

**U.S. Fish and Wildlife Serv., Interior**

**§ 92.21**

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 Diomedes and St. Lawrence islands (Use of live birds as decoys is a customary and traditional means of harvesting auklets on Diomedes 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 pro-

vided 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

**§ 92.22**

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 Subsistence migratory bird species.**

You may harvest birds or gather eggs from the following species, listed in taxonomic order, within all included areas except Southeast Alaska, which is restricted to Glaucous-winged gull egg harvesting only. When birds are listed at the species level, all subspecies existing in Alaska are also open to harvest. All bird species not listed are closed to harvesting and egg gathering.

- (a) *Family Anatidae.* (1) Greater White-fronted Goose (*Anser albifrons*).
- (2) Snow Goose (*Chen caerulescens*).
- (3) Lesser Canada Goose (*Branta canadensis parvipes*).
- (4) Taverner's Canada Goose (*Branta canadensis taverneri*).
- (5) Aleutian Canada Goose (*Branta canadensis leucopareia*)—except in the Semidi Islands.
- (6) Cackling Canada Goose (*Branta canadensis minima*)—except no egg gathering is permitted.
- (7) Black Brant (*Branta bernicla nigricans*)—except no egg gathering is permitted in the Yukon/Kuskokwim Delta and the North Slope regions.
- (8) Tundra Swan (*Cygnus columbianus*)—except in Units 9(D) and 10.
- (9) Gadwall (*Anas strepera*).
- (10) Eurasian Wigeon (*Anas penelope*).
- (11) American Wigeon (*Anas americana*).
- (12) Mallard (*Anas platyrhynchos*).
- (13) Blue-winged Teal (*Anas discors*).
- (14) Northern Shoveler (*Anas clypeata*).
- (15) Northern Pintail (*Anas acuta*).
- (16) Green-winged Teal (*Anas crecca*).
- (17) Canvasback (*Aythya valisineria*).
- (18) Redhead (*Aythya americana*).
- (19) Ring-necked Duck (*Aythya collaris*).
- (20) Greater Scaup (*Aythya marila*).
- (21) Lesser Scaup (*Aythya affinis*).
- (22) King Eider (*Somateria spectabilis*).
- (23) Common Eider (*Somateria mollissima*).
- (24) Harlequin Duck (*Histrionicus histrionicus*).

**50 CFR Ch. I (10–1–11 Edition)**

- (25) Surf Scoter (*Melanitta perspicillata*).
- (26) White-winged Scoter (*Melanitta fusca*).
- (27) Black Scoter (*Melanitta nigra*).
- (28) Long-tailed Duck (*Clangula hyemalis*).
- (29) Bufflehead (*Bucephala albeola*).
- (30) Common Goldeneye (*Bucephala clangula*).
- (31) Barrow's Goldeneye (*Bucephala islandica*).
- (32) Hooded Merganser (*Lophodytes cucullatus*).
- (33) Common Merganser (*Mergus merganser*).
- (34) Red-breasted Merganser (*Mergus serrator*).
- (b) *Family Gaviidae.* (1) Red-throated Loon (*Gavia stellata*).
- (2) Arctic Loon (*Gavia arctica*).
- (3) Pacific Loon (*Gavia pacifica*).
- (4) Common Loon (*Gavia immer*).
- (5) Yellow-billed Loon (*Gavia adamsii*)—In the North Slope Region only, a total of up to 20 yellow-billed loons inadvertently caught in fishing nets may be kept for subsistence purposes.
- (c) *Family Podicipedidae.* (1) Horned Grebe (*Podiceps auritus*).
- (2) Red-necked Grebe (*Podiceps grisegena*).
- (d) *Family Procellariidae.* (1) Northern Fulmar (*Fulmarus glacialis*).
- (2) [Reserved]
- (e) *Family Phalacrocoracidae.* (1) Double-crested Cormorant (*Phalacrocorax auritus*).
- (2) Pelagic Cormorant (*Phalacrocorax pelagicus*).
- (f) *Family Gruidae.* (1) Sandhill Crane (*Grus canadensis*).
- (2) [Reserved]
- (g) *Family Charadriidae.* (1) Black-bellied Plover (*Pluvialis squatarola*).
- (2) Common Ringed Plover (*Charadrius hiaticula*).
- (h) *Family Haematopodidae.* (1) Black Oystercatcher (*Haematopus bachmani*).
- (2) [Reserved]
- (i) *Family Scolopacidae.* (1) Greater Yellowlegs (*Tringa melanoleuca*).
- (2) Lesser Yellowlegs (*Tringa flavipes*).
- (3) Spotted Sandpiper (*Actitis macularia*).
- (4) Bar-tailed Godwit (*Limosa lapponica*).