6699, Feb. 11, 1994; 60 FR 62047, Dec. 4, 1995; 61 FR 46398, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 67 FR 58950, Sept. 18, 2002; 69 FR 54362, 54462, Sept. 8, 2004]

§ 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.

MISSISQUOI NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, brant, merganser, coot, woodcock, and snipe in accordance with State regulations subject to the following conditions:

1. Waterfowl—For the hunting of goose, brant, duck, merganser, and coot we divide the refuge into six discrete waterfowl hunting units: the Delta Lakeshore Area, the Saxes Pothole/Creek and Shad Island Area, the Junior Waterfowl Hunting Area (including Long Marsh Bay, Patrick Marsh, and Charcoal Creek), the Long Marsh Channel and Metcalfe Island Area, and the Maquam Swamp Area. Conditions for each area are as follows:

i. Delta Lakeshore Area includes lakeshore areas from Shad Island to the south side of Martindale Point but does not include Saxes Pothole/Creek and Shad Island Pothole.

a. We prohibit blind staking, permanent blinds, or unattended decoys.

b. We prohibit jump shooting within 200 yards (180 m) of a party hunting from a boat or blind.

c. We do not require a refuge permit to hunt in this area.

d. This area is available to youth waterfowl hunters on Youth Waterfowl Hunting Weekend.

e. We prohibit entering closed areas of the refuge for any reason, except for the recovery of legally harvested animals, and in that case you may not carry a weapon (see § 27.42(a) of this chapter).

f. Unarmed hunters may scout open hunting areas before a particular season opens but in no case before September 1. We do not require a hunting permit for scouting.

ii. Maquam Shore Area encompasses a 30-acre area along the lakeshore of Maquam Bay and is bounded by private land on the west and a Vermont wildlife management area on the east. a. Conditions A1i(a–f) apply.

iii. Saaxes Pothole/Creek and Shad Island Pothole encompasses Saxes Creek, Saxes Pothole, and Shad Island Pothole. This is a controlled hunting area. We stake and make available five zones (numbered 1–5) to five hunting parties in Saxe's Pothole, zone 6 is staked and available to one hunting party in Shad Island Pothole.

a. A hunting party consists of the hunter named on the permit and one guest hunter per zone per day. Nonhunters may accompany a hunting party.

b. Each hunting party must possess and carry a permit for the specific zone on the specific day they are hunting in this area. Permits are not transferable.

c. You may obtain permits for the period from the opening day of duck hunting season through the first Sunday of the duck hunting season, and for the second weekend of the duck hunting season through application to a preseason lottery. During the years when the State elects to have a split season, you may also obtain your permits for the second opening day through the following Sunday through application to the preseason lottery. On all other hunt days, you must acquire permits through self-registration at the Mac's Bend Landing no earlier than 2 hours before legal shooting time on the day of the hunt.

d. Hunters selected during the preseason lottery must pay a $10 fee. The refuge must receive the fee no earlier than 2 days before the opening of the season or forfeit the permit, which we will then make available to

other hunters on a first-come, first-served basis. The fee is paid for any permit assigned before the day of the hunt. There is no fee for any permit obtained on the day of the hunt.

e. On those days that we draw permits by preseason lottery, hunters must sign in at the Mac's Bend Landing by 7 a.m. before going to the assigned zone. After 7 a.m. other hunters may sign in, self-register, and use unoccupied zones.

f. At the end of each daily hunt, you must sign out and deposit a report of hunt success at the Mac's Bend Landing. When you sign out, another party may sign in and use the vacated zone. You must sign out of a zone at Mac's Bend Landing prior to occupying a different hunting site in any of the controlled hunting areas.

g. You must hunt within 100 feet (30 m) of a numbered stake corresponding to your assigned zone. We prohibit jump shooting.

h. You must use a retrieving dog.

i. You may only possess approved nontoxic shot shells (see § 32.2(k)) in quantities of 25 or less per day.

j. This area is open on a first-come, first-served basis to youth waterfowl hunters during the annual 2-day special Youth Waterfowl Hunting Weekend conducted in late September. We will hold no preseason drawing and assess no fee, however, youth hunters must self-register and submit a report of their hunt.

k. We prohibit entering closed areas of the refuge for any reason, except for the recovery of legally harvested animals, and in that case we prohibit carrying a weapon (see § 27.42(a) of this chapter).

l. Unarmed hunters may scout open hunting areas before a particular season opens but in no case before September 1. We do not require a hunting permit for scouting.

iv. Junior Waterfowl Hunting Area encompasses Long Marsh Bay, Patrick Marsh and that portion of Charcoal Creek south of Vermont Route 78. This is a controlled hunting area. We establish 11 blind sites for use by junior waterfowl hunters, blind sites 4–8 in Long Marsh Bay, blind sites C-F in Charcoal Creek, and blind sites A-B in Patrick Marsh.

a. Junior waterfowl hunters (ages 12–15, inclusive, at the time of the hunt) following successful completion of the annual training program (usually held the third or fourth Saturday in August) vie for blind site assignments during a lottery drawing at the conclusion of the training. The 11 blind sites are available exclusively to these junior waterfowl hunters and their mentors the first 4 Saturdays and Sundays of the duck season.

b. As an incentive to the adult volunteers who serve as mentors to junior waterfowl hunters, they will vie for blind site assignments during a lottery drawing at the conclusion of the annual junior waterfowl hunter training for the use of blind sites in the junior hunt area on the first Wednesday following the second weekend of the season. This day is known as Mentor Day. We will collect no fee from mentors for this hunt day. We will make available blinds not assigned because of this lottery to other adult hunters via a preseason lottery.

c. Following the use of the blind sites in this area by junior hunters and junior hunter mentors, all blind sites are then available to all adult hunters by permit awarded via a preseason lottery for the second Wednesday following the second weekend of the duck season; and on weekends following the junior hunt by a first-come, first-served, self-registration, and permitting basis at the refuge headquarters.

d. Hunters, including junior hunters, with preregistered permits must sign in at refuge headquarters no later than 7 a.m. on the date of their scheduled hunt. After 7 a.m. other hunters may sign in, self-register, and use unoccupied blind sites. Only junior hunters may hunt on the first 4 Saturdays and Sundays of the season.

e. Each junior hunter must possess and carry a free permit for the assigned blind site and day. On Mentor Day, mentors must also possess and carry this free permit for the assigned blind site. Each adult hunting party must possess and carry a permit for the blind site and day they are hunting. Permits are not transferable.

f. The mentor must accompany the junior hunter who completed the training program with him or her. We include the mentor on the permit assigned to the junior hunter. A mentor may simultaneously oversee up to two junior hunters at one blind site.

g. Each adult hunter, except mentors on Mentor Day, must pay $10 for each permit issued because of the preseason lottery. Permits acquired by self-registration are free.

h. Only junior hunters may discharge a firearm in this area during the junior hunt periods.

i. We allow and recommend hunting from portable blinds and boat blinds constructed and place by the refuge for the junior waterfowl hunting program at some of the blind sites. Junior hunters, with the approval of the refuge manager, may construct stationary blinds and leave them in place for the duration of the season. Otherwise, we prohibit permanent blinds.

j. All hunting must take place within 100 feet (30 m) of the stake marking the blind area. We prohibit jump shooting.

k. This area is available to refuge-trained junior waterfowl hunters during the Youth Waterfowl Hunting Weekend in late September.

l. Shooting hours are from legal opening time until 11 a.m.

m. Hunters must deposit the Hunt Success Report portion of their permit at refuge headquarters at the end of the hunt.

n. A small flat-bottom boat, car-top boat, or canoe is necessary for access to Charcoal Creek and Patrick Marsh blind sites. Access is available at the Charcoal Creek crossing on Vermont Route 78 or from a pulloff on Route 78 about 3/4 of a mile (1.2 km) east of the Charcoal Creek access.

o. You may only possess approved nontoxic shot shells (see § 32.2(k)) in quantities of 25 or less per day.

p. A hunting party consists of the hunter named on the permit and one guest hunter per blind site per day. Junior hunters may not invite a guest hunter unless it another refuge-trained junior hunter. Nonhunters may accompany a hunting party.

q. You must use at least six decoys.

r. We prohibit entry to closed areas of the refuge for any reason, except for the recovery of legally harvested animals, and in that case you may not carry a weapon (see § 27.42(a) of this chapter).

s. Unarmed hunters may scout open hunting areas before a particular season opens but in no case before September 1. We do not require a hunting permit for scouting.

v. Long Marsh Channel and Metcalfe Island encompasses the Metcalfe Island Pothole and Long Marsh Channel. This is a controlled hunting area. We established three blind sites, designated 1–3, in Long Marsh Channel. We established three blind sites, designated 8–10, on Metcalfe Island.

a. We will limit hunting to Tuesdays, Thursdays, and Saturdays throughout the waterfowl hunting season for duck.

b. You may obtain permits for the first 5 days of the duck season through application to a preseason lottery. The procedure described in the Saxes Pothole/Creek and Shad Island controlled hunt area apply. Following the first 5 days, hunters may acquire permits on a first-come, first-served basis with self-service permitting and sign in at the Mac's Bend Landing, no more than 2 hours before legal shooting time.

c. Hunters selected during the preseason lottery must pay a $10 fee. The refuge must receive the fee no less than 2 days before the opening of the season or the permit will be forfeited and made available first to standby hunters identified at the time of the drawing, and second to other hunters on a first-come, first-served basis. The fee is paid for any permit assigned before the day of the hunt. There is no fee for any permit obtained on the day of the hunt.

d. On those days that we draw permits by preseason lottery, hunters must sign in at the Mac's Bend Landing by 7 a.m. before going to the assigned zone. After 7 a.m., other hunters may sign in, self-register, and use unoccupied zones.

e. Shooting hours will be from ½ hour before legal sunrise until 11 a.m.

f. At the end of each daily hunt, you must sign out and deposit a report of hunt success at the Mac's Bend Landing. When a party signs out, another party may sign in and use the vacated zone. Hunters must sign out of a zone at Mac's Bend Landing prior to occupying a different hunting site in any of the controlled hunting areas.

g. You must hunt within 100 feet (30 m) of a numbered stake corresponding to your assigned zone.

h. You must use a retrieving dog.

i. You may only possess approved nontoxic shot shells (see § 32.2(k)) in quantities of 25 or less per day.

j. We prohibit permanent blinds.

k. We prohibit jump shooting.

l. You must use at least six decoys.

m. You must use a boat to hunt at each of these blind sites.

n. This area is open on a first-come, first-served basis to youth waterfowl hunters during the annual 2-day special Youth Waterfowl Hunting Weekend conducted in late September. We will hold no preseason drawing and assess no fee, however, youth hunters must self-register and submit a report of their hunt.

o. We will close this area to waterfowl hunting during split seasons when goose are the only waterfowl that hunters may legally take.

p. We prohibit entry to closed areas of the refuge for any reason, except for the recovery of legally harvested animals, and in that case you may not carry a weapon (see § 27.42 of this chapter).

q. Unarmed hunters may scout open hunting areas before a particular season opens but in no case before September 1. We do not require a hunting permit for scouting.

vi. Marquam Swamp Area encompasses about 200 acres (80 ha) west of the Central Vermont Railroad and south of Coleman's inholding and is open to migratory bird hunting with the following special requirements:

a. Conditions A1ia and A1ic through A1 if apply.

b. You must use a retrieving dog.

c. We prohibit hunting within the area encompassing the headquarters nature trail. We identify this area with ''No Hunting Zone'' signs.

2. Other migratory birds (including woodcock and common snipe):

i. The open area consists of the Delta Lakeshore Waterfowl Hunting Area excluding the Saxe's Creek/Pothole and Shad Island Pothole controlled areas.

ii. You may hunt woodcock and snipe in the Maquam Swamp Area, but you must have a retriever.

iii. We do not require a permit to hunt woodcock and snipe in these areas.

iv. Conditions A1ie and A1if apply.

B. Upland Game Hunting. We allow hunting of cottontail rabbits, snowshoe hare, ruffed grouse, and gray squirrels on open areas of the refuge (designated in B2 below) in accordance with State regulations subject to the following conditions:

1. You must obtain a permit at refuge headquarters prior to hunting, and you must hold a valid State hunting license. We will collect a $10 fee for each permit issued. The permit applies for the calendar year of issue.

2. You may pursue upland game: east of the Missisquoi River and north of Goose Bay Pool (as indicated by public hunting area signs), on Shad Island, on all refuge lands west of Tabor Road, and on all refuge lands between Tabor Road and the Central Vermont Railroad bed to the east, except the marked area encompassing the headquarters nature trail and the land east of Charcoal Creek and north of the marked boundary near Coleman's inholding. We mark the headquarters trail area with ''No Hunting Zone'' signs.

3. We only allow shotguns or muzzleloaders on open areas east of the Missisquoi River and on Shad Island.

4. You must use approved nontoxic shot (see §32.2(k)) for the shotgun hunting of all upland game species except deer.

5. We prohibit hunting from the end of snowshoe hare and rabbit season through September 1.

6. We require you to submit an annual report of the results of your hunt by December 31. Failure to do so will result in denial of a permit the following year.

7. We prohibit entry into closed areas of the refuge for any reason, except for the recovery of legally harvested animals, and in that case you may not carry a weapon (see §27.42(a) of this chapter).

8. Unarmed hunters may scout open hunting areas before a particular season opens but in no case before September 1. We do not require a hunting permit for scouting.

C. Big Game Hunting. We allow hunting of white-tailed deer in accordance with State regulations subject to the following conditions;

1. We prohibit hunting of bear, moose, or turkey.

2. You must obtain a permit at refuge headquarters prior to hunting, and you must hold a valid State hunting license. We will collect a $10 fee for each permit issued. The permit applies for the calendar year of issue. Permits issued to youth hunters (licensed hunters age 16 and under) for the Youth Deer Hunting Weekend are free.

3. You may pursue deer during State-designated archery and regular firearms seasons: east of the Missisquoi River and north of Goose Bay Pool (as indicated by public hunting area signs), on Shad Island, on all refuge lands west of Tabor Road, and on all refuge lands between Tabor Road and the Central Vermont Railroad bed to the east, except the marked safety zone encompassing the headquarters nature trail and the land east of Charcoal Creek and north of the marked boundary near Coleman's inholding.

4. We only allow shotguns, muzzleloaders, or archery equipment on open areas east and north of Vermont Route 78. We prohibit rifles in these areas at any time.

5. During the State-designated muzzleloader season and Youth Deer Hunting Weekend, you may hunt the entire area north of the line of public hunting area signs west of Mudgett Island, and all of Metcalfe Island, in addition to the open areas described in C3 above.

6. During the State regular firearms season, Youth Deer Hunting Weekend, and muzzleloader big game season, you must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material.

7. You may use portable tree stands in accordance with State regulations guiding their use on State Wildlife Management Areas. We require written approval from the refuge manager on your big game hunting permit prior to leaving a stand or blind unattended. We prohibit permanent stands and blinds (see §27.93 of this chapter).

8. Conditions B6, B7, and B8 apply.

D. Sport Fishing. We allow fishing on areas described below in accordance with State regulations subject to the following conditions:

1. We allow sport fishing by boat in the west branch, east branch and main channel of the Missisquoi River, Dead Creek, and shallow water areas of the Missisquoi River delta from Goose Bay to Charcoal Creek (north of Vermont Route 78) with the following exceptions:

i. We close the following areas from ice out to July 15—Goose Bay, Saxes Creek and Pothole, Metcalfe Island Pothole, Long Marsh Channel, and Clark Marsh.

ii. We close the following areas from Labor Day to December 31—Long Marsh Bay and Long Marsh Channel.

2. We allow bank fishing along Charcoal Creek where it passes under Route 78, and along the shoreline of the Missisquoi River from refuge headquarters to Mac's Bend boat launch. Bank fishing is accessible only by foot along the Missisquoi River from Louie's Landing to Mac's Bend.

3. We prohibit fishing from any dike or from within any water management unit or any other area not specifically designated as being open under D1 and D2 above.

4. We allow ice fishing in open areas described in D1 above.

5. We allow bow fishing from a boat on refuge waters that are open to fishing as described in D1 above.

6. We prohibit taking fish with firearms within refuge boundaries.

7. We allow boat launching from Louie's Landing year-round. We allow boat launching from Mac's Bend boat launch area from September through November inclusive.

8. Anglers may collect minnows in accordance with State regulations from refuge open fishing areas for personal use. We prohibit collection of more than 2 quarts (1.9 l) per day from the refuge.

9. We authorize commercial bait dealers to take and transport minnows in excess of 2 quarts (1.9 l) per day only after acquiring a refuge Special Use Permit that will contain the following special conditions:

i. We require a $35 fee for the Special Use Permit.

ii. The permittee must possess and carry a Commercial Bait Dealer's Permit from the Vermont Commissioner of Fish.

iii. Excessive fish mortality and waste, as determined by the refuge manager, will result in revocation of the Special Use Permit and denial of future permit applications.

iv. The permittee must remove all traps and holding cages (see § 27.93 of this chapter) within 1 week of permanent freeze up.

v. The Special Use Permit must be in the possession of the permittee or an employee of the permitee on site while on the refuge and is not transferable to another individual or party.

vi. The Special Use Permit does not grant or imply permission to obstruct any refuge road, parking area, boat launch, or waterway at any time.

vii. The permittee must keep all equipment used clean so as not to introduce aquatic nuisance species. The permittee must not clean or empty tanks and other equipment used into refuge waters.

viii. Failure to comply with conditions of the Special Use Permit will result in its revocation and the denial of future permit applications.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 60 FR 62047, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 65 FR 30792, May 12, 2000; 65 FR 56409, Sept. 18, 2000; 69 FR 54362, 54462, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. [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 in accordance with State regulations subject to the following conditions:

1. We close the refuge to all other public uses beginning at legal sunrise on the first Saturday of October through legal sunset of the following Saturday.

2. We require a Special Use Hunting Permit. You must carry the signed permit on your person while hunting. We issue permits on the day of the hunt at the Refuge Check Station.

3. We only allow shotguns 20 gauge or larger (loaded with buckshot or rifled slugs) and bow and arrow. We prohibit possession of loaded firearms (*see* § 27.42 of this chapter) or nocked arrows on refuge roads and Refuge Proclamation Waters.

4. We prohibit the use of dogs to hunt deer or feral hog.

5. You must be at least age 18 to hunt without an accompanying, qualified adult. Youths between ages 12 and 18 may only hunt when accompanied by a licensed non-hunting adult who is age 21 or older.

6. You must visibly wear a minimum of 400 square inches (2,600 cm^2) of solid-colored, blaze-orange material on your head, chest, and back (the equivalent of a hat and vest for each hunter).

7. We reserve Hunting Zone 5 for use by nonambulatory hunters. We define a ''nonambulatory'' hunter as ''any person who presents a medical doctor's written statement that said person is permanently unable to walk.'' Zone 5 will be available to the general public only when nonambulatory hunters are not present.

8. We will decide reservations for hunt days and zones by a computerized lottery at the refuge headquarters in mid-September. You may obtain a hunt application by calling the Back Bay Refuge headquarters at (757) 721–2412 during August.

9. We restrict scouting to the week prior to the refuge hunt. We restrict access to hunting zones to travel by bicycle or on foot. Scouts must wear 400 square inches (2,600 cm^2) of visible blaze orange. We prohibit weapons *see* § 27.42(a) of this chapter) during scouting. Scouts must notify refuge staff daily prior to both entering and leaving a hunt zone.

10. You must register at the Refuge Entrance Fee Booth between 4 a.m. and 5 a.m. on the day of the hunt. After 5 a.m., we will allow standby hunters to fill vacant slots in a separate lottery. All hunters must check out at the Check Station no later than 6 p.m.

11. Transportation to Hunt Zone 7 (Long Island) is only by car-top boat (canoe, punt, row-boat, etc.) or from the canoe/kayak launch at refuge headquarters. Hunter-provided boats must meet Coast Guard safety requirements. We prohibit boats on trailers.

12. A Safety Zone runs from the Check Station to north of the headquarters parking lot. We prohibit hunting or discharging of

firearms/bow and arrows within the Safety Zone. We prohibit retrieval of crippled game from a No Hunting Area or Safety Zone without the consent of the refuge employee on duty at the Check Station.

13. You must use safety belts at all times while you are in a tree stand.

14. We close the ''Hacking Tower'' in Hunt Zone 3 to public access.

D. Sport Fishing. We allow fishing, noncommercial crabbing, and clamming on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We close all areas within the hunting zones, as well as the refuge oceanfront, to fishing, crabbing, and clamming during the annual refuge white-tailed deer and feral hog hunt, beginning at legal sunrise on the first Saturday in October through legal sunset of the following Saturday.

2. You must attend all fishing lines and crab pots at all times.

3. We prohibit on-site cleaning of fish.

4. We prohibit the taking of amphibian, reptile, marine mammal, aquatic invertebrate, or any other marine organism from refuge lands or waters.

5. We allow sportfishing, crabbing, and clamming access to Back Bay from the refuge headquarters parking lot only by foot, bicycle, and hand-launched, nontrailered boat.

6. We only allow surf fishing, crabbing, and clamming south of the refuge's beach access ramp.

7. For sportfishing in D Pool and at Horn Point:

i. We only allow fishing from the docks or banks. We prohibit boats, canoes, or kayaks on refuge pools and impoundments.

ii. We prohibit live minnows or other live bait fish for fishing in refuge pools and impoundments.

iii. We require barbless or flattened hooks for all fishing.

iv. Smallmouth bass, largemouth bass, and pickerel are catch-and-release only. The daily creel limit for D Pool for other species is a maximum combination of any 10 fish.

v. Parking for mobility-impaired visitors is available adjacent to the dock at D Pool. We require all other visitors to hike or bicycle.

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory duck, goose, swan, coot, and rail on Thursdays, Fridays, and Saturdays during the State seasons on designated areas of the refuge within Wildcat Marsh, Morris Island, Assawoman Island, and Metompkin Island Divisions in accordance with State regulations subject to the following conditions:

1. You must possess and carry while hunting on the refuge written authorization from the refuge. You may obtain hunting brochures containing an application for permission to hunt from the refuge administration building during normal business hours. The refuge administration office has available hunting brochures containing application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits.

2. Each youth hunter (under age 18) must remain within sight and normal voice contact and under direct supervision of an adult age 18 or older. The supervising adult must also possess and carry a State hunting license and a refuge permit.

3. You may only access hunting areas by boat.

4. You may only possess approved nontoxic shot (*see* §32.2(k)) while hunting duck, goose, swan, coot, and rail.

5. You may erect portable blinds and deploy decoys, but you must remove the blinds and decoys (*see* §27.93 of this chapter) daily.

6. You may use trained dogs to assist in the retrieval of harvested birds.

7. You must complete a harvest report card, provided by the refuge, after each hunt period. You must return the harvest report card to the refuge within 15 days of your permitted hunt.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and sika in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. General hunt information:

i. You must possess and carry a refuge permit. We issue the permits based on a computer lottery system. You may obtain permit applications from the refuge administration office during normal business hours. Hunting brochures containing hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available from the refuge administration office.

ii. You must be age 12 or older to hunt on the refuge. An adult age 18 or older must accompany hunters under age 18. The supervising adult must also possess and carry a State hunting license and refuge permit.

iii. You must attend a hunt orientation. We conduct orientations beginning at 10 a.m. Sundays and Wednesdays throughout the hunt season. We allow scouting from 11 a.m. to 6 p.m. following each orientation.

iv. You must sign in at the hunter registration station prior to entering your hunt zone and sign out upon exiting your hunt zone. All hunters must sign out no later than 2 hours after the end of the hunt day.

v. You must check all harvested animals at the refuge's official check station.

vi. You must make a reasonable effort to recover wounded animals from the field and must notify the check station personnel immediately if you are not able to recover a wounded animal.

vii. We prohibit crossing water management areas unless you are retrieving a harvested animal.

viii. We prohibit use of a boat, all-terrain vehicle, bicycle, or saddled animal to access or travel within your hunt zone (*see* §27.31(f) of this chapter).

ix. We allow the use of a portable tree stand.

2. Archery hunt information:

i. We allow hunting of white-tailed deer and sika with bow and arrow in designated areas of the refuge.

ii. You may not nock an arrow within 50 feet (15 m) of the centerline of any road.

iii. During the sika archery season, you may take up to five sika daily, two of which may be antlered. In addition, you may take antlerless white-tailed deer in accordance with State regulations.

iv. We prohibit deer drives.

v. You must print your full name in a permanent manner near the fletching on each arrow shaft used for hunting.

vi. We reserve Zone 2 for hunters confined to wheelchairs. Hunters confined to wheelchairs must remain on the paved trail or overlook platform on Woodland Trail. Hunters confined to wheelchairs who require assistance retrieving or dressing harvested animals must have a nonhunting assistant available.

3. Firearm hunt information:

i. We allow hunting of white-tailed deer and sika with firearms in designated areas of the refuge.

ii. You must wear a minimum of 400 square inches (2,600 cm^2) of visible blaze-orange material consisting of a vest and hat or a jacket and hat.

iii. You may use any firearm allowed by State law in designated areas of the refuge. We restrict other areas of the refuge to shotgun and muzzleloading firearms only. We restrict shotgun ammunition to slugs, 00 buckshot, or 000 buckshot. You must unload and either case or disassemble firearms (*see* §27.42(b) of this chapter) in vehicles.

iv. We prohibit possession of a loaded firearm within 50 feet (15 m) of the centerline of any road.

v. During the sika firearm season, you may take up to five sika daily, two of which may be antlered. In addition, hunters may take antlerless white-tailed deer in accordance with State regulations on the first day of designated white-tailed deer hunt periods. If you take an antlerless white-tailed deer on the first day of your hunt, you may take antlered white-tailed deer or any sika, not to exceed prescribed bag limits, on the second day of your hunt period. If you do not take an antlerless white-tailed deer on the first day of your hunt period, you may only take antlerless white-tailed deer or any sika, not to exceed prescribed bag limits, on the second day of your hunt period.

vi. You must have a 4-wheel drive vehicle to hunt in zones 10, 10a, and Tom's Cove Hook. All oversand vehicles must carry a shovel, jack, tow rope or chain, board or similar support for the jack, and a low pressure tire gauge.

vii. We reserve zone 2 for hunters confined to wheelchairs. Those hunters must remain on the paved trail or overlook platform on Woodland Trial. They may use any firearm allowed by State law while hunting from the overlook platform. We restrict other areas of the zone to shotgun and muzzleloading firearms only. Hunters confined to wheelchairs who require assistance retrieving and/or dressing harvested animals must have a nonhunting assistant available.

D. Sport Fishing. We allow sport fishing, crabbing, and clamming from the shoreline of the refuge in designated areas of Tom's Cove, Swan's Cove, and the Atlantic Ocean in accordance with State regulations subject to the following conditions:

1. You may not enter any water management areas.

2. You must attend minnow traps, crab traps, crab pots, and handlines at all times.

3. You must possess and carry a refuge permit to surf fish after hours while fishing.

EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery and shotgun hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. There are 12 days of archery and 7 days of shotgun hunting that occur during the State hunting season.

2. You must hunt white-tailed deer in designated zones. You must possess and carry a refuge permit to hunt that serves as your pass to enter your hunt zone. The permit fee is $15.00 for each hunt.

3. You must be at least age 18 to hunt without an accompanying, qualified adult. Youth hunters between ages 12 and 17 may only hunt when accompanied by an adult age 21 or older who must possess and carry a valid hunting license. The minimum age for hunters is 12.

4. You must sign in before entering the hunt zone and sign out upon leaving the zone.

5. We allow portable tree stands, but you must remove them (*see* §27.93 of this chapter) at the end of each day. You must use safety straps while in tree stands. We prohibit tree

stands attached with nails, wire, screws, or bolts (*see* § 32.2(i)).

6. You must bring all deer harvested to the refuge check station before the end of hunt day for inspection by refuge personnel.

7. We prohibit the use of organized drives for taking or attempting to take game.

8. We prohibit nocked arrows in your vehicle or outside your hunt zone.

9. For the firearm hunt, we allow shotgun hunting in zones 1–4. We allow archery hunting in zone 5 during the firearm season.

10. We only allow shotguns, 20 gauge or larger, loaded with buckshot during the firearm season.

11. During the firearm hunt, you must wear a minimum of 400 square inches (2,600 cm^2) of a blaze-orange material consisting of a hat and vest or jacket. Blaze-orange camouflage is not acceptable.

12. You must unload and case or disassemble firearms *see* § 27.42(b) of this chapter) in vehicles.

D. Sport Fishing. [Reserved]

GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer and bear on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We allow shotguns, 20 gauge or larger, loaded with buckshot and/or rifled slugs, and bows and arrows.

3. We prohibit dogs.

4. We require all hunters to wear 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material in a visible manner during firearms big game season.

5. We require hunters to sign in and out each hunt day.

6. We prohibit possession of loaded firearms (*see* § 27.42 of this chapter) (ammunition in the chamber, magazine, or clip), or loaded bow on or within 50 feet (15 m) of a refuge road, including roads closed to vehicles.

7. We prohibit hunters to shoot onto or across refuge roads, including roads closed to vehicles.

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing in Lake Drummond and in the Feeder Ditch on the east side of Lake Drummond during daylight hours.

2. We prohibit bank fishing.

3. You must attend all fishing lines.

4. We require permits for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond.

JAMES RIVER NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require firearm hunters to purchase a refuge hunt permit at the Refuge Hunter Check Station on the morning of each hunt on a first-come, first-served basis. The hunter must possess and carry the permit while on refuge property.

2. We require archery hunters to purchase a refuge hunt permit by mail by the designated application deadline. The hunter must possess and carry the permit while on refuge property.

3. We allow the use of shotguns (20 gauge or larger, loaded with buckshot only), muzzleloaders, and bows and arrows on designated refuge hunt days.

4. You may take two deer of either sex per day.

5. We prohibit dogs.

6. We only allow portable tree stands that you must remove (*see* § 27.93 of this chapter) at the end of each hunt day.

7. During firearms season, all hunters must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material.

8. During archery only season, archers must wear in a visible manner a solid-colored, hunter-orange hat or cap while moving to and from their stand.

9. We require that firearm hunters remain within 25 feet (7.5 m) of their assigned stand unless tracking or retrieving a wounded deer.

10. We allow hunters to retrieve wounded deer from closed areas with prior consent from a refuge employee only.

11. We require hunters to unload all weapons while on the refuge (see § 27.42(b) of this chapter), except when at their assigned stand.

12. We prohibit the discharge of firearm or archery equipment across or within refuge roads, including roads closed to vehicles.

13. You must be at least age 18 to hunt without an accompanying, qualified adult. Youth hunters between ages 12 and 17 may only hunt when accompanied by an adult age 21 or older, who must also possess and carry a valid hunting license. The minimum age for hunters is 12.

D. Sport Fishing. [Reserved]

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Hunters must sign and carry a Refuge Deer Hunting Permit while hunting on the refuge.

2. We allow the use of shotguns, muzzleloading rifles/shotguns, and bows. We prohibit the use of all other rifles and pistols.

3. We allow access to hunting areas from 5 a.m. until 8 p.m.

4. We prohibit marking of trees or vegetation (*see* §27.51 of this chapter) with blazes, flagging, or other marking devices.

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. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State and County regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We select hunters by lottery. Contact the refuge office for information on application dates.

3. We send applicants an information packet detailing specific dates, details, and requirements for the hunt, including, but not limited to: hunt dates, hunt areas, bag restrictions, weapon certification requirements and locations, orientation dates/times, scouting date(s), check station location, and maps.

4. Hunters must certify/qualify weapons and ammunition and attend an orientation session prior to issuance of a permit.

5. Hunters must wear a minimum of 400 square inches (2,600 cm^2) of visible solid hunter-orange clothing and a hunter-orange hat.

6. We may close areas of the refuge to hunting. We will identify these areas on the maps in the information packet and review them during orientation.

D. Sport Fishing. [Reserved]

OCCOQUAN BAY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State and County regulations subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We select hunters by lottery. Contact the refuge office for information on application dates.

3. We send applicants an information packet detailing specific dates, details, and requirements for the hunt, including, but not limited to: hunt dates, hunt areas, bag restrictions, weapon certification requirements and locations, orientation dates/times, scouting date(s), check station location, and maps.

4. Hunters must certify/qualify weapons and ammunition and attend an orientation session prior to issuance of a permit.

5. Hunters must wear a minimum of 400 square inches (2,600 cm^2) of visible solid hunter-orange clothing and a hunter-orange hat.

6. We may close areas of the refuge to hunting. We will identify these areas on the maps in the information packet and review them during orientation.

D. Sport Fishing. [Reserved]

PLUM TREE ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, gallinule, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed Special Use Hunting Permit while hunting waterfowl on the refuge. We only open the Cow Island area of the refuge to waterfowl hunting. We close all other areas of the refuge to all public entry.

2. We limit hunting parties to three individuals hunting at one blind site.

3. You may hunt from: the location of your choice, unimproved shore locations, camouflaged boats (float blinds) anchored to the shore, or temporary blinds erected on the interior of the island.

4. We prohibit permanent blinds/structures on the refuge.

5. We prohibit jump-shooting.

6. Except for peak use days, we restrict waterfowl hunting to three mornings per week: Tuesday, Thursday, and Saturday mornings until 12 p.m. (noon) local time. We prohibit hunting on Sundays, Mondays, Wednesdays, and Fridays.

7. On all hunt days, hunters must retrieve and remove all decoys, temporary blinds, and equipment and leave Cow Island by 1 p.m. (see §§27.93 and 27.94 of this chapter).

8. We define peak use days as the waterfowl season opening days and some Federal holidays. We will define peak use dates for the current season after the State establishes its waterfowl hunting season(s).

9. You must secure reservations by telephone (call 804–829–9020 weekdays between 8 a.m. and 4:30 p.m.) no more than 4 workings days prior to your desired hunt date. We will issue the first five callers for those days a

reservation number that they must possess and carry while hunting on their reserved date.

10. No more than two other hunters may accompany hunters with reservations, and they must hunt as a party from the same blind.

11. Youth Waterfowl Hunt Day: We will open Cow Island for the youth waterfowl hunt as per State regulations. Youth hunters must also possess and carry a signed refuge Special Use Hunting Permit.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

PRESQUILE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to purchase a refuge hunt permit. You may obtain permits by contacting the Charles City office at (804) 829–9020. The hunter must possess and carry the signed permit while on refuge property.

2. We allow the use of shotguns (20 gauge or larger, loaded with buckshot and/or rifled slugs).

3. You may take two deer of either sex per day.

4. We prohibit dogs.

5. We allow only portable tree stands that hunters must remove at the end of each hunt day (see §§ 27.93 and 27.94 of this chapter).

6. We require hunters to 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.

7. We require hunters to remain within 25 feet (7.5 m) of their designated stand unless tracking or retrieving a wounded deer.

8. We require all hunters to unload all firearms while on the refuge, except when at their assigned stand (see § 27.42(b) of this chapter).

9. You must be at least age 18 to hunt without an accompanying, qualified adult. Youth hunters between ages 12 and 17 may only hunt when accompanied by an adult age 21 or older who must also possess and carry a valid hunting license. The minimum age for hunters is 12.

D. Sport Fishing. [Reserved]

RAPPAHANNOCK RIVER VALLEY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to purchase a refuge hunt permit. You may obtain permits by contacting the refuge headquarters at (804) 333–1470. The hunter must possess and carry the permit while on refuge property.

2. We allow shotgun, muzzleloader, and archery hunting on designated refuge hunt days.

3. We allow the take of two deer of either sex per day.

4. We prohibit dogs.

5. We allow only portable tree stands that hunters must remove at the end of each hunt day (see §§ 27.93 and 27.94 of this chapter).

6. During firearm seasons, all hunters must wear in a visible manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material.

7. During archery only season, archers must wear in a visible manner a solid-colored, hunter-orange hat or cap while moving to and from their stand.

8. We prohibit the possession of loaded firearms or nocked arrows while on the refuge roads.

9. We require hunters to unload all weapons while traveling between the hunting sites (see § 27.42(b) of this chapter).

10. We prohibit the discharge of a firearm or archery equipment across or within refuge roads, including roads closed to vehicles.

11. We allow hunters to retrieve wounded deer from closed areas only with prior consent from a refuge employee.

12. You must be at least age 18 to hunt without an accompanying, qualified adult. Youth hunters between ages 12 and 17 may only hunt when accompanied by an adult age 21 or older who must also possess and carry a valid hunting license. The minimum age for hunters is 12.

D. Sport Fishing. We allow fishing on designated areas of Wilna Pond in Richmond County subject to the following conditions:

1. We allow fishing access from legal sunrise to legal sunset.

2. We allow fishing from the Wilna Pond pier, banks of the dam, and watercraft. We prohibit fishing from the aluminum catwalk.

3. During the period when we open the Wilna Tract for deer hunting, we will close it to all other uses, including fishing.

4. We prohibit fishing by any means other than by use of one or more attended poles with hook and line attached.

5. We prohibit the use of lead sinkers.

6. We require catch and release fishing only for largemouth bass. Anglers may take other finfish species in accordance with State regulations.

7. We prohibit the take of any reptile, amphibian, or invertebrate species for use as bait or for any other purpose.

8. We prohibit the use of live minnows as bait.

9. We prohibit use of boats propelled by gasoline motors, sail, or mechanically operated paddle wheel. We only permit car-top boats; and we prohibit trailers.

10. Prescheduled environmental education field trips will have priority over other uses, including sport fishing, on the Wilna Pond pier at all times.

WALLOPS ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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 subject to the following conditions:

1. You must possess and carry a refuge permit. We issue permits based on a computer lottery system. You may obtain permit applications from the refuge administration office during normal business hours. Hunting brochures containing application procedures, seasons, and maps depicting areas open to hunting are available from the refuge administration office. You must provide an unobstructed view of the refuge permit on the vehicle's dashboard while hunting on the refuge.

2. You must be age 12 or older to hunt on the refuge. An adult age 18 or older must accompany and directly supervise hunters under age 18. The supervising adult must also possess and carry a State hunting license and refuge permit.

3. You must sign in at the hunter registration station prior to entering your hunt zone and sign out upon exiting your hunt zone. You must sign out no later than two hours after the end of the hunt day.

4. You must wear a minimum of 400 square inches (2,600 cm^2) of blaze-orange material consisting of a vest and hat or a jacket and hat.

5. You may use of portable tree stands.

6. We prohibit dogs.

7. You must park your vehicle in designated areas (*see* § 27.31 of this chapter).

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6686, Feb. 11, 1994; 60 FR 62048, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 65 FR 56409, Sept. 18, 2000; 67 FR 58951, Sept. 18, 2002; 68 FR 57318, Oct. 2, 2003; 69 FR 54362, 54465, Sept. 8, 2004; 70 FR 54194, Sept. 13, 2005]

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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. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and Wilson's snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting on Wednesdays, Saturdays, Sundays, and Federal holidays on Marsh Unit 1 and Farm Units 226–227.

2. Prior to entering the Farm Unit 226–227 hunt area, we require you to possess and carry a refuge permit, pay a recreation user fee, and obtain a blind assignment.

3. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Hunting of Upland Game Birds. We allow hunting of ring-necked pheasant, California quail, gray partridge, and chukar on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow hunting of upland game birds during State upland game seasons that run concurrently with the State waterfowl season.

2. We allow hunting from 12 p.m. (noon) to legal sunset on Wednesdays, Saturdays, Sundays, and Federal holidays in Marsh Unit 1.

3. Condition A3 applies.

C. Big Game Hunting. We allow hunting of mule deer and white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotgun and archery hunting.

2. We only allow hunting during State deer seasons that run concurrently with the State waterfowl season.

3. Condition A3 applies.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. On waters open to fishing, we only allow fishing from April 1 to September 30, with the exception of Falcon, Heron, Goldeneye, Corral, Blythe, Chukar, and Scaup Lakes that are open year-round.

2. We allow nonmotorized boats and boats with electric motors on Upper and Lower Hampton, Hutchinson, and Shiner Lakes.

3. We allow motorized boats and nonmotorized boats on all other refuge waters open to fishing.

4. We allow frogging during periods when we allow fishing on designated waters.

5. We allow catch-and-release fishing using artificial flies with a single barbless hook on Quail Lake.

CONBOY LAKE NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of dove, goose, duck, coot, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field (see §32.2(k)).

2. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following condition: Condition A2 applies.

D. Sport Fishing. [Reserved]

DUNGENESS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [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/SADDLE MOUNTAIN NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, mourning dove, and common snipe on the Wahluke Unit of the Monument/Refuge in accordance with State regulations subject to the following conditions:

1. You may only possess approved nontoxic shot while on the refuge (*see* §32.2(k)).

2. We allow access from 2 hours before legal sunrise to 2 hours after legal sunset. We prohibit overnight camping and/or parking.

3. We prohibit permanent and pit blinds and the cutting of vegetation (*see* §27.51 of this chapter). You must remove all blind materials, decoys, and other equipment (*see* §27.93 of this chapter) at the end of each day.

4. We only allow nonmotorized boats and boats with electric motors on the WB–10 Pond (Wahluke Lake) and with walk-in access only.

5. We prohibit shooting or discharging any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of pheasant, quail, and partridge on designated areas on the Wahluke Unit of the Monument/Refuge in accordance with State regulations and subject to the conditions listed below:

1. You may possess only approved nontoxic shot while on the refuge.

2. We allow only shotguns and archery hunting.

3. We allow access from 2 hours before sunrise to 2 hours after sunset. We prohibit overnight camping and/or parking.

4. Condition A5 applies.

C. Big Game Hunting. We allow hunting of deer and elk on the Wahluke Unit of the Monument/Refuge in accordance with State regulations and subject to the following conditions:

1. We allow only shotguns, muzzleloaders, and archery hunting.

2. We allow access from 2 hours before sunrise to 2 hours after sunset. We prohibit overnight camping and/or parking.

3. Condition A5 applies.

D. Sport Fishing. We allow fishing on the Wahluke Unit in accordance with State regulations subject to the following conditions:

1. We allow access from 2 hours before legal sunrise to 2 hours after legal sunset. We prohibit overnight camping and/or parking.

2. We allow nonmotorized boats and boats with electric motors on the WB–10 Ponds and with walk-in access only.

JULIA BUTLER HANSEN REFUGE FOR THE COLUMBIAN WHITE-TAILED DEER

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and common snipe on designated areas of the Hunting Island Unit in accordance with State regulations subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field (see §32.2(k)).

2. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We conduct the refuge hunt by State permit only. We require hunters to possess and carry current Washington State elk licenses, valid for the refuge's hunt unit.

2. We allow a maximum of ten hunters to use the refuge in any one day, with one hunt period consisting of 5 consecutive days (Monday through Friday only).

3. We allow a maximum of four hunt periods per hunt season; two regular permit hunts, and if required, two ''as needed'' permit hunts.

4. We will use the State Second Elk Tag As-Needed hunt program as necessary to control elk numbers during months outside the normal hunting season, except we prohibit hunting during the period April through August.

5. The State will publish the hunting dates, number of permits to be issued, and other regulations for the refuge hunt in the State's

Big Game hunting pamphlet. You may also obtain this information by contacting the refuge headquarters.

6. We allow hunting of elk using muzzle-loading firearms only.

7. We require hunters to attend a refuge-specific orientation session each year prior to hunting on the refuge.

8. We allow hunting on Mondays through Fridays only. We close the refuge to hunting on weekends and Federal holidays.

9. We require hunters to sign in and out each day at the refuge headquarters. When signing out for the day, you must report hunting success, failure, and any hit-but-not retrieved animals.

10. No more than one unlicensed person may assist each licensed hunter during the hunt.

11. Additional persons may assist hunters during elk retrieval only.

12. We prohibit hunters from operating motorized vehicles on the refuge.

13. Condition A2 applies.

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. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit waterfowl hunting on any creek or stream.

2. We allow hunting during approved State hunting seasons occurring September through December and during the State spring wild turkey season only. We prohibit hunting and discharge of firearms during all other periods.

3. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit use of dogs except for hunting and retrieving upland game birds.

2. Conditions A2 and A3 apply.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit all use of dogs for hunting of big game.

2. Conditions A2 and A3 apply.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations.

MCNARY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, dove, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow vehicles on designated routes of travel and require hunters to park in designated parking areas (*see* § 27.31 of this chapter). We prohibit off-road vehicle travel and all use of ATVs (*see* § 27.31(f) of this chapter).

2. We only allow portable blinds and temporary blinds constructed of natural materials.

3. We allow dove hunting in accordance with State regulations on the Wallula, Burbank Sloughs, Stateline, Juniper Canyon, Peninsula, and Two Rivers Units only.

4. The McNary Fee Hunt Unit is only open on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day from 5 a.m. to 1½ hours after legal sunset.

5. Prior to entering the McNary Fee Hunt Unit, we require you to possess and carry a refuge permit, pay a recreation user fee, and obtain a blind assignment before hunting.

6. On the McNary Fee Hunt Unit, we only allow hunting from assigned blind sites and require hunters to remain within 100 feet (30 m) of marked posts unless retrieving birds or setting decoys. We allow a maximum of four persons per blind site.

7. On the McNary Fee Hunt Unit, you may only possess approved nontoxic shotshells (*see* § 32.2(k)) in quantities of 25 or less per day.

8. On the Wallula Unit, we prohibit hunting within ¼ mile (.4 km) of the Walla Walla Delta or Crescent Island from February 1 through September 30.

9. On the Peninsula Unit, we allow waterfowl hunting subject to the following conditions:

i. On the east shoreline of the Peninsula Unit, we only allow hunting from established numbered blinds sites, assigned on a first-come, first-served basis. We require hunters to remain within 100 feet (30 m) of marked posts unless retrieving birds or setting decoys.

ii. On the west shoreline of the Peninsula Unit, we require hunters to space themselves a minimum of 200 yards (180 m) apart.

10. We close the furthest downstream refuge island (Columbia River mile 341–343) in the Hanford Islands Division to hunting.

11. On the Peninsula and Two Rivers Units, we close Casey Pond to all hunting.

12. We close Strawberry Island in the Snake River to all hunting.

13. We close Badger and Foundation Islands in the Columbia River to all hunting.

14. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. On the McNary Fee Hunt Unit, we only allow hunting of upland game birds on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day. We prohibit hunting until 12 p.m. (noon) of each hunt day.

2. On the Peninsula Unit, we prohibit upland game hunting before 12 p.m. (noon) on goose hunt days.

3. We only allow turkey hunting on the Wallula Unit.

4. We close all islands of the Hanford Islands Division to hunting.

5. Condition A14 applies.

C. Big Game Hunting. We allow hunting of deer only on the Stateline, Juniper Canyon, and Wallula Units in accordance with State regulations subject to the following conditions:

1. On the Wallula Unit, we only allow shotgun and archery hunting.

2. Condition A14 applies.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations.

NISQUALLY NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and shellfishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing from boats outside the Brown Farm Dike and outside the Research Natural Area.

2. We allow bank fishing in the designated McAllister Creek Bank Fishing Area from legal sunrise to legal sunset. The 3/4-mile (1.2 km) area of bank fishing is located ½ mile (.8 km) downstream from I–5 and allowed only along the east side of the creek. Anglers may reach this area either by foot from the refuge parking lot or by boat.

3. We prohibit bank fishing along the Nisqually River.

4. We prohibit fishing in any waters inside the Brown Farm Dike.

5. We allow shellfishing on the tideflats. Access is by boat or by foot from the Luhr Beach Boat Launch. We prohibit tideflat access from the Brown Farm Dike.

6. We prohibit boat launching on the refuge.

RIDGEFIELD NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting by special refuge permit only. You must possess and carry the special refuge permit at all times while hunting.

2. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing and frogging from March 1 through September 30 only.

2. We allow fishing and frogging from legal sunrise to legal sunset only.

TOPPENISH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, dove, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge from 5 a.m. to 1½ hours after legal sunset.

2. We only allow vehicles on designated routes of travel and require hunters to park in designated parking areas (see §27.31 of this chapter). We prohibit off-road vehicle travel and all use of ATVs (see §27.31(f) of this chapter).

3. We only allow dove hunting on the Webb, Petty, Halvorson, Chambers, and Isiri Units.

4. You may only possess approved nontoxic shotshells (see §32.2(k)) in quantities of 25 or less per day.

5. On the Petty, Isiri, Chamber, and Cloe Units, we allow hunting 7 days a week subject to the following condition: We require hunting parties to space themselves a minimum of 200 yards (180 m) apart.

6. On the Halvorson and Webb Units, we only allow hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day. On these units, we allow hunting only from designated field pits, and we prohibit jump shooting.

7. On the Robbins Road Unit, we only allow hunting on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

8. On the Robbins Road and Pumphouse Units, we only allow hunting from numbered field blind sites, and hunters must only park their vehicles at the numbered post corresponding to the numbered field blind site they are using (see §27.31 of this chapter).

Selection of parking sites/numbered posts is on a first-come, first-served basis at the designated parking lot. We prohibit free-roam hunting or jump shooting, and you must remain within 100 feet (30 m) of the numbered field blind post unless retrieving birds or setting decoys. We allow a maximum of four persons per blind site.

9. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. On all refuge units, we prohibit hunting of upland game birds until 12 p.m. (noon) of each hunt day.

2. On the Halvorson and Webb Units, we only allow hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

3. On the Robbins Road Unit, we only allow hunting on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

4. Condition A9 applies.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

UMATILLA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, dove, and common snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge from 5 a.m. to 1½ hours after legal sunset.

2. We only allow vehicles on designated routes of travel and require hunters to park in designated parking areas (see § 27.31 of this chapter). We prohibit off-road vehicle travel and all use of ATVs (see § 27.31(f) of this chapter).

3. We only allow portable blinds and temporary blinds constructed of natural materials.

4. You may only possess approved nontoxic shotshells (see § 32.2(k)) in quantities of 25 or less per day.

5. On the Paterson Slough and Whitcomb Units, we only allow hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

6. In the refuge ponds within the Paterson Slough area, we only allow nonmotorized boats and boats with electric motors.

7. On the Ridge Unit, we only allow shoreline hunting and prohibit all hunting from boats.

8. We require waterfowl hunting parties to space themselves a minimum of 200 yards (180 m) apart.

9. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit hunting of upland game birds until 12 p.m. (noon) of each hunt day.

2. In the Paterson Slough and Whitcomb Units, we only allow hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

3. Condition A9 applies.

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting by special refuge permit only. You must possess and carry the special refuge permit at all times while hunting.

2. Condition A9 applies.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open the refuge from 5 a.m. to 1½ hours after legal 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.

WILLAPA NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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.

7. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

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.
5. Condition A7 applies.

C. Big Game Hunting. We allow hunting of deer, elk, and bear on Long Island, and deer and elk only on designated areas of the refuge north of the Bear River and east of Wallapa Bay, in accordance with State regulations 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. We prohibit bear hunting on any portion of the refuge except Long Island.
4. We prohibit dogs.
5. Condition A7 applies.

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.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 59 FR 6686, 6699, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62048, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 65 FR 56409, Sept. 18, 2000; 66 FR 46362, Sept. 4, 2001; 67 FR 58952, Sept. 18, 2002; 69 FR 54362, 54469, Sept. 8, 2004; 70 FR 54195, Sept. 13, 2005]

§ 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. Migratory Game Bird Hunting. We allow hunting of goose, duck, rail, coot, gallinule, mourning dove, snipe, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require each hunter to possess and carry a signed refuge hunting permit, State hunting license, and driver's license (or other photo identification card) at all times while hunting on the refuge. The refuge hunting permit is free, and you may obtain it at the refuge headquarters. We require each hunter to submit a survey form at the end of the hunting season. Hunters must submit survey forms to the refuge headquarters if they wish to receive a hunting permit the following year.
2. We allow hunting on most refuge lands with the following exceptions: the area surrounding the refuge headquarters, areas marked as safety zones, areas marked as no hunting zones, areas marked as closed to all public entry, or within 500 feet (150 m) of any dwelling.
3. We prohibit the building or use of permanent blinds.
4. The refuge closes 1 hour after legal sunset, including parking areas. We prohibit hunters from leaving decoys and other personal property on the refuge.
5. We allow the use of dogs for hunting migratory game birds. We require all dogs to wear a collar displaying the owner's name, address, and telephone number.
6. We prohibit dog training except during legal hunting seasons.
7. We require hunters accessing the refuge through private property to possess and carry written permission of the landowner while hunting on the refuge.

B. Upland Game Hunting. We allow the hunting of ruffed grouse, squirrel, cottontail rabbit, snowshoe hare, red fox, gray fox, bobcat, woodchuck, coyote, opossum, striped skunk, and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, A6, and A7 apply.
2. The refuge opens 1 hour before legal sunrise and closes 1 hour after legal sunset, including parking areas.
3. You may hunt raccoon at night, but you must obtain a Special Use Permit for raccoon hunting.
4. We only allow hunting in the No Rifle Zones with the following equipment: archery, shotgun, or muzzleloader.
5. You may use dogs for hunting upland game species. We prohibit more than six dogs per hunting party for raccoon hunting. You must account for all dogs at the conclusion of the hunt. You must search for lost dogs for at least 3 days, and we prohibit hunting during the search period. All dogs must wear a collar displaying the owner's name, address, and telephone number.
6. We prohibit the hunting of upland game species between March 1 and the youth squirrel season in September.

C. Big Game Hunting. We allow the hunting of white-tailed deer, black bear, and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Condition A1, A2, A6, A7, and B4 apply.
2. You may only enter the refuge on foot. You may use hand-powered, two-wheeled carts for transporting big game.
3. You may only use handguns for hunting deer and black bear in the rifle zone.
4. When using shotguns for big game hunting, we only allow ammunition containing a single lead projectile. We prohibit the use of buckshot.

5. We prohibit the marking of any tree or other refuge feature with flagging, paint, or other substance.

6. We prohibit the cutting and trimming of coniferous trees (balsam fir, red spruce, and hemlock). We prohibit construction of blinds from these materials.

7. We prohibit permanent tree stands, but we allow use of temporary tree stands. You must clearly print your name and address in an easily read area on the stand while the stand is affixed to the tree. You must remove tree stands (see §27.93 of this chapter) at the end of the deer season.

8. We require all hunters to wear at least 400 square inches (2,600 cm^2) of blaze orange on the head, chest, and back at all times during the deer bucks only season, the antlerless deer season, the youth deer season, and the deer muzzleloader season.

9. We prohibit hunting for turkey with a rifle. You must use a shotgun or muzzleloader with a shot size of #4 or smaller.

10. We allow dogs for hunting black bear during the gun season. We prohibit more than six dogs per hunting party. You must account for all dogs at the conclusion of the hunt. You must search for lost dogs for at least 3 days, and we prohibit hunting during the search period. All dogs must wear a collar displaying the owner's name, address, and telephone number.

11. We prohibit black bear hunting during the Tucker County antlerless deer season. The gun bear season begins the Monday following the antlerless deer season.

12. The refuge closes 1 hour after legal sunset, including parking areas. We prohibit camping or overnight parking.

D. Sport Fishing. [Reserved]

OHIO RIVER ISLANDS NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds (waterfowl, coots, rails, gallinules, snipe, woodcock, and dove) on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Grandview Island, Grape/Bat Island, Broadback Island, Buckley Island, Muskingum Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations subject to the following conditions:

1. We require each hunter to possess and carry a refuge hunting permit, State hunting license, and valid driver's license (or other photo identification card) at all times while hunting on the refuge. The refuge hunting permit is free, and you may obtain it at the refuge headquarters. We request each hunter to submit a survey form at the end of the hunting season.

2. We prohibit the building or use of permanent blinds.

3. The refuge opens 1 hour before legal sunrise and closes 1 hour after legal sunset, including parking areas. We prohibit hunters leaving decoys and personal property, as well as camping and overnight parking.

4. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds. We require all dogs to wear a collar displaying the owner's name, address, and telephone number.

5. You may only possess approved nontoxic shot while in the field (see §32.2(k)).

B. Upland Game Hunting. We allow hunting of rabbit and squirrel on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Grandview Island, Grape/Bat Island, Broadback Island, Buckley Island, Muskingum Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A3 apply.

2. We prohibit the use of pursuit dogs for hunting rabbit or squirrel.

3. We prohibit the use of bows, rifles, or pistols for hunting rabbit or squirrel.

4. We only allow the use of shotguns with approved nontoxic shot (see §32.2(k)) for the hunting of rabbit or squirrel.

C. Big Game Hunting. We allow archery hunting of white-tailed deer on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Grandview Island, Grape/Bat Island, Broadback Island, Buckley Island, Muskingum Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A3 apply.

2. We prohibit the use or possession of rifles, pistols, or shotguns for the hunting of white-tailed deer.

3. We prohibit organized deer drives by two or more individuals. We define a deer drive as the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animals more susceptible to harvest.

4. We allow trail marking with nonpermanent methods such as flagging and reflectors. We prohibit the use of paint, and hunters must remove all trail-marking materials (see §27.93 of this chapter) at the end of the deer season.

5. We prohibit the use of permanent tree stands or blinds. We allow the use of temporary tree stands. All tree stands must have the name and address of the owner clearly

printed in an easily read area on the stand while the stand is affixed to the tree. Hunters must remove tree stands and blinds (see § 27.93 of this chapter) from the refuge at the end of each day.

6. We prohibit baiting for deer on refuge lands (see § 32.2(h)).

7. We require all hunters to wear at least 400 square inches (2,600 cm^2) of blaze orange visible on the head, chest, and back while walking to and from tree stands or blinds.

D. Sport Fishing. We allow sport fishing throughout the refuge in accordance with State regulations subject to the following conditions:

1. Condition A3 applies.

2. We require each angler to possess and carry a State fishing license and a valid driver's license (or other photo identification card) at all times while fishing on the refuge.

3. We restrict bank fishing to refuge open hours, from 1 hour before legal sunrise through 1 hour after legal sunset.

[59 FR 55197, Nov. 3, 1994, as amended at 60 FR 62048, Dec. 4, 1995; 61 FR 31461, June 20, 1996; 63 FR 46922, Sept. 3, 1998; 65 FR 30794, May 12, 2000; 65 FR 56411, Sept. 18, 2000; 69 FR 54362, 54472, Sept. 8, 2004]

§ 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. Migratory Game Bird Hunting. [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. Migratory Game Bird Hunting. 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 12–15 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 only allow hunting during the early archery season and the regular State firearms seasons.

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 tour/hiking 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. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district (except that we prohibit hunting on the Blue-wing Waterfowl Production Area (WPA) in Ozaukee County or the Wilcox WPA in Waushara County) in accordance with State regulations subject to the following conditions:

1. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

2. You must remove boats, decoys, and blinds (see § 27.93 of this chapter) at the conclusion of each day.

B. Upland Game Hunting. We allow hunting of upland game birds throughout the district (except that we prohibit hunting on the Blue-wing Waterfowl Production Area (WPA) in Ozaukee County or the Wilcox WPA in Waushara County) in accordance with State regulations subject to the following condition: Condition A1 applies.

C. Big Game Hunting. We allow hunting of big game throughout the district (except that you may not hunt on the Blue-wing Waterfowl Production Area (WPA) in Ozaukee County or the Wilcox WPA in Waushara County) in accordance with State regulations subject to the following condition: You must remove blinds and stands (see § 27.93 of this chapter) at the conclusion of each day.

D. Sport Fishing. [Reserved]

NECEDAH NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. Shotgun hunters may possess only approved nontoxic shot while hunting on the refuge (see §32.2(k)). This includes turkey hunters.

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 migratory game birds and upland game (except raccoon).

5. You may only hunt showshoe hare during the season for cottontail rabbit.

6. You may possess only unloaded guns in the retrieval zone of the Refuge Area 2 between 20th Street West and Suk-Cerney flowage during the State waterfowl hunting season, except while hunting deer during the deer gun season.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit possession of 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, we prohibit possession of a loaded firearm within 50 feet (15 m) of the center of refuge trails, and we prohibit discharge of guns from, across, down, or alongside these trails.

2. We prohibit possession of a centerfire rifle capable of holding more than seven cartridges.

3. We prohibit construction or use of permanent blinds, stands, or ladders.

4. 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 (see §§27.93 and 27.94 of this chapter).

5. Hunters must clearly mark all non-natural blinds, stands, platforms, and ladders on the exterior with the owner's name and address in letters that are 1 inch (2.5 cm) high. You may also use an attached metal tag with stamped or engraved lettering that is clearly visible.

6. We permanently close Refuge Area 1 to all hunting.

7. Refuge Area 2 is open to deer hunting during State archery, gun, and muzzleloader seasons, except for any October special Zone-T gun hunts.

8. Refuge Area 3 is open to deer hunting during the State regular gun, muzzleloader, and late archery seasons. Unarmed deer hunters may enter Area 3 to scout beginning the Saturday prior to the gun deer season

9. We prohibit target or practice shooting.

10. You may utilize clothes pins marked with flagging or reflective material. We allow no other types of marking. You must clearly identify the owner's name and address on the clothes pin or the flagging itself. Hunters must remove all clothes pins by the last day of archery season.

11. Beginning the Saturday prior to the opening of the State regular gun deer season, you may use nonmotorized boats on Sprague-Goose Pools until freeze-up in order to access areas for deer hunting.

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. Migratory Game Bird Hunting. 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]

TREMPEALEAU NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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 § 32.42 Minnesota for regulations.

WHITTLESEY CREEK NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. 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. [Reserved]

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 59 FR 6700, Feb. 11, 1994; 60 FR 62048, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30794, May 12, 2000; 65 FR 56411, Sept. 18, 2000; 66 FR 46362, Sept. 4, 2001; 67 FR 58952, Sept. 18, 2002; 69 FR 54362, 54473, Sept. 8, 2004; 70 FR 54197, Sept. 13, 2005; 72 FR 51545, Sept. 7, 2007]

§ 32.70 Wyoming.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

NATIONAL ELK REFUGE

A. Migratory Game Bird Hunting. [Reserved]

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. Migratory Game Bird Hunting. 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. Migratory Game Bird Hunting. We allow hunting of dark goose, duck, coot, merganser, dove, snipe, and rail on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit hunting of migratory birds on the west side of the Green River between the south end of the Dunkle Unit and Highway 28. We post the boundary for this area with refuge signs stating ''Area Closed to Migratory Bird Hunting''.

2. We prohibit all hunting between Highway 28 and 0.8 miles (1.28 km) north of the refuge headquarters on the west side of the Green River. We post the boundary for this area with refuge signs stating ''No Hunting Zone''.

3. We open the refuge to the general public from ½ hour before legal sunrise to ½ hour after legal sunset. Waterfowl hunters may enter the refuge 1 hour before legal shooting hours to set up decoys and blinds.

4. Hunters must confine or leash dogs except when participating in a legal hunt (see § 26.21(b) of this chapter).

5. You must only use portable blinds or blinds constructed from dead and downed wood. We prohibit digging pit blinds.

6. You must remove portable blinds, tree stands, decoys, and other personal equipment (see § 27.93 of this chapter) from the refuge each day.

7. You must completely dismantle blinds constructed of dead and downed wood at the end of the waterfowl hunting season.

8. We only allow hunters to retrieve downed game from closed areas with consent from a refuge employee or State game warden.

9. You must unload and either case or dismantle all firearms (see § 27.42(b) of this chapter) when transporting them in a vehicle or boat under power.

B. *Upland Game Hunting.* We allow hunting of sage grouse, cottontail rabbit, jackrabbit, raccoon, fox, and skunk on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A2, A8, and A9 apply.

2. We open the refuge to the general public from ½ hour before legal sunrise to ½ hour after legal sunset.

3. Hunters must confine or leash dogs (see §26.21(b) of this chapter) except when participating in a legal hunt for sage grouse, cottontail rabbit, or jackrabbit.

4. When using shotguns or muzzleloaders, you may only possess approved nontoxic shot (see §32.2(k)) while in the field.

C. Big Game Hunting. We allow hunting of antelope, mule deer, and moose on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A2, A8, A9, and B2 apply.

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations subject to the following conditions:

1. Condition B2 applies.

2. You must only launch or pick up trailered boats at the following boat ramps: Dodge Bottom, Hayfarm, Lombard, and Six-Mile.

3. We prohibit taking of mollusk, crustacean, reptile, and amphibian from the refuge.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55188, Nov. 3, 1994; 60 FR 62049, Dec. 4, 1995; 62 FR 47383, Sept. 9, 1997; 63 FR 2182, Jan. 14, 1998; 65 FR 30795, May 12, 2000; 67 FR 58952, Sept. 18, 2002; 69 FR 54362, 54473, Sept. 8, 2004]

§32.71 United States Unincorporated Pacific Insular Possessions.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

JOHNSTON ISLAND NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MIDWAY ATOLL NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and lobster only in accordance with a refuge fishing leaflet available at refuge headquarters.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55188, Nov. 3, 1994; 61 FR 46399, Sept. 3, 1996; 63 FR 46922, Sept. 3, 1998; 65 FR 30795, May 12, 2000; 65 FR 56411, Sept. 18, 2000; 69 FR 54362, 54474, Sept. 8, 2004]

§32.72 Guam.

We have opened the following refuge unit to hunting and/or fishing with applicable refuge-specific regulations.

GUAM NATIONAL WILDLIFE REFUGE

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and collect marine life on designated areas of the refuge only in accordance with refuge and Government of Guam laws and regulations. The leaflet is available at the refuge headquarters and anglers are subject to the following additional conditions:

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.

[65 FR 30795, May 12, 2000, as amended at 66 FR 46363, Sept. 4, 2001; 67 FR 58953, Sept. 18, 2002; 69 FR 54362, Sept. 8, 2004]

PART 34—REFUGE REVENUE SHARING WITH COUNTIES

Sec.
34.1 Purpose.
34.2 Authority.
34.3 Definitions.
34.4 Eligibility of areas.
34.5 Distribution of revenues.
34.6 Schedule of appraisals.
34.7 Fair market value appraisals.
34.8 Appropriations authorized.
34.9 Protests.

AUTHORITY: 16 U.S.C. 715s, as amended.

SOURCE: 44 FR 33073, June 8, 1979, unless otherwise noted.

§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.

(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. 715s), by revising the formula and extending the revenue sharing provisions to all fee and reserve areas that are administered solely or primarily by the Secretary through the U.S. Fish and Wildlife Service. Payments under this Act 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

County	$80 or 80%
School District	20 or 20%
Total	$100 or 100%

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

Assessed value—		
$100×80 mills County	$8	80%
$100×20 mills School District	$2	20%
Total	$10	100%

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.

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Subpart B—Special Regulations for Specific National Wildlife Refuge Wilderness [Reserved]

AUTHORITY: 78 Stat. 890; 16 U.S.C. 1131–1136; 43 U.S.C. 1201.

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 minimum requirements for the administration of the area (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanized transport, and no structure or installation within any such area.

(a) The Director may authorize occupancy and use of a national wildlife refuge by officers, employees, agencies, and agents of Federal, State, and county governments to carry out the purposes of the Wilderness Act and the Act establishing the wilderness and will prescribe conditions under which motorized equipment, mechanical transport, aircraft, motorboats, installations, or structures may be used to meet the minimum requirements for authorized activities to protect and administer the wilderness. The Director may also prescribe the conditions under which such equipment, transport, aircraft, installations, or structures may be used in emergencies involving the health and safety of persons, damage to property, violations of civil and criminal law, or other purposes.

(b) The Director may permit, subject to such restrictions as he deems desirable, the landing of aircraft and the use of motorized equipment at places within a wilderness where such uses were established prior to the date the wilderness was designated by Act of Congress as a unit of the National Wilderness Preservation System.

§ 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 vistor 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.

[36 FR 25426, Dec. 31, 1971, as amended at 37 FR 12067, June 17, 1972]

§ 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 degress so as to preserve the wilderness character of the area.

[36 FR 25426, Dec. 31, 1971; 37 FR 1049, Jan. 22, 1972]

§ 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

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36.41 Permits.
36.42 Public participation and closure procedures.
TABLE I TO PART 36—SUMMARY LISTING THE NATIONAL WILDLIFE REFUGES IN ALASKA AS ESTABLISHED BY THE ALASKA LANDS ACT, PUB. L. 96–487, DECEMBER 2, 1980

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460(k) *et seq.*, 668dd–668ee, as amended, 742(a) *et seq.*, 3101 *et seq.*; and 44 U.S.C. 3501 *et seq.*

SOURCE: 46 FR 31827, June 17, 1981, unless otherwise noted.

Subpart A—Introduction and General Provisions

§ 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 nonfederal 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.

Alaska National Wildlife Refuges means all lands, waters and interests therein administered by the U.S. Fish and Wildlife Service within the following National Wildlife Refuges in Alaska: Alaska Maritime, Arctic, Alaska Peninsula, Becharof, Innoko, Kanuti, Kenai, Kodiak, Koyukuk, Nowitna, Selawik, Tetlin, Izembek, Togiak, Yukon Delta and Yukon Flats.

ANILCA means the Alaska National Interest Lands Conservation Act, 94 Stat 237, Pub. L. 96–487 (December 2, 1980).

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.

[46 FR 31827, June 17, 1981, as amended at 51 FR 44793, Dec. 12, 1986; 64 FR 14151, Mar. 24, 1999]

§ 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 20503; 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.

[62 FR 45340, Aug. 27, 1997]

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 engaged 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 or 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 therefor 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 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 engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the refuge, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, 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 hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 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, Kanuti, 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.

[46 FR 31827, June 17, 1981, as amended at 51 FR 44793, Dec. 12, 1986]

§ 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 means 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 C [Reserved]

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 privileges or uses of federally owned lands directly incident to such exercise if he determines, after conducting a

public hearing in the affected locality, that they are inconsistent with the purposes of the refuge and that they constitute a significant expansion of commercial fishing activities within such refuge beyond the level of such activities in 1979.

(c) The following provisions shall apply to any person while engaged in the taking of fish and wildlife within an Alaska National Wildlife Refuge:

(1) *Trapping and sport hunting.* (i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law;

(ii) Each person shall comply with the applicable provisions of Federal law;

(iii) In addition to the requirements of paragraphs (a) and (b) of this section, each person shall continue to secure a trapping permit from the appropriate Refuge Manager prior to trapping on the Kenai, Izembek and Kodiak Refuges and the Aleutian Islands Unit of the Alaska Maritime Refuge.

(iv) It shall be unlawful for a person having been airborne to use a firearm or any other weapon to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred, except that a trapper may use a firearm or any other weapon to dispatch a legally caught wolf or wolverine in a trap or snare on the same day in which the flying occurred. This prohibition does not apply to flights on regularly scheduled commercial airlines between regularly maintained public airports.

(2) *Sport and commercial fishing.* (i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law;

(ii) Each person shall comply with the applicable provisions of Federal law.

(d) Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(e) Nothing in these rules shall be interpreted as waiving the 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.

[46 FR 31827, June 17, 1981, as amended at 59 FR 39412, Aug. 2, 1994]

§ 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 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 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 all administrative and government-owned cabins.

(1) The refuge manager can designate those cabins not under permit as administrative cabins to be used for official government business. Administrative cabins may be used by the public during life-threatening emergencies. On a case-by-case basis, they may also be designated as public use cabins when not needed for government purposes. In such cases, the refuge manager must inform the public and post dates or seasons when the cabins are available.

(2) The refuge manager may designate government-owned cabins as public use cabins. They are only intended for short-term public recreational use and occupancy. The refuge manager may develop an allocation system for managing public use cabins for short-term recreational use. No existing public use cabins shall be removed or new public use cabins constructed within wilderness areas designated by the Alaska National Interest Lands Conservation Act of 1980 or subsequently designated wilderness areas until the Secretary of the Interior notifies the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources.

[59 FR 38314, July 27, 1994, as amended at 64 FR 14151, Mar. 24, 1999]

§ 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) prescribed 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.

[46 FR 40192, Aug. 7, 1981]

§ 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 nonprofit 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 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.

(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 F, 36.41(b) will apply with exception of the period of time allowed to file an appeal.

[62 FR 1842, Jan. 14, 1997]

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 Becharof National Wildlife Refuge, the Chignik and Ugashik Units of the Alaska Peninsula National Wildlife Refuge 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.

(d)–(h) [Reserved]

(i) *Kenai National Wildlife Refuge*—(1) *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 Simons, 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
Pothole Lake
Twin Lakes
Upper Russian Lake
Windy Lake
Dinglestadt Glacier terminus lake

Wusnesenski 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 Wusnesenski Glacier terminus lake, and within the SE¼, section 16 and SW¼, 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, Bottenintnin, 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 ¼ 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?* Yes, however, if you leave personal property unattended for longer than 72 hours outside of a designated area, obtain a special use permit from the Refuge Manager.

(iv) *If 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*—(1) *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.

(3) *Permit requirement for Conservation Easement lands.* Pursuant to the terms of a Conservation Easement held by the United States and the State of Alaska, we manage public use of certain lands owned by Koniag, Inc. These lands are inholdings within the exterior boundaries of the Kodiak National Wildlife Refuge. The Conservation Easement was recorded in the Kodiak Recording District, Alaska, on December 6, 2002, as document number 2002–003448–0. The lands subject to the Conservation Easement to which the permit requirement in this paragraph apply are all lands within ½ mile of the west shore of Karluk Lake, from the lake outlet to the southern boundary of T. 32 S., R. 30 W. (surveyed), Seward Meridian; all lands within ½ mile of the east shore of Karluk Lake, from the lake outlet to a point due east of the north end of Camp Island; and all lands within a ½-mile band of land on either side of the Karluk River, from the Karluk Lake outlet downstream to the refuge boundary. A map is available from the refuge showing the location of the easement lands that are subject to the permit requirement. You are prohibited from using these lands unless:

(i) You have a nontransferable permit from the refuge;

(ii) You are a concessionaire or a client of a concessionaire authorized by Koniag, Inc., to provide revenue-producing visitor services;

(iii) You are an authorized user in accordance with section 7(d) of the Conservation Easement; or

(iv) You are limiting your use of the property to public access easements established under section 17(b) of the Alaska Native Claims Settlement Act.

[51 FR 32332, Sept. 11, 1986, as amended at 51 FR 41509, Nov. 17, 1986; 60 FR 37311, July 19, 1995; 61 FR 29497, June 11, 1996; 64 FR 14154, Mar. 24, 1999; 71 FR 33259, June 8, 2006]

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 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;

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 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:

Refuge	Office location
Alaska Peninsula National Wildlife Refuge.	King Salmon.
Alaska Maritime National Wildlife Refuge.	Homer.
Aleutian Islands Unit, Alaska Maritime NWR.	Homer.
Arctic National Wildlife Refuge	Fairbanks.
Becharof National Wildlife Refuge	King Salmon.
Innoko National Wildlife Refuge	McGrath.
Izembek National Wildlife Refuge	Cold Bay.
Kanuti National Wildlife Refuge	Fairbanks.
Kenai National Wildlife Refuge	Soldotna.
Kodiak National Wildlife Refuge	Kodiak.
Koyukuk National Wildlife Refuge	Galena.
Nowitna National Wildlife Refuge	Galena.
Selawik National Wildlife Refuge	Kotzebue.
Tetlin National Wildlife Refuge	Tok.
Togiak National Wildlife Refuge	Dillingham.
Yukon Delta National Wildlife Refuge	Bethel.
Yukon Flats National Wildlife Refuge	Fairbanks.

(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 noncompetitive 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 permit was based, subject to approval by the refuge manager. Requests for transfers must be made in writing to the refuge manager. A permittee who transfers his/her privileges will not be eligible to be considered for competitively awarded permits for the same type of activity on the same national wildlife refuge for a period of three years following the authorized transfer. The Service retains complete discretion in allowing transfers. In general, the Service approves transfers only upon demonstrating that it is to the government's benefit and if all the following criteria are satisfied:

(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 noncompetitive 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 perations 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 shall set forth in writing the basis for the decision. The applicant must be sent a copy of the decision promptly. The decision will constitute final agency action.

(5) Permittee compliance with any decision or order of a refuge manager shall be required during the appeal process unless the regional director makes a preliminary finding contrary to the refuge manager's decision, and prepares a written determination that such action is not detrimental to the interests of the United States, or upon submission and acceptance of a bond deemed adequate by the refuge manager to indemnify the United States from loss or damage.

(j) *State selection of guide-outfitters.* Nothing in this section will prohibit the Service from cooperating with the State of Alaska in administering the selection of sport fishing guides and big game hunting guide-outfitters operating on national wildlife refuges should the State develop a competitive selection process which is acceptable to the Service.

[62 FR 45340, Aug. 27, 1997]

§ 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 nonmotorized 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); and

(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 nonmotorized 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 THE NATIONAL WILDLIFE REFUGES IN ALASKA AS ESTABLISHED BY THE ALASKA LANDS ACT, PUB. L. 96–487, DECEMBER 2, 1980

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. Innoko
6. Izembek*
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.
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.

*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.

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

AUTHORITY: Sec. 1002, Pub. L. 96–487, 94 Stat. 2449, as amended by sec. 110, Pub. L. 97–394, 96 Stat. 1982 (16 U.S.C. 3142); sec. 110, Pub. L. 89–665, as added by sec. 206, Pub. L. 96–515, 94 Stat. 2996 (16 U.S.C. 470h–2); sec. 401, Pub. L. 148, 49 Stat. 383, as amended (16 U.S.C. 715s); 31 U.S.C. 9701; 5 U.S.C. 301; 209 DM 6.1.

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.

Subpart A—General Provisions

§ 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.

(a) *Act* means section 1002 of the Alaska National Interest Lands Conservation Act, 94 Stat. 2449, as amended by section 110 of Pub. L. 97–394, 96 Stat. 1982, 16 U.S.C. 3142.

(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, collect, 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.

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.

(d) All participants shall be bound by the regulations of this part, the permittee's special use permit, approved exploration plan and plan of operation and any reasonable stipulations, demands and orders issued by the Regional Director.

§ 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 compliance with the permit and this part. Such surety bond shall be issued by qualified surety companies approved by the Department of the Treasury (see Department of the Treasury Circular No. 570). Such bond shall be maintained by the permittee for the benefit of the Service until the Regional Director notifies the permittee in writing that all terms and conditions of its exploration plan, special use permit, plan of operation, and this part have been met or otherwise consents to its cancellation or termination. Any bond furnished or maintained by a person under this section shall be on a form approved or prescribed by the Regional Director. The Regional Director may require an increase in the amount of any bond or other security to be furnished and any outstanding bond or security or require

a new bond or security whenever additional coverage is needed to secure performance of its exploration plan and plan(s) of operation and compliance with the permit and this part or is needed as a consequence of default.

(b) Whenever a permittee's exploration plan, plan of operation, or special use permit is revised or modified, the permittee shall provide to the Regional Director within 30 days thereafter an acknowledgement by the surety that its bond continues to apply to the exploration plan, plan of operation or special use permit, as revised or modified, unless a waiver of notice to the surety is contained in the bond or the surety is not otherwise released by the revision or modification, or unless the permittee provides to the Service an increased or additional bond.

(c) Recovery of the amount specified in the permittee's bond or other security shall not preclude the Department from seeking specific performance by the permittee of any obligations not satisfied by enforcement of the bond or security, or compensation for any damages, losses or costs due to the permittee's activities which exceed the amount recovered, by pursuing the Department's legal remedies.

Subpart C—Exploration Plans

§ 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.

(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 technniques;

(9) A description of the equipment, support facilities, methods of access and personnel that will be used in carrying out exploratory activities;

(10) A hazardous substances control and contingency plan describing actions to be taken to use, store, control, clean up, and dispose of these materials in the event of a spill or accident;

(11) A general description of the anticipated impacts that the proposed exploratory activities may have on the refuge's wildlife, its habitat, the environment, subsistence uses and needs, and cultural resources, and a description of mitigating measures which will be implemented to minimize or avoid such impacts;

(12) A description of the proposed procedures for monitoring the environmental impacts of its operation and its compliance with all regulatory and permit requirements;

(13) A statement that, if authorized to conduct exploratory activities, the applicant shall comply with this part, its special use permit, its approved exploration plan, plan of operation, and all reasonable stipulations, demands and orders issued by the Regional Director;

(14) A description of the applicant's proposed data quality assurance and control program; and

(15) Such other pertinent information as the Regional Director may reasonably require.

[48 FR 16858, Apr. 19, 1983, as amended at 49 FR 7570, Mar. 1, 1984]

§ 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.

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 isssue 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 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 subtances 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 operations employing seismic exploration methods, the equipment, facilities, and personnel used within the coastal plain shall not exceed that necessary to support a maximum of 6 simultaneously operating seismic survey crews.

(5) No fuel storage facilities shall be placed within the annual floodplain of fish-bearing watercourses or within 100 feet of any other water body, and no vehicle refueling shall occur within such areas except when approved by the Regional Director. All fuel storage sites shall be approved by the Regional Director. Fuel containers shall be properly stored and marked with the permittee's name, type of fuel, and last date of filling. All fuel containers with a storage capacity greater than 55 gallons shall be of double-wall construction. All fuels containers, including those emptied, shall be capped when not in actual use. All fuel containers placed within the annual floodplain of fish-bearing watercourses shall be removed prior to breakup.

(6) The permittee shall not disturb or damage any geodetic land survey monuments. If any monument is disturbed or damaged, the permittee shall reestablish it in a manner acceptable to the Regional Director.

(7) The timing and location of the detonation of explosives shall be approved in advance by the Regional Director.

(8) No permanent structures or facilities will be erected within the coastal plain. The type and location of temporary structures and facilities including, but not limited to, ice airstrips, for use in support of exploratory activities must be approved by the Regional Director.

§ 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 or both so as to 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 also intersecting the benchmark ''Can''.

(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 ½ mile 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.

(d) *Snow goose staging special areas.* Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect staging snow geese, the Regional Director shall designate within the general area bordered on the east by the Aichilik River, on the north by the mainland coastline, on the west by the Hulahula River, and on the south by the southern boundary of the coastal plain, specific snow goose staging special areas which shall be closed to all exploratory activities during such periods between August 20 and September 10 of each year as those areas are determined by the Regional Director to be used for snow goose staging. No exploratory activities shall be conducted in such designated areas during such periods.

(e) In addition, the Regional Director may designate specific areas within the coastal plain that are important for other wildlife or that encompass lands the surface estate in which is owned by holders of approved native allotments or the Kaktovik Inupiat Corporation as special areas in which exploratory activities may be prohibited, conditioned or otherwise restricted in such manner and for such period as prescribed by the Regional Director to avoid significant adverse effects from exploratory activities.

(f) The Regional Director shall notify the permittee of the locations of designated special areas and of the applicable limitations on its exploratory activities as far in advance of the effective dates of such limitations as is possible. The Regional Director may modify or remove such designations and limitations whenever he determines that they are no longer necessary to protect the resources or values of such special areas from significant adverse effects.

(g) No exploratory activities shall be conducted by any permittee at any time within ½ mile of the source of the Sadleochit Spring or within ¼ mile on either side of Sadlerochit Spring Creek for a distance of 5 miles downstream from its source.

§ 37.33 Environmental briefing.

The permittee shall provide opportunities for the Regional Director to conduct environmental and other pertinent briefings for all of its personnel involved in field operations prior to commencement of field work and periodically thereafter as the Regional Director may determine. The permittee shall require the attendance of its personnel and arrange the time and place for such briefings upon the request of the Regional Director. In addition, the permittee shall provide a copy of this part to each employee involved with its exploratory activities.

Subpart E—General Administration

§ 37.41 Responsibilities of the Regional Director.

The Regional Director is authorized to approve and disapprove exploration plans; issue special use permits; inspect and regulate exploratory activities; require compliance with the permittee's approved exploration plan, plan of operation, this part, and other statutes and regulations under which the refuge is administered; and perform all other duties assigned to the Regional Director by this part. The Regional Director may issue written or oral stipulations, demands and orders to carry out his responsibilities, and amend and terminate them as he deems appropriate. Any oral stipulation, demand or order shall be confirmed in writing within 3 working days from its issuance.

§ 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, and reasonable use of its communication and surface and air transportation systems, to the Field Monitors and other representatives of the United States for the purposes of inspecting and monitoring the permittee's exploration activities in the field and for any other purpose consistent with this part. Whenever possible, the Regional Director shall give advance notice of the need for such services and facilities, including the names of persons to be accommodated.

§ 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 37.54(d) and the provisions of §§ 37.22(d)(2), 37.53(e), and 37.54 on processed, analyzed and interpreted data or information shall not apply to the Survey. If authorized to conduct exploratory activities, the Survey shall comply with this part in all other respects. All contractors and subcontractors used by the Survey to conduct exploratory activities shall be subject to all of the regulations of this part excepting §§ 37.13 and 37.46 and the provisions of §§ 37.22(d)(2), 37.53(e), and 37.54 on processed, analyzed and interpreted data or information.

§ 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 permittee's 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.

(1) If the applicant's plan is disapproved or if the applicant withdraws its application before a decision is reached on its plan, the applicant shall be responsible for such costs incurred by the Department in processing the applicant's application up to the date on which the plan is disapproved or the Regional Director receives written notice of the applicant's withdrawal, and for costs subsequently incurred by the Department in terminating the application review process. If the costs actually incurred exceed the estimate paid

at the time of application, reimbursement by the applicant of such additional costs shall be due within 30 days of receiving notice from the Regional Director of the additional amount due. If the actual costs incurred are less than the estimate paid by the applicant, the excess shall be refunded to the applicant.

(2) If the applicant's plan is approved, the applicant shall pay an estimate made by the Regional Director of the costs which will be incurred by the Department in preparing and issuing to the applicant a special use permit. The first quarterly payment made by the applicant pursuant to paragraph (c) of this section will be adjusted upward or downward, as warranted, to accurately reflect the actual costs incurred by the Department in processing the permit. If an applicant withdraws after its plan is approved, but before its special use permit is issued, the applicant shall be responsible for such costs incurred by the Department in preparing the applicant's permit up to the date on which the Regional Director receives written notice of the applicant's withdrawal and for costs subsequently incurred by the Department in terminating permit preparation and issuance.

(3) When two or more applications are filed which the Regional Director determines to be in competition with each other, each applicant shall reimburse the Department for such actual costs incurred in processing its exploration plan and special use permit, if issued, except that those costs which are not readily identifiable with one of the applicants, shall be paid by each of the applicants in equal shares.

(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 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 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 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 calandar 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 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)(iii) 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 administrative law judge and the opposing party.

(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 the notice of violation referred to in paragraph (b) of this section until 90 days after 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.

[48 FR 16858, Apr. 19, 1983, as amended at 67 FR 38208, June 3, 2002]

Subpart F—Reporting and Data Management

§ 37.51 Operational reports.

(a) Each permittee shall submit reports every 2 weeks on the progress of exploratory activities in a manner and format approved or prescribed by the Regional Director. These shall include, but are not limited to, a daily log of

operations, and a report on the discovery of any springs, hydrocarbon seeps, and other unusual phenomena.

(b) Each permittee shall submit to the Regional Director a semiannual report of exploratory activities conducted within the periods from December through May and June through November. These semiannual reports shall be submitted on August 1 and February 1 or, as otherwise specified by the Regional Director, and shall contain the following:

(1) A description of the work performed;

(2) Charts, maps, or plats depicting the areas in which any exploratory activities were conducted, specifically identifying the seismic lines and the locations where geological exploratory activities were conducted, and the locations of campsites, airstrips and other support facilities utilized;

(3) The dates on which exploration was actually performed.

(4) A narrative summary of any: (i) Surface occurrences of hydrocarbon or environmental hazards, and (ii) adverse effects of the exploratory activities on the refuge's wildlife, its habitat, the environment, cultural resources, or other uses of the area in which the activities were conducted; and

(5) Such other information as may be reasonably specified by the Regional Director.

(c) Each permittee shall also submit such other reports as are specified in this part.

§ 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 shall have access to and the right to examine and reproduce any records, papers, or other documents relating to such activities, data and information in order to ascertain the permittee's compliance with this part, ability to perform under any special use permit, and reliability and accuracy of all data, information and reports submitted to the Regional Director.

§ 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 intepretations thereof; geologic maps, cross sections, and intepretations 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 explaning 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 bearing such 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 permitttee 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 submitted by a permittee or a third party and any other information submitted by a permittee or a third party which may be exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552, to an agent or third party in order to carry out the Department's statutory authorities. When practicable, the Department shall notify the permittee who provided the data or information of its intent to disclose the data or information to an agent or third party. Prior to any such disclosure, the recipient shall be required to execute a written commitment not to transfer or to otherwise disclose any data or information to anyone without the express consent of the Department. The recipient shall be liable for any unauthorized use by or disclosure of such

data or information to other third parties.

(c) The Department reserves the right to disclose upon proper request any processed, analyzed and interpreted data and information and any other confidential information to the State of Alaska, to the Congress and any committee or subcommittee of the Congress having jurisdiction over the refuge or this exploration program, and to any part of the Executive and Judicial Branches of the United States for official use. The recipient shall be responsible for maintaining the confidentiality of such data and information in accordance with the Act.

(d) Commercial use by any person of data or 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. 5 N., R. 23 E., Umiat Meridian;

Thence easterly, along the First Standard Parallel North, approximately 40¾ miles to the closing corner of T. 4 N., Rs. 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 northwesterly, 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 33, 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 ¾ 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, 18, 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, 10 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 and 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, 35 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 3½ 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. 56½ degree W. approximately 3¼ 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

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38.17 General.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k *et seq.*, 664, 668dd, 742(f), 3901 *et seq.;* 48 U.S.C. 644a; sec. 48, Pub. L. 86–624, 74 Stat 424; E.O. 13022, 61 FR 56875, 3 CFR, 1996 Comp., p. 224.

SOURCE: 63 FR 11626, Mar. 10, 1998, unless otherwise noted.

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, while being upon or near the assigned living quarters and adjacent property of another, peek in any door or window of an inhabited building or structure located thereon without lawful purpose;

(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'' 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]

SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

PART 70—NATIONAL FISH HATCHERIES

Sec.
70.1 Purpose.
70.2 Administrative provisions.
70.3 State cooperation in national fish hatchery area management.
70.4 Prohibited acts.
70.5 Enforcement, penalty, and procedural requirements for violations of parts 25, 26, and 27.
70.6 Public entry and use.
70.7 Land-use management.
70.8 Range and feral animal management.
70.9 Wildlife species management.

AUTHORITY: Sec. 4, 48 Stat. 402, as amended, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 664; 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668dd.

SOURCE: 45 FR 28723, Apr. 30, 1980, unless otherwise noted.

§ 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.

EDITORIAL NOTE: For FEDERAL REGISTER citations to special regulations issued under § 70.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 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.

AUTHORITY: Sec. 4, 48 Stat. 402, as amended, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 664, 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.

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 ill 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.

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Sec.
80.1 Definitions.
80.2 Eligibility.
80.3 Assent legislation.
80.4 Diversion of license fees.
80.5 Eligible undertakings.
80.6 Prohibited activities.
80.7 Appeals.
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80.14 Application of Federal aid funds.
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80.17 Maintenance.
80.18 Responsibilities.
80.19 Records.
80.20 Land control.
80.21 Assurances.
80.22 Audits.
80.23 Allocation of funds between marine and freshwater fishery projects.
80.24 Recreational boating access facilities.
80.25 Multiyear financing under the Federal Aid in Sport Fish Restoration Program.
80.26 Symbols.
80.27 Information collection requirements.

AUTHORITY: 16 U.S.C. 777i; 16 U.S.C. 669i; 18 U.S.C. 701.

SOURCE: 47 FR 22539, May 25, 1982, unless otherwise noted.

NOTE: The information collection requirements in this part have been approved by the Office of Management and Budget under control number 1018–0048.

§ 80.1 Definitions.

As used in this part, terms shall have the following meanings:

(a) *The Federal Aid Acts or the Acts.* The Federal Aid in Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U.S.C. 669–669i), and the Federal Aid in Sport Fish Restoration Act of August 9, 1950, as amended (64 Stat. 430; 16 U.S.C. 777–777k).

(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.

(l) *Common horsepower.* Common horsepower is defined as any size motor that can be reasonably accommodated on the body of water slated for development.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.2 Eligibility.

Participation in the benefits of the Acts is limited to State fish and wildlife agencies as specified below:

(a) Federal Aid in Sport Fish Restoration—Each of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, the Comonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.

(b) Federal Aid in Wildlife Restoration—Each of the 50 States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands; except that the benefits afforded by section 4(b) of the Act relating to hunter education projects are limited to the 50 States.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.3 Assent legislation.

A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency. Subsequent legislation which amends these state laws shall be subject to review by the Secretary. If the legislation is found contrary to the assent provisions, the State shall become ineligible.

§ 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 revenues 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.

(e) Federal funds obligated for projects approved prior to the date a diversion is declared remain available for expenditure on such projects without regard to the intervening period of the State's ineligibility.

[54 FR 15209, Apr. 17, 1989]

§ 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.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 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 sellers 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

are subject to the policies and standards prescribed in Office of Management and Budget (OMB) Circular A–102.

(c) The non-Federal share of project costs may not be derived from other Federal funds, except as authorized by specific legislation.

§ 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 region 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

three-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of three 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.

§ 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.

[49 FR 30074, July 26, 1984]

§ 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 satisifaction of the Director that funds will be allocated equitably.

(b) [Reserved]

[50 FR 21448, May 24, 1985]

§ 80.24 Recreational boating access facilities.

The State shall allocate at least 10 percentum of each annual apportionment under Federal Aid in Sport Fish

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 user 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

action of the user and also from any claims, suits, losses and damages arising out of alleged defects in the articles or services with which the symbol(s) is associated.

(d) The appearance of the symbol(s) on projects or items is to indicate that the manufacturer of the product is taxed by, and that the State project was funded through, the respective Act(s). The U.S. Fish and Wildlife Service and the Department of the Interior make no representation or endorsement whatsoever by the display of the symbol(s) as to the quality, utility, suitability or safeness of any product, service or project with which the symbol(s) is associated.

(e) Neither symbol may be used in any other manner except as authorized by the Director, U.S. Fish and Wildlife Service. Unauthorized use of the symbol(s) will constitute a violation of section 701 of title 18 of the United States Code and subject the violator to possible fines and imprisonment as set forth therein.

(f) The symbol pertaining to the Federal Aid in Wildlife Restoration Act is depicted below.

(g) The symbol pertaining to Federal Aid in Sport Fish Restoration Act is depicted below.

(h) The symbol pertaining to the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act when used in combination is depicted below.

[52 FR 47571, Dec. 15, 1987]

§ 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. 777–777l) 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 1 Certification (Service Form 3–154A, OMB Control No. 1018–0007) and Part 2 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 3–1552, 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 283,500 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.
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81.3 Cooperative Agreement.
81.4 Allocation of funds.
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81.12 Contracts.
81.13 Inspection.
81.14 Comprehensive plan alternative.
81.15 Audits.

AUTHORITY: Endangered Species Act of 1973, sec. 6(h), 87 Stat. 884, 16 U.S.C. 1531–43, Pub. L. 93–205.

SOURCE: 40 FR 47509, Oct. 9, 1975, unless otherwise noted.

§ 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.

(n) *Act.* The Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531 *et seq.*

(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 relevent 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

(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–95 (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

the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State agency.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979; 49 FR 30074, July 26, 1984]

§ 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.

§ 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

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82.3 Supplementary information and procedures.
82.4 Authority.
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82.6 Submission of proposals.
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82.19 Patents and inventions.
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AUTHORITY: 16 U.S.C. 1361–1407, 86 Stat. 1027.

SOURCE: 40 FR 23281, May 29, 1975, unless otherwise noted.

Subpart A—Introduction

§ 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 flexiblity 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.

(a) *Act* means the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407.

(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:

Scientific name	Common name
Ursus maritimus	Polar bear.
Enhydra lutris	Sea Otter.
Odobenus rosmarus	Walrus.
Dugong dugong	Dugong.
Trichechus inunquis	West Indian manatee.
Trichechus manatus	West African manatee.
Trichechus senegalensis	Amazonian manatee.

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 officials(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.

Fish and Wildlife (Attention: Division of Cooperative Research), Washington, DC 20240. An original and two copies of the appropriate application forms should be submitted to the Director at this address. In order to allow sufficient time for processing, the Federal Assistance Application must be submitted by September 1 of the year preceding the fiscal year in which the research is contemplated. Any requests by grantees for changes, continuations, and supplements to approved grants must be submitted on the same form as the original application.

§ 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 expediture 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 thereto, 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, nonexclusive 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.
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83.21 Audits.

AUTHORITY: The Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901.

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:

(a) *Act.* The Fish and Wildlife Conservation Act of 1980, Pub. L. 96–366 (16 U.S.C. 2901, *et seq.*).

(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 rests 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

project agreement is approved by the Regional Director.

§ 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 substantiality 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

percent if two or more States have mutually agreed to cooperate in projects.

(b) The State share of project costs:

(1) May be in the form of cash or in-kind contributions, subject to the limitations described in § 83.5 and the following conditions:

(i) The allowability and valuation of in-kind contributions shall be in accordance with the provisions of OMB Circular A–102 and the policies and standards as described in the Federal Aid Manual.

(ii) Volunteers proposed by the State to provide personal services to be claimed as in-kind contributions must possess qualifications appropriate to the service to be performed. The State must attest to such qualifications of all such volunteers based on the volunteers' training, experience or employment status, or upon an endorsement provided by a recognized institution, agency, or professional society.

(2) May not be derived from other Federal funds.

§ 83.11 Cooperation between States.

Whenever two or more States propose to cooperate in the revision of a conservation plan or in a conservation action which will result in a higher rate of Federal costsharing, such States shall describe in documentation the plan or action to be jointly undertaken. The proposed cooperation shall:

(a) Require each cooperating State to accept and carry out a substantial share of the described undertaking;

(b) Enhance the effectiveness of or reduce the total cost in accomplishing the project purpose;

(c) Be supported by a memorandum of understanding executed by the cooperating States.

§ 83.12 Project requirements.

Each project proposed for funding under the Act shall be substantial in character and design and shall be in conformance with the policies and standards contained in the Federal Aid Manual.

(a) A substantial project for plan development or plan maintenance is one which:

(1) Provides defined objectives related to completion or revision of the plan, with schedules for completion;

(2) Utilizes accepted planning techniques and appropriate procedures;

(3) Provides for public involvement;

(4) Accomplishes its purpose at a reasonable cost;

(5) Provides assurance that, upon completion of the plan, the State intends to be guided by the conservation plan being developed or maintained.

(b) A substantial project for implementation of approved conservation plans is one which:

(1) Identifies specific conservation actions contained in the plan;

(2) Identifies the objectives to be accomplished related to the needs described in the plan;

(3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures.

(c) A substantial project for actions in lieu of an approved conservation plan is one which:

(1) Identifies and describes a need within the purposes of the Act;

(2) Identifies the objectives to be accomplished based on the stated need;

(3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures;

(4) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

§ 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

be granted up to 3 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 in 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 its disposition shall be in accordance with Attachment E of OMB Circular A–102.

§ 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

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AUTHORITY: 16 U.S.C. 3951–3956.

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.

Coastal States. States bordering the Great Lakes (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin); States bordering the Atlantic, Gulf (except Louisiana), and Pacific coasts (Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington); and American Samoa, Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands. (Louisiana is not included because it has its own wetlands conservation program authorized by the Coastal Wetlands Planning, Protection and Restoration Act and implemented by the Corps of Engineers with assistance from the State of Louisiana, the Environmental Protection Agency, and the Departments of the Interior, Agriculture, and Commerce.)

Coastal wetland ecosystems. Ecosystems that consist of multiple, interrelated coastal land features. They include wetlands in drainage basins of estuaries or coastal waters that contain saline, brackish, and nearshore waters; coastlines and adjacent lands; adjacent freshwater and intermediate wetlands that interact as an ecological unit; and river mouths and those portions of major river systems affected by tidal influence—all of which interact as an integrated ecological unit. Shorelands, dunes, nearshore islands, barrier islands and associated headlands, and freshwater wetlands within estuarine drainages are included in the definition since these interrelated features are critical to coastal fish, wildlife, and their habitats.

The definition of a coastal wetland ecosystem also applies to the Great Lakes and their watersheds, where freshwater plays a similar hydrologic role. The Great Lakes coastal wetland ecosystem is made up of multiple interrelated coastal landscape features along the Great Lakes. The Great Lakes coastal wetland ecosystem includes wetlands located adjacent to any of the Great Lakes including Lake St. Clair and connecting waters, and mouths of river or stream systems

draining directly into the Great Lakes. Shorelands, dunes, offshore islands, and barrier islands and associated headlands are included in the definition since these interrelated features are critical to Great Lakes fish, wildlife, and their habitats.

Coastal Wetlands Act or Act. The Coastal Wetlands Planning, Protection and Restoration Act of 1990 (16 U.S.C. 3951–3956).

Eligible applicant. Any agency or agencies of a coastal State designated by the Governor. It is usually a State natural resource or fish and wildlife agency.

Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland (undisturbed or degraded) site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present.

Fund. A fund established and used by a coastal State for acquiring coastal wetlands, other natural areas, or open spaces. The fund can be a trust fund from which the principal is not spent, or a fund derived from a dedicated recurring source of monies including, but not limited to, real estate transfer fees or taxes, cigarette taxes, tax checkoffs, or motor vehicle license plate fees.

Grant. An award of financial assistance by the Federal Government to an eligible applicant.

Long-term conservation. Protecting and restoring terrestrial and aquatic environments for at least 20 years. This includes the hydrology, water quality, and fish and wildlife that depend on these environments.

Maintenance. (These activities are ineligible under the program; the definition is included to distinguish these activities from acquisition, restoration, enhancement, and management.) Maintenance includes those activities necessary for upkeep of a facility or habitat. These activities 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 nonroutine cyclical maintenance to keep facilities or habitat improvements fully functional. Cyclical maintenance is major maintenance or renovation activities conducted at intervals normally greater than 1 year.

Management. (Includes habitat management only.) Habitat management includes vegetation manipulation and restoration of habitat to support fish and wildlife populations. Creation of wetlands where they did not previously exist is not included in the definition of management.

Maritime forest. Maritime forests are defined, for the purposes of this regulation, as broad-leaved forests that occur on barrier islands and along the mainland coast from Delaware to Texas. Examples are primarily characterized by a closed canopy of various combinations of live oak (*Quercus virginiana*), upland laurel oak (*Quercus hemisphaerica*), pignut hickory (*Carya glabra*), southern magnolia (*Magnolia grandiflora*), sugarberry (*Celtis laevigata*), and cabbage palm (*Sabal palmetto*). Shrubs and smaller trees typical of the understory include live oak, upland laurel oak, pignut hickory, red mulberry (*Morus rubra*), wild olive (*Osmanthus americanus*), American holly (*Ilex opaca*), yaupon (*Ilex vomitoria*), beautyberry (*Callicarpa americana*), bumelia (*Sideraxylon* spp.), and small-flowered pawpaw (*Asimina parviflora*). The herb layer is generally rich and diverse, typically including partridgeberry (*Mitchella repens*), coralbean (*Erythrina herbacea*), small-leaved milk pea (*Galactia microphylla*), tick trefoils (*Desmodium* spp.), and spikegrass (*Chasmanthium sessiliflorum*). Vines are represented by muscadine grape (*Vitis rotundifolia*), Virginia creeper (*Parrhenocissus quinquefolia*), and various briers (*Smilax* spp.).

This natural community type becomes established on old coastal dunes that have been stabilized long enough to sustain forests. In time, the accumulation of humus contributes to moisture retention of soils, while the canopy minimizes temperature fluctuations by reducing soil warming during the day and heat loss at night. Because of the underlying deep sands, maritime forests are generally well-drained.

Maritime forests have become prime resort and residential property because of their relatively protected locations

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.

National Wetlands Inventory. A Service program that produces information on the characteristics, extent, and status of the Nation's wetlands and deepwater habitat. The program's strongest mandates come from the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901), which directs the Service to map wetlands, conduct wetlands status and trends studies, and disseminate the information produced.

National Wetlands Priority Conservation Plan. A plan developed by the Service for the U.S. Department of the Interior at the direction of Congress through the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901). The plan provides the criteria and guidance for identifying wetlands that warrant attention for Federal and State acquisition using Land and Water Conservation Fund appropriations.

Operations. (These activities are ineligible under the program; the definition is included to distinguish these activities from acquisition, restoration, enhancement, and management.) Operations include activities necessary for the functioning of a facility or habitat to produce desired results. These include public use management and facility management.

Program. The National Coastal Wetlands Conservation Grant Program. A program administered by the Service that awards Federal grants through a competitive process to State agencies for projects to acquire, restore, manage, or enhance coastal wetlands.

Project. One or more related activities necessary to fulfill a stated objective to provide for the long-term conservation of coastal wetlands including the lands and waters, hydrology, water quality, and wetland-dependent wildlife. These activities can include acquisition, restoration, enhancement, or management of coastal wetlands.

Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded wetland.

§ 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.

(6) A grant agreement form if the proposal is selected for an award (USFWS Form 3–1552); and

(7) A grant amendment form if the agreement is modified (USFWS Form 3–1591).

(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:

Coastal states by service regions	Regional contact information
American Samoa, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Oregon, and Washington (Region 1).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon 97232–4181, (503) 231–6128.
Texas (Region 2)	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.
Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin (Region 3).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, (612) 713–5130.

Coastal states by service regions	Regional contact information
Alabama, Florida, Georgia, Mississippi, North Carolina, Puerto Rico, South Carolina, and the Virgin Islands. Louisiana is not eligible to participate under Section 305 of 16 U.S.C. 3954, because Louisiana has its own separate program. (Region 4).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345, (404) 679–4159.
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia (Region 5).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589, (413) 253–8508.
Alaska (Region 7)	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786–3435.

(b) The Program operates on an annual cycle. Regional Federal Aid Offices request proposals from the States in early April. Proposals must be received by the Regional Director on or before a due date set in early June in order to be considered for funding in the following fiscal year. Check with your Regional Office each year for the exact due dates. Regions review proposals for eligibility and substantiality. Regions may rank eligible and substantial proposals and submit them to the national office of the Service in Washington, DC, by a date set in late June. A Review Panel coordinated by the Service's National Office of Fisheries and Habitat Conservation reviews and ranks proposals in early August using the criteria established in this rule. The Director selects the proposals and announces the grant recipients at the beginning of the new fiscal year (October 1).

(c) More than one agency in a State may submit proposals to the Service if the Governor determines that more than one agency has responsibility for coastal wetlands.

(d) A project proposal that includes several separate and distinct phases may be submitted in phases, but any succeeding phases must compete against other proposals in the year submitted. Obtaining money for one phase of a project will not be contingent upon acquiring money for another phase of that same project.

(e) The Federal (Program) share will not exceed $1 million per project.

(f) The percentage of non-Federal match (cash or in-kind) must not be less than 25 percent of the total costs if the State has a designated fund or not less than 50 percent without a fund.

§ 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 cooperator);

(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

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

[1] The Service's Annual Performance Plan can be found on the Service's homepage at *http://www//.fws.gov/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.

benefit coastal wetlands and the hydrology, water quality, and fish and wildlife dependent upon them. The Program will not provide grants, for example, for construction or repair of boat ramps or docks for recreational purposes and construction or support of research facilities or activities. The purpose of the ranking criteria is to provide a means for selecting the best projects—those that produce the maximum benefits to coastal wetlands and the fish and wildlife that depend on them.

(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.

§ 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,[2] or the majority is regionally decreasing wetlands 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 wetlands types[2] (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

[2] These designations are based on the National Wetlands Priority Conservation Plan. For more information about the plan, or to receive a copy of the document, refer to the contact information provided in § 84.21.

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

(e.g., cite recovery plan, attach letter from species expert) of current or recent species occurrence in the coastal area project site. Describe the importance of the habitat. (Up to 5 points)

(ii) The project will provide, restore, or enhance important habitat for State-listed threatened and endangered species. (Up to 2 points)

(iii) The project will not provide, restore, or enhance important habitat for federally or State-listed or proposed endangered or threatened species in the coastal area project site for any part of their life cycle. If the proposal provides benefits to threatened and endangered species in the upper portion of the coastal watershed, but provides no significant and direct benefits to threatened and endangered species using coastal wetlands ecosystem habitat, the proposal will not receive any points. (0 points)

(iv) The combined scores of subparagraphs (a)(5)(i) and (a)(5)(ii) of this section cannot exceed the 5-point maximum.

(6) *Benefits to fish.* Will the project provide, restore, or enhance important fisheries habitat? (Maximum: 5 points)

(i) The project will provide, restore, or enhance important habitat (i.e., spawning, nursery, juvenile, or foraging habitat) for specific species that use the coastal area project site for at least part of their life cycle. These species may include anadromous, interjurisdictional, or other important species. List species, habitat types, and benefits to each species. (Up to 5 points)

(ii) The project does not document current or future benefits to fish species and their habitat. (0 points)

(iii) The more specific the information is on the use of the area and the importance of the habitat, the greater the points. An area specifically identified as critical for conservation in a fisheries management plan will, for example, receive more points than one which is not.

(7) *Benefits to coastal-dependent or migratory birds.* Will the project provide, restore, or enhance important habitat for coastal-dependent or migratory birds?

(i) The project will provide, restore, or enhance important habitat (i.e., 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)

(ii) The project will not significantly benefit coastal-dependent or migratory birds. (0 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 the types and sources of possible or current impairment to the coastal wetland and other associated coastal waters (e.g., to water quality, sediments, flora, or fauna). 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

[3] For 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.

(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.

[4] From 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?*

Subpart D—Conditions on Acceptance/Use of Federal Money

§ 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–

205, Pub. L. 98–213, and Pub. L. 98–454 (48 U.S.C. 1469a). Puerto Rico is not exempt from the match requirements of this Program.

(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[5] 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.

[5] From the Fish and Wildlife Service Manual, available on-line at *http://www.fws.gov/directives/index.html.*

(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. This includes monies provided to the State by other Federal programs. 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.

(c) If you incur costs before the effective date of the grant, they cannot be reimbursed, with the exception that we can allow preliminary costs, but only with the approval of the appropriate Regional Director. Preliminary costs may include costs necessary for preparing the grant proposal, such as feasibility surveys, engineering design, biological reconnaissance, appraisals, or preparation of grant documents such as environmental assessments for compliance with the National Environmental Policy Act.

§ 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 nonprofit 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,[6] 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.

[6] The Fish and Wildlife Service Manual, see footnote 3 for availability.

Subpart B—Application for Grants

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85.48 Compliance with Federal laws, regulations, and policies.

AUTHORITY: 16 U.S.C. 777g(c).

SOURCE: 59 FR 11206, Mar. 10, 1994, unless otherwise noted.

Subpart A—General

§ 85.10 Purpose and scope.

The purpose of this part is to establish requirements for state participation in the Clean Vessel Act Grant Program authorized by Section 5604 of the Clean Vessel Act (Public Law 102–587, Subtitle F).

§ 85.11 Definitions.

Terms used in this part shall have the following meaning:

Clean Vessel Act or Act. The Clean Vessel Act (Pub. L. 102–587, subtitle F).

Coastal State. A State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands. The term excludes Alaska and American Samoa because these States have a ratio of the number of recreational vessels in the State numbered under chapter 123 of title 46, United States Code, to number of miles of shoreline (as that term is defined in §926.2(d) of title 15, Code of Federal Regulations, as in effect on January 1, 1991), of less than one.

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.

Public facilities. Public facilities include municipal, county, port authority, State and Federal marinas, docks, etc., operated by those agencies.

Pumpout station. A facility that pumps or receives sewage from a type III marine sanitation device (holding tank) installed on board vessels.

Reasonable open periods. This part does not specify hours, days and seasons, however, some suggested examples, provided no other factors are involved, are presented:

(1) Pumpout/dump stations may be open during the same period the fuel docks are normally open.

(2) Pumpout stations may be open when the marina is open and staff is present to pump out boats.

(3) Pumpout/dump stations may be open during the hours considered to be normal marina business hours as adjusted by seasonal differences.

Recreational vessel. Watercraft manufactured for operation, or operated, primarily for pleasure. This term includes any watercraft leased, rented, or chartered to another for the latter's pleasure.

Renovation. Major rehabilitation of a facility to restore it to its original intended purpose.

Surveys. Those surveys identified in the technical guidelines as published in the FEDERAL REGISTER. Surveys are designed to determine the number and location of all operational pumpout and dump stations at public and private marinas, mooring areas, docks, and other boating access facilities within the coastal zone. Surveys also are designed to determine the number of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas of coastal waters where those vessels congregate.

Type III marine sanitation device (holding tank). Any equipment for installation on board a vessel which is specifically designed to receive, retain, and discharge sewage.

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 85.12 Information collection, recordkeeping, 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

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 NE 11th Avenue, Portland, Oregon 97232–4181, (503) 231–6128

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 55111–4056, (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) 236–7392

Region 7 State Includes—Alaska

Division of Federal Aid, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786–3435

(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).

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 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 approaches, public/private partnerships, education, sensitive waters, public access, and estimated costs;

(e) Amount and source of matching funds; and,

(f) Fees for use of facility.

Subpart C—Grant Selection

§ 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.

Criteria	Points	
	Coastal state	Inland state
a. Do a survey/plan	50	.....
b. Construct w/no plan	10	5
c. Construct with plan	20	10
d. Partnership	10	5
e. Innovative approach	5	2
f. Education	5	2
g. Sensitive area	5	2
h. Low pumpout ratio	5	2
Total		

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 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 12.60(b). Purchase of informational signs, program signs, and symbols designating pumpout and dump stations, are allowable costs.

(b) Grants or facilities designed to include purposes other than those eligible under the Act shall have the costs prorated equitably among the various purposes. Grant funds shall only be used for the part of the activity related to the Clean Vessel Act.

(c) Costs incurred prior to the effective date of the grant agreement are not allowable with the exception that preliminary costs are allowed only with the approval of the appropriate Regional Director. Preliminary costs may include such items as feasibility surveys, engineering design, biological reconnaissance, appraisals, or preparation of grant documents such as environmental assessments for compliance with the National Environmental Policy Act.

§ 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 retroflective 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,

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.

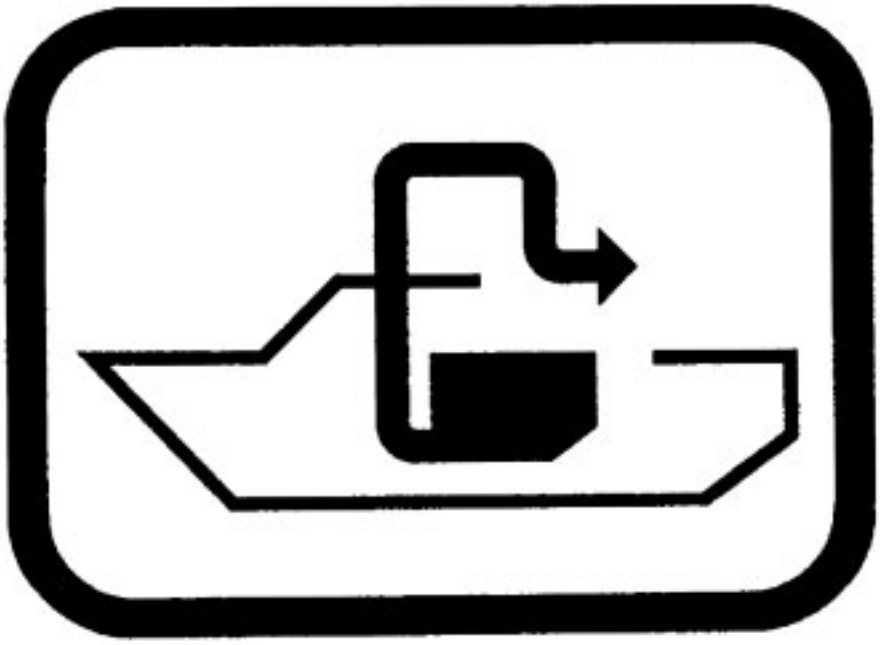
(iii) Do not obscure the symbol by overprinting.

(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

color chart 259U. Letters and black and white colors shall follow the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988. The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, provides for sale copies of the 1988 MUTCD, including Revision No. 3, dated September 3, 1993, Stock No. 050–001–00308–2.

(3) The same rules governing the graphic reproduction of the pumpout symbol, as described in paragraph (b)(6) of this section, shall apply to qualifying signs.

(d) *Pumpout slogan.* (1) Use the pumpout slogan according to Service specifications to help increase boater awareness of the need to use pumpout and dump stations to properly dispose of their boat sewage. Use the slogan in conjunction with the pumpout symbol, on educational/informational material, and for other uses as appropriate to advance the purposes of the Clean Vessel Act. The slogan is not copyrighted, and the Service encourages its appropriate use.

(2) All recipients identified in § 85.11 should display the pumpout slogan on facilities, such as pumpout and portable toilet dump stations as appropriate, and on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients should display the slogan for purposes as stated above and should encourage others to do so.

(3) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the slogan to advance the purposes of the Clean Vessel Act program.

(4) The following specifications shall apply: Letters are black and background is white. The same reference under specifications for Qualifying Signs in paragraph (c)(2) of this section shall apply.

(5) The same rules governing the graphic reproduction of the pumpout symbol, as described in paragraph (b)(6) of this section, shall apply to the pumpout slogan.

(6) The pumpout slogan follows:

KEEP OUR WATER CLEAN—USE PUMPOUTS

(e) All information signs, pumpout symbol, qualifying signs, and pumpout slogan identified in this section and the crediting logo identified in § 85.47, inform and educate boaters. Therefore, use the signs, symbol, slogan and logo as appropriate. For instance, a sign on the water directing boaters to a pumpout may only need the pumpout symbol, and a qualifying sign beneath, e.g., an arrow, and possibly the words ''PUMPOUT STATION''. For pumpout and dump stations, the pumpout symbol, slogan, information signs, including all information in paragraph (a) of this section, and the crediting and State logo may be appropriate. If desirable, add qualifying signs. Position a legible sign, symbol and logo either on the pumpout/dump station, on a separate sign, or both, for the greatest effect in informing and educating boaters. For other products such as print and video public service announcements, brochures, etc., the placement of symbols, etc. depends on space availability. The following order of priority dictates the order of use under limited space conditions: the pumpout symbol, slogan, 1-800-ASK-FISH telephone number and Sport Fish Restoration crediting logo. Add other information as appropriate. Use judgement when placing information on signs so as not to confuse the reader. Display the symbol, logo, slogan and information signs in the appropriate locations. To reduce wind drag when bolting signs on pilings, it was found helpful in the Northeast to make signs taller than wider. Symbol or logo size may vary. However, if you reduce or enlarge the symbol, maintain the same proportions.

[62 FR 45348, Aug. 27, 1997]

§ 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

operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation, etc., each year.

§ 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 Statewide, 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 us 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.

[62 FR 45350, 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

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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 26 feet

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.

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.

Project means a specific plan or design.

Proposal 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:

(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:

Type of information	Number of respondents*	Average time required per response (minutes)	Annual burden hours
Boat owners: Part A	11,200	12	2,240
Boat owners: Part B	28,000	12	5,600
Boat Service Providers: Part C	8,400	20	2,800
Boat Service Providers: Part D	4,000	20	1,333

*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;

(3) Build these tie-up facilities in water deep enough for nontrailerable recreational vessels to navigate (a minimum of 6 feet of depth at the lowest tide or other measure of lowest fluctuation);

(4) Provide security, safety, and service for these boats; and,

(5) Install a pumpout station, if you construct a facility for overnight stays:

(i) If there is already a pumpout within a reasonable distance (generally within 2 miles) of the facility, you may not need one;

(ii) For facilities intended as day stops, we encourage you to install a pumpout; and,

(iii) You may use funds from the BIG program, or the Clean Vessel Act pumpout grant program also administered by us, to pay for a pumpout station.

(b) Do one-time dredging only, to give transient vessels safe channel depths between the tie-up facility and maintained channels or open water.

(c) Install navigational aids, limited to giving transient vessels safe passage between the tie-up facility and maintained channels or open water.

(d) Apply funds to grant administration.

(e) Fund preliminary costs:

(1) Preliminary costs may include any of the following activities completed before signing a grant agreement:

(i) Conducting appraisals;

(ii) Administering environmental reviews and permitting;

(iii) Conducting technical feasibility studies, for example, studies about environmental, economic, and construction engineering concerns;

(iv) Carrying out site surveys and engaging in site planning;

(v) Preparing cost estimates; and

(vi) Preparing working drawings, construction plans, and specifications.

(2) We will fund preliminary costs only if we approve the project.

(3) If the project is approved, the appropriate Service Regional Director must still approve preliminary costs.

(f) Produce information and education materials such as charts, cruising guides, and brochures.

§ 86.21 What activities are ineligible for funding?

Your project is ineligible for funding if you propose to:

(a) Complete a project that does not provide public benefits, for instance, a project that is not open to the public for use;

(b) Involve law enforcement activities;

(c) Significantly degrade or destroy valuable natural resources or alter the cultural or historic nature of the area;

(d) Construct or renovate principal structures not expected to last at least 20 years;

(e) Do maintenance dredging;

(f) Fund operations or routine, custodial, and janitorial maintenance of the facility;

(g) Construct, renovate, or maintain boating infrastructure tie-up facilities for nontrailerable vessels, for example the following:

(1) Tie-up slips available for occupancy for more than 10 consecutive days by a single party;

(2) Dryland storage;

(3) Haul-out features; and

(4) Boating features for trailerable or ''car-top'' boats (boats less than 26 feet in length), such as launch ramps and carry-down walkways.

(h) Develop a State program plan to construct, renovate, and maintain boating infrastructure tie-up facilities; and

(i) Conduct surveys to determine boating access needs.

(1) You may conduct the survey with funds allocated to motorboat access to recreational waters under subsection (b)(1) of section 8 of the Federal Aid in Sport Fish Restoration Act of 1950, as amended (16 U.S.C. 777).

(2) You may combine surveys under one contractor where feasible if you can realize a cost or other savings.

Subpart C—Public Use of the Facility

§ 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:

Action	FY 2000–2001	FY 2002	FY 2003
We announce the beginning of the grant cycle.	February 20, 2001	July 1, 2001	July 1, 2002.
You submit your grant proposal by.	May 18, 2001	September 30, 2001	September 30, 2002.
Regions submit the proposals to Washington by.	June 18, 2001	October 31, 2001	October 31, 2002.
We rank the proposals by	July 17, 2001	November 30, 2001	November 30, 2002.
The Director approves proposals by.	August 16, 2001	December 31, 2001	December 31, 2002.
Regions finalize their grant agreements by.	October 15, 2001	February 28, 2002	February 28, 2003.

§ 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.

Region	State	Address	Telephone
1	California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam.	Division of Federal Aid, U.S. Fish & Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, OR 97232–4181.	503–231–6128, Fax: 503–231–6996
2	Arizona, New Mexico, Oklahoma, and Texas.	Division of Federal Aid, U.S. Fish & Wildlife Service, P.O. Box 1306, 625 Silver, SW, Suite 325, Albuquerque, NM 87102.	505–248–7450, Fax: 505–248–7471
3	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	Division of Federal Aid, U.S. Fish & Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111–4056.	612–713–5130, Fax: 612–713–5290
4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands.	Division of Federal Aid, U.S. Fish & Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345.	404–679–4159, Fax: 404–679–4160
5	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 & Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589.	413–253–8200, Fax: 413–253–8487
6	Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Division of Federal Aid, U.S. Fish & Wildlife Service, Denver Federal Center, P.O. Box 25486, Lake Plaza North Building, 134 Union Boulevard, 4th Floor, Denver, Colorado 80225.	303–236–7392, Fax: 303–236–8192
7	Alaska	Division of Federal Aid, U.S. Fish & Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.	907–786–3435, Fax: 907–786–3575

§ 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

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.
(3) Use innovative techniques to increase the availability of tie-up facilities for transient nontrailerable recreational vessels (includes education/information).	0–15 points.
(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.
(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.	0–10 points.
(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.

Criteria	Points
(1) Construct Tie-up Facilities	15
(2) Provide Partnership Efforts	5–15
(3) Use Innovative Techniques	0–15
(4) Include Other Funding Sources	5–15
(5) Are Cost Efficient	0–10
(6) Provide Way Point Linkage	10
(7) Provide Access to Opportunities	5–15
(8) Provide Significant Economic Impacts	1–5
(9) Include Multi-State Efforts	5
(10) Total Possible Points	105

§ 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 (50 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;

(c) Tier Two quarterly reports are due January 31, April 30, July 31, and October 31 unless specified otherwise in the grant agreement; and

(d) The State must report certified percentage of completion data and other significant developments in accordance with the grant agreement or 43 CFR 12.80.

§ 86.82 What must be in the reports?

The reports must include the following:

(a) You must identify the actual accomplishments compared to the objectives established for the period;

(b) You must identify the reasons for any slippage if established objectives were not met; and

(c) You must identify any additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Subpart I—State Use of Signs and Sport Fish Restoration Symbols

§ 86.90 What are my responsibilities for information signs?

You should install appropriate information signs at boating infrastructure tie-up facilities. You should ensure that this information is clearly visible, directing boaters to the facility. Information should show fees, restrictions, hours of operation, a contact name, and telephone number to report an inoperable facility.

§ 86.91 What are my program crediting responsibilities?

You should give public credit to the Federal Aid in Sport Fish Restoration (SFR) program as the source of funding for the BIG Program. You should recognize this program by using the SFR logo. You are encouraged to use the crediting logo identified in § 80.26 of this chapter to identify national BIG Program projects.

§ 86.92 Who can use the SFR logo?

The States may use the SFR logo and should encourage others to display it. Other people or organizations may use the logo for purposes related to the national BIG Program as authorized in § 80.26 of this chapter.

§ 86.93 Where should I use the SFR logo?

You should display the logo on tie-up facilities that you construct, acquire, develop, or maintain under these grants. You should also use the logo on printed material or other visual representations that relate to project accomplishments or education/information. Refer to § 85.47 of this chapter for logo colors.

§ 86.94 What crediting language should I use?

Suggested examples of language to use when crediting the national BIG Program follow:

(a) *Example 1:* The Federal Aid in Sport Fish Restoration Program funded this facility thanks to your purchase of fishing equipment and motorboat fuels.

(b) *Example 2:* The Federal Aid in Sport Fish Restoration Program is funding this construction thanks to your purchase of fishing equipment and motorboat fuels. And,

(c) *Example 3:* The Federal Aid in Sport Fish Restoration Program funded this (pamphlet) thanks to your purchase of fishing equipment and motorboat fuels.

Subpart J—Service Completion of the National Framework

§ 86.100 What is the National Framework?

The National Framework is the survey, required by the Act, you must use to determine boating access needs in your State. Through a State survey, you must conduct a boating access needs assessment or data collection to determine the adequacy, number, location, and quality of tie-up facilities and boat access sites providing access to recreational waters for all sizes of recreational boats.

§ 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 ''cartop'' 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 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 or ''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 often;

(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 complete 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.

(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.

(6) For all questions, if you need additional space, make copies of the appropriate page.

(f) Follow these instructions to complete Part D—STATE AGENCY AND NON-STATE PROVIDER SURVEY FOR TRAILERABLE BOAT ACCESS SITES:

(1) Ask State agency and non-State providers of access sites for boats less than 26 feet long to fill out Part D.

(2) Non-State providers include the Federal Government, local government, corporations, private owners, and others.

(3) If more than one State agency manages these sites, send this survey to all of them.

(4) If the State agency or non-State provider awards grants to others who provide sites, ask these grantees to respond for these sites instead of the State agency or non-State provider.

(5) 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.

(6) We prefer that the State agency or non-State provider identify all boat access sites and water-bodies, but if he or she has many sites and water-bodies, the provider may group the information together rather than identify each site individually.

(7) For all questions, if you need additional space, make copies of the appropriate page.

Subpart L—Completing the Comprehensive National Assessment

§ 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.

SUBCHAPTER G—MISCELLANEOUS PROVISIONS

PART 90—FEEDING DEPREDATING MIGRATORY WATERFOWL

Subpart A—Introduction

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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.

AUTHORITY: 70 Stat. 492, 7 U.S.C. 443.

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.

The provisions of this part supplement 70 Stat. 492, 7 U.S.C. 442–445.

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 depredations 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

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

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

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

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

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

§ 90.17 Compliance with other regulations.

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

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

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91.24 Contest procedures.

Subpart D—Post-Contest Procedures

91.31 Return of entries after contest.

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

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

Subpart A—Introduction

§ 91.1 Purpose of regulations.

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

(b) All individuals entering the contest must comply with these regulations. A copy of the regulations, along with the Reproduction Rights Agreement and Display and Participation Agreement, may be requested from the Federal Duck Stamp Office, U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr. MBSP–4070, Arlington, VA 22203–1622. These documents can also be downloaded from our Web site: *http://www.fws.gov/duckstamps/*.

(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, as amended at 71 FR 39014, July 11, 2006]

§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 allows the Service to display the entry at various locations for promotional purposes, and requires the artist to participate in events on behalf of the Federal Duck Stamp Program.

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

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

[53 FR 16344, May 6, 1988, as amended at 56 FR 22815, May 16, 1991; 71 FR 39014, July 11, 2006]

§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 ''white'' and ''blue'' morphs) (*Chen caerulescens*)

(3) Ross's Goose (*Chen rossii*)

(4) Emperor Goose (*Chen canagica*)

(5) Canada Goose (*Branta canadensis*)

(6) Cackling Goose (*Branta hutchinsii*)

(d) *Brant.* (1) Brant (*Branta bernicla*)

(e) *Dabbling Ducks.* (1) Wood Duck (*Aix sponsa*)

(2) American Wigeon (*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) Long-tailed Duck (*Clangula hyemalis*)

(7) Black Scoter (*Melanitta nigra*)

(8) Surf Scoter (*Melanitta perspicillata*)

(9) White-winged Scoter (*Melanitta fusca*)

(10) Bufflehead (*Bucephala albeola*)

(11) Barrow's Goldeneye (*Bucephala islandica*)

(12) Common Goldeneye (*Bucephala clangula*)

(h) *Mergansers.* (1) Hooded Merganser (*Lophodytes cucullatus*)

(2) Red-breasted Merganser (*Mergus serrator*)

(3) Common Merganser (*Mergus merganser*)

(i) *Stiff Tails.* (1) Ruddy Duck (*Oxyura jamaicensis*)

[71 FR 39014, July 11, 2006]

Subpart B—Procedures for Entering the Contest

§ 91.11 Contest opening date and entry deadline.

The contest will officially open on June 1 of each year. Entries must be postmarked no later than midnight, August 15. For the latest information on contest time and place as well as all deadlines, please visit our Web site at *www.fws.gov/duckstamps* or call (703) 358–2000.

[71 FR 39014, July 11, 2006]

§ 91.12 Contest eligibility.

(a) U.S. citizens, nationals, or resident aliens are eligible to participate in the contest.

(b) Any person who has won the contest during the preceding 3 years is ineligible to submit an entry in the current year's contest. For the 75th contest (2007) only, any artist, even those who won the 2004, 2005, and 2006 contests may enter. However, 2004, 2005, and 2006 winners must still fulfill their 3-year ineligibility terms after the 2007 contest. The 2007 contest will not count toward fulfilling ineligibility terms of 2004, 2005, or 2006 winners.

(c) All entrants must be at least 18 years of age by the contest opening date (see §91.11) to participate in the contest.

(d) Contest judges and their relatives are ineligible to submit an entry.

(e) All entrants must submit a nonrefundable fee of $125.00 by cashier's check, certified check, or money order made payable to U.S. Fish and Wildlife Service. Personal checks will not be accepted.

(f) All entrants must submit a signed Reproduction Rights Agreement and a signed Display and Participation Agreement.

[72 FR 6488, Feb. 12, 2007]

§ 91.13 Technical requirements for design and submission of entry.

The design must be a horizontal drawing or painting 7 inches high and 10 inches wide. The entry may be drawn in any medium desired by the contestant and may be either multicolored or black and white. No scrollwork, lettering, bird band numbers, signatures or initials may appear on the design. Each entry must be matted (on the front only) with a 9 inch by 12 inch white mat, 1 inch wide. The matting must be affixed with clear or white tape holding the matting to the picture. Entries must not be framed, or under glass, or have any protective covering (other than the matting) attached to them. The entire entry cannot exceed ¼ inch in total thickness.

[71 FR 39015, July 11, 2006]

§ 91.14 Restrictions on subject matter for 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, noneligible species, or other designs that depict uses of the stamp for sporting, conservation, and collecting purposes. 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, or from images in any format published on the Internet. Photographs, computer-generated art, or 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 a Federal or State stamp design may be submitted in the current contest if the entry meets the above criteria.

[71 FR 39015, July 11, 2006]

§ 91.15 Suitability of entry for engraving.

All entries should be drawn with fullest attention to clarity of detail and the relationship of tonal values. These

prerequisites are important to interpret pictorial elements to hand engraving for printing, as they determine the engraved line techniques and direction. The engraver relies on the accuracy of the artist's work for successful interpretation. The engraver is primarily responsible for line interpretation and discipline, creating the miniature image of bird(s) appearing on the stamp.

[56 FR 22815, May 16, 1991]

§91.16 Submission procedures for entry.

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

(b) Each entry should be appropriately wrapped to protect the artwork and then either hand-delivered or sent by registered mail, certified mail, express mail, or overnight delivery service to the address in §91.1(b) of this part.

[56 FR 22815, May 16, 1991, as amended at 71 FR 39015, July 11, 2006]

§91.17 Property insurance for contest entries.

Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. Neither the Service nor the Department of the Interior will insure the entries, nor is the Service or Department responsible for loss or damage unless such is caused by Service or Department negligence or willful misconduct. The Service and Department reserve the right to determine whether negligence or willful misconduct led to artwork being damaged. Entry fees for the subsequent year's contest may be waived for artists whose artwork we determine to be damaged by any negligence on our part. This waiver remains at our discretion.

[71 FR 39015, July 11, 2006]

§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.

(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.

(c) *Disqualification.* Any contestant who contacts a judge prior to or during the contest will automatically be disqualified from the current year's contest and barred from entering the three contests that come after the current year's contest.

[56 FR 22816, May 16, 1991, as amended at 71 FR 39015, July 11, 2006]

§91.22 Display of contest entries.

The Federal Duck Stamp Office assigns all eligible entries a number as entries are received. That office displays the entries in numerical order at the contest site.

[71 FR 39015, July 11, 2006]

§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 U.S. Postal Service will do a critical analysis of the entries that will be judged in the second round and 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 per paragraph (d) of this section, will be shown one at a time to the judges by the Contest Coordinator or by a contest staff member. Each judge will vote by indicating a numerical score of one (1), two (2), three (3), four (4), or five (5) for each entry. The scores will be totaled to provide each entry's score. The five 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 that they will indicate a numerical score of three (3), four (4), or five (5) for each entry. The Contest Coordinator will tabulate the final votes and present them to the Director, U.S. Fish and Wildlife Service, who will announce the winning entry as well as the entries that placed second and third.

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

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

[53 FR 16344, May 6, 1988, as amended at 56 FR 22816, May 16, 1991; 61 FR 25156, May 20, 1996; 71 FR 39015, July 11, 2006; 72 FR 6488, Feb. 12, 2007]

Subpart D—Post-Contest Procedures

§ 91.31 Return of entries after contest.

(a) All entries will be returned by certified mail to the participating artists within 120 days after the contest, unless the artwork is selected to appear at one or more wildlife art expositions. If artwork is returned to the Service because it is undelivered or unclaimed (this may happen if an artist changes address), the Service will not be obligated to trace the location of the artist to return the artwork. Any artist who changes his or her address is responsible for notifying the Service of the change. All unclaimed entries will be destroyed 1 year after the date of the contest.

(b) Artists in the third round of judging will be chosen to appear in a national art tour that will last 1 year. The artwork will be returned to the artists after that period in accordance with the signed participation agreement.

(c) An artist may choose to remove his or her artwork from the tour, but will forfeit contest eligibility for three successive contests.

[72 FR 6488, Feb. 12, 2007]

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

Subpart A—General Provisions

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92.31–92.39 [Reserved]

AUTHORITY: 16 U.S.C. 703–712.

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

Subpart A—General Provisions

§92.1 Purpose of regulations.

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

§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).

Co-management Council means the Alaska Migratory Bird Co-management Council, consisting of Alaska Native, Federal, and State of Alaska representatives as equals.

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.

Game Management Unit, also referred to simply as *Unit,* means 1 of the 26 geographical areas listed in the codified State of Alaska hunting and trapping regulations and on maps of the Alaska State Game Management Units.

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 subchapter B of this chapter. Species eligible to harvest are listed in § 92.32.

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.

Seabirds refers to all bird species listed in § 92.32 within the families Alcidae, Laridae, Procellariidae, and Phalacrocoracidae.

Service Regulations Committee means the Migratory Bird Regulations Committee of the U.S. Fish and Wildlife Service.

Shorebirds refers to all bird species listed in § 92.32 within the families Charadriidae, Haematopodidae, and Scolopacidae.

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.

Taxidermy refers to birds preserved and mounted in lifelike representations. Taxidermy does not include preserving bird parts to be integrated into traditional arts and crafts.

Village is defined as a permanent settlement with one or more year-round residents.

Waterfowl refers to all bird species listed in § 92.32 within the family Anatidae.

[67 FR 53517, Aug. 16, 2002, as amended at 68 FR 43027, July 21, 2003; 69 FR 17327, Apr. 2, 2004]

§ 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 during the applicable periods specified in subpart D of this part.

(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.

(1) 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. The Co-management Council will then consider each petition and will submit to the Service any recommendations to exclude areas from the spring and summer subsistence harvest. The Service will publish any approved recommendations for public comment in the FEDERAL REGISTER.

(2) Based on petitions for inclusion recommended by the Co-management Council, the Service has added the following communities to the included areas under this part:

(i) Upper Copper River Region—Gulkana, Gakona, Tazlina, Copper Center, Mentasta Lake, Chitina, Chistochina.

(ii) Gulf of Alaska Region—Chugach Community of Tatitlek, Chugach Community of Chenega, Chugach Community of Port Graham, Chugach Community of Nanwalek.

(iii) Cook Inlet Region—Tyonek.

(iv) Southeast Alaska Region—Hoonah, Craig, Hydaburg, and Yakutat.

(b) *Excluded areas.* Excluded areas are not subsistence harvest areas and are closed to harvest. Residents of excluded areas are not eligible persons as defined in §92.4. Communities located within the excluded areas provided in paragraphs (b)(2) and (b)(3) of this section may petition the Co-management Council through their 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 Service any recommendations to designate a community as a spring and summer subsistence harvest area. The Service will publish any approved new designations of communities for public comment in the FEDERAL REGISTER. Excluded areas consist of the following:

(1) All areas outside of Alaska.

(2) Village areas located in Anchorage, the Matanuska-Susitna Borough, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, Southeast Alaska, and the Central Interior Excluded Area as described in paragraph (b)(3) of this section generally do not qualify for a spring and summer harvest.

(3) The Central Interior Excluded Area comprises the following: That portion of Unit 20(A) east of the Wood River drainage and south of Rex Trail, including the upper Wood River drainage south of its confluence with Chicken Creek; that portion of Unit 20(C) east of Denali National Park north to Rock Creek and east to Unit 20(A); and that portion of Unit 20(D) west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volmar drainage, including the Goodpaster River drainage. The following communities are within the Excluded Area: Delta Junction/Big Delta/Fort Greely, McKinley Park/Village, Healy, Ferry, and all residents of the formerly named Fairbanks North Star Borough Excluded Area.

(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 permanent residents of excluded areas.* Immediate family members who are permanent 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, 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. 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.

[67 FR 53517, Aug. 16, 2002, as amended at 68 FR 43027, July 21, 2003; 69 FR 17327, Apr. 2, 2004; 70 FR 18248, Apr. 8, 2005; 72 FR 18322, Apr. 11, 2007]

§ 92.6 Use and possession of migratory birds.

You may not sell, offer for sale, purchase, or offer to purchase migratory birds, their parts, or their eggs taken under this part.

(a) *Eligible persons.* Under this part, you may take birds for human consumption only. Harvest and possession of migratory birds must be done using nonwasteful taking. Nonedible byproducts of migratory birds taken for food may be used for other purposes, except that taxidermy is not allowed.

(b) *Noneligible persons.* You may receive portions of birds or their eggs not kept for human consumption from eligible persons only if you have a valid permit issued under 50 CFR 21.27 for scientific research or education, and consistent with the terms and conditions of that permit.

[69 FR 17227, Apr. 2, 2004]

§§ 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 may seat 1 representative from each of the 12 regions identified in § 92.11(a).

(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;

(4) Develop procedures and criteria by which areas and communities can be determined to be eligible or ineligible for a spring/summer subsistence harvest;

(5) Provide guidelines to the regional management bodies each year for formulation of annual regulations;

(6) Consolidate regional recommendations and resolve interregional differences in order to prepare statewide recommendations;

(7) Establish committees to gather or review data, develop plans for Co-management Council actions, and coordinate programs with regional management bodies;

(8) Send regional representatives from the Co-management Council to meetings of the Pacific Flyway Council and to meetings of the other Flyway Councils as needed, and to meetings of the Service Regulations Committee;

(9) Elect officers; and

(10) Conduct other business as the Council may determine is necessary to accomplish its purpose.

(d) *Meetings.* Meetings of the Co-management Council will be open to the public. The Co-management Council will:

(1) Hold meetings at least twice annually;

(2) Conduct meetings in accordance with bylaws approved by the Co-management Council;

(3) Provide an opportunity at each meeting for public comment;

(4) Establish the dates, times, and locations of meetings; and

(5) Maintain a written record of all meetings.

(e) *Staff support.* Administrative support for the Co-management Council will be provided by the U.S. Fish and Wildlife Service and will include, but not be limited to:

(1) Making arrangements for the meeting rooms and associated logistics related to Co-management Council meetings;

(2) Preparing public notices announcing Co-management Council meetings;

(3) Maintaining records of discussions and actions taken by the Co-management Council;

(4) Coordinating with the Alaska Department of Fish and Game to provide technical information needed by the Co-management Council for its deliberations;

(5) Preparing documents and gathering information needed by the Co-management Council for its meetings; and

(6) Preparing the annual subpart D regulations package recommended by the Co-management Council for submission to the flyway councils and the Service Regulations Committee.

[67 FR 53517, Aug. 16, 2002, as amended at 68 FR 43027, July 21, 2003]

§92.11 Regional management areas.

(a) *Regions identified.* To allow for maximum participation by residents of subsistence eligible areas, the Alaska Regional Director of the Service established 12 geographic regions based on common subsistence resource use patterns and the 12 Alaska Native regional corporation boundaries established under the Alaska Native Claims Settlement Act. Despite using the Alaska Native regional corporation boundaries, we are not working directly with the regional corporations in this program and are instead working with the Alaska Native nonprofit groups and local governments in those corresponding regions. You may obtain records and maps delineating the boundaries of the 12 regions from the U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, 222 West 7th Ave., No. 13, Anchorage, AK 99513. The regions are identified as follows:

(1) Aleutian/Pribilof Islands;

(2) Kodiak Archipelago;

(3) Bristol Bay;

(4) Yukon/Kuskokwim Delta;
(5) Bering Strait/Norton Sound;
(6) Northwest Arctic;
(7) North Slope;
(8) Interior;
(9) Southeast;
(10) Gulf of Alaska;
(11) Upper Copper River; and
(12) Cook Inlet.

(b) *Regional partnerships.* The U.S. Fish and Wildlife Service will establish partner agreements with at least 1 partner organization in each of the 12 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.

[67 FR 53517, Aug. 16, 2002, as amended at 68 FR 43027, July 21, 2003]

§ 92.12 Relationship to the process for developing national hunting regulations for migratory game birds.

(a) *Flyway councils.* (1) Proposed annual regulations recommended by the Co-management Council will be submitted to all flyway councils for review and comment. The Council's recommendations must be submitted prior to the SRC's last regular meeting of the calendar year in order to be approved for spring/summer harvest beginning March 11 of the following calendar year.

(2) Alaska Native representatives may be appointed by the Co-management Council to attend meetings of one or more of the four flyway councils to discuss recommended regulations or other proposed management actions.

(b) *Service regulations committee.* Proposed annual regulations recommended by the Co-management Council will be submitted to the Service Regulations Committee for their review and recommendation to the Service Director. Following the Service Director's review and recommendation, the proposals will be forwarded to the Department of Interior for approval. Proposed annual regulations will then be published in the FEDERAL REGISTER for public review and comment, similar to 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 Methods and means.

You may not use the following devices and methods to harvest migratory birds:

(a) Swivel guns, shotguns larger than 10 gauge, punt guns, battery guns, machine guns, fish hooks, poisons, drugs, explosives, or stupefying substances;

(b) Shooting from a sinkbox or any other type of low-floating device that affords the hunter a means of concealment beneath the surface of the water;

(c) Hunting from any type of aircraft;

(d) Taking waterfowl and other species using live birds as decoys, except for auklets on Diomede and St. Lawrence islands (Use of live birds as decoys is a customary and traditional means of harvesting auklets on Diomede and St. Lawrence islands.);

(e) Hunting with the aid of recorded bird calls;

(f) Using any type of vehicle, aircraft, or boat for the purpose of concentrating, driving, rallying, or stirring up of any migratory bird, except boats may be used to position a hunter;

(g) Having in possession or using lead or other toxic shot while hunting (Approved nontoxic shot types are listed in §20.21(j) of subchapter B.);

(h) Shooting while on or across any road or highway;

(i) Using an air boat (Interior and Bristol Bay Regions only) or jet ski (Interior Region only) for hunting or transporting hunters;

(j) Using private or chartered aircraft for hunting or transporting hunters, except for transportation between community airstrips (Unit 18, Yukon/Kuskokwim Delta Region only); or

(k) 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, as provided at 50 CFR 20.21(i) and 16 U.S.C. 704(b).

[68 FR 43028, July 21, 2003, as amended at 69 FR 17327, Apr. 2, 2004; 70 FR 18248, Apr. 8, 2005; 71 FR 10408, Feb. 28, 2006; 72 FR 18323, Apr. 11, 2007]

§92.21 Emergency closures.

(a) The Regional Director, after consultation with the Co-management Council, may close or temporarily suspend any regulation established under subparts C or D of this part:

(1) Upon finding that a continuation of the regulation would pose an imminent threat to the conservation of any endangered or threatened species or other migratory bird population; and

(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 the internet and local radio and television.

(b) The Service will also announce any such closure or temporary suspension by publication of a notice in the FEDERAL REGISTER simultaneously with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that publishing a FEDERAL REGISTER notice simultaneously with the local public notice is impractical, we will publish in the FEDERAL REGISTER as soon as possible after the steps outlined in paragraph (a) of this section are taken.

(c) Any closure or temporary suspension under this section will be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously with the notification methods described in paragraph (a) of this section, then on the date and at the time specified in the local notification to the public given under paragraph (a)(2) of this section. Every notice of closure or temporary suspension will include the date and time of the closing, the area or areas affected, and the species affected. In the case of a temporary suspension, the date and time when the harvest may be resumed will also be provided by local notification to the public and

by publication in the FEDERAL REGISTER as provided for in paragraphs (a) and (b) of this section.

[68 FR 43028, July 21, 2003]

§§ 92.22–92.29 [Reserved]

Subpart D—Annual Regulations Governing Subsistence Harvest

§ 92.30 General overview of regulations.

These regulations establish a spring/summer migratory bird subsistence harvest in Alaska. The regulations list migratory bird species that are authorized for harvest, species that are not authorized for harvest, season dates, and dates for a 30-day closure to protect nesting birds. The Co-management Council will review and, if necessary, recommend modifications to these harvest regulations on an annual basis, working within the schedule of the Federal late-season regulations for migratory game bird hunting.

(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 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.

[67 FR 53517, Aug. 16, 2002, as amended at 68 FR 43028, July 21, 2003]

SUBCHAPTER H—NATIONAL WILDLIFE MONUMENTS

PARTS 96–99 [RESERVED]

PART 100—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

Subpart A—General Provisions

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100.22 Subsistence resource regions.
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100.27 Subsistence taking of fish.
100.28 Subsistence taking of shellfish.

AUTHORITY: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart A—General Provisions

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 or ANILCA relevant to the taking of fish and wildlife on public land 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 poortion 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 inland waters, both navigable and non-navigable, within and adjacent to the exterior boundaries of the following areas, and on the marine waters as identified in the following areas:

(1) Alaska Maritime National Wildlife Refuge, including the:

(i) Karluk Subunit: All of the submerged land and water of the Pacific Ocean (Sheliokof Strait) extending 3,000 feet from the shoreline between a point on the spit at the meander corner common to Sections 35 and 36 of Township 30 South, Range 33 West, and a point approximately 1¼ miles east of Rocky Point within Section 14 of Township 29 South, Range 31, West, Seward Meridian as described in Public Land Order 128, dated June 19, 1943;

(ii) Womens Bay Subunit: Womens Bay, Gibson Cove, portions of St. Paul Harbor and Chiniak Bay: All of the submerged land and water as described

in Public Land Order 1182, dated July 7, 1955 (U.S. Survey 21539);

(iii) Afognak Island Subunit: A submerged lands and waters of the Pacific Ocean lying within 3 miles of the shoreline as described in Proclamation No. 39, dated December 24, 1892;

(iv) Simeonof Subunit: All of the submerged land and water of Simeonof Island together with the adjacent waters of the Pacific Ocean extending 1 mile from the shoreline as described in Public Land Order 1749, dated October 30, 1958; and

(v) Semidi Subunit: All of the submerged land and water of the Semidi Islands together with the adjacent waters of the Pacific Ocean lying between parallels 55°57′57″00–56°15′57″00 North Latitute and 156°30′00″–157°00′00″ West Longitude as described in Executive Order 5858, dated June 17, 1932;

(2) Arctic National Wildlife Refuge, including those waters shoreward of the line of extreme low water starting in the vicinity of Monument 1 at the intersection of the International Boundary line between the State of Alaska and the Yukon Territory; Canada, and extending westerly, along the line of extreme low water across the entrances of lagoons such that all offshore bars, reefs and islands, and lagoons that separate them from the mainland to Brownlow Point, approximately 70 10′ North Latitude and 145 51′ West Longitude;

(3) National Petroleum Reserve in Alaska, including those waters shoreward of a line beginning at the western bank of the Colville River following the highest highwater mark westerly, extending across the entrances of small lagoons, including Pearl Bay, Wainwright Inlet, the Kuk River, Kugrau Bay and River, and other small bays and river estuaries, and following the ocean side of barrier islands and sandspits within three miles of shore and the ocean side of the Plover Islands, to the northwestern extremity of Icy cape, at approximately 70°21′ North Latitute and 161 46′ West Longitude; and

(4) Yukon Delta National Wildlife Refuge, including Nunivak Island: the submerged land and water of Nunivak Island together with the adjacent waters of the Bering Sea extending, for Federal Subsistence Management purposes, 3 miles from the shoreline of Nunivak Island as described in Executive Order No. 5059, dated April 15, 1929.

(5) Southeastern Alaska—Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 5°02′35″north latitude, 135°21′07″ west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3000 feet, to a point, 5°03′15″ north latitude, 135°23′07″ west longitude; East, 2900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; Southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point beginning.

(c) The regulations contained in this part apply on all public lands, excluding marine waters, but including all inland waters, both navigable and nonnavigable, within and adjacent to the exterior boundaries of the following areas:

(1) Alaska Peninsula National Wildlife Refuge;
(2) Aniakchak National Monument and Preserve;
(3) Becharof National Wildlife Refuge;
(4) Bering Land Bridge National Preserve;
(5) Cape Krusenstern National Monument;
(6) Chugach National Forest;
(7) Denali National Preserve and the 1980 additions to Denali National Park;
(8) Gates of the Arctic National Park and Preserve;
(9) Glacier Bay National Preserve;
(10) Innoko National Wildlife Refuge;

(11) Izembek National Wildlife Refuge;
(12) Kanuti National Wildlife Refuge;
(13) Katmai National Preserve;
(14) Kenai National Wildlife Refuge;
(15) Kobuk Valley National Park;
(16) Kodiak National Wildlife Refuge;
(17) Koyukuk National Wildlife Refuge;
(18) Lake Clark National Park and Preserve;
(19) Noatak National Preserve;
(20) Nowitna National Wildlife Refuge;
(21) Selawik National Wildlife Refuge;
(22) Steese National Conservation Area;
(23) Tetlin National Wildlife Refuge;
(24) Togiak National Wildlife Refuge;
(25) Tongass National Forest, including Admiralty Island National Monument and Misty Fjords National Monument;
(26) White Mountain National Recreation Area;
(27) Wrangell-St. Elias National Park and Preserve;
(28) Yukon-Charley Rivers National Preserve;
(29) Yukon Flats National Wildlife Refuge;
(30) 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.

(d) The regulations contained in this part apply on all other public lands, other than to the military, U.S. Coast Guard, and Federal Aviation Administration lands that are closed to access by the general public, including all non-navigable waters located on these lands.

(e) The public lands described in paragraphs (b) and (c) of this section remain subject to change through rulemaking pending a Department of the Interior review of title and jurisdictional issues regarding certain submerged lands beneath navigable waters in Alaska.

[70 FR 76407, Dec. 27, 2005, as amended by 71 FR 49999, Aug. 24, 2006]

§ 100.4 Definitions.

The following definitions apply to all regulations contained in this part:

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.

ANILCA means the Alaska National Interest Lands Conservation Act, Public Law 96–487, 94 Stat. 2371, (codified, as amended, in scattered sections of 16 U.S.C. and 43 U.S.C.)

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 noncommercial nature.

Board means the Federal Subsistence Board as described in § 100.10.

Commissions means the Subsistence Resource Commissions established pursuant to section 808 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

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.

FACA means the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770 (codified as amended, at 5 U.S.C. Appendix II, 1–15).

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. Inland waters include, but are not limited to, lakes, reservoirs, ponds, streams, and rivers.

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.

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.

[69 FR 60962, Oct. 14, 2004]

§ 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 reasonably harvest 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.

[67 FR 30563, May 7, 2002, as amended at 68 FR 7704, Feb. 18, 2003]

§ 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 nonrural;

(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 Secretaries, based on Board recommendation, will establish the number of members for each Regional Council. To ensure that each Council represents a diversity of interests, the Board will strive to ensure that 70 percent of the members represent subsistence interests within a region and 30 percent of the members represent commercial and sport interests within a region. The portion of membership that represents the commercial and sport interests shall include, where possible, at least one representative from the sport community and one representative from the commercial community. A Regional Council member must be a resident of the region in which he or she is appointed and must be knowledgeable about the region and subsistence uses of the public lands therein. The Board will accept nominations and make recommendations to the Secretaries for membership on the Regional Councils. In making their recommendations, the Board will identify the interest(s) the applicants propose to represent on the respective Regional Councils. The Secretary of the Interior with the concurrence of the Secretary of Agriculture will make the appointments to the Regional Councils.

(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 use 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.

[67 FR 30563, May 7, 2002, as amended at 68 FR 7704, Feb. 18, 2003; 69 FR 60962, Oct. 14, 2004]

§ 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 they are not inconsistent with, or superseded by, the regulations in this part.

(b) The Board may close public lands to hunting, trapping, or fishing, or take actions to restrict the taking of fish and wildlife when necessary to conserve healthy populations of fish and wildlife, continue subsistence uses of such populations, or pursuant to other applicable Federal law. The Board may review and adopt State openings, closures, or restrictions which serve to achieve the objectives of the regulations in this part.

(c) The Board may enter into agreements with the State in order to coordinate respective management responsibilities.

(d) Petition for repeal of subsistence rules and regulations. (1) The State of Alaska may petition the Secretaries for repeal of the subsistence rules and regulations in this part when the State has enacted and implemented subsistence management and use laws which:

(i) Are consistent with sections 803, 804, and 805 of ANILCA; and

(ii) Provide for the subsistence definition, preference, and participation specified in sections 803, 804, and 805 of ANILCA.

(2) The State's petition shall:

(i) Be submitted to the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240, and the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20240;

(ii) Include the entire text of applicable State legislation indicating compliance with sections 803, 804, and 805 of ANILCA; and

(iii) Set forth all data and arguments available to the State in support of legislative compliance with sections 803, 804, and 805 of ANILCA.

(3) If the Secretaries find that the State's petition contains adequate justification, a rulemaking proceeding for repeal of the regulations in this part will be initiated. If the Secretaries find that the State's petition does not contain adequate justification, the petition will be denied by letter or other notice, with a statement of the ground for denial.

§ 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.

(5) Community or area characteristics shall be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to:

(i) Use of fish and wildlife;

(ii) Development and diversity of the economy;

(iii) Community infrastructure;

(iv) Transportation; and

(v) Educational institutions.

(6) Communities or areas which are economically, socially, and communally integrated shall be considered in the aggregate.

(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.

(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.

(b) You may obtain maps delineating the boundaries of subsistence resource regions from the U.S. Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, Alaska 99503.

[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 those set forth in this paragraph. You may obtain maps delineating the boundaries of nonrural areas from the U.S. Fish and Wildlife Service, Office of Subsistence Management. The nonrural areas include:

(1) Anchorage, Municipality of;
(2) Fairbanks North Star Borough;
(3) Homer area—including Homer, Anchor Point, North Fork Road area, Kachemak City, and the Fritz Creek East area (not including Voznesenka);
(4) Juneau area—including Juneau, West Juneau, and Douglas;
(5) Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifonsky, Kasilof, and Clam Gulch;
(6) Ketchikan area—including all parts of the road system connected to the City of Ketchikan including Saxman, Pennock Island and parts of Gravina Island;
(7) Prudhoe Bay;
(8) Seward area—including Seward and Moose Pass;
(9) Valdez; and
(10) Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, Point MacKenzie, and Bodenburg Butte.

(b) [Reserved]

[72 FR 25697, May 7, 2007]

§ 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. When there is a determination for specific communities or areas of residence in a Unit, all other communities not listed for that species in that Unit have no Federal subsistence priority for that species in that Unit. If no determination has been made for a species in a Unit, all rural Alaska residents are eligible to harvest fish or wildlife under this part.

(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:

Area	Species	Determination
Unit 1C	Black Bear	Residents of Units 1C, 1D, 3, Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.
1A	Brown Bear	Residents of Unit 1A, except no subsistence for residents of Hyder.
1B	Brown Bear	Residents of Unit 1A, Petersburg, and Wrangell, except no subsistence for residents of Hyder.
1C	Brown Bear	Residents of Unit 1C, Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
1D	Brown Bear	Residents of 1D.
1A	Deer	Residents of Units 1A and 2.
1B	Deer	Residents of Units 1A, 1B, 2, and 3.
1C	Deer	Residents of 1C, 1D, Hoonah, Kake, and Petersburg.
1D	Deer	No Federal subsistence priority.
1B	Goat	Residents of Units 1B and 3.
1C	Goat	Residents of Haines, Kake, Klukwan, Petersburg, and Hoonah.
1B	Moose	Residents of Units 1, 2, 3, and 4.
1C Berner's Bay	Moose	No Federal subsistence priority.
1D	Moose	Residents of Unit 1D.
Unit 2	Deer	Residents of Units 1A, 2, and 3.
Unit 3	Deer	Residents of Units 1B, 3, Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
3, Wrangell and Mitkof Islands	Moose	Residents of Units 1B, 2, and 3.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
4	Deer	Residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.
4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5A.
5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Goat	Residents of Unit 5A.
5	Moose	Residents of Unit 5A.
5	Wolf	Residents of Unit 5A.
Unit 6A	Black Bear	Residents of Yakutat and Units 6C and 6D, except no subsistence for Whittier.
6, remainder	Black Bear	Residents of Units 6C and 6D, except no subsistence for Whittier.
6	Brown Bear	No Federal subsistence priority.
6A	Goat	Residents of Units 5A, and 6C, Chenega Bay, and Tatitlek.
6C and D	Goat	Residents of Units 6C and D.
6A	Moose	Residents of Units 5A, 6A, 6B and 6C.
6B and C	Moose	Residents of Units 6A, 6B and 6C.
6D	Moose	No Federal subsistence priority.
6A	Wolf	Residents of Units 5A, 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 7	Brown Bear	No Federal subsistence priority.
7	Caribou	No Federal subsistence priority.
7, Brown Mountain hunt area	Goat	Residents of Port Graham and Nanwalek.
7, that portion draining into Kings Bay	Moose	Residents of Chenega Bay and Tatitlek.
7, remainder	Moose	No Federal subsistence priority.
7	Sheep	No Federal subsistence priority.
7	Ruffed Grouse	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
8	Deer	Residents of Unit 8.
8	Elk	Residents of Unit 8.
8	Goat	No Federal subsistence priority.
Unit 9D	Bison	No Federal subsistence priority.
9A and 9B	Black Bear	Residents of Units 9A, 9B, 17A, 17B, and 17C.
9A	Brown Bear	Residents of Pedro Bay.

Area	Species	Determination
9B	Brown Bear	Residents of Unit 9B.
9C	Brown Bear	Residents of Unit 9C.
9D	Brown Bear	Residents of Units 9D and 10 (Unimak Island).
9E	Brown Bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
9A and B	Caribou	Residents of Units 9B, 9C, and 17.
9C	Caribou	Residents of Units 9B, 9C, 17, and Egegik.
9D	Caribou	Residents of Unit 9D, Akutan, and False Pass.
9E	Caribou	Residents of Units 9B, 9C, 9E, 17, Nelson Lagoon and Sand Point.
9A, B, C and E	Moose	Residents of Units 9A, 9B, 9C, and 9E.
9D	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
9B	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark Natonal Park and Preserve within Unit 9B.
9, remainder	Sheep	No determination.
9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
9A, B, C, & E	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 10 Unimak Island	Brown Bear	Residents of Units 9D and 10 (Unimak Island).
Unit 10 Unimak Island	Caribou	Residents of Akutan, False Pass, King Cove, and Sand Point.
10, remainder	Caribou	No determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 11	Bison	No Federal subsistence priority.
11, north of the Sanford River	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11.
11, north of the Sanford River	Caribou	Residents of Units 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Caribou	Residents of Units 11, 13A–D, and Chickaloon.
11	Goat	Residents of Unit 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake
11, north of the Sanford River	Moose	Residents of Units 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Moose	Residents of Units 11, 13A–D, and Chickaloon.
11, north of the Sanford River	Sheep	Residents of Unit 12, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
11, remainder	Sheep	Residents of Chisana, Chistochina, Chitina, Copper Center, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).

Area	Species	Determination
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
11	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
Unit 12	Brown Bear	Residents of Unit 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
12	Caribou	Residents of Unit 12, Dot Lake, Healy Lake, and Mentasta Lake.
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 Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake.	Moose	Residents of Units 12, 13C, Dot Lake, and Healy Lake.
12, that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border.	Moose	Residents of Units 12, 13C, and Healy Lake.
12, remainder	Moose	Residents of Unit 11 north of 62nd parallel, Units 12, 13A–D and the residents of Chickaloon, Dot Lake, and Healy Lake.
12	Sheep	Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 13	Brown Bear	Residents of Unit 13 and Slana.
13B	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, residents of Unit 20D except Fort Greely, and the residents of Chickaloon.
13C	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13 Chickaloon, Dot Lake and Healy Lake.
13A and D	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon.
13E	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, Chickaloon, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13D	Goat	No Federal subsistence priority.
13A and D	Moose	Residents of Unit 13, Chickaloon, and Slana.
13B	Moose	Residents of Units 13, 20D except Fort Greely, and the residents of Chickaloon and Slana.
13C	Moose	Residents of Units 12, 12, and the residents of Chickaloon, Healy Lake, Dot Lake and Slana.
13E	Moose	Residents of Unit 13, Chickaloon, McKinley Village, Slana, and the area along the Parks Highway between mileposts 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13D	Sheep	No Federal subsistence priority.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
13	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
Unit 14C	Brown Bear	No Federal subsistence priority.
14	Goat	No Federal subsistence priority.
14	Moose	No Federal subsistence priority.
14A and C	Sheep	No Federal subsistence priority.
Unit 15C	Black Bear	Residents of Port Graham and Nanwalek only.
15, remainder	Black Bear	No Federal subsistence priority.
15	Brown Bear	No Federal subsistence priority.
15	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15	Sheep	No Federal subsistence priority.

Area	Species	Determination
15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 15.
15	Grouse (Spruce)	Residents of Unit 15.
15	Grouse (Ruffed)	No Federal subsistence priority.
Unit 16B	Black Bear	Residents of Unit 16B.
16	Brown Bear	No Federal subsistence priority.
16A	Moose	No Federal subsistence priority.
16B	Moose	Residents of Unit 16B.
16	Sheep	No Federal subsistence priority.
16	Wolf	Residents of Units 6, 19, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
16	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon 15, 16, 20D, 22 and 23.
Unit 17A and that portion of 17B draining into Nuyakuk Lake and Tikchik Lake.	Black Bear	Residents of Units 9A and B, 17, Akiak, and Akiachak.
17, remainder	Black Bear	Residents of Units 9A and B, and 17.
17A	Brown Bear	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, and Platinum.
17A 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.	Brown Bear	Residents of Kwethluk.
17B, that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown Bear	Residents of Akiak and Akiachak.
17B and C	Brown Bear	Residents of Unit 17.
17	Caribou	Residents of Units 9B, 17, Lime Village, and Stony River.
Unit 17A, that portion west of the Izavieknik River, Upper togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Akiak, Akiachak, and Tuluksak.
17A 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.	Caribou	Residents of Kwethluk.
Unit 17B, that portion of Togiak National Wildlife Refuge within Unit 17B.	Caribou	Residents of Bethel, Goodnews Bay, Platinum, quinhagak, Eek, Akiak, Akiachak, Tuluksak, Tuntutuliak, and Napakiak.
17A 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.	Moose	Residents of Kwethluk.
17A	Moose	Residents of Unit 17, Goodnews Bay and Platinum; however, no subsistence for residents of Akiachak, Akiak and Quinhagak.
17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Moose	Residents of Akiak, Akiachak.
Unit 17B, that portion within the Togiak National Wildlife Refuge.	Moose	Residents of Akiak, Akiachak.
17B and C	Moose	Residents of Unit 17, Nondalton, Levelock, Goodnews Bay, and Platinum.
17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
17	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 18	Black Bear	Residents of Unit 18, Unit 19A living downstream of the Holokuk River, Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.

Area	Species	Determination
18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Marys, and Tuluksak.
18	Caribou	Residents of Unit 18, Manokotak, Stebbins, St. Michael, Togiak, Twin Hills, and Upper Kalskag.
18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including, the Tuluksak River drainage.	Moose	Residents of Unit 18, Upper Kalskag, Aniak, and Chuathbaluk.
18, remainder	Moose	Residents of Unit 18, Upper Kalskag, and Lower Kalskag.
18	Muskox	No Federal subsistence priority.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 19C and D	Bison	No Federal subsistence priority.
19A and B	Brown Bear	Residents of Units 19 and 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
19C	Brown Bear	No Federal subsistence priority.
19D	Brown Bear	Residents of Units 19A and D, Tuluksak and Lower Kalskag.
19A and B	Caribou	Residents of Units 19A and 19B, Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, Russian Mission.
19C	Caribou	Residents of Unit 19C, Lime Village, McGrath, Nikolai, and Telida.
19D	Caribou	Residents of Unit 19D, Lime Village, Sleetmute, and Stony River.
19A and B	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and residents of Unit 19.
Unit 19B, west of the Kogrukluk River	Moose	Residents of Eek and Quinhagak.
19C	Moose	Residents of Unit 19.
19D	Moose	Residents of Unit 19 and Lake Minchumina.
19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 20D	Bison	No Federal subsistence priority.
20F	Black Bear	Residents of Unit 20F, Stevens Village, and Manley.
20E	Brown Bear	Residents of Unit 12 and Dot Lake.
20F	Brown Bear	Residents of Unit 20F, Stevens Village, and Manley.
20A	Caribou	Residents of Cantwell, Nenana, and those demociled between mileposts 216 and 239 of the Parks Highway. No subsistence priority for residents of households of the Denali National Park Headquarters.
20B	Caribou	Residents of Unit 20B, Nenana, and Tanana.
20C	Caribou	Residents of Unit 20C living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Talida, and those domiciled between mileposts 216 and 239 of the Parks Highway and between mileposts 300 and 309. No subsistence priority for residents of households of the Denali National Park Headquarters.
20D and E	Caribou	Residents of 20D, 20E and Unit 12 north of the Wrangell-St. Elias National Park and Preserve.
20F	Caribou	Residents of 20F, 25D, and Manley.
20A	Moose	Residents of Cantwell, Minto, Nenana, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of households of the Denali National Park Headquarters.
20B, Minto Flats Management Area	Moose	Residents of Minto and Nenana.
20B, remainder	Moose	Residents of Unit 20b, Nenana, and Tanana.

Area	Species	Determination
20C	Moose	Residents of Unit 20C (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), Cantwell, Manley, Minto, Nenana, those domiciled between mileposts 300 and 309 of the Parks Highway, Nikolai, Tanana, Telida, McKinely 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.
20D	Moose	Residents of Unit 20D and residents of Tanacross.
20E	Moose	Residents of Unit 20E, Unit 12 north of the Wrangell-St. Elias National Preserve, Circle, Centrl, Dot Lake, Healy Lake, and Mentasta Lake.
20F	Moose	Residents of Unit 20F, Manley, Minto, and Stevens Village.
20F	Wolf	Residents of Unit 20F, Stevens Village, and Manley.
20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
20D	Grouse, (Spruce, Ruffed and Sharp-tailed).	Residents of Units 11, 13, and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
20D	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
Unit 21	Brown Bear	Residents of Units 21 and 23.
21A	Caribou	Residents of Units 21A, 21D, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21B and C	Caribou	Residents of Units 21B, 21C, 21D, and Tanana.
21D	Caribou	Residents of Units 21B, 21C, 21D, and Huslia.
21E	Caribou	Residents of Units 21A, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21A	Moose	Residents of Units 21A, 21E, Takotna, McGrath, Aniak, and Crooked Creek.
21B and C	Moose	Residents of Units 21B, 21C, Tanana, Ruby, and Galena.
21D	Moose	Residents of Units 21D, Huslia, and Ruby.
21E	Moose	Residents of Unit 21E and Russian Mission.
21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 22A	Black Bear	Residents of Unit 22A and Koyuk.
22B	Black Bear	Residents of Unit 22B.
22C, D, and E	Black Bear	No Federal subsistence priority.
22	Brown Bear	Residents of Unit 22.
22A	Caribou	Residents of Unit 21D west of the Koyukuk and Yukon Rivers, 22 (except residents of St. Lawrence Island), 23, 24, Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Nunam Iqua, and Alakanuk.
22, remainder	Caribou	Residents of Unit 21D west of the Koyukuk and Yukon Rivers, 22 (except residents of St. Lawrence Island), 23 and 24.
22	Moose	Residents of Unit 22.
22B, west of the Darby Mountains	Muskox	Residents of Unit 22B and 22C.
22B, remainder	Muskox	Residents of Unit 22B.
22C	Muskox	Residents of Unit 22C.
Unit 22D, that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages.	Muskox	Residents of Unit 22C, White Mountain, and unit 22D excluding St. Lawrence Island.
22D, remainder	Muskox	Residents of Unit 22D excluding St. Lawrence Island.
22E	Muskox	Residents of Unit 22E excluding Little Diomede Island.
22	Wolf	Residents of Units 23, 22, 21D north and west of the Yukon River, and Kotlik.
22	Grouse (Spruce)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.

Area	Species	Determination
22	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
Unit 23	Black Bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
23	Brown Bear	Residents of Units 21 and 23.
23	Caribou	Residents of Unit 21D west of the Koyukuk and Yukon Rivers, Galena, 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26A.
23	Moose	Residents of Unit 23.
23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Muskox	Residents of Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage.
23, remainder	Muskox	Residents of Unit 23 east and north of the Buckland River drainage.
23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
23	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black Bear	Residents of Stevens Village, Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and residents of Unit 24.
24, remainder	Brown Bear	Residents of Unit 24.
24	Caribou	Residents of Unit 24, Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
24	Moose	Residents of Unit 24, Koyukuk, and Galena.
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle, Allakaket, Alatna, Hughes, and Huslia.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 25D	Black Bear	Residents of Unit 25D.
25D	Brown Bear	Residents of Unit 25D.
25, remainder	Brown Bear	Residents of Unit 25 and Eagle.
25D	Caribou	Residents of 20F, 25D, and Manley.
25A	Moose	Residents of Units 25A and 25D.
25D, west	Moose	Residents of Unit 25D West.
25D, remainder	Moose	Residents of remainder of Unit 25.
25A	Sheep	Residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie.
25B and C	Sheep	No Federal subsistence priority.
25D	Wolf	Residents of Unit 25D.
25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope.
26A and C	Caribou	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26B	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and residents of Unit 24 within the Dalton Highway Corridor Management Area.
26	Moose	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex), Point Hope, and Anaktuvuk Pass.
26A	Muskox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.

Area	Species	Determination
26B	Muskox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26C	Muskox	Residents Kaktovik.
26A	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26B	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26C	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkyitsik, Fort Yukon, Point Hope, and Venetie.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.

(2) *Fish determinations.* The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
Kotzebue Area	All fish	Residents of the Kotzebue Area.
Norton Sound—Port Clarence Area:		
Norton Sound—Port Clarence Area, waters draining into Norton Sound between Point Romanof and Canal Point.	All fish	Residents of Stebbins, St. Michael, and Kotlik.
Norton Sound—Port Clarence Area, remainder.	All fish	Residents of the Norton Sound—Port Clarence Area.
Yukon—Northern Area:		
Yukon River drainage	Salmon, other than fall chum salmon.	Residents of the Yukon River drainage and the community of Stebbins.
Yukon River drainage	Fall chum salmon	Residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak.
Yukon River drainage	Freshwater fish (other than salmon).	Residents of the Yukon—Northern Area.
Remainder of the Yukon—Northern Area.	All fish	Residents of the Yukon—Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26B.
Tanana River drainage contained within the Tetlin NWR and the Wrangell-St. Elias NPP.	Freshwater fish (other than salmon).	Residents of the Yukon—Northern Area and residents of Mentasta Lake, Chistochina, Slana, and all residents living between Mentasta Lake and Chistochina.
Kuskokwim Area	Salmon	Residents of the Kuskokwim Area, except those persons residing on the United States military installations located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB.
	Rainbow trout	Residents of the communities of Akiachak, Akiak, Aniak, Atmautluak, Bethel, Chuathbaluk, Crooked Creek, Eek, Goodnews Bay, Kasigluk, Kwethluk, Lower Kalskag, Napakiak, Napaskiak, Nunapitchuk, Oscarville, Platinum, Quinhagak, Tuluksak, Tuntutuliak, and Upper Kalskag.
	Pacific cod	Residents of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak.
	All other fish other than herring	Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB.
Waters around Nunivak Island	Herring and herring roe	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.

Area	Species	Determination
Bristol Bay Area:		
Nushagak District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Nushagak District and freshwater drainages flowing into the district.
Naknek-Kvichak District—Naknek River drainage.	Salmon and freshwater fish	Residents of the Naknek and Kvichak River drainages.
Naknek-Kvichak District—Kvichak/Iliamna-Lake Clark drainage.	Salmon and freshwater fish	Residents of the Kvichak/Iliamna-Lake Clark drainage.
Togiak District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.
Egegik District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of South Naknek, the Egegik District and freshwater drainages flowing into the district.
Ugashik District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Ugashik District and freshwater drainages flowing into the district.
Togiak District	Herring spawn on kelp	Residents of the Togiak District and freshwater drainages flowing into the district.
Aleutian Islands Area	All fish	Residents of the Aleutian Islands Area and the Pribilof Islands.
Alaska Peninsula Area	Halibut	Residents of the Alaska Peninsula Area and the communities of Ivanof Bay and Perryville.
	All other fish in the Alaska Peninsula Area.	Residents of the Alaska Peninsula Area.
Chignik Area	Halibut, salmon and fish other than rainbow/steelhead trout.	Residents of the Chignik Area.
Kodiak Area—except the Mainland District, all waters along the south side of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°51.10′ North latitude) midstream Shelikof Strait, north and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (57°10.34′ North latitude, 156°20.22′ West longitude).	Salmon	Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.
Kodiak Area	Fish other than rainbow/steelhead trout and salmon.	Residents of the Kodiak Area.
Cook Inlet Area:		
Kenai Peninsula District—Waters north of and includng the Kenai River drainage within the Kenai National Wildlife Refuge an the Chugach National Forest.	All fish	Residents of the communities of Hope, Cooper Landing, and Ninilchik.
Waters within the Kasilof River drainage within the Kenai NWR.	All fish	Residents of the community of Ninilchik.
Waters within Lake Clark National Park draining into and including that portion of Tuxedni Bay within the park.	Salmon	Residents of the Tuxedni Bay area.
Cook Inlet Area—Remainder	Fish other than salmon, Dolly Varden, trout, char, grayling, and burbot.	Residents of the Cook Inlet Area.
Prince William Sound Area:		
Southwestern District and Green Island.	Salmon	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, Elrington Island, Latouche Island and adjacent islands.
North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.	Salmon	Residents of the villages of Tatitlek and Ellamar.
Copper River drainage upstream from Haley Creek.	Freshwater fish	Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.

Area	Species	Determination
Gulkana National Wild and Scenic River.	Freshwater fish	Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Waters of the Prince William Sound Area, except for the Copper River drainage upstream of Haley Creek.	Freshwater fish (trout, char, whitefish, suckers, grayling, and burbot).	Residents of the Prince William Sound Area, except those living in the Copper River drainage upstream of Haley Creek.
Chitina Subdistrict of the Upper Copper River District.	Salmon	Residents of Cantwell, Chickaloon, Chisana, Christochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Glennallen Subdistrict of the Upper Copper River District.	Salmon	Residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the Alaskan/Canadian border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
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.	Salmon	Residents of Mentasta Lake and Dot Lake.
Remainder of the Prince William Sound Area.	Salmon	Residents of the Prince William Sound Area.
Waters of the Bering River area from Point Martin to Cape Suckling.	Eulachon	Residents of Cordova.
Waters of the Copper River Delta from the Eyak River to Point Martin.	Eulachon	Residents of Cordova, Chenega Bay, and Tatitlek.
Yakutat Area:		
Fresh water upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River.	Salmon	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.
Fresh water upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.	Dolly Varden, steelhead trout, and smelt.	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.
Remainder of the Yakutat Area	Dolly Varden, trout, smelt, and eulachon.	Residents of Southeastern Alaska and Yakutat Areas.
Southeastern Alaska Area:		
District 1—Section 1E in waters of the Naha River and Roosevelt Lagoon.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Saxman.
District 1—Section 1F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Saxman.
Districts 2, 3, and 5 and waters draining into those Districts.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage.

Area	Species	Determination
District 5—North of a line from Point Barrie to Boulder Point.	Salmon, Dolly Varden, trout, smelt, and eulachon.	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.
District 6 and waters draining into that District.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage; residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 & 8, including the communities of Petersburg & Wrangell; and residents of the communities of Meyers Chuck and Kake.
District 7 and waters draining into that District.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 & 8, including the communities of Petersburg & Wrangell; and residents of the communities of Meyers Chuck and Kake.
District 8 and waters draining into that District.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of drainages flowing into Districts 7 & 8, residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island), and residents of Meyers Chuck.
District 9—Section 9A	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of Portage Bay boat harbor.
District 9—Section 9B north of the latitude of Swain Point.	Salmon, Dolly Varden, trout, smelt, and eulachon.	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.
District 10—West of a line from Pinta Point to False Point Pybus.	Salmon, Dolly Varden, trout, smelt, and eulachon.	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.
District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution.	Salmon, Dolly Varden, trout, smelt, and eulachon.	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′ West longitude, including Killisnoo Island.
District 12—Section 12A, excluding the area south of a line from Fishery Point to South Passage Point Section 12B.	All fish	Residents of drainages flowing into Districts 12 and 14.
District 13—Section 13A, south of the latitude of Cape Edward.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13A, excluding the area south of the latitude of Cape Edward.	All fish	Residents of drainages flowing into Sections 13A, 13B, and District 14.
District 13—Section 13B north of the latitude of Redfish Cape.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13C	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13C east of the longitude of Point Elizabeth.	Salmon, Dolly Varden, trout, smelt, and eulachon.	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′ West longitude, including Killisnoo Island.
District 14	All fish	Residents of drainages flowing into Sections 12A, 13A, and District 14.
Remainder of the Southeastern Alaska Area.	Dolly Varden, trout, smelt, and eulachon.	Residents of Southeastern Alaska and Yakutat Areas.

(3) *Shellfish determinations.* The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
Bering Sea Area	All shellfish	Residents of the Bering Sea Area.
Alaska Peninsula-Aleutian Islands Area	Shrimp Dungeness, and Tanner crab.	Residents of the Alaska Peninsula-Aleutian Islands Area.
Kodiak Area	Shrimp, Dungeness, and Tanner crab.	Residents of the Kodiak Area.
Kodiak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough, except those residents on the Kodiak Coast Guard base.
Cook Inlet Area:		
Federal waters in the Tuxedni Bay Area within the boundaries of Lake Clark National Park.	Shellfish	Residents of Tuxedni Bay, Chisik Island, and Tyonek.
Prince William Sound Area	Shrimp, clams, Dungeness, king, and Tanner crab.	Residents of the Prince William Sound Area.
Southeastern Alaska—Yakutat Area:		
Section 1E south of the latitude of Grant Island light.	Shellfish, except shrimp, king crab, and Tanner crab..	Residents of the Southeast Area.
Section 1F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 3A and 3B	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
District 13	Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks.	Residents of the Southeast Area.

(3) *Shellfish determinations.* The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
BERING SEA AREA	All shellfish	Residents of the Bering Sea Area.
ALASKA PENINSULA—ALEUTIAN ISLANDS AREA.	Shrimp, Dungeness, king, and Tanner crab.	Residents of the Alaska Penninsula-Aleutian Island Area.
KODIAK AREA	Shrimp, Dungeness, and Tanner crab	Residents of Kodiak Area.
Kodiak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough, except those residents on the Kodiak Coast Guard base.
COOK INLET AREA:		
Federal waters in the Tuxedni Bay Area within the boundaries of Lake Clark National Park.	Shellfish	Residents of Tuxedni Bay, Chisik Island, and Tyonek.
PRINCE WILLIAM SOUND AREA	Shrimp, clams, Dungeness, king, and Tanner crab.	Residents of the Prince William Sound Area.
SOUTHEASTERN ALASKA—YAKUTAT AREA:		
Section 1E south of the latitude of Grant Island light.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 1F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 3A and 3B	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
District 13	Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks.	

[64 FR 1293, Jan. 8, 1999; 64 FR 35823, July 1, 1999, as amended at 65 FR 40734, June 30, 2000; 66 FR 10145, Feb. 13, 2001; 66 FR 31544, June 12, 2001; 66 FR 33748, June 25, 2001; 67 FR 5893, Feb. 7, 2002; 67 FR 30570, May 7, 2002; 67 FR 43714, June 28, 2002; 68 FR 7279, Feb. 12, 2003; 69 FR 5023, Feb. 3, 2004; 70 FR 13381, Mar. 21, 2005; 70 FR 36272, June 22, 2005; 71 FR 15573, Mar. 29, 2006; 71 FR 37647, June 30, 2006]

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's 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, hornlike 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.

Big game means black bear, brown bear, bison, caribou, Sitka black-tailed deer, elk, mountain goat, moose, musk-ox, Dall sheep, wolf, and wolverine.

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 of an 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.

Calf means a moose, caribou, elk, musk-ox, or bison less than 12 months old.

Cast net means a circular net with a mesh size of no more than 12 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*), scarlet king crab *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 tethered, 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 backbone (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.

Field means an area outside of established year-round dwellings, businesses, or other developments usually associated with a city, town, or village; *field* does not include permanent hotels or roadhouses on the State road system or at State or Federally maintained airports.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Fish wheel 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.

Fresh water of streams and rivers means the line at which fresh water is separated from salt water 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 made by a rural Alaskan resident from the nonedible byproducts of fish or wildlife and is composed wholly or in some significant respect of natural materials. The shape and appearance of the natural material must be substantially changed by the skillful use of hands, such as sewing, weaving, drilling, lacing, beading, carving, etching, scrimshawing, painting, or other means, and incorporated into a work of art, regalia, clothing, or other creative expression, and can be either traditional or contemporary in design. The handicraft must have 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 drivable 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 fish wheel, 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 the 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.

Regulatory year means July 1 through June 30, except for fish and shellfish, for which it means April 1 through March 31.

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-eights (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. However, for bear, the skin, hide, pelt, or fur means the external covering with claws attached.

Snagging means hooking or attempting to hook a fish elsewhere than in the mouth.

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 subsistence harvest 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, 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.

Trophy means a mount of a big game animal, including the skin of the head (cape) or the entire skin, in a lifelike representation of the animal, including a lifelike representation made from any part of a big game animal; ''trophy'' also includes a ''European mount'' in which the horns or antlers and the skull or a portion of the skull are mounted for display.

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 hoofed mammal, including deer, caribou, elk,

moose, mountain goat, Dall sheep, and musk oxen.

Unit and *Subunit* mean one of the geographical areas in the State of Alaska known as Game Management Units, or GMUs, as defined in the codified Alaska Department of Fish and Game regulations found in Title 5 of the Alaska Administrative Code and collectively listed in this part as Units or Subunits.

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 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) count 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.* In Units 1–8, 9D, 10–16, and 18–26, if you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless Unit-specific regulations in Section 100.26 preclude or modify the use

of the designated hunter system or allow the harvest of additional species by a designated hunter. 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, unless otherwise specified in unit-specific regulations 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 and may not charge the recipient for his/her services in taking the fish, wildlife, or shellfish or claim for themselves the meat or any part of the harvested fish, wildlife, or shellfish.

(g) [Reserved]

(h) *Permits.* 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 hereunder.

(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:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse, or ptarmigan; however, you may not use the breast meat of grouse and ptarmigan as animal food or bait;

(iv) 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 Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A 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) If you are a Federally-qualified subsistence user, you may sell handicraft articles made from the skin, hide,

pelt, or fur, including claws, of a black bear.

(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a black bear taken from Units 1, 2, 3, or 5.

(ii) [Reserved]

(7) If you are a Federally-qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.

(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.

(ii) [Reserved]

(8) If you are a Federally-qualified subsistence user, you may sell the raw fur or tanned pelt with or without claws attached from legally harvested furbearers.

(9) If you are a Federally-qualified subsistence user, you may sell handicraft articles made from the nonedible byproducts (including, but not limited to, skin, shell, fins, and bones) of subsistence-harvested fish or shellfish.

(10) If you are a Federally qualified subsistence user, you may sell handicraft articles made from nonedible byproducts of wildlife harvested for subsistence uses (excluding bear), to include; skin, hide, pelt, fur, claws, bones (except skulls of moose, caribou, elk, deer, sheep, goat and muskox), teeth, sinew, antlers and/or horns (if not attached to any part of the skull or made to represent a big game trophy) and hooves.

(11) The sale of handicrafts made from the nonedible byproducts of wildlife, when authorized in this part, may not constitute a significant commercial enterprise.

(k) The regulations found in this part do not apply to the subsistence taking and use of fish, wildlife, or shellfish regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187); the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543); the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407); and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or to any amendments to these Acts. The taking and use of fish, wildlife, or shellfish, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(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.

[71 FR 37654, June 30, 2006]

§ 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, except as modified by regulations in §____.27(i). 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 trawl;

(ix) A pot;

(x) A longline;

(xi) A fyke net;

(xii) A lead;

(xiii) A herring pound;

(xiv) A dip net;

(xv) Jigging gear;

(xvi) A mechanical jigging machine;

(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 sidewall, 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 30 thread. The cotton twine may be knotted at each end only. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The cotton twine may not be tied or looped around the web bars. Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop 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 sidewall, 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 saltwater, 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 nonindigenous fish as bait.

(6) You must have your first initial, last name, and address plainly and legibly inscribed on the side of your fish wheel facing midstream of the river.

(7) You may use kegs or buoys of any color but red on any permitted gear, except in the following areas where kegs or buoys of any color, including red, may be used:

(i) Yukon-Northern Area; and

(ii) Kuskokwim Area.

(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) *Transactions between rural residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade to rural residents may not exceed $500.00 annually.

(ii) Upper Copper River District—The total number of salmon per household taken within the Upper Copper River District and exchanged in customary trade to rural residents may not exceed 50% of the annual harvest of salmon by the household. No more than 50% of the annual household limit may be sold under paragraphs ____.27(c)(11) and (12) when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rests with the seller.

(12) *Transactions between a rural resident and others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed $400.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(ii) Upper Copper River District—The total cash value of salmon per household taken within the Upper Copper River District and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed $500.00 annually. No more than 50% of the annual household limit may be sold under paragraphs ____.27(c)(11) and (12) when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(13) *No sale to, nor purchase by, fisheries businesses.* (i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

(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) [Reserved]

(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) Provisions on ADF&G subsistence fishing permits that are more restrictive or in conflict with the provisions contained in this section do not apply to Federal subsistence users.

(20) 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.

(21) The taking of fish from waters within Federal jurisdiction is authorized outside of published open seasons or harvest limits if the harvested fish will be used for food in traditional or religious ceremonies that are part of funerary or mortuary cycles, including memorial potlatches, provided that:

(i) Prior to attempting to take fish, the person (or designee) or Tribal Government organizing the ceremony contacts the appropriate Federal fisheries manager to provide the nature of the ceremony, the parties and/or clans involved, the species and the number of fish to be taken, and the Federal waters from which the harvest will occur;

(ii) The taking does not violate recognized principles of fisheries conservation, and uses the methods and means allowable for the particular species published in the applicable Federal regulations (the Federal fisheries manager will establish the number, species, or place of taking if necessary for conservation purposes);

(iii) Each person who takes fish under this section must, as soon as practical, and not more than 15 days after the harvest, submit a written report to the appropriate Federal fisheries manager, specifying the harvester's name and address, the number and species of fish taken, and the date and locations of the taking; and

(iv) No permit is required for taking under this section; however, the harvester must be eligible to harvest the resource under Federal regulations.

(d) [Reserved]

(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.

(3) 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 must record, prior to leaving the harvest site, 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.

(i) You may take fish for subsistence purposes without a permit.

(ii) You may take salmon only by gillnets, beach seines, or a rod and reel.

(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 stretched-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 stretched-mesh size from 2½ to 4½ 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 may 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 stretched-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 a.m. Monday until 8 p.m. Saturday.

(iii) You may take salmon only by gillnets, beach seines, fish wheel, 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) 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 gillnet.

(vi) 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 tip of Point Hope and west of 141° West longitude, 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. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in §____.27(i)(3).

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(iii) 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 4B and 4C from June 15 through September 30, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(C) In District 6, excluding the Kantishna River drainage, salmon may be taken from 6 p.m. Friday until 6 p.m. Wednesday.

(iv) 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 p.m. Friday until 6 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5D, salmon may not be taken from 6 p.m. Sunday until 6 p.m. Tuesday.

(v) 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.

(vi) In Districts 1, 2, 3, and Subdistrict 4A, 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.

(vii) 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.

(viii) In Subdistrict 4A 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 Chinook salmon during the State commercial fishing season, with drift gillnet gear only, from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday.

(ix) 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.

(x) You may not subsistence fish in the Delta River.

(xi) 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 through 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.

(xii) You may not subsistence fish in the Toklat River drainage from August 15 through May 15.

(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(xiv) 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 stretched-mesh larger than 6-inches after a date specified by ADF&G emergency order issued between July 10 and July 31.

(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook 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 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;

(C) In the Yukon River mainstem, Subdistricts 4B and 4C with a Federal subsistence fishing permit, you may take Chinook salmon during the last 18-hour period of the weekly regulatory opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.

(xvi) 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, 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 use, 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 from June 15 through September 15.

(xvii) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

(xviii) 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.

(xix) Only one subsistence fishing permit will be issued to each household per year.

(xx) In Districts 1, 2, and 3, you may not possess Chinook salmon taken for subsistence purposes unless the dorsal fin has been removed immediately after landing.

(xxi) In the Yukon River drainage, Chinook salmon must be used primarily for human consumption and may not be targeted for dog food. Dried Chinook salmon may not be used for dog food 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 5D, 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 Nunivak 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) For the Kuskokwim area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(iii) In District 1, Kuskokuak Slough, from June 1 through July 31 only, 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 or during, and for 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 by net gear or fish wheel for 16 hours before or during, and for 6 hours after each open commercial salmon fishing period in the district. You may subsistence fish for salmon with rod and reel 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by paragraph (i)(4) of this section.

(vi) You may not take subsistence fish by nets in the Goodnews River east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before or during, and for 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 or during, and for 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 or during, and for 6 hours after each State open commercial salmon fishing period.

(ix) You may only take 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 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 set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, dip net, jigging gear, spear, lead, handline, or rod and reel.

(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 stretched-mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than 6-inch stretched-mesh may not be more than 35 meshes in depth.

(xv) You may take halibut only by a single handheld 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) You may take rainbow trout only in accordance with the following restrictions:

(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 through 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 a.m. Monday until 9 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 a.m. June 23 through 9 a.m. July 17, you may take salmon only during the following times: from 9 a.m. Tuesday to 9 a.m. Wednesday and from 9 a.m. Saturday to 9 a.m. Sunday.

(iv) You may not take fish from waters within 300 feet of a stream mouth used by salmon.

(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 by set gillnets only.

(vii) Outside the boundaries of any district, unless otherwise specified, you may take salmon by set gillnet only.

(A) You may also take salmon by spear in the Togiak River, excluding its tributaries.

(B) You may also use drift gillnets not greater than 10 fathoms in length to take salmon in the Togiak River in the first two river miles upstream from the mouth of the Togiak River to the ADF&G regulatory markers.

(C) You may also take salmon without a permit in Lake Clark and its tributaries by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.

(D) You may also take salmon by beach seines not exceeding 25 fathoms in length in Lake Clark, 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 only under authority of a subsistence fishing permit.

(xv) Only one subsistence fishing permit for salmon may be issued to each household per year.

(xvi) In the Togiak River section and the Togiak River drainage:

(A) 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.

(B) You may not possess salmon taken with a drift gillnet under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) or the dorsal fin have been removed.

(xvii) You may take rainbow trout only by rod and reel or jigging gear. Rainbow trout daily harvest and possession limits are 2 per day/2 in possession with no size limit from April 10 through October 31 and 5 per day/5 in possession with no size limit from November 1 through April 9.

(xviii) If you take rainbow trout incidentally in other subsistence net fisheries, or through the ice, you may retain them for subsistence purposes.

(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, rainbow/steelhead trout, or char 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 a.m. until 9 p.m. from January 1 through December 31, except 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 of Summers and Morris Lakes and their tributaries and outlet streams;

(C) 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;

(D) Waters of McLees Lake and its tributaries and outlet stream;

(E) All fresh water 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 terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.

(x) 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.

(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.

(7) *Alaska Peninsula Area.* The Alaska Peninsula Area includes all waters of Alaska on the north side of the Alaska peninsula southwest of a line from Cape Menshikof (57° 28.34′ North latitude, 157° 55.84′ West longitude) to Cape Newenham (58° 39.00′ North latitude, 162° West longitude) and east of the longitude of Cape Sarichef Light (164° 55.70′ West longitude) and on the south side of the Alaska Peninsula from a line extending from Scotch Cape through the easternmost tip of Ugamak Island to a line extending 135° southeast from Kupreanof Point (55° 33.98′ North latitude, 159° 35.88′ West longitude).

(i) You may take fish, other than salmon, rainbow/steelhead trout, or char, 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 in those districts and sections open to commercial salmon fishing where salmon may not be taken during the 24 hours before and 12 hours following each State open weekly commercial salmon fishing period, 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.

(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.

(8) *Chignik Area.* The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula bounded by a line extending 135° southeast for 3 miles from a point near Kilokak Rocks at 57° 10.34′ North latitude, 156° 20.22′ West longitude (the longitude of the southern entrance to Imuya Bay) then due south, and a line extending 135° southeast from Kupreanof Point at 55° 33.98′ North latitude, 159° 35.88′ West longitude.

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time, except as may be specified by a subsistence fishing permit. For salmon, Federal subsistence fishing openings, closings and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. 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, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from July 1 through August 31. You may not take salmon in Black Lake or any tributary to Black or 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 only subsistence fish for salmon as specified on a State subsistence salmon fishing permit.

(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 halibut for subsistence purposes 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′ North latitude), west of 150° West longitude, north of 55°30.00′ North latitude, and north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57°10.34′ North latitude, 156°20.22′ West longitude (the longitude of the southern entrance of Imuya Bay), then due south.

(i) You may take fish other than salmon, rainbow/steelhead trout, char, bottomfish, or herring 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 or 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′ North latitude, 152°31.51′ West longitude), to the northeastern tip of Mary's Island (57°42.40′ North latitude, 152°32.00′ West longitude), to the southeastern shore of Womens Bay at 57°41.95′ North latitude, 152°31.50′ West longitude;

(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′ North latitude, 152°28.38′ West longitude, to a point offshore at 57°45.35′ North latitude, 152°28.15′ West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15′ North latitude, 152°28.65′ West longitude;

(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 fresh water 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.

(viii) You may take salmon only by gillnet, rod and reel, or seine.

(ix) You must be physically present at the net when the net is being fished.

(x) You may take halibut only by a single handheld line with not more than two hooks attached to it.

(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°51.1′ North latitude) and a line extending south from Cape Fairfield (148°50.25′ West longitude).

(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, trout, Dolly Varden, and other 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 in fresh water from April 1 through June 15. There are no harvest or possession limits for smelt.

(vi) Gillnets may not be used in fresh water, except for the taking of whitefish in the Tyone River drainage.

(11) *Prince William Sound Area.* The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You make not take rainbow/steelhead trout, except as otherwise provided for in this §____.27(i)(11).

(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.

(B) You may accumulate harvest limits of salmon authorized for the Copper River drainage upstream from Haley Creek with harvest limits for salmon authorized under State of Alaska sport fishing regulations.

(ii) You may take fish by gear listed in paragraph (c)(1) of this part unless restricted in this section or under the terms of a subsistence fishing permit.

(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.

(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, or in the vicinity of the Native Village of Batzulnetas.

(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets.

(vi) Rainbow/steelhead trout and other freshwater fish caught incidentally to salmon by fish wheel in the Upper Copper River District may be retained.

(vii) Freshwater fish other than rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District may be retained. Rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District must be released unharmed to the water.

(viii) You may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit, or rainbow/steelhead trout caught incidentally to salmon by fish wheel, unless the anal (ventral) fin has been immediately removed from the fish. You must immediately record all retained fish on the subsistence permit. Immediately means prior to concealing the fish from plain view or transporting the fish more than 50 feet from where the fish was removed from the water.

(ix) You may take salmon in the Upper Copper River District from May 15 through September 30 only.

(x) The total annual harvest limit for subsistence salmon fishing permits 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 taken by dip net and no more than 5 Chinook taken by rod and reel;

(B) For a household with 2 persons, 60 salmon, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel, 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 or rod and reel 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 taken by dip net and no more than 5 Chinook taken by rod and reel, 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 taken by dip net and no more than 5 Chinook taken by rod and reel.

(xi) The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one 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;

(B) Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at any one time;

(C) You must return your permit no later than October 31 of the year in which the permit is issued, or you may be denied a permit for the following year;

(D) 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 Section ____.27(i)(11) and during fishing operations;

(E) Only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

(F) You must personally operate your fish wheel or dip net;

(G) You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

(xii) If you are a fish wheel owner:

(A) You must register your fish wheel with ADF&G or the Federal Subsistence Board;

(B) Your registration number and a wood, metal, or plastic plate at least 12 inches high by 12 inches wide bearing either your name and address, or your Alaska driver's license number, or your Alaska State identification card number in letters and numerals at least 1 inch high, must be permanently affixed and plainly visible on the fish wheel when the fish wheel is in the water;

(C) 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;

(D) You must check your fish wheel at least once every 10 hours and remove all fish;

(E) You are responsible for the fish wheel; you must remove the fish wheel from the water at the end of the permit period;

(F) You may not rent, lease, or otherwise use your fish wheel used for subsistence fishing for personal gain.

(xiii) If you are operating a fish wheel:

(A) You may operate only one fish wheel at any one time;

(B) You may not set or operate a fish wheel within 75 feet of another fish wheel;

(C) No fish wheel may have more than two baskets;

(D) If you are a permittee other than the owner, you must attach an additional wood, metal, or plastic plate at least 12 inches high by 12 inches wide, bearing your name and address in letters and numerals at least 1 inch high, to the fish wheel so that the name and address are plainly visible.

(xiv) 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. The following additional provisions apply to subsistence fishing permits issued under this paragraph (i)(11)(xiv):

(A) The permit will list all households and household members for whom the fish wheel is being operated. The permit will identify a person who will be responsible for each fish wheel in a similar manner to a fish wheel owner as described in paragraph (i)(11)(xii) of this section;

(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 Federal Subsistence Board when households are added to the list, and 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;

(D) The permit will include provisions for recording daily catches for each fish wheel; location and number of fish wheels; full legal name of the individual responsible for the lawful operation of each fish wheel as described in paragraph (i)(11)(xii) of this section; and other information determined to be necessary for effective resource management.

(xv) 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 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, fyke nets, and rod and reel in Tanada Creek. One fyke net and associated lead may be used in Tanada Creek upstream of the National Park Service weir;

(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 fish wheel in the Copper River. You must return to the water unharmed any Chinook salmon caught in Tanada Creek;

(E) You must return the permit to the National Park Service no later than October 15;

(F) You may only use a fyke net after consultation with the in-season manager. You must be present when the fyke net is actively fishing. You may take no more than 1,000 sockeye salmon in Tanada Creek with a fyke net;

(xvi) You may take pink salmon for subsistence purposes from fresh water with a dip net from May 15 through September 30, 7 days per week, with no harvest or possession limits in the following areas:

(A) Green Island, Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island, and adjacent islands, and the mainland waters from the outer point of Granite Bay located in Knight Island Passage to Cape Fairfield;

(B) Waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.

(12) *Yakutat Area.* The Yakutat Area includes all waters and drainages 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 and ending 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 a.m. to 6 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 take steelhead trout only 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. In areas where use of rod and reel is allowed, you may use artificial fly, lure, or bait when fishing with rod and reel, unless restricted by Federal permit. If you use bait, you must retain all Federally-regulated fish species caught, and they apply to your applicable daily and annual harvest limits for that species. For streams with steelhead, once your daily or annual limit of steelhead is harvested, you may no longer fish with bait for any species.

(vii) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gillnet 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 immediately remove both lobes of the caudal (tail) fin from subsistence-caught salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xi) You must possess a subsistence fishing permit to take Dolly Varden. The daily harvest and possession limit is 10 Dolly Varden of any 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 salmon, trout, grayling, and char in the Southeastern Alaska Area at any time.

(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1C or 1D.

(iii) In the Southeastern Alaska Area, a rainbow trout is defined as a fish of the species Oncorhyncus mykiss less than 22 inches in overall length. A steelhead is defined as a rainbow trout with an overall length of 22 inches or larger.

(iv)(A) In areas where use of rod and reel is allowed, you may use artificial fly, lure, or bait when fishing with rod and reel, unless restricted by Federal permit. If you use bait, you must retain all Federally-regulated fish species caught, and they apply to your applicable daily, seasonal, and annual harvest limits for that species. For streams with steelhead, once your daily, seasonal, or annual limit of

steelhead is harvested, you may no longer fish with bait for any species.

(B) Unless otherwise specified in this §____.27(i)(13), allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.

(v) Unless otherwise specified in this §____.27(i)(13), you may use a handline for snagging salmon or steelhead.

(vi) You may fish with a rod and reel within 300 feet of a fish ladder unless the site is otherwise posted by the USDA Forest Service. You may not fish from, on, or in a fish ladder.

(vii) You may accumulate annual Federal subsistence harvest limits authorized for the Southeastern Alaska Area with harvest limits authorized under State of Alaska sport fishing regulations.

(viii) 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 subsistence fishing permit.

(ix) 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.

(x) You must immediately remove both lobes of the caudal (tail) fin of subsistence-caught salmon when taken.

(xi) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xii) If a harvest limit is not otherwise listed for sockeye in this §____.27(i)(13), the harvest limit for sockeye salmon is the same as provided for in adjacent State subsistence or personal use fisheries. If a harvest limit is not established for the State subsistence or personal use fisheries, the possession limit is 10 sockeye and the annual harvest limit is 20 sockeye per household for that stream.

(xiii) [Reserved]

(xiv) [Reserved]

(xv) [Reserved]

(xvi) The Sarkar River system above the bridge is closed to the use of all nets by both Federally-qualified and non-Federally qualified users.

(xvii) Only Federally-qualified subsistence users may harvest sockeye salmon in streams draining into Falls Lake Bay, Gut Bay, or Bay of Pillars.

(xviii) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8 a.m. Monday until 5 p.m. Friday.

(xix) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household and will be valid for 15 days. Permits may be revalidated for additional 15-day periods. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5½-inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 15 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

(xx) You may take coho salmon under the terms of a subsistence fishing permit, except in the Stikine and Taku Rivers. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dip nets, spears, gaffs, handlines, and rod and reel may be used.

(xxi) Unless noted on a Federal subsistence harvest permit, there are no

harvest limits for pink or chum salmon.

(xxii) Unless otherwise specified in this §____.27(i)(13), you may take steelhead under the terms of a subsistence fishing permit. The open season is January 1 through May 31. The daily household harvest and possession limit is one with an annual household limit of two. You may only use a dip net, gaff, handline, spear, or rod and reel. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xxiii) You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, handline, spear, or rod and reel. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales/Kosciusko Islands has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, handline, spear, or rod and reel. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xxiv) In addition to the requirement for a Federal subsistence fishing permit, the following restrictions for the harvest of Dolly Varden, brook trout, grayling, cutthroat, and rainbow trout apply:

(A) The daily household harvest and possession limit is 20 Dolly Varden; there is no closed season or size limit;

(B) The daily household harvest and possession limit is 20 brook trout; there is no closed season or size limit;

(C) The daily household harvest and possession limit is 20 grayling; there is no closed season or size limit;

(D) The daily household harvest limit is 6 and the household possession limit is 12 cutthroat or rainbow trout in combination; there is no closed season or size limit;

(E) You may only use a rod and reel;

(F) The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

[72 FR 12683, Mar. 16, 2007]

EFFECTIVE DATE NOTE: At 72 FR 12683, Mar. 16, 2007, §100.27 was added, effective, Apr. 1, 2007 through Mar. 31, 2008.

§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 must 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, when 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 §____.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.

(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 must 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 and ending 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.* (i) You may take shellfish for subsistence purposes only as allowed in this section (k)(3).

(ii) You may not take king crab, Dungeness crab, or shrimp for subsistence purposes.

(iii) In the subsistence taking of Tanner crab:

(A) Male Tanner crab may be taken only from July 15 through March 15;

(B) The daily harvest and possession limit is 5 male Tanner crabs;

(C) Only male Tanner crabs 5½ inches or greater in width of shell may be taken or possessed;

(D) No more than 2 pots per person, regardless of type, with a maximum of 2 pots per vessel, regardless of type, may be used to take Tanner crab.

(iv) In the subsistence taking of clams:

(A) The daily harvest and possession limit for littleneck clams is 1,000 and the minimum size is 1.5 inches in length;

(B) The daily harvest and possession limit for butter clams is 700 and the minimum size is 2.5 inches in length.

(v) Other than as specified in this section, there are no harvest, possession, or size limits for other shellfish, and the season is open all year.

(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 must 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) 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 with shell width of 7 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 must have all bait and bait containers removed and all doors secured fully open;

(C) You may only use one crab pot, which may be of any size, to take king crab;

(D) You may take king crab only from June 1 through 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 per person is 12 male crabs with a shell width 5½ inches or greater.

(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 must 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 must have all bait and bait containers removed and all doors secured fully open;

(C) You may take crabs only from June 1 through 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, jigging 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 must 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° North latitude, the daily harvest and possession limit is 12 male Dungeness crabs per person.

(iv) In the subsistence taking of king crab:

(A) In waters south of 60° North latitude, 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 2-week period must have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° North latitude, you may take crab only from June 1 through January 31;

(D) In the Norton Sound Section of the Northern District, you must have a subsistence permit.

(v) In waters south of 60° North latitude, the daily harvest and possession limit is 12 male Tanner crabs.

[72 FR 12683, Mar. 16, 2007]

EFFECTIVE DATE NOTE: At 72 FR 12683, Mar. 16, 2007, §100.28 was added, effective, Apr. 1, 2007 through Mar. 31, 2008.

PARTS 101–199 [RESERVED]

APPENDIX A TO CHAPTER I—CODES FOR THE REPRESENTATION OF NAMES OF COUNTRIES (ESTABLISHED BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION)

Country	2-Letter code
Afghanistan	AF.
Albania	AL.
Algeria	DZ.
Angola	AO.
Argentina	AR.
Australia	AU.
Austria	AT.
Bahamas	BS.
Bahrain	BH.
Bangladesh	BD.
Barbados	BB.
Belgium	BE.
Benin	BJ.
Bhutan	BT.
Bolivia	BO.
Botswana	BW.
Brazil	BR.
Bulgaria	BG.
Burma	BU.
Burundi	BI.
Canada	CA.
Cape Verde	CV.
Central African Empire	CF.
Chad	TD.
Chile	CL.
China	CN.
Colombia	CO.
Comoros	KM.
Congo	CG.
Costa Rica	CR.
Cuba	CU.
Cyprus	CY.
Czechoslovakia	CS.
Democratic Kampuchea	KH.
Democratic People's Republic of Korea	KP.
Democratic Yemen	YD.
Denmark	DK.
Djibouti	DJ.
Dominica	DM.
Dominican Republic	DO.
Ecuador	EC.
Egypt	EG.
El Salvador	SV.
Equatorial Guinea	GQ.
Ethiopia	ET.
Fiji	FJ.
Finland	FI.
France	FR.
Gabon	GA.
Gambia	GM.
German Democratic Republic	DD.
Germany, Federal Republic of	DE.
Ghana	GH.
Greece	GR.
Grenada	GD.
Guatemala	GT.
Guinea	GN.
Guinea-Bissau	GW.
Guyana	GY.
Haiti	HT.
Holy See	VA.
Honduras	HN.
Hungary	HU.
Iceland	IS.
India	IN.
Indonesia	ID.
Iran	IR.
Iraq	IQ.
Ireland	IE.
Israel	IL.
Italy	IT.
Ivory Coast	CI.
Jamaica	JM.
Japan	JP.
Jordan	JO.
Kenya	KE.
Kiribati	KI.
Kuwait	KW.
Lao People's Democratic Republic	LA.
Lebanon	LB.
Lesotho	LS.
Liberia	LR.
Libyan Arab Jamahiriya	LY.
Liechtenstein	LI.
Luxembourg	LU.
Madagascar	MG.
Malawi	MW.
Malaysia	MY.
Maldives	MV.
Mali	ML.
Malta	MT.
Mauritania	MR.
Mauritius	MU.
Mexico	MX.
Monaco	MC.
Mongolia	MN.
Morocco	MA.
Mozambique	MZ.
Nauru	NR.
Nepal	NP.
Netherlands	NL.
New Zealand	NZ.
Nicaragua	NI.
Niger	NE.
Nigeria	NG.
Norway	NO.
Oman	OM.
Pakistan	PK.

Country	2-Letter code
Panama	PA.
Papua New Guinea	PG.
Paraguay	PY.
Peru	PE.
Philippines	PH.
Poland	PL.
Portugal	PT.
Qatar	QA.
Republic of Korea	KR.
Romania	RO.
Rwanda	RW.
Saint Lucia	LC.
Samoa	WS.
San Marino	SM.
Sao Tome and Principe	ST.
Saudi Arabia	SA.
Senegal	SN.
Seychelles	SC.
Sierra Leone	SL.
Singapore	SG.
Solomon Islands	SB.
Somalia	SO.
South Africa	ZA.
Spain	ES.
Sri Lanka	LK.
Sudan	SD.
Suriname	SR.
Swaziland	SZ.
Sweden	SE.
Switzerland	CH.
Syrian Arab Republic	SY.
Thailand	TH.
Togo	TG.
Tonga	TO.
Trinidad and Tobago	TT.
Tunisia	TN.
Turkey	TR.
Tuvalu	TV.
Uganda	UG.
Union of Soviet Socialist Republics	SU.
United Arab Emirates	AE.
United Kingdom of Great Britain and Northern Ireland.	GB.
United Republic of Cameroon	CM.
United Republic of Tanzania	TZ.
United States of America	US.
Upper Volta	HV.
Uruguay	UY.
Vanuatu	VU.
Venezuela	VE.
Viet Nam	VN.
Yemen	YE.
Yugoslavia	YU.
Zaire	ZR.
Zambia	ZM.
Zimbabwe	ZW.

[47 FR 31388, July 20, 1982]