

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 20**

RIN 1018-AC79

Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1995-96 Late Season**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.**SUMMARY:** This rule prescribes special late season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands. This is in response to tribal requests for Service recognition of their authority to regulate hunting under established guidelines. This rule is necessary to allow establishment of seasons and bag limits and, thus, harvest at levels compatible with populations and habitat conditions.**EFFECTIVE DATE:** This rule takes effect September 30, 1995.**ADDRESSES:** Comments received on the tribal proposals and special hunting regulations are available for public inspection during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, VA. Communications regarding the documents should be sent to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, 634 ARLSQ, 1849 C St., NW, Washington, DC 20240.**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel or Dr. Keith A. Morehouse, Office of Migratory Bird Management, U.S. Fish and Wildlife Service (703/358-1714).**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the August 17, 1995 Federal Register (60 FR 42960), the U.S. Fish and Wildlife Service (Service) proposed special migratory bird hunting regulations for the 1995-96 hunting season for certain Indian tribes, under the guidelines described in the June 4,

1985, Federal Register (50 FR 23467). The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for: (1) on-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the March 10-September 1 closed season mandated by the 1916 Convention on the Protection of Migratory Birds Between the U.S. and Great Britain (for Canada). Tribes that desired special hunting regulations in the 1995-96 hunting season were requested in the March 24, 1995, Federal Register (60 FR 15642) to submit a proposal that included details on: (1) requested season dates and other regulations to be observed; (2) harvest anticipated under the requested regulations; (3) methods that will be employed to measure or monitor harvest; (4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and (5) tribal capabilities to establish and enforce migratory bird hunting regulations. No action is required if a tribe wishes to observe the hunting regulations that are established by the State(s) in which an Indian reservation is located. The guidelines have been used successfully since the 1985-86 hunting season, and they were made final beginning with the 1988-89 hunting season (August 18, 1988; 53 FR 31612).

Although the August 17, 1995, proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season hunting was addressed in the rulemaking published in the Federal Register on September 1, 1995 (60 FR 46012). As a general rule, early seasons begin during September each year and have a primary emphasis

on such species as mourning and white-winged dove. Late seasons are ordinarily those that begin in late-September or early-October, or later, each year and have a primary emphasis on waterfowl.

This year, the Service's annual breeding duck survey recorded an estimated 35.9 million ducks, a 10 percent increase from 32.5 million last year. Breeding mallard populations rose 18 percent to 8.3 million, the highest level since 1972 and above the North American Waterfowl Management Plan's goal of 8.1 million. Based on survey and production data, the Service is projecting a fall-flight index of about 80 million ducks from the traditional surveyed areas, up 13 percent from last year's estimate of 71 million. As a result, the Service has responded by proposing Flyway frameworks including longer seasons and larger daily bag limits for the 1995-96 waterfowl hunting season (August 28, 1995, Federal Register, 60 FR 44463). The fact that liberalization has occurred in bag limits and season length is considered in these final regulations, many of which were proposed before final decisions were made on late-season frameworks for the States.

Tribal Proposals

For the 1995-96 migratory bird hunting season, the Service proposed regulations for 17 tribes and/or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes have both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 14 tribes made proposals with late seasons. Nine tribes were represented in the early-season regulations.

There have been no tribal comments or revised proposals for the late seasons received since publication of the early-season final rule. However, tribal proposals were made before late-season final frameworks for States were established. Thus, with the liberalization that has occurred, changes have been made in some of the tribal seasons that are not reflected in the earlier proposed rule document.

Public Comments On Tribal Proposals

The Service received a letter from the Arizona Game and Fish Department (AGFD), dated August 25, 1995, generally supporting the season proposals by Arizona tribes. The AGFD did, however, comment on aspects of the proposals from the Colorado River Tribes and the White Mountain Apache

Tribe. In particular, AGFD was concerned about the apparent lack of a hen mallard restriction in the Colorado River Indian Tribes' proposal and the White Mountain Apache Tribe's proposal of 2 canvasbacks per day in the daily bag limit.

While the above two proposals are not exactly in accordance with the Pacific Flyway's frameworks, the Service's position has generally been that there must be a certain amount of latitude and flexibility in the guidelines developed and established for tribal requests for special migratory bird hunting seasons. The 1985 guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and non-tribal members on their reservations. Specifically regarding the Colorado River Indian Tribes' and the White Mountain Apache Tribe's proposals, the Service points out that both tribes have established more conservative daily bag limits and seasons than those allowed in the proposed Pacific Flyway frameworks. The Colorado River Indian Tribes have selected a 4-bird daily bag limit and a 59-day season while the White Mountain Apache Tribe has selected a 3-bird daily bag limit and a 58-day season. Pacific Flyway frameworks for the 1995-96 hunting season allow for a 93-day season and a 6-bird daily bag limit.

Other comments from States regarding tribally proposed regulations, received earlier, were addressed in the early-season final rule published on September 1, 1995.

In summary, this rule amends section 20.110 of 50 CFR to make current for the late 1995-96 migratory bird hunting season the regulations that will apply on Federal Indian reservations, off-reservation trust lands and ceded lands. These regulations take into account the liberalization that the Service has determined is biologically feasible for this current season, based on the improved status of ducks.

NEPA Consideration

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES-75-74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975, (40 FR 25241). A supplement to the final

environmental statement, the "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88-14)" was filed on June 9, 1988, and notice of availability was published in the Federal Register on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). In addition, an August 1985 environmental assessment titled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the Service.

Endangered Species Act Considerations

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543; 87 Stat. 884), provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" (and) shall "insure that any action authorized, funded or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat . . ." Consequently, the Service initiated Section 7 consultation under the Endangered Species Act for the proposed migratory bird hunting seasons including those which occur on Federally recognized Indian reservations and ceded lands. The Service's biological opinion resulting from its consultation under Section 7 of the Endangered Species Act may be inspected by the public in, and will be available to the public from the Service at the address indicated under the caption ADDRESSES.

In an August 1995 finding, the Division of Endangered Species concluded that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats. Among other things, hunting regulations are designed to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats.

Regulatory Flexibility Act, Executive Order 12866, and the Paperwork Reduction Act

In the March 24 Federal Register, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing an Analysis of Regulatory Effects, and an updated Final Regulatory Impact Analysis (FRIA), and publication of a summary of the later.

Although a FRIA is no longer required, the economic analysis contained in the FRIA was reviewed and the Service determined that it met the requirements of E.O. 12866. In addition, the Service prepared a Small Entity Flexibility Analysis, under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), which further document the significant beneficial economic effect on a substantial number of small entities. This rule was not subject to review by the Office of Management and Budget under E.O. 12866.

These regulations contain no information collections subject to OMB review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). However, the Service does utilize information acquired through other various information collections in the formulation of migratory game bird hunting regulations. These information collection requirements have been approved by OMB and assigned clearance numbers 1018-0005, 1018-0006, 1018-0008, 1018-0009, 1018-0010, 1018-0015, 1018-0019, and 1018-0023.

Authorship: The primary authors of this final rule are Ron W. Kokel and Dr. Keith A. Morehouse, Office of Migratory Bird Management.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its very nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed hunting regulations for certain tribes were published on August 17, 1995, the Service established the longest possible period for public comments. In doing this, the Service recognized that time would be of the essence. However, the comment period provided the maximum amount of time possible while ensuring that this final rule would be published before the late-hunting season beginning on or about September 30, 1995.

Under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), the Service prescribes final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds other than waterfowl.

Therefore, for the reasons set out above, the Service finds that "good

cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and this final rule will take effect on September 30, 1995.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, Part 20, Subchapter B, Chapter I of Title 50 of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

1. The authority citation for Part 20 continues to read as follows:

Authority: 16 U.S.C. 703 et seq. (Editorial Note: The following annual hunting regulations provided for by §20.110 of 50 CFR Part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.)

2. Section 20.110 is revised to read as follows:

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

(a) *Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nontribal Hunters)*

Ducks (including mergansers)

Season Dates: Begin October 15, end November 12, 1995; then open December 9, 1995, close January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 4, which may include no more than 2 pintails, 2 redheads, 1 Mexican duck and 1 canvasback. The possession limit is twice the daily bag limit.

Coots and Common Moorhens

Season Dates: Begin October 15, end November 12, 1995; then open December 9, 1995, close January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 25, singly or in the aggregate. The possession limit is twice the daily bag limit.

Geese

Season Dates: Begin October 21, 1995, end January 22, 1996.

Daily Bag and Possession Limits: The daily bag limit is 5, with 5 in possession. The daily bag limit may not include more than 2 dark (Canada) geese and 3 white (snow, blue, Ross's) geese.

General Conditions: A valid Colorado River Indian Reservation hunting permit is required for all persons 12 years and older and must be in possession before taking any wildlife on tribal lands. Any

person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

(b) *Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Nontribal Hunters)*

Ducks (including mergansers)

Season Dates: Begin September 30, end December 31, 1995.

Daily Bag and Possession Limits: The daily bag limit is 6, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Begin September 30, end December 31, 1995.

Daily Bag and Possession Limits: The daily bag limit is 25, and the possession limit is limited to the daily bag (25).

Geese

Dark

Season Dates: Begin September 30, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 4. The possession limit is twice the daily bag limit.

White

Season Dates: Begin September 30, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 3, and the possession limit is 6.

General Conditions: Nontribal hunters will comply with all basic Federal migratory bird hunting regulations contained in 50 CFR Part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

(c) *Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Nontribal Hunters)*

Ducks and mergansers

Season Dates: Begin October 28, end December 23, 1995.

Daily Bag and Possession Limits: The daily bag limit for ducks is 5, which may include no more than 1 female mallard, 1 mottled duck, 1 canvasback, 1 redhead, 1 pintail, and 2 wood ducks. The daily bag limit for mergansers is 5,

which may include no more than 1 hooded merganser. The possession limit is twice the daily bag limit.

Dark Geese

Canada, Brant and White-fronted Geese

Season Dates: Begin October 7, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 2 dark geese, which can include no more than 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

Light Geese

Season Dates: Begin October 7, 1994, end January 7, 1995.

Daily Bag and Possession Limits: The daily bag limit is 10, and the possession limit is 20.

General Conditions: The waterfowl hunting regulations established by this final rule apply only to tribal and trust lands within the external boundaries of the reservation. Tribal and nontribal hunters will comply with basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Crow Creek Sioux Tribe also apply on the reservation.

(d) *Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)*

Ducks

Michigan, 1836 Treaty Zone:

Season Dates: Begin October 1, end November 30, 1995.

Daily Bag Limit: The daily bag limit is 5, including no more than 4 mallards (only 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, and 1 canvasback.

Other Geese (Brant, Blue, Snow, and White-fronted)

Michigan, 1836 Treaty Zone:

Season Dates: Begin October 1, end November 30, 1995.

Daily Bag Limit: The daily bag limit is 5.

General Conditions: A valid Grand Traverse Band Tribal license is required and must be in possession before taking any wildlife. Persons twelve years and older are required to have a valid permit. All other basic regulations contained in 50 CFR part 20 are valid. Other tribal regulations apply, and may be obtained at the tribal office in Suttons Bay, Michigan.

(e) *Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)*

Ducks

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 30, end November 18, 1995.

Daily Bag Limit: The daily bag limit is 5, including no more than 4 mallards (only 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 1 redhead.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 30 and end November 18, 1995; Middle Zone, begin October 7 and end November 25, 1995; South Zone, begin October 14 and end December 2, 1995.

Daily Bag Limit: The daily bag limit is 5, including no more than 4 mallards (only 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 1 redhead.

Mergansers

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 30, end November 18, 1995.

Daily Bag Limit: The daily bag limit is 5, including no more than 1 hooded merganser.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 30 and end November 18, 1995; Middle Zone, begin October 7 and end November 25, 1995; South Zone, begin October 14 and end December 2, 1995.

Daily Bag Limit: The daily bag limit is 5, including no more than 1 hooded merganser.

Canada Geese

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 23, end November 1, 1995.

Daily Bag Limit: The daily bag limit is 5.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 23 and end November 1, 1995; Middle Zone, begin October 7 and end November 15, 1995; South Zone, begin October 14 and end December 2, 1995.

Daily Bag Limit: The daily bag limit is 1 for the South Zone and 2 for the North and Middle Zones.

Other Geese (Brant, Blue, Snow, and White-fronted)

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 23, end November 18, 1995.

Daily Bag Limit: The daily bag limit is 7, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 23 and end November 18, 1995; Middle Zone, begin October 7 and end November 25, 1995; South Zone, begin October 14 and end December 2, 1995.

Daily Bag Limit: The daily bag limit is 7, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

Coots and Common Moorhens (Gallinule)

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 30, end November 18, 1995.

Daily Bag Limit: The daily bag limit is 20, singly or in the aggregate.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 30 and end November 18, 1995; Middle Zone, begin October 7 and end November 25, 1995; South Zone, begin October 14 and end December 2, 1995.

Daily Bag Limit: The daily bag limit is 20, singly or in the aggregate.

General Conditions: (1) While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

(2) Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as may be modified by Service final rules adopted in response to a proposed rule, these amended regulations parallel Federal requirements, 50 CFR Part 20, and shooting hour regulations in 50 CFR Part 20, subpart K, as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

(3) Tribal members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

(4) Minnesota and Michigan—Duck Blinds and Decoys. Tribal members hunting in Minnesota will comply with tribal codes that contain provisions parallel to M. S. 100.29, Subd. 18 (duck blinds and decoys). Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

(5) Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit.

(6) Possession limits are applicable only to transportation and do not

include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with Sec. NR 19.12, Wis. Adm. Code. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

(f) *Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)*

Ducks (including mergansers)

Season Dates: Begin October 14, end November 30, 1995.

Daily Bag and Possession Limits: The daily bag limit is 6, including no more than 1 female mallard, 2 pintails and 2 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

Geese

The 1995–96 goose season is closed.

General Conditions: Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(g) *Kalispel Tribe, Kalispel Reservation, Usk, Washington (Nontribal Hunters)*

Ducks

Season Dates: Begin October 1, 1995, end January 31, 1996. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays and for a continuous period in the month of December for a total of 66 days. Nontribal hunters should contact the tribe for more detail on hunting days.

Daily Bag and Possession Limits: The daily bag limit is 6 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Geese

Season Dates: Begin October 1, 1995, end January 31, 1996. During this period, days to be hunted are specified

by the Kalispel Tribe as weekends, holidays and for a continuous period during the month of December for a total of 66 days. Nontribal hunters should contact the tribe for more detail on hunting days.

Daily Bag and Possession Limits: The daily bag limit is 4 geese, including 4 dark geese but not more than 3 light geese. The possession limit is twice the daily bag limit.

General: All State and Federal regulations, such as those contained in 50 CFR Part 20 and including the possession of a validated Migratory Bird Hunting and Conservation Stamp, will be observed by hunters.

(h) Klamath Tribe, Chiloquin, Oregon (Tribal Members)

Ducks

Season Dates: Begin October 1, 1995, end January 28, 1996.

Daily Bag and Possession Limits: The daily bag limit is 9. The possession limit is twice the daily bag limit.

Coots

Season Dates: Begin October 1, 1995, end January 28, 1996.

Daily Bag and Possession Limits: The daily bag and possession limits are 25.

Geese

Season Dates: Begin October 1, 1995, end January 28, 1996.

Daily Bag and Possession Limits: The daily bag limit is 6. The possession limit is twice the daily bag limit.

General: The Klamath Tribe provides regulations enforcement authority in its game management officers, biologists and wildlife technicians, and has a court system with judges that hear cases and set fines.

(i) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)

Ducks (including mergansers)

Season Dates: Begin October 7, end December 28, 1995.

Daily Bag and Possession Limits: The daily bag limit is 5, including no more than 1 pintail, 1 mottled duck, 1 redhead, 1 canvasback, 2 wood ducks, 1 female mallard and 1 hooded merganser. The possession limit is twice the daily bag limit.

Geese

Dark Geese

Season Dates: Begin October 7, end December 31, 1995.

Daily Bag and Possession Limits: The daily bag limit is 2 Canada geese or 1 Canada goose and 1 white-fronted goose (or 1 brant). The possession limit is twice the daily bag limit.

White Geese

Season Dates: Begin October 7, end December 31, 1995.

Daily Bag and Possession Limits: The daily bag limit is 10, and the possession limit is 20.

General Conditions: All hunters shall comply with the basic Federal migratory bird hunting regulations in 50 CFR Part 20, including the use of steel shot. Nontribal hunters are required to have in their possession a validated Migratory Waterfowl Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must adhere to when hunting in areas subject to control by the tribe.

(j) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)

Ducks

Season Dates: Begin September 30, end December 31, 1995.

Daily Bag and Possession Limits: The bag limit is 6, including no more than 1 female mallard, 1 pintail, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit for each sex and/or species.

Dark Geese

Season Dates: Begin September 30, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 2 and the possession limit is 4.

Coots and Common Moorhens

Season Dates: Begin September 30, end December 31, 1995.

Daily Bag and Possession Limits: The daily bag limit is 25 singly or in the aggregate, and the possession limit is restricted to the daily bag limit (25).

General Conditions: Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

(k) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)

Ducks (including Mergansers)

Season Dates: Begin October 7, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit for ducks is 6, including

no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The daily bag limit for mergansers is 5. The possession limit is twice the daily bag limit.

Coots

Season Dates: Begin October 7, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 10, and the possession limit is 20.

Geese

Season Dates: Begin October 7, 1995, end January 14, 1996.

Daily Bag and Possession Limits: The bag limit is 4 geese, including not more than 3 light geese and 2 white-fronted geese. The possession limit is twice the daily bag limit.

Common Snipe

Season Dates: Begin October 7, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 8, and the possession limit is 16.

General Conditions: Nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must have in his/her possession a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Other regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

(l) Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Nontribal Hunters)

Ducks

Season Dates: Begin October 20, 1995, end January 21, 1996.

Daily Bag and Possession Limits: The daily bag limit is 6, which may include no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Begin October 20, 1995, end January 21, 1996.

Daily Bag and Possession Limits: The daily bag limit is 25, and the possession limit is restricted to the daily bag limit (25).

Geese

Season Dates: Begin October 13, 1995, end January 21, 1996.

Daily Bag and Possession Limits: The daily bag limit is 4, including 4 dark geese but no more than 3 light geese.

The possession limit is twice the daily bag limit.

Brant

Season Dates: Begin January 6, 1996, end January 21, 1996.

Daily Bag and Possession Limits: The daily bag limit is 2, and the possession limit is 4.

Snipe

Season Dates: Begin October 20, 1995, end January 21, 1996.

Daily Bag and Possession Limits: The daily bag limit is 8, and the possession limit is 16.

General Conditions: All waterfowl hunters, members and non-members, must obtain and possess while hunting a valid hunting permit from the Tulalip tribes. Also, non-tribal members sixteen years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a validated Federal Migratory Bird Hunting and Conservation Stamp and a validated State of Washington Migratory Waterfowl Stamp. All Tulalip tribal members must have in their possession while hunting, or accompanying another, their valid tribal identification card. All hunters are required to adhere to a number of other special regulations enforced by the tribes and available at the tribal office.

(m) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)

Ducks (Including Mergansers)

Season Dates: Begin November 11, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 3, including no more than 1 female mallard, 1 redhead, 2 canvasbacks and 1 pintail. The possession limit is twice the daily bag limit.

Coots, Moorhens and Gallinules

Season Dates: Begin November 11, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 25, singly or in the aggregate. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Begin November 11, 1995, end January 7, 1996.

Bag and Possession Limits: The daily bag limit is 2, and the possession limit is 4.

General Conditions: (1) The area open to hunting in the above seasons consists of: the entire length of the Black and Salt Rivers forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 6 and 7. The remaining reservation waters will be closed to waterfowl hunting during the 1995-96 hunting season.

(2) Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking.

(3) See other special regulations established by the White Mountain Apache Tribe that apply on the reservation, available from the reservation Game and Fish Department.

(n) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)

Ducks (including Mergansers)

Season Dates: Begin November 4, end December 13, 1995.

Daily Bag and Possession Limits: The daily bag limit is 5 ducks, which may include no more than 1 female mallard, 1 redhead, 1 pintail, and 2 wood ducks. The merganser daily bag limit is 5, of which no more than 1 may be a hooded

merganser. The possession limit is twice the daily bag limit.

Coots

Season Dates: Begin November 4, end December 13, 1995.

Daily Bag and Possession Limits: The daily bag limit is 15, and the possession limit is 30.

Dark Geese

Season Dates: Begin October 14, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 2, which may include no more than 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

White Geese

Season Dates: Begin October 14, 1995, end January 7, 1996.

Daily Bag and Possession Limits: The daily bag limit is 10, and the possession limit is 20.

General Conditions: (1) The waterfowl hunting regulations established by this final rule apply to tribal and trust lands within the external boundaries of the reservation.

(2) Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

Dated: September 25, 1995.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

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