

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

### Subpart A—Introduction

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- 91.11 Contest opening date and entry deadline.
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- 91.13 Technical requirements for design and submission of entry.
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### Subpart C—Procedures for Administering the Contest

- 91.21 Selection and qualification of contest judges.
- 91.22 Display of contest entries.
- 91.23 Scoring criteria for contest.
- 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

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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](http://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 non-refundable 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, signa-

tures 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

## §91.16

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]

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### §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 pre-view 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 indi-

cate 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 exhibitions. 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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- 92.1 Purpose of regulations.
- 92.2 Authority.
- 92.3 Applicability and scope.
- 92.4 Definitions.
- 92.5 Who is eligible to participate?
- 92.6 Use and possession of migratory birds.
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### Subpart B—Program Structure

- 92.10 Alaska Migratory Bird Co-management Council.
- 92.11 Regional management areas.
- 92.12 Relationship to the process for developing national hunting regulations for migratory game birds.
- 92.13–92.19 [Reserved]

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- 92.20 Methods and means.
- 92.21 Emergency closures.
- 92.22 Subsistence migratory bird species.
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### Subpart D—Annual Regulations Governing Subsistence Harvest

- 92.30 General overview of regulations.
- 92.33–92.39 [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