

under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of interim approval, as does the 3-year time period for processing the initial permit applications.

If the State fails to submit a complete corrective program for full approval by July 7, 1997, EPA will start an 18-month clock for mandatory sanctions. If the State then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the CAA, which will remain in effect until EPA determines that the State has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determines that the State has come into compliance. In any case, if, six months after application of the first sanction, the State still has not submitted a corrective program that EPA finds complete, a second sanction would be required.

If EPA disapproves the State's complete corrective program, EPA would be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to the date on which the sanction would be applied the State has submitted a revised program and EPA has determined that this program corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determines that the State has come into compliance. In all cases, if, six months after EPA applies the first sanction, the State has not submitted a revised program that EPA has determined corrects the deficiencies that prompted disapproval, a second sanction is required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if the State has not timely submitted a complete corrective program or EPA has disapproved a submitted corrective program. Moreover, if EPA has not granted full approval to the State's program by the expiration of the interim approval period, EPA must promulgate, administer and enforce a federal

operating permits program for the State upon the date the interim approval period expires.

Requirements for approval, specified in 40 CFR 70.4(b), encompass the CAA's section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

Additionally, EPA is promulgating approval of Delaware's operating permit program under the authority of Title V and part 70 for the purpose of implementing section 112(g) to the extent necessary during the transition period between promulgation of the federal section 112(g) rule and adoption of any necessary State rules to implement EPA's section 112(g) regulations. However, since this approval is for the purpose of providing a mechanism to implement section 112(g) during the transition period, the approval of the operating permits program for this purpose will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until state regulations are adopted. Although section 112(l) generally provides the authority for approval of state air toxics programs, Title V and section 112(g) provide authority for this approval because of the direct linkage between implementation of section 112(g) and Title V. The duration of this approval is limited to 18 months following promulgation by EPA of section 112(g) regulations, to provide the State with adequate time to adopt regulations consistent with federal requirements.

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action to propose interim approval of the State of Delaware's operating permits program pursuant to Title V of the CAA and 40 CFR part 70 does not impose any new requirements, it does

not have a significant impact on a substantial number of small entities.

EPA has determined that this action, promulgating interim approval of the State of Delaware's operating permits program, does not include a federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: November 22, 1995.

W. Michael McCabe,
Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding the entry for Delaware in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Delaware

(a) Department of Natural Resources and Environmental Control: submitted on November 15, 1993 and amended on November 22, 1993, February 9, 1994, May 15, 1995 and September 5, 1995; interim approval effective on January 3, 1996; interim approval expires January 5, 1998.

(b) [Reserved]

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[FR Doc. 95-29555 Filed 11-30-95; 1:07 pm]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Parts 25 and 32**

RIN 1018-AC80

Refuge-Specific Hunting and Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) adds and/or amends certain regulations governing sport fishing and hunting for migratory game bird, upland/small game, and big game on individual national wildlife refuges. Refuge Managers continuously review hunting and fishing programs to respond to visitor interest in recreation activities and to ensure compatibility with the purposes for which the individual refuges were established. Modifications to existing programs may include programs deleted, modified or expanded based on fluctuating environmental conditions, changes to State and other Federal regulations, and other factors. Modifications are also designed, to the extent practical, to make refuge hunting and fishing programs consistent with existing State hunting and fishing regulations.

EFFECTIVE DATE: December 4, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service; Telephone (703) 358-2029, X-5242.

SUPPLEMENTARY INFORMATION: 50 CFR part 25 contains general administrative provisions which govern national wildlife refuges. 50 CFR part 32 contains provisions governing hunting and fishing on national wildlife refuges (NWRs). Hunting and fishing are regulated on refuges to: (1) Ensure compatibility with refuge purposes, (2) properly manage the wildlife resource, (3) protect other refuge values, and (4) ensure refuge user safety. On many refuges, the Service policy of adopting State hunting regulations is adequate in meeting these objectives. On other refuges, it is necessary to supplement State regulations with more restrictive Federal regulations to ensure that the Service meets its management responsibilities, as outlined under the section entitled "Conformance with Statutory and Regulatory Authorities." Refuge-specific hunting and fishing regulations may be issued only after a wildlife refuge is opened to migratory game bird hunting, upland or other small game hunting, big game hunting

or sport fishing through publication in the Federal Register. These regulations may list the wildlife species that may be hunted or the species subject to sport fishing, seasons, bag limits, methods of hunting or fishing, descriptions of open areas, and other provisions as appropriate. Previously issued refuge-specific regulations for hunting and fishing are contained in 50 CFR part 32. Many of the amendments to these sections are being promulgated to standardize and clarify the existing language of these regulations.

In the August 16, 1995, issue of the Federal Register, 60 FR 42668, the Service published a proposed rulemaking and invited public comment on the proposed annual additions and/or modifications to the National Wildlife Refuge Hunting and Fishing Regulations. All substantive comments were reviewed and considered following a 30-day public comment period. The following represents a cross-section of the total concerns expressed.

Four State conservation agencies, one non-government organization, and 28 individuals commented on the proposed rulemaking. Nearly all comments were concerning the proposal to require the use or expansion of nontoxic shot on several refuges. This specific proposal would require the use of nontoxic shot while hunting on refuges for one or more species of wildlife other than waterfowl and coots, because of the likelihood of depositing toxic lead shot pellets on the land with resulting impacts to waterfowl and other migratory birds.

After evaluating the comments received, the Service has decided to delay nontoxic shot implementation until the 1996-97 hunting season on those refuges which were proposed to convert to nontoxic shot during the 1995-96 season. This action is being taken to allow adequate time for additional coordination and educational outreach with the affected States, hunting organizations and the general public on the effects of toxic lead shot to waterfowl and other migratory birds. Voluntary hunter use of nontoxic shotshells is requested during the 1995-96 hunting season.

The State of Wisconsin, Department of Natural Resources expressed the opinion that the Service has:

1. Not adequately documented the need for requiring nontoxic shot for hunting certain wildlife species other than ducks, geese and swans; and
2. Not provided the results of the scientific nontoxic shot studies to the public. The State believes the public is supportive of biologically sound

regulations, but opposed to regulations without justification; and

3. Proposed the required use of nontoxic shot in an inconsistent manner. The State used Necedah NWR as an example where nontoxic shot would be required to hunt ruffed grouse, but not for hunting woodcock in the same general habitat.

Response

1. Lead shot from hunters' shotguns that is deposited in wetlands, seasonally flooded habitats, and upland habitats in close proximity to these wetlands is toxic to wildlife that directly ingest lead pellets during feeding, and secondarily toxic to predators and carrion feeders that consume these toxic wildlife carcasses. The documented scientific evidence is clear in this regard, and is available as indicated at the end of this response. What has not been adequately communicated to, and considered by some hunters and habitat managers, is the deposition of toxic lead shot into marginal or fringe wetland areas by hunting activities other than waterfowl and coot hunting. Nationwide, efforts are now underway to educate and activate programs to reduce this threat to waterfowl, raptors and other susceptible wildlife species. The proposed regulations were specific to point out that a scientifically recognized toxic lead problem exists in uplands that are periodically flooded and become feeding grounds for waterfowl and secondarily for bald eagles.

Scientific research has established that lead pellets ingested by waterfowl and secondarily by raptors including bald eagles results in the death of these animals due to toxic lead poisoning. When lead shot pellets are deposited during upland or small game hunting in dry areas that are subject to seasonal flooding, waterfowl and other migratory birds that feed in these areas during the period of high water are vulnerable to lead poisoning. Scientific information on the "Toxicity of Lead Shot to Wildlife" may be obtained by calling the U.S. Fish and Wildlife Reference Service at 1-800-582-3421 or by accessing the bibliographic databases information directly on the INTERNET at "<http://www.fws.gov/fwrefser.html>".

2. News articles concerning proposed regulations to address the adverse affects of hunting upland and other small game with toxic lead shot in upland areas subject to periodic flooding and seasonal wetland areas have been published in newspapers during the last 3 years. Nontoxic shot for hunting upland and other small game was first introduced to west coast refuges in the 1991-92 hunting season,

and to southwestern refuges during the 1992–93 hunting season. Refuges in Alaska and waterfowl production areas in the lower 48 States are scheduled to phase in nontoxic shot to hunt certain upland and small game by the 1997–98 and 1998–99 seasons respectively. Additional scientific information and data that forms the basis for these regulations will be provided to the States and public over the next few months, or may be requested as indicated in the previous paragraph.

3. The original proposal to require nontoxic shot while hunting woodcock at Necedah NWR was based on the fact that past hunting occurred in some areas subject to periodic flooding. After receiving public comments expressing concern that this specific requirement would cause confusion among hunters, the Service has agreed that neither grouse nor woodcock hunting will require nontoxic shot at Necedah NWR. This decision was based on the fact that areas subject to flooding can be partitioned away from the hunt area.

The Illinois Department of Conservation expressed general support for reducing the risks of lead poisoning in waterfowl, endangered species, and improving environmental quality, but could not support the proposed rule without the Service:

1. Providing adequate scientific evidence showing that a problem exists from upland/small game hunting with lead shot.

2. Conducting more site-specific studies in relation to lead shotshells and lead rifle bullets for hunting squirrels. Their recent study indicated that 47% of squirrel hunters in the northern half of Illinois hunted with shotguns, and the remainder used .22 caliber rimfire rifles and other weapons.

3. Providing adequate lead-time for hunters to become educated to toxic lead shot problems when hunting upland and other small game and supportive of corrective actions before the Service imposes this rule.

4. Delaying of the rule until at least the 1996–97 hunting season.

Response

1. Refer to Wisconsin number 1 response.

2. The regulations relating to nontoxic shot requirements were not intended to apply to rifle bullets and large buckshot. The rule has been clarified on this point. Site-specific evidence will be determined in accordance with Service policy before nontoxic shot will be required for hunting with larger shot such as buckshot, small rifle bullets such as .22 caliber or for shotgun

hunting on nonseasonally flooded uplands.

3. The nontoxic shot program will be phased in starting in the 1996–97 season, rather than the 1995–96 hunting season. Voluntary compliance is requested during the 1995–96 season (refer to Wisconsin number 2 response).

4. The final rules adopting requirements to use nontoxic shot to hunt wildlife species other than waterfowl and coots on certain refuges will be applicable beginning with the 1996–97 hunting season, however, voluntary compliance will be requested prior to that time. Delays until the 1997–98 season are also authorized for Alaska, to allow coordination with the State and the outlying villages. Delays are also provided for the waterfowl production areas principally in the Dakotas, Montana, Wisconsin, and Iowa until the 1998–99 season, with voluntary compliance requested in the meantime.

The Florida Game and Freshwater Fish Commission requested that the Service reconsider the proposal to require nontoxic shot for hunting upland and other small game on certain National Wildlife Refuges. They expressed concern that:

1. requiring use of nontoxic shot for hunting small game in the absence of documented lead ingestion problems amounts to regulatory overkill.

2. the Service should require nontoxic shot only where specific documentation of toxic lead problems exist.

Response

1. Refer to Wisconsin number 1 response.

2. For the reasons, and based on the data referred to in the Wisconsin number 1 response, the Service has concluded that it is well documented that toxic problems indeed exist in the hunting situation as described in the regulations developed for the specific refuges.

The State of Indiana, Department of Natural Resources expressed the opinion that:

1. the amount of lead deposited in the wetlands of Muscatatuck NWR by the estimated 122 quail hunter visits would be very incidental and would contribute insignificantly to the adverse welfare of waterfowl using the refuge; and

2. they would rather not see this proposed regulation, which is a disparity to their State regulations, imposed on Indiana's upland game hunters at this time.

Response

After evaluating the comments from the State of Indiana, and re-evaluating

the on-ground relationship of where quail and rabbit hunting occurs on the refuge, the Service has decided to remove Muscatatuck NWR from the listing of refuges requiring nontoxic shot to hunt upland and other small game. The Service believes it is possible to adequately zone the hunting area away from the margins of existing wetlands and those refuge lands subject to periodic flooding. Migratory waterfowl and other migratory birds will be adequately protected by implementing this measure.

The National Rifle Association of America objects to the proposed rule because:

1. The document fails to inform the public of the basis and purposes for imposing the nontoxic shot restrictions for upland game hunting on listed refuges.

2. The public has not been afforded a meaningful opportunity to comment on the proposal.

For these reasons, they recommend:

3. That a clear and concise statement of basis and purpose for the nontoxic shot requirements for upland game hunting on specific refuges be provided before a procedurally correct rulemaking on this issue is moved forward.

4. That this rulemaking be withdrawn and a new rulemaking initiated that recognizes this deficiency.

Response

As a basis for this rule, the Service has a responsibility to protect migratory birds as well as threatened and endangered species of wildlife from the toxic effects of lead shot poisoning due to hunting. The purpose of this rulemaking is to avoid the use of a known toxic substance, such as lead shot pellets, while hunting upland and other small game in an area where waterfowl and other migratory birds could be harmed or killed. The Service does not agree that there are any deficiencies in its procedures, but in order to more adequately educate and inform hunters and the general public of the new requirements, and coordinate with affected States, the Service will delay application of the nontoxic shot requirements until the 1996–97 season. Also, refer to Wisconsin number 1 response.

With respect to number 2 concern, a 30-day public comment period has been afforded the public to comment on the proposed rule. News articles concerning proposed regulations that address the adverse affects of hunting upland and other small game with toxic lead shot in upland areas subject to periodic flooding and seasonal wetland areas

have been published in newspapers during the last 3 years. Nontoxic shot for hunting upland and small game was first introduced to west coast refuges in the 1991–92 hunting season, and to southwestern refuges during the 1992–93 hunting season. Refuges in Alaska and waterfowl production areas in the lower 48 states are scheduled to phase in nontoxic shot to hunt certain upland and other small game by the 1997–98 and 1998–99 seasons respectively. Refer to Wisconsin number 2. response.

Individual comments received ranged from strong, general support for the proposed rule to total disagreement with the need to implement regulations. Specific concerns included:

1. All refuge lands should be off-limits to lead deposition because lead is a toxic environmental pollutant.

Response

The use of lead shot on National Wildlife Refuges will continue to be monitored and its use will be prohibited in those habitats where scientific evidence shows it is detrimental to wildlife resource values.

2. Support for a lead shot ban on refuge hunt areas, if the Service does not encourage the States to impose lead shot restrictions on State lands.

Response

The Service will continue to cooperate with State wildlife agencies to understand the toxic effects of lead shot deposition from hunting. The Service will also work with States in which waterfowl production areas are located to explore opportunities for conversion of both State and Federal areas where it will reduce threats to wildlife and minimize confusion to hunters.

3. Support for prohibition on private and public trap and skeet ranges using lead shot.

Response

Trap and skeet ranges are located outside of Service jurisdiction and, therefore, are regulated by private landowners, or in certain cases local jurisdictions.

4. Nontoxic shot is not readily available for purchase in the smaller shot sizes, and this will prevent the use of .410, 28 ga., and 20 ga. shotguns. Also, this would pose a disadvantage to young hunters and women who regularly use these shotguns for hunting.

Response

The Service acknowledges that commercial manufacture of steel shot is very limited in .410 and 28 gauge shotshells, however steel is being

reloaded in these gauges by individual hunters. The Service's decision, however, must be based on its responsibilities to protected migratory birds from toxic shot hazards.

5. Most hunting for upland and small game is on high and dry terrain and not in wetlands.

Response

The intent of the Service's policy is to protect migratory birds whenever there are potential lead poisoning impacts in wetlands and associated uplands. Refuge managers followed national policy in selecting which refuges and what areas of those refuges to include in the regulations. Nontoxic shot conversions were proposed following these policy guidelines:

1. Nontoxic shot would be required for nonwaterfowl hunting programs that take place in wetlands, lands adjacent to wetlands, and lands seasonally flooded that have a potential for lead poisoning impacts to waterfowl and other migratory birds. 2. Nontoxic shot requirements do not apply to small-caliber rifle hunting for mammals or birds, or shotgun hunting for mammals in the absence of site-specific evidence of a significant impact. 3. This policy does not affect big game hunting programs, including turkey hunting.

6. A significant law enforcement problem exists when hunters are allowed to use both lead and nontoxic shot within the same hunt area at the same time, even though for different game species.

Response

Nontoxic shot hunting zones within refuges include those upland areas that are interspersed with wetlands, or where no distinct geographical or physical boundaries (fences, dikes, or roads) exist to distinguish the upland areas from the seasonal wetland areas. When hunters can easily distinguish wetlands from uplands through posting or mapping, then this entire area can be managed for both lead shot on the uplands and nontoxic shot on the lowlands. Likewise, a particular hunt program (i.e., a species hunt) that occurs on both wetlands and uplands will be converted to nontoxic shot refuge-wide when there are significant hunter compliance and/or enforcement problems. In general, if hunt areas can be posted, mapped or regulated adequately so that the hunter can reasonably expect to distinguish a nontoxic shot zone from a lead shot zone, then lead shot may be used within that respective zone. Also, if State game laws require nontoxic shot for hunting a particular species, then the refuges in

that State will also require nontoxic shot for hunting that species.

7. Nontoxic shot (steel) is not compatible with shooting older, softer metal barreled shotguns, such as certain doubles, over-and-unders, general Damascus type, and the original Winchester Model 12 shotguns.

Response

Steel shot is definitely harder than lead shot, however modern shotgun barrels are designed to handle this shot without difficulty. The Service is aware that possible damage may occur from shooting modern loads in older model shotguns. However, the Service's responsibility is to protect migratory birds from the toxic shot impacts.

8. Cost of nontoxic shot is prohibitively expensive and hard to locate.

Response

Nontoxic shot (steel) costs more than the equivalent lead shotshell loads. Competition between manufacturers, due to waterfowl hunting nontoxic shot requirements, has increased the supply and somewhat reduced the overall price of steel shot. Nontoxic shot usually sells for \$2–12 per box more than the equivalent size lead shot. Again, the Service's objective and responsibilities are to protect the migratory bird populations.

9. Crippling loss using nontoxic shot far outweighs the potential loss from using lead shot for hunting upland and other small game in fringe wetland areas.

Response

Most hunters find that if the target is within the 30–45 yard range, clean kills will occur. Some experienced hunters find that steel shot will penetrate better than lead shot. As hunters become more proficient with shooting nontoxic shot, crippling loss will be reduced dramatically.

10. Required use of nontoxic shot will cause hunters to abandon the sport, thereby resulting in a significant loss to Federal taxes on sporting arms and ammunition, and therefore less money for wildlife/habitat enhancement projects.

Response

Long-range indications are that hunting will account for less and less of the total percentage of recreational use on refuges, and funding sources for habitat protection and management will be harder to find in times of shrinking budgets. However, the Service does not believe that conversion to nontoxic shot

on selected refuges will contribute significantly to that trend.

11. The 104th Congress has banned Federal agencies from imposing new regulations, and this proposed rule is just another form of gun control, an anti-hunting ploy and a slap at our fundamental freedom.

Response

The regulation setting process is not intended as a manner of gun control, but rather as a resource protection measure and was drawn as narrowly as possible in order to provide the least restrictive hunting opportunity.

The intent of Congress is to reduce Federal regulatory burdens, and the Administration is in the process of reducing outdated and unnecessary rules. Congress, however, realizes that the hunting of migratory birds involves several treaty obligations with neighboring countries where migratory birds spend part of the year. Whether migratory birds are using national wildlife refuges or being hunted on State or private lands, there must be certain fair and equitable rules established. Therefore annual regulations are promulgated based on annual biological determinations of harvestable surpluses of game species.

Also, fishing on national wildlife refuges would be closed to the public without the establishment of annual regulations. Therefore, Congress has been receptive to appropriate rulemakings which allow hunters and fishermen the opportunity to participate in annual harvests.

The following questions and answers respond to the range of additional comments received from individuals concerning this proposed rule:

- What is the history of nontoxic shot requirements while hunting?

A nationwide phase-out program on the use of lead shot for waterfowl hunting began in 1986. By the 1991-92 season, only nontoxic (steel) shot was allowed for waterfowl and coot hunting. Prior to 1986 many national wildlife refuges required the use of steel shot because of locally documented lead poisoning in waterfowl.

- How will I know where to use nontoxic shot?

Site-specific brochures and information are available. Contact the refuge manager of the refuge you plan to hunt, and ask for an explanation of the nontoxic boundaries.

- Where can upland game continue to be hunted using lead?

Since State wildlife agencies and national wildlife refuges have limited the use of lead shot for the hunting of waterfowl and coots and now several

areas are phasing in controls on upland and other small game hunting around wetlands, hunters should consult specific wildlife refuge regulations. The refuges proposed for nontoxic shot conversion in this rulemaking will remain open to the use of lead shot for upland and small game in the 1995-96 season, although voluntary use of nontoxic shot will be requested. Most waterfowl production areas of the prairie pothole country will remain open to the use of lead shot until the 1998-99 hunting season. Again, the Service will encourage the voluntary use of nontoxic shot on those areas.

- Where will hunters be required to use nontoxic shot?

A list of refuges by State is available from the Service's 7 regional offices, and from local refuge offices. The Federal Register, which also lists each refuge, is accessible from The National Wildlife Refuge Home Page on the INTERNET, location:

"<http://bluegoose.ARW.R9.FWS.gov/>", or by calling 1-800-344-WILD and requesting a refuge brochure and a 1996-97 list of refuges where nontoxic shot is required to hunt one or more species of wildlife other than waterfowl and coot.

- How many kinds of nontoxic shot can hunters purchase?

Even though manufacturers are experimenting with other metals and alloys, steel shot is still the best and most readily available nontoxic shot. Bismuth shot has only recently become available on a limited and conditional basis.

- Where can nontoxic shot be purchased?

Steel shot is available locally at many large sporting goods stores that cater to waterfowl hunters. If they don't have exactly what you are looking for, they will no doubt recommend an alternate source.

- Are states requiring the use of nontoxic shot?

Many State wildlife agencies have imposed nontoxic shot regulations on wildlife management areas where waterfowl hunting also takes place, such as Indiana (for dove hunting), Missouri (for snipe and rail), and Tennessee (for doves). Other States, such as Nebraska, require nontoxic shot for all bird hunting on certain State management areas. In Utah, nontoxic shot is required to hunt sandhill cranes, and for all upland and small game hunting on two State management areas.

- Why do you permit hunting at all on National Wildlife Refuges?

Hunting is a part of our country's heritage. Many refuges were purchased with funds derived from the sale of

duck stamps to waterfowl hunters. The National Wildlife Refuge System Administration Act authorizes recreation that is compatible with the primary purpose for which the refuges were established. Some refuges have hunting as a specific purpose of being acquired.

- Will big game (buckshot deer hunting) be included in the nontoxic shot requirement?

No. The regulation requires the use of nontoxic shot for certain upland and other small game only when hunting takes place in or near permanent or seasonal wetlands.

- What wildlife are considered upland or small game and covered by this regulation?

Each specific refuge regulation will specify what wildlife species can be hunted on that particular refuge. The intent of the regulation is to include all species of upland and small game that are hunted by shotgun in or near a permanent or seasonal wetland. The hunted species present there may include, but are not limited to, the following: pheasants, quail, snipe, dove, rabbits, woodcock, partridge, grouse, and rails.

- Why do raptors including bald eagles die from ingesting lead shot?

When a duck ingests lead shot into the gizzard/stomach while feeding, the lead will be deposited and lodge in the gizzard and stay there while being worn away through natural grinding processes. A mallard, for example, may ingest 2 pellets of #4 lead shot in the gizzard, and as the bird becomes weak and disoriented from the lead poisoning, it becomes an easy food source for all predators including raptors. When the bird is eaten by a marsh hawk or bald eagle, the lead is now going to enter the raptor's body. The toxic (secondary) effect of the lead may have caused the death of both the prey and the predator.

- Will small bore rifle hunting be included in the nontoxic shot regulation.

No, small bore rifle hunting is not included in the nontoxic shot requirement.

Conformance With Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the NWRSA authorizes the

Secretary of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to, hunting, fishing, other public recreation, accommodations, and access, when the Secretary determines that such uses are compatible with the major purpose(s) for which the area was established.

The Refuge Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purpose(s) for which the areas were established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act. Hunting and sport fishing plans are developed for each refuge prior to opening it for hunting or fishing. In many cases, refuge-specific hunting and fishing regulations are included in the hunting and sport fishing plans to ensure the compatibility of the hunting and sport fishing programs with the purposes for which the refuge was established. Initial compliance with the NWRSA and Refuge Recreation Act is ensured when hunting and sport fishing plans are developed, and the determinations required by these acts are made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. Continued compliance is ensured by annual review of hunting and sport fishing programs and regulations.

Consideration was given to delaying this final rule for a 30-day period, however, the Service determined that any further delay in the implementation of these refuge-specific hunting and fishing regulations will hinder the effective planning and administration of the programs. Public comment was received on this proposal during the 30-day comment period for this rule. A delay of an additional 30 days will jeopardize holding the hunts or fishing programs this year, or shorten their duration and thereby lessen the management effectiveness of this regulation. Many of these rules also relieve restrictions and allow the public to participate in recreational activities on a number of refuges. In addition, good cause exists in that, in order to continue to provide for previously authorized hunting opportunities while at the same time provide for adequate resource protection, the Service must immediately put into place modifications to some of the hunting programs on some refuges. Therefore, in accordance with (5 U.S.C. 553(d)(3)), these rules will become effective as of

the date of publication in the Federal Register.

Economic Effect

This rulemaking is not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. Hunting and fishing programs take place throughout the United States on a very broad scale. No single program has a significant localized impact. While the proposed hunting and fishing programs could increase the number of hunting and fishing licenses purchased and boost sales of hunting and fishing gear, the impact would still not be considered significant when compared to other commercial activities in the surrounding area. This proposed rule would have minimal effect on such entities.

Paperwork Reduction Act

The information collection requirements for part 32 are found in 50 CFR part 25 and have been approved by the Office of Management and Budget under Public law 104-13 and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form may be sent to the Service Information Collection Clearance Office, U.S. Fish and Wildlife Service, 1849 C Street NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20530.

Federalism

This final rule will not have substantial direct effects on the States, in their relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in

accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Considerations

Compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) is ensured when hunting and sport fishing plans are developed, and the determinations required by this act are made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR Part 32. The changes in hunting and fishing have been reviewed with regard to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and have been found to either, have no effect on, or are not likely to adversely affect listed species or critical habitat. The amendment of refuge-specific hunting and fishing regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of a particular national wildlife refuge. The B.(5) Service exclusion is employed here as these amendments are considered "[m]inor changes in the amounts or types of public use on FWS or State-managed lands, in accordance with regulations, management plans, and procedures." These refuge-specific hunting and fishing revisions to existing regulations simply qualify or otherwise define an existing hunting or fishing activity for purposes of resource management. Information regarding hunting and fishing permits and the conditions that apply to individual refuge hunts, sport fishing activities and maps of the respective areas are retained at refuge headquarters and can be obtained from the regional offices of the U.S. Fish and Wildlife Service at the addresses listed below:

Region 1—California, Hawaii, Idaho, Nevada, Oregon, and Washington.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181; Telephone (503) 231-6214.
Region 2—Arizona, New Mexico, Oklahoma and Texas.
Assistant Regional Director—Refuges and Wildlife U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; Telephone (505) 766-1829.
Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Federal Building, Fort

Snelling, Twin Cities, Minnesota 55111; Telephone (612) 725-3507.
 Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico and the Virgin Islands.
 Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, Georgia 30345; Telephone (404) 679-7152.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.
 Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035; Telephone (413) 253-8550.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.
 Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225; Telephone (303) 236-8145.

Region 7—Alaska.
 Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786-3545.
 Primary Author. Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC 20240, is the primary author of this rulemaking document.

List of Subjects
 50 CFR Part 25
 Administrative practice and procedures, Reporting and recordkeeping requirements, Concessions, Safety, Wildlife refuges.
 * * * * *

50 CFR Part 32
 Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.
 Accordingly, Parts 25 and 32 of Chapter I of Title 50 of the Code of Federal Regulations are amended as follows:

PART 25—[AMENDED]
 1. The authority citation for Part 25 continues to read as follows:
 Authority: 16 U.S.C. 460k, 664, 668dd, and 715i, and 3901 et seq.

§ 25.12 [Amended]
 2. Section 25.12(a) is amended by adding the definition of nontoxic shot following the definition of National Wildlife Refuge System.

§ 25.12 Definitions.
 * * * * *
Nontoxic shot means steel shot or other shot approved pursuant to 50 CFR 20.134.
 * * * * *

PART 32—[AMENDED]
 3. The authority citation for Part 32 continues to read as follows:
 Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

§ 32.7 [Amended]
 4. Section 32.7 is amended by adding the alphabetical listing of "North Platte National Wildlife Refuge" under the State of Nebraska.

5. Section 32.22 Arizona, is amended by revising paragraph A. of the Bill Williams River National Wildlife Refuge; and by adding paragraphs A., 8., through A.13. inclusive, revising paragraph B.4., and adding paragraphs B.5. and B.6. to Cibola National Wildlife Refuge to read as follows:

§ 32.22 Arizona.
 * * * * *

Bill Williams River National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of mourning and white-winged doves is permitted on designated areas of the refuge subject to the following condition: Legal weapon is shotgun only.
 * * * * *

Cibola National Wildlife Refuge

A. Hunting of Migratory Game Birds.
 * * *
 8. Hunting is not permitted within 50 yards of any road or levee.
 9. Decoys are required for waterfowl hunting and must be removed from the refuge daily.

10. Waterfowl hunters are limited to 10 shells per day in Farm Unit 2.

11. During the Arizona waterfowl season, Farm Unit 2 is closed to dove hunting until noon each day.

12. In Farm Unit 2, waterfowl hunters must remain within 50 feet of designated station while hunting except when actively retrieving downed birds.

13. During the goose season the Hart Mine Marsh Area is closed to hunting until 10 a.m. daily.

B. Upland Game Hunting. * * *
 4. Hunting of cottontail rabbit is permitted from September 1 through the

last day of the respective State's quail season.

5. During the Arizona waterfowl season, hunting of quail and rabbit is not permitted in Farm Unit 2 until noon.

6. Hunting is not permitted within 50 yards of any road or levee.
 * * * * *

6. Section 32.23 Arkansas is amended by revising paragraphs B. and C. of Felsenthal National Wildlife Refuge; by revising paragraphs B. and C. of Overflow National Wildlife Refuge; and by revising paragraphs D.1. and D.4. of White River National Wildlife Refuge to read as follows:

§ 32.23 Arkansas.
 * * * * *

Felsenthal National Wildlife Refuge
 * * * * *

B. Upland Game Hunting. Hunting of quail, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer, turkey, and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.
 * * * * *

Overflow National Wildlife Refuge
 * * * * *

B. Upland Game Hunting. Hunting of quail, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer, turkey, and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.
 * * * * *

White River National Wildlife Refuge
 * * * * *

D. Sport Fishing. * * *

1. Fishing is permitted from March 1 through November 30 except as posted and as follows: fishing is permitted year-round in LaGrueu, Essex, Prairie, and Brooks Bayous, Big Island Chute, Moon Lake and Belknap Lake 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 power line right-of-way, and

all refuge owned waters located North of Arkansas Highway 1.

* * * * *

4. Frogging is permitted on all refuge owned waters open for sport fishing as follows: South of Arkansas Highway 1, frogging is permitted from the beginning of the State season through November 30; North of Arkansas Highway 1, frogging is permitted for the entire State season. The use of bow and arrow for taking bullfrogs is prohibited.

7. Section 32.24 *California* is amended by revising paragraphs A.1., A.2., and A.3. of Delevan National Wildlife Refuge; by adding new paragraph A.5. to Kesterson National Wildlife Refuge; by revising paragraphs A.1. and A.2. of Modoc National Wildlife Refuge; by revising paragraphs A.1., A.2., and B.1. of Sacramento National Wildlife Refuge; and by adding new paragraph A.5. and revising paragraph B. of San Luis National Wildlife Refuge to read as follows:

§ 32.24 California.

* * * * *

Delevan National Wildlife Refuge

A. Hunting of Migratory Game Birds.

1. Firearms must be unloaded while being transported between parking areas and spaced blind areas.

2. Snipe hunting is not permitted in the spaced blind area.

3. Hunters assigned to the spaced blind area are restricted to within 100 feet of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the area.

* * * * *

Kesterson National Wildlife Refuge

A. Hunting of Migratory Game Birds.

5. Access to Salt Slough is via boats only. Boats may only be launched at the Highway 140 (Fremont Ford State Recreational Area) and Highway 165 access points. The use of air-thrust and/or inboard water thrust boats is not permitted. The speed limit of 5 mph is in effect.

* * * * *

Modoc National Wildlife Refuge

A. Hunting of Migratory Game Birds.

1. A permit issued by the refuge to hunters with advance reservations only is required for the first weekend.

2. After the first weekend of the open season, hunting is permitted only on Tuesdays, Thursdays, and Saturdays.

Hunters must check in and out of the refuge by use of self-service permits.

* * * * *

Sacramento National Wildlife Refuge

A. Hunting of Migratory Game Birds.

1. Firearms must be unloaded while being transported between parking areas and spaced blind areas.

2. Snipe hunting is not permitted in the spaced blind area.

* * * * *

B. Upland Game Hunting.

1. A special one-day only, pheasant hunt is permitted in the spaced blind area on the first Monday after the opening of the State pheasant hunting season.

* * * * *

San Luis National Wildlife Refuge

A. Hunting of Migratory Game Birds.

5. Vehicles may stop only at designated parking areas. Dropping of passengers or equipment, or stopping between designated parking areas is prohibited.

B. Upland Game Hunting. Hunting of pheasants is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters shall possess and use, while in the field, only nontoxic shotshells (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

2. Hunters may not possess more than 25 shotshells while in the field.

* * * * *

7a. Section 32.25 *Colorado* is amended by revising paragraphs A. and B. of Arapaho National Wildlife Refuge to read as follows:

§ 32.25 Colorado.

* * * * *

Arapaho National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is allowed on designated areas of the refuge pursuant to State law.

B. Upland Game Hunting. Upland game hunting is allowed on designated areas of the refuge pursuant to State law and subject, also, to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

8. Section 32.27 *Delaware* is amended by adding new paragraph B.4., revising introductory language of paragraph C., and adding new paragraph C.4. to

Bombay Hook National Wildlife Refuge; and by adding new paragraph B.4. to Prime Hook National Wildlife Refuge to read as follows:

§ 32.27 Delaware.

* * * * *

Bombay Hook National Wildlife Refuge

* * * * *

B. Upland Game Hunting.

4. Shotgun hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

C. Big Game Hunting. Hunting of deer and turkey is permitted on designated areas of the refuge subject to the following conditions:

4. A valid State permit is required for turkey hunting.

* * * * *

Prime Hook National Wildlife Refuge

* * * * *

B. Upland Game Hunting.

4. Shotgun hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

9. Section 32.31 *Idaho* is amended by revising paragraph D. of Kootenai National Wildlife Refuge to read as follows:

§ 32.31 Idaho.

* * * * *

Kootenai National Wildlife Refuge

* * * * *

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.

* * * * *

10. Section 32.32 *Illinois* is amended by revising paragraph D.1. and adding new paragraph D.5. to Chautauqua National Wildlife Refuge; by adding new paragraphs A.3., A.4. and B.3. to Crab Orchard National Wildlife Refuge; by adding new paragraph (B.3.), and revising paragraph C. of Cypress Creek National Wildlife Refuge; by adding new paragraph B.3. to Mark Twain National Wildlife Refuge; and by adding new paragraph B.4. to Upper Mississippi River National Wildlife Refuge to read as follows:

§ 32.32 Illinois.

* * * * *

Chautauqua National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

1. Sport fishing is allowed on Lake Chautauqua from February 15 through October 15. Sport fishing is not allowed in the Waterfowl Hunting Area during waterfowl hunting season.

* * * * *

5. Weis Lake on the Cameron Unit is closed to all public entry from October 16 through February 14.

Crab Orchard National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *
* * * * *

3. Waterfowl hunters may not possess more than 20 shells during the combined duck and goose seasons. Goose hunters may not possess more than 10 shells during the goose season.

4. Hunting in the Cambria Neck dove field is closed on Tuesdays and Thursdays. All Cambria Neck dove hunters are required to sign in and out and report their harvest.

B. Upland Game Hunting. * * *

3. Only nontoxic shot may be used or possessed while hunting all permitted birds, except wild turkeys (nontoxic shot regulation to be effective starting with the 1996-97 hunting season). The possession and use of lead shot is still permitted for wild turkey hunting.

* * * * *

Cypress Creek National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

3. Only nontoxic shot may use used or possessed while hunting bobwhite quail (nontoxic shot regulations to be effective starting with the 1996-97 hunting season).

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters must check in and out of the refuge each day of hunting.

2. Hunting blinds may not be left overnight on the refuge.

* * * * *

Mark Twain National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

3. Only nontoxic shot may be used or possessed while hunting all permitted birds, except wild turkeys (nontoxic shot regulation to be effective starting with the 1996-97 hunting season). The possession and use of lead shot is still permitted for wild turkey hunting.

* * * * *

Upper Mississippi River National Wildlife and Fish Refuge

* * * * *

B. Upland Game Hunting. * * *

4. Shotgun hunters may only use or possess nontoxic shot when hunting for any permitted birds or other small game, except wild turkey (nontoxic shot regulation to be effective starting with the 1996-97 hunting season). The possession of lead shot is still permitted for wild turkey hunting.

* * * * *

11-12. Section 32.34 Iowa is amended by revising paragraph B. of Union Slough National Wildlife Refuge; and by adding new paragraph B.3. to Walnut Creek National Wildlife Refuge to read as follows:

§ 32.34 Iowa.

* * * * *

Union Slough National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of upland game is permitted in designated areas of the refuge subject to the following condition: Only nontoxic shot may be used or possessed while hunting all permitted birds, except wild turkeys (nontoxic shot regulation to be effective starting with the 1996-97 hunting season). The possession and use of lead shot is still permitted for wild turkey hunting.

* * * * *

Walnut Creek National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

3. All hunters must wear one or more of the following articles of visible, external, solid blaze orange clothing: a vest, coat, jacket, sweatshirt, sweater, shirt or coveralls.

* * * * *

13. Section 32.35 Kansas is amended by revising paragraphs B. and C. of Flint Hills National Wildlife Refuge; and by revising paragraphs A. and B. of Quivira National Wildlife Refuge to read as follows:

§ 32.35 Kansas.

* * * * *

Flint Hills National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following conditions:

1. Dogs may not be used for hunting furbearing animals or non-game animals.

2. Hunters shall possess and use, while in the field, only nontoxic shot or rimfire firearms (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

C. Big Game Hunting. Hunting of big game is permitted on designated areas of the refuge subject to the following conditions:

1. Only shotguns, muzzleloading firearms, or bow and arrow are permitted except during controlled hunts.

2. Hunters shall possess and use, while in the field, only nontoxic shot while shotgun hunting for turkey.

* * * * *

Quivira National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, rails (Virginia and Sora only), mourning doves, and common snipe is permitted on designated areas of the refuge subject to the following condition: Nontoxic shot is required when hunting any game on the refuge. The possession of lead shot in the field is prohibited.

B. Upland Game Hunting. Hunting of pheasant, bobwhite quail, squirrel, and rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is closed to all hunting from March 1 through August 31.

2. Squirrels and rabbits may only be hunted during the portion of the Kansas seasons that fall outside the March 1 through August 31 closed period.

* * * * *

14. Section 32.36 Kentucky is amended by revising paragraph D.1. of Reelfoot National Wildlife Refuge to read as follows:

§ 32.36 Kentucky.

* * * * *

Reelfoot National Wildlife Refuge

* * * * *

D. Short Fishing. * * *

1. Fishing is permitted on the Long Point Unit (north of Upper Blue Basin) from March 15 through November 15 and on the Grassy Island Unit (south of the Upper Blue Basin) from February 1 through November 15.

* * * * *

15. Section 32.37 Louisiana is amended by revising paragraphs A, B, C, and D of Bayou Cocodrie National Wildlife Refuge; revising paragraphs B., D.1., D.4. and removing paragraph D.5. of Catahoula National Wildlife Refuge to read as follows:

§ 32.37 Louisiana.

* * * * *

Bayou Cocodrie National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of woodcock is permitted on designated areas of the refuge subject to

the following conditions: Permits are required.

B. Upland Game Hunting. Hunting of squirrel, rabbit, raccoon, opossum and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions: Permits are required.

D. Sport Fishing. [Reserved]

Catahoula National Wildlife Refuge

B. Upland Game Hunting. Hunting of raccoon, squirrel, rabbit, and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. * * *

1. Fishing is permitted from one hour before sunrise until one-half hour after sunset. Only pole and line or rod and reel fishing is permitted. Snagging is prohibited.

4. All other refuge waters, including Duck Lake, Muddy Bayou, ditches, all outlet waters, and all flooded woodlands are open to fishing and boating from March 1 through October 31.

16. Section 32.38 *Maine* is amended by revising paragraph B.2. of Rachel Carson National Wildlife Refuge; and by revising paragraphs A. and B. of Sunhaze Meadows National Wildlife Refuge to read as follows:

§ 32.38 Maine.

Rachel Carson National Wildlife Refuge

B. Upland Game Hunting. * * *

2. Shotgun hunters will possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

Sunhaze Meadows National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge pursuant to State law.

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following condition: Shotgun hunters will and possess and use, while in the

field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

17. Section 32.39 *Maryland* is amended by adding new paragraph B.6. to Patuxent Wildlife Research Center to read as follows:

§ 32.39 Maryland.

Patuxent Wildlife Research Center

B. Upland Game Hunting. * * *

6. Shotgun hunters will possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

18. Section 32.40 *Massachusetts* is amended by adding new paragraph B.3. to Oxbow National Wildlife Refuge to read as follows:

§ 32.40 Massachusetts.

Oxbow National Wildlife Refuge

B. Upland Game Hunting. * * *

3. Hunters will possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

19. Section 32.42 *Minnesota* is amended by adding new paragraph B.1. to Big Stone National Wildlife Refuge; by adding new paragraph B.3. to Minnesota Valley National Wildlife Refuge; by revising paragraphs A., B., C., and D. of Morris Wetland Management District; by adding new paragraphs A.1. and B.1. and revising paragraph C.4. of Rice Lake National Wildlife Refuge; by adding new paragraphs A.5. and B.1. to Sherburne National Wildlife Refuge; and by revising introductory language of paragraph A. and revising paragraph B. of Tamarac National Wildlife Refuge to read as follows:

§ 32.42 Minnesota.

Big Stone National Wildlife Refuge

B. Upland Game Hunting. * * *

1. Only nontoxic shot may be used or possessed while hunting for partridge or ring-necked pheasant (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

Minnesota Valley National Wildlife Refuge

B. Upland Game Hunting. * * *

3. Only nontoxic shot may be used or possessed while hunting for ring-necked pheasant (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

Morris Wetland Management District

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted throughout the district.

B. Upland Game Hunting. Upland game hunting is permitted throughout the district.

C. Big Game Hunting. Big game hunting is permitted throughout the district.

D. Sport Fishing. Sport fishing is permitted throughout the district.

Rice Lake National Wildlife Refuge

A. Hunting of Migratory Game Birds

1. Shotgun hunters may only use or possess nontoxic shot while hunting migratory game birds.

B. Upland Game Hunting. * * *
1. Shotgun hunters may only use or possess nontoxic shot while hunting upland game species (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

C. Big Game Hunting. * * *
4. Hunting of deer on the Rice Lake Unit is by firearm and archery; hunting on the Sandstone Unit is by archery only.

Sherburne National Wildlife Refuge

A. Hunting of Migratory Game Birds.

5. Shotgun hunters may use or possess only nontoxic shot while hunting for migratory game birds.

B. Upland Game Hunting. * * *
1. Shotgun hunters may use or possess only nontoxic shot while hunting for all upland game species (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

Tamarac National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, woodcock and snipe is permitted on designated areas of the refuge subject to the following conditions:

B. Upland Game Hunting. Hunting of ruffed grouse, gray and fox squirrel,

cottontail rabbit, jackrabbit, snowshoe hare, red fox, raccoon, and striped skunk is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunting by tribal members is in accordance with White Earth Indian Reservation regulations on those parts of the Reservation that are part of the refuge.
2. Red fox, raccoon, and striped skunk may be hunted only from one-half hour before sunrise until sunset during open seasons for other small game species. Dogs may not be used for fox or raccoon hunting.

* * * * *

20. Section 32.45 Montana is amended by revising paragraph B. of Black Coulee National Wildlife Refuge; by adding paragraph B.3. to Bowdoin National Wildlife Refuge; by revising paragraph B. of Lake Mason National Wildlife Refuge; by revising paragraphs A., C., and D. of Lee Metcalf National Wildlife Refuge; and by revising paragraph B. of Warhorse National Wildlife Refuge to read as follows:

§ 32.45 Montana.

* * * * *

Black Coulee National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

Bowdoin National Wildlife Refuge

* * * * *

B. Upland Game Hunting.

3. Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

Lake Mason National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

Lee Metcalf National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is

permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunters may not use or possess more than 15 shells per day.
2. Shooting is permitted only from or within 10 feet of designated blinds.
3. Maximum of 5 hunters per blind.
4. Hunters are required to record hunt information at Hunter Access Points.

* * * * *

C. Big Game Hunting. Hunting of white-tailed deer and mule deer is permitted on designated areas of the refuge subject to the following conditions:

- 1. Only archery hunting is permitted.
2. Hunters are required to enter and exit and record hunt information at Hunter Access Points.
3. Deer stands left on the refuge must be identified with a name and address and be accessible to other hunters.
4. Deer may not be retrieved from closed areas without prior consent from the refuge staff.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge. All fishing is pursuant to State law.

* * * * *

Warhorse National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of upland game birds is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

21. Section 32.46 Nebraska is amended by revising the alphabetical listing of North Platte National Wildlife Refuge to read as follows:

§ 32.46 Nebraska.

* * * * *

North Platte National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Sport fishing is allowed on designated areas of the refuge pursuant to State law.

* * * * *

22. Section 32.47 Nevada is amended by revising paragraphs A. of Ash Meadows National Wildlife Refuge; revising paragraph C. of Desert National Wildlife Refuge; revising paragraphs A. of Pahranaagat National Wildlife Refuge; and revising paragraphs A. of Ruby Lake National Wildlife Refuge to read as follows:

§ 32.47 Nevada.

* * * * *

Ash Meadows National Wildlife Refuge

A. Hunting of Migratory Game Birds.

Hunting of geese, ducks, coots, moorhens, snipe, and doves is permitted on designated areas of the refuge.

* * * * *

Desert National Wildlife Refuge

* * * * *

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.

* * * * *

Pahranaagat National Wildlife Refuge

A. Hunting of Migratory Game Birds.

Hunting of geese, ducks, coots, moorhens, snipe, and mourning doves is permitted on designated areas of the refuge subject to the following conditions:

- 1. Only nonmotorized boats or other motorless flotation devices are permitted on the refuge hunting area during the migratory waterfowl hunting season.
2. Hunting of waterfowl, coots, and moorhens is permitted only on the opening weekend and Tuesday, Thursday, and Saturday throughout the remainder of the season.

* * * * *

Ruby Lake National Wildlife Refuge

A. Hunting of Migratory Game Birds.

Hunting of geese, ducks, coots, moorhens, and snipe is permitted on designated areas of the refuge.

* * * * *

23. Section 32.49 New Jersey is amended by adding paragraph A.7 to Edwin B. Forsythe National Wildlife Refuge to read as follows:

§ 32.49 New Jersey.

* * * * *

Edwin B. Forsythe National Wildlife Refuge

A. Hunting of Migratory Game Birds.

7. Shotgun hunters will possess and use, while in the field, only nontoxic shot.

* * * * *

24. Section 32.50 New Mexico is amended by adding paragraphs A.5 and

6; revising paragraphs B.; and revising paragraph C. to *Bitter Lake National Wildlife Refuge* to read as follows:

§ 32.50 New Mexico.

* * * * *

Bitter Lake National Wildlife Refuge

A. Hunting of Migratory Game Birds.

5. Hunting in Hunt Area B is permitted on all days within the State authorized season.

6. Hunting in Hunt Area C is permitted from mid-October through the end of January, on Tuesday, Thursday, and Saturday of each week from one-half hour before sunrise to 1 p.m. Dove hunting is prohibited in Hunt Area C.

B. Upland Game Hunting. Hunting of pheasant, quail, cottontail, and jack rabbits is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters shall possess and use, while in the field, only nontoxic shot.

2. Hunting in Hunt Area B is permitted on all days within the State authorized seasons.

3. The hunting of rabbit and quail is prohibited in Hunt Area C.

C. Big Game Hunting. Hunting of mule deer and white-tailed deer is permitted on designated areas of the refuge.

* * * * *

25. Section 32.51 *New York* is amended by adding new paragraph B.4. to *Iroquois National Wildlife Refuge* to read as follows:

§ 32.51 New York.

* * * * *

Iroquois National Wildlife Refuge

* * * * *

B. Upland Game Hunting * * *

4. Shotgun hunters will possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

26. Section 32.52 *North Carolina* is amended by revising paragraph D.1. of *Pee Dee National Wildlife Refuge*; and by revising introductory language of paragraph B., revising paragraph C.2., and adding new paragraphs B.7., B.8., C.8. and C.9. to *Pocosin Lakes National Wildlife Refuge* to read as follows:

§ 32.52 North Carolina.

* * * * *

Pee Dee National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

1. Fishing is permitted from March 15 thru October 15.

* * * * *

Pocosin Lakes National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of quail, squirrel, raccoon, opossum, rabbit, and fox is permitted on designated areas of the refuge subject to the following conditions: * * *

7. Hunters shall use only shotguns and/or 22 caliber rim-fire rifles for upland game hunts.

8. Hunters shall possess and use, while in the field, only nontoxic shot on designated areas of the refuge (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

C. Big Game Hunting. * * *
2. Only shotguns, muzzle-loaders, and bow and arrow are allowed for big game hunts.

* * * * *

8. Archery hunting on the Pungo Unit is permitted during the regular State archery season and from November 1 through 30. State bag limits apply.

9. Shotgun, muzzle-loaders, and bow and arrow are permitted on the Pungo Unit subject to the following condition: Permits are required.

* * * * *

27. Section 32.53 *North Dakota* is amended by revising paragraph B. of *Arrowwood National Wildlife Refuge*; by revising paragraphs B., C.1., C.2., and adding paragraphs C.3. through C.7. inclusive to *Audubon National Wildlife Refuge*; by adding paragraph B.3. to *J. Clark Salver National Wildlife Refuge*; by revising paragraph B. of *Lake Alice National Wildlife Refuge*; by revising paragraph C. of *Lake Nettie National Wildlife Refuge*; by revising paragraphs B., C., and D. of *Long Lake National Wildlife Refuge*; by adding paragraph B.3. to *Lostwood National Wildlife Refuge*; by revising paragraph C. of *Slade National Wildlife Refuge*; and by revising paragraphs B. and C. of *Tewaukon National Wildlife Refuge* to read as follows:

§ 32.53 North Dakota.

* * * * *

Arrowwood National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of pheasant, sharp-tailed grouse, partridge, rabbit and fox is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted from December 1st through the end of the regular seasons.

2. Hunters shall possess and use, while in the field, only nontoxic shot

(nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

Audubon National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of ring-necked pheasants, gray partridge and sharp-tailed grouse is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted from December 1 until the close of the State season.

2. Only nontoxic shot is permitted for upland game hunting (nontoxic shot regulation to be effective starting with the 1996-97 hunting seasons).

3. All islands are closed to hunting.

4. Vehicle use is restricted to the tour route road only.

C. Big Game Hunting. * * *

1. Rifle and muzzleloader deer hunting opens according to State regulations.

2. Refuge and State permits are required for the first one and one-half days of the State rifle season.

3. Orange clothing is required for deer hunters as per State regulations.

4. Hunting with bow and arrow is permitted only the day following the close of the State deer firearms season through the close of the State archery season.

5. All islands are closed to hunting.

6. All refuge roads are closed for use by rifle deer hunters except for retrieval of deer.

7. Muzzleloader and archery deer hunters may use the auto tour route for access during the hunt and all roads for retrieval of deer.

* * * * *

J. Clark Salver National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

3. Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

Lake Alice National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of upland game and fox is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

Lake Native National Wildlife Refuge

* * * * *

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

- 1. Deer hunting with rifle and muzzleloader is subject to all State regulations and license units.
2. Deer archery hunting is open the day following the close of the rifle deer hunting season through the close of the State archery season.

* * * * *

Long Lake National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of ring-necked pheasant, sharp-tailed grouse and gray partridge is permitted on designated areas of the refuge subject to the following conditions:

- 1. Only steel shot may be used (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).
2. Upland gamebird season is from December 1 through the end of the State season.

C. Big Game Hunting. Hunting of deer only is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunters must enter the refuge on foot only.
2. Archery hunting is not allowed during the firearm deer season.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Bank fishing is restricted to public use areas on Unit 1, Unit 2, and Long Lake Creek.
2. Boat fishing is restricted to Unit 1.
3. Boats are restricted to 25 HP maximum.
4. Boats are restricted to the period from May 1 through September 30.
5. Ice fishing is restricted to Unit 1.
6. Ice houses must be removed by March 1 annually.

Lostwood National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

- 3. Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

Slade National Wildlife Refuge

* * * * *

C. Big Game Hunting. Deer hunting is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunters may enter the refuge on foot only.
2. Archery hunting is not allowed during the firearm deer season.

* * * * *

Tewaukon National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of ring-necked pheasant is permitted on designated areas of the refuge.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge.

* * * * *

28. Section 32.55 Oklahoma is amended by revising paragraphs C. and D.4. of Wichita Mountains Wildlife Refuge to read as follows:

§ 32.55 Oklahoma.

* * * * *

Wichita Mountains National Wildlife Refuge

* * * * *

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. * * *

- 4. Lake Elmer Thomas is open to fishing. Bass fishing on Lake Elmer Thomas is restricted to catch and release.

* * * * *

29. Section 32.56 Oregon is amended by revising paragraphs A.1., A.2., A.5., B., D.1., D.3., and removing paragraphs A.6., A.7., B.5., and D.5. of Cold Springs National Wildlife Refuge; by revising paragraphs A.2. and B.1. of Malheur National Wildlife Refuge; by revising paragraphs A.1., A.2., A.4., A.5., A.6., B., D.1., and D.2., and adding new paragraph D.3., and removing paragraph A.7. of McKay Creek National Wildlife Refuge; and by revising paragraphs A.1., A.4., A.5., revising introductory language of paragraph B., revising paragraphs B.1., B.3., B.4., B.5., D.1. through D.4. inclusive, and removing paragraphs A.6. through A.8. inclusive of Umatilla National Wildlife Refuge to read as follows:

§ 32.56 Oregon.

* * * * *

Cold Springs National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

- 1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.

- 2. Hunting is permitted only on Tuesdays, Thursdays, Saturdays,

Thanksgiving Day, Christmas Day and New Year's Day.

* * * * *

- 5. Hunters may not possess more than 25 shells while in the field.

B. Upland Game Hunting. Hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:

- 1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

- 2. Hunting is permitted only on Tuesdays, Thursdays, Saturdays, Thanksgiving Day, Christmas Day and New Year's Day.

- 3. Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

- 4. Hunters may not possess more than 25 shells while in the field.

* * * * *

D. Sport Fishing. * * *

- 1. Use of non-motorized boats and boats with electric motors is permitted from March 1 through September 30.

* * * * *

- 3. Fishing is permitted only with hook and line.

* * * * *

Malheur National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

- 2. Snipe and dove hunters shall possess and use, while in the field, only nontoxic shot.

B. Upland Game Hunting. * * *

- 1. Hunting of pheasant, quail, partridge, and rabbit is permitted from the third Saturday in November to the end of the State pheasant season in designated zones of the Blitzen Valley east of Highway 205. Hunting is also permitted on Malheur Lake during the waterfowl hunting season.

* * * * *

McKay Creek National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

- 1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.

- 2. Hunting is permitted only on Tuesdays, Thursdays and Saturdays, Thanksgiving Day, Christmas and New Year's Day.

* * * * *

- 4. Hunters may not possess more than 25 shells while in the field.

- 5. Permits are required for the opening weekend of the season when it coincides with the season opening for upland game birds.

6. The use of boats is prohibited.

B. Upland Game Hunting. Hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. Hunting is permitted only on Tuesdays, Thursdays, Saturdays, Thanksgiving Day, Christmas Day and New Year's Day.

3. Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

4. Hunters may not possess more than 25 shells while in the field.

5. Permits are required for the opening weekend of the season.

* * * * *

D. Sport Fishing. * * *

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. Fishing permitted from March 1 through September 30.

3. Fishing is permitted only with hook and line.

* * * * *

Umatilla National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

1. The refuge is open from 5 a.m. to one and one-half hours after sunset except for the Hunter Check Station parking lot at the McCormack Unit which is open each morning two hours prior to State shooting hours for waterfowl. Decoys, boats and other personal property must be removed from the refuge following each day's hunt.

* * * * *

4. Hunters may not possess more than 25 shells while in the field.

5. Permits are required for hunting on the McCormack Unit.

B. Upland Game Hunting. Hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of upland game birds is not allowed until noon of each hunt day.

* * * * *

3. Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

4. Hunters may not possess more than 25 shells while in the field.

5. Permits are required for hunting on the McCormack Unit.

* * * * *

D. Sport Fishing. * * *

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. Fishing is permitted on refuge impoundments and ponds from February 1 through September 30. Other refuge waters (Columbia River and its backwaters) are open in accordance with State regulations.

3. Only non-motorized boats and boats with electric motors are permitted on refuge impoundments and ponds.

4. Fishing is permitted only with hook and line.

* * * * *

30. Section 32.57 *Pennsylvania* is amended by adding new paragraph B.5. to Erie National Wildlife Refuge to read as follows:

§ 32.57 Pennsylvania.

* * * * *

Erie National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

5. Shotgun hunters will possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

31. Section 32.60 *South Carolina* is amended by revising paragraph A. of Santee National Wildlife Refuge to read as follows:

§ 32.60 South Carolina.

* * * * *

Santee National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of mourning doves, ducks, and coots is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

32. Section 32.61 *South Dakota* is amended by revising paragraph B. of Pocasse National Wildlife Refuge to read as follows:

§ 32.61 South Dakota.

* * * * *

Pocasse National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

33. Section 32.62 *Tennessee* is amended by revising paragraph D.1. of Cross Creeks National Wildlife Refuge;

and by revising introductory language of paragraph D. and revising paragraph D.1. of Lake Isom National Wildlife Refuge to read as follows:

§ 32.62 Tennessee.

* * * * *

Cross Creeks National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

1. Fishing is permitted on refuge pools and reservoirs from March 15 through October 31 from sunrise to sunset.

* * * * *

Lake Isom National Wildlife Refuge

* * * * *

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from March 15 through October 15 only from sunrise to sunset.

* * * * *

34. Section 32.64 *Utah* is amended by revising paragraph B. of Ouray National Wildlife Refuge to read as follows:

§ 32.64 Utah.

* * * * *

Ouray National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

* * * * *

35. Section 32.65 *Vermont* is amended by revising paragraphs B.1. and B.2., and adding new paragraphs B.3. B.4., C.3. and C.4. to Missisquoi National Wildlife Refuge to read as follows:

§ 32.65 Vermont.

* * * * *

Missisquoi National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

1. All hunters must register at Refuge Headquarters prior to hunting on the refuge.

2. The use of rifles is not permitted on that portion of the refuge lying east of the Mississippi River.

3. Hunting is not permitted from January 1 through August 31.

4. Shotgun hunters will possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996-97 hunting season).

C. Big Game Hunting. * * *
3. All hunters must register at Refuge Headquarters prior to hunting on the refuge.

4. Only portable tree stands are allowed. Unattended tree stands are prohibited.

* * * * *
36. Section 32.66 *Virginia* is amended by adding paragraph A.8 to Chincoteague National Wildlife Refuge to read as follows:

* * * * *

§ 32.66 Virginia.

* * * * *

Chincoteague National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

8. Shotgun hunters will possess and use, while in the field, only nontoxic shot.

* * * * *

37.1 Section 32.67 *Washington* is amended by revising paragraphs A.2 through A.7. inclusive, removing paragraph A.8., revising introductory language of paragraph B., revising paragraphs B.1. and D., and adding paragraphs B.4., B.5., and B.6. to McNary National Wildlife Refuge; by revising paragraphs A.1., A.2., A.3., B., and adding new paragraph A.4. to Toppenish National Wildlife Refuge; and by revising paragraphs A.3., A.4., A.5., introductory language of paragraphs B., B.1., B.3., and D., and removing paragraph A.6. of Umatilla National Wildlife Refuge to read as follows:

§ 32.67 Washington.

* * * * *

McNary National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

2. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.

3. Hunting is permitted only Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

4. Hunters in the marked hunt site area of the McNary Division must hunt within fifty (50) feet of designated blind sites except when shooting to retrieve crippled birds.

5. Hunters may not possess more than 25 shells while in the field.

6. On the first Saturday in December, only youth aged 10–17 and an accompanying adult aged 18 or over may hunt.

7. The furthest downstream island (Columbia River mile 341–343) in the

Hanford Islands Division is closed to hunting.

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is not allowed until noon of each hunt day.

* * * * *

4. Hunters may not possess more than 25 shells while in the field.

5. On the first Saturday in December, only youth aged 10–17 and an accompanying adult aged 18 or over may hunt.

6. The furthest downstream island (Columbia River mile 341–343) in the Hanford Islands Division is closed to hunting.

* * * * *

D. Sport Fishing. Fishing is permitted on designated areas of the McNary Division subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. Fishing is permitted from February 1 through September 30.

3. The use of boats and other floatation devices is not permitted.

4. Fishing is permitted only with hook and line.

* * * * *

Toppenish National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.

2. Hunters may not possess more than 25 shells while in the field.

3. Hunters in the marked hunt site areas must hunt within fifty (50) feet of designated blind sites except when shooting to retrieve crippled birds.

4. On the first Saturday in December, only youth aged 10–17 and an accompanying adult aged 18 or over may hunt.

B. Upland Game Hunting. Hunting of pheasant and quail is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of upland game birds is not allowed until noon of each hunt days.

2. Hunters shall possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996–97 hunting season).

3. Hunters may not possess more than 25 shells while in the field.

4. On the first Saturday in December, only youth aged 10–17 and an

accompanying adult aged 18 or over may hunt.

* * * * *

Umatilla National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

3. The refuge is open from 5 a.m. to one and one-half hours after sunset.

Decoys, boats, and other personal property may not be left on the refuge overnight.

4. Hunters may not possess more than 25 shells while in the field.

5. Digging or hunting from pit blinds is prohibited.

B. Upland Game Hunting. Hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of upland game birds is not allowed until noon of each hunt day.

* * * * *

3. Hunters may not possess more than 25 shells while in the field.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. Fishing is permitted on refuge impoundments and ponds from February 1 through September 30. Other refuge waters (Columbia River and its backwaters) are open in accordance with State regulations.

3. Fishing is permitted only with hook and line.

* * * * *

38. Section 32.68 *West Virginia* is amended by adding new paragraph B.4. to Ohio River Islands National Wildlife Refuge to read as follows:

§ 32.68 West Virginia.

* * * * *

Ohio River Islands National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

4. Hunters will possess and use, while in the field, only nontoxic shot (nontoxic shot regulation to be effective starting with the 1996–97 hunting season).

* * * * *

39. Section 32.69 *Wisconsin* is amended by adding new paragraph B.1. to Horicon National Wildlife Refuge to read as follows:

§ 32.69 Wisconsin.

* * * * *

Horicon National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

1. Shotgun hunters may use or possess only nontoxic shot while hunting upland game species.

* * * * *

40. Section 32.70 *Wyoming* is amended by revising paragraph B. of Pathfinder National Wildlife Refuge; and by revising paragraph B. of Seedskadee National Wildlife Refuge to read as follows:

§ 32.70 Wyoming.

* * * * *

Pathfinder National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of sage grouse and cottontail rabbit is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot.

* * * * *

Seedskadee National Wildlife Refuge

* * * * *

B. Upland Game Hunting. Hunting of sage grouse and cottontail rabbit is permitted on designated areas of the refuge subject to the following condition: Hunters shall possess and use, while in the field, only nontoxic shot.

* * * * *

Dated: October 20, 1995.

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

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