DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AF24

Migratory Bird Hunting; Proposed 1999–2000 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter we) proposes to establish annual hunting regulations for certain migratory game birds for the 1999–2000 hunting season. We annually prescribe outside limits (frameworks) within which States may select hunting seasons. We also request proposals from Indian tribes that wish to establish special migratory bird hunting regulations on Federal Indian reservations and ceded lands. Migratory game bird hunting seasons provide hunting opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory bird population status and habitat conditions.

DATES: You must submit comments for proposed early-season frameworks by July 27, 1999; and for proposed late-season frameworks by September 7, 1999. Tribes should submit proposals and related comments by June 2, 1999.

ADDRESSES: Send your comments on the proposals to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240. All comments received, including names and addresses, will become part of the public record. You may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel at: Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240 (703) 358–1714.

SUPPLEMENTARY INFORMATION: For administrative purposes, this document consolidates the notice of intent and request for tribal proposals with the preliminary proposals for the annual hunting regulations-development process. We will publish the remaining proposed and final rulemaking documents separately. For inquiries on tribal guidelines and proposals, tribes should contact the following personnel.

Region 1—Brad Bortner, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; (503) 231–6164.

Region 2—Jeff Haskins, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103; (505) 248–7885.

Region 3—Steve Wilds, U.S. Fish and Wildlife Service, Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111–4056; (612) 713–5432.

Region 4—Frank Bowers, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, Georgia 30345; (404) 679–4000.

Region 5—George Haas, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589; (413) 253–8576.

Region 6—John Cornely, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Building, Denver, Colorado 80225; (303) 236–8145.

Region 7—Robert Leedy, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503; (907) 786–3423.

Notice of Intent To Establish Open Seasons

This notice announces our intent to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 1999–2000 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K of 50 CFR part 20.

''Migratory game birds'' are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Hunting of all other birds designated as migratory (under § 10.13 of Subpart B of 50 CFR Part 10) is not permitted. For the 1999–2000 hunting season, we will propose regulations for certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, moorhens, and gallinules); and Scolopacidae (woodcock and snipe). We describe these proposals under Proposed 1998–99 Migratory Game Bird Hunting Regulations (Preliminary) in this document. We published definitions of waterfowl flyways and mourning dove management units, as well as a description of the data used in and the factors affecting the regulatory process, in the March 14, 1990, **Federal Register** (55 FR 9618).

Regulatory Schedule for 1999–2000

This is the first in a series of proposed and final rulemaking documents for migratory game bird hunting regulations. We will make proposals relating to the harvest of migratory game birds initiated after this publication available for public review in supplemental proposed rulemakings. Also, we will publish additional supplemental proposals for public comment in the **Federal Register** as population, habitat, harvest, and other information become available.

Because of the late dates when certain portions of these data become available, we anticipate abbreviated comment periods on some proposals. Special circumstances limit the amount of time we can allow for public comment on these regulations. Specifically, two considerations compress the time for the rulemaking process: the need, on one hand, to establish final rules early enough in the summer to allow resource agencies to select and publish season dates and bag limits prior to the beginning of hunting seasons and, on the other hand, the lack of current status data on most migratory game birds until later in the summer.

Because the regulatory process is strongly influenced by the times when information is available for consideration, we divide the overall regulations process into two segments. Early seasons are those seasons that generally open prior to October 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. Late seasons are those seasons opening in the remainder of the United States about October 1 and later, and include most of the waterfowl seasons.

Major steps in the 1999–2000 regulatory cycle relating to open public meetings and **Federal Register** notifications are illustrated in the accompanying diagram. All publication dates of **Federal Register** documents are target dates.

All sections of this and subsequent documents outlining hunting frameworks and guidelines are organized under numbered headings. These headings are:

1. Ducks
2. Sea Ducks
3. Mergansers
4. Canada Geese
5. White-fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots

11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-tailed Pigeons
16. Mourning Doves
17. White-winged and White-tipped Doves
18. Alaska
19. Hawaii
20. Puerto Rico
21. Virgin Islands
22. Falconry
23. Other

Later sections of this and subsequent documents will refer only to numbered items requiring your attention. Therefore, it is important to note that we will omit those items requiring no attention and remaining numbered items will be discontinuous and appear incomplete.

Public Hearings

In past years, we have annually conducted two public hearings pertaining to migratory game bird hunting regulations. The first hearing held in late June reviewed the status of migratory shore and upland game birds and discussed proposed hunting regulations for these species plus regulations for migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; extended falconry seasons; and proposed regulatory alternatives for the duck hunting season. The second hearing held in early August reviewed the status and proposed regulations for waterfowl not previously discussed at the June public hearing. Because of declining attendance and interest the past several years, we are not planning to hold the public hearings this year.

Requests for Tribal Proposals

Background

Beginning with the 1985–86 hunting season, we have employed guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467) to establish special migratory bird hunting regulations on Federal Indian reservations (including off-reservation trust lands) and ceded lands. We developed these guidelines in response to tribal requests for our recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and non-tribal members throughout their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and non-tribal members, with hunting by non-tribal members on some reservations to take place within Federal frameworks, but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, tribal regulations established under the guidelines must be consistent with the annual March 10 to September 1 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Convention). The guidelines are capable of application to those tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. They also apply to the establishment of migratory bird hunting regulations for non-tribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting, or where the tribes and affected States otherwise have reached agreement over hunting by non-tribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to our approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands. As explained in previous rulemaking documents, it is incumbent upon the tribe and/or the State to request consultation as a result of the proposal being published in the **Federal Register**. We will not presume to make a determination, without being advised by a tribe or a State, that any issue is/is not worthy of formal consultation.

One of the guidelines provides for the continuation of harvest of migratory game birds by tribal members on reservations where it is a customary practice. We do not oppose this harvest, provided it does not take place during the closed season required by the Convention, and it is not so large as to adversely affect the status of the migratory bird resource. For several years, we have reached annual agreement with tribes for hunting by tribal members on their lands or on lands where they have reserved hunting rights. We will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation hunting by tribal members.

Tribes should not view the guidelines as inflexible. Nevertheless, we believe that they provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. Use of the guidelines is not required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Details Needed in Tribal Proposals

Tribes that wish to use the guidelines to establish special hunting regulations for the 1999–2000 hunting season should submit a proposal that includes:

(1) The requested hunting season dates and other details regarding regulations;

(2) Harvest anticipated under the requested regulations;

(3) Methods that will be employed to measure or monitor harvest (mail-questionnaire survey, bag checks, etc.);

(4) Steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would seriously impact the migratory bird resource; and

(5) Tribal capabilities to establish and enforce migratory bird hunting regulations.

A tribe that desires the earliest possible opening of the waterfowl season should specify this in their proposal, rather than request a date that might not be within the final Federal frameworks. Similarly, unless a tribe wishes to set more restrictive regulations than Federal regulations will permit, the proposal should request the same daily bag and possession limits and season length for ducks and geese that Federal regulations are likely to permit the States in the Flyway in which the reservation is located.

Tribal Proposal Procedures

We will publish tribal proposals details for public review in later **Federal Register** documents. Because of the time required for our and public review, Indian tribes that desire special migratory bird hunting regulations for the 1999–2000 hunting season should submit their proposals as soon as possible, but no later than June 2, 1999. Tribes should direct inquiries regarding the guidelines and proposals to the appropriate Service Regional Office listed under the caption **SUPPLEMENTARY INFORMATION**. Tribes that request special hunting regulations for tribal members on ceded lands should send a courtesy copy of the proposal to officials in the affected State(s).

Public Comments Solicited

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. We invite interested persons to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**.

You may inspect comments received on the proposed annual regulations during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia. For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments received during the comment period and respond to them after the closing date.

Flyway Council Meetings

Departmental representatives will attend the following winter meetings of the various Flyway Councils:

March 25 and 29, 1999

National Waterfowl Council, 1:00 p.m.

March 26, 1999

Atlantic Flyway Council, 8:00 a.m.
Central Flyway Council, 8:00 a.m.
Mississippi Flyway Council, 8:00 a.m.
Pacific Flyway Council, 10:30 a.m.

The Council meetings will be held at the Hyatt Regency at San Francisco Airport, 1333 Bay Shore Highway, Burlingame, California.

NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with the Environmental Protection Agency on June 9, 1988. We published Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the address indicated under the caption **ADDRESSES**.

Endangered Species Act Consideration

Prior to issuance of the 1999–2000 migratory game bird hunting regulations, we will consider provisions of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531–1543; hereinafter the Act) to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under Section 7 of this Act may cause us to change proposals in this and future supplemental proposed rulemaking documents.

Executive Order (E.O.) 12866

This rule is economically significant and was reviewed by the Office of Management and Budget (OMB) under E.O. 12866.

E.O. 12866 requires each agency to write regulations that are easy to understand. We invite comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the ''Supplementary Information'' section of the preamble helpful in understanding the rule? What else could the Service do to make the rule easier to understand?

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and a Small Entity Flexibility Analysis (Analysis) was issued by the Service in 1998. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis utilized the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between $429 and $1,084 million at small businesses in 1998. Copies of the Analysis are available upon request from the Office of Migratory Bird Management.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808 (1) .

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 09/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Sandhill Crane Harvest Questionnaire and assigned clearance number 1018–0023 (expires 09/30/2000). The information from this survey is used to estimate the magnitude, the geographical and

temporal distribution of harvest, and the portion its constitutes of the total population.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that these regulations meet the applicable standards found in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this proposed rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 12612, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 50 CFR Part 20

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

The rules that eventually will be promulgated for the 1999–2000 hunting season are authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

Dated: March 19, 1999.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

Proposed 1999–2000 Migratory Game Bird Hunting Regulations (Preliminary)

Pending current information on populations, harvest, and habitat conditions, and receipt of recommendations from the four Flyway Councils, we may defer specific framework proposals (including opening and closing dates, seasons lengths, and bag limits). Unless otherwise specified, we are proposing no change from the final 1998–99 frameworks of August 28 and September 29, 1998, (63 FR 46124 and 51998). Specific preliminary proposals that vary from the 1998–99 frameworks and issues requiring early discussion, action, or the attention of the States or tribes are contained below:

1. Ducks

A. Harvest Strategy Considerations

We propose to continue the use of Adaptive Harvest Management (AHM) to guide the establishment of duck hunting regulations. The AHM approach recognizes we cannot predict the consequences of hunting regulations with certainty, and provides a framework for making objective decisions despite this uncertainty. Also inherent in the adaptive approach is an awareness that we can maximize the success of our long-term management programs, in terms of sustainable hunting opportunities, only if we reduce the uncertainty about regulatory effects. Thus, AHM relies on a tightly integrated cycle of monitoring, assessment, and decision-making to better understand the relationships among hunting regulations, harvests, and waterfowl abundance.

Because of the structured approach and formal nature of the AHM process, Federal and State managers must continue to consider those factors that influence the outcome of regulatory strategies and, thus, the potential harvest impacts on waterfowl populations. We have identified three areas critical to the success of AHM which require additional consideration:

(1) Setting objectives—Waterfowl harvest managers must rely on clear, definitive statements about management objectives. This requires formal agreement among stakeholders about how to place a value on harvest benefits and how to share those benefits. AHM cannot operate as intended with vague, unclear management objectives;

(2) System control—Our ability to control harvest levels is dependent on understanding the relationship between hunting regulations, hunter behavior, and harvest. However, we do not have complete control over all these factors. Ultimately, hunting regulations only partially control hunter activity and success, and variable environmental conditions often have a pronounced effect on harvest levels. Thus, our ability to only partially control harvest imposes limits on both short-term hunting opportunity and the learning needed to increase long-term management performance;

(3) Management scale—As waterfowl managers, we continue to try to account for increasingly more spatial, temporal, and organizational variability in waterfowl biology. However, serious questions remain about the cost-effectiveness of this approach because costs can sometimes outweigh benefits. Moreover, the appropriate scale, or resolution, of harvest management is often limited by the availability of resources for monitoring and assessment, rather than by determinations of the highest net benefit.

These institutional issues pose our greatest challenge to the long-term success of AHM. Managing these issues will require innovative ways to maintain productive dialogue, and resolve differences within a process that all stakeholders can support. We intend to work diligently with our management partners to organize these discussions, so that we can collectively explore and appreciate the technical and sociological implications of these issues.

B. Framework Dates

During 1995 and 1996, the first two years of implementation of AHM, three regulatory alternatives characterized as ''liberal'', ''moderate'', and ''restrictive'' were defined based on regulations used during 1979–84, 1985–87, and 1988–93, respectively. In 1997, we attempted to further accommodate State and Flyway

concerns by modifying the regulatory alternatives to include: (1) the addition of a very restrictive alternative; (2) additional days and a higher duck bag limit in the moderate and liberal alternatives; and (3) an increase in the bag limit of hen mallards in the moderate and liberal alternatives.

The subsequent set of four regulatory alternatives was acceptable to the majority of States. However, the issue of framework-date extensions continued to be discussed and because of its contentiousness has drawn increasing political interest. Finally in 1998, Congressional action interceded and allowed certain States in the Mississippi Flyway (Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee) to select a framework closing date of January 31, provided it was accompanied by a commensurate reduction in season length.

The issue of duck hunting framework-date extensions and possible modifications to regulatory alternatives remains unresolved for the 1999–2000 hunting season. Although we have not received specific proposals for changes in the regulatory alternatives, we believe that any forthcoming proposals for modification of framework dates should be consistent with existing biological constraints, while not disrupting the intended functioning of AHM. We believe that framework dates should remain a viable tool in regulating harvests and an important component of any set of regulatory alternatives. Further, we believe that application of framework dates should continue to be incorporated at the Flyway level. Additional application of date changes or options with harvest offsets at scales below the Flyway level, such as the State or zone level, would result in unprecedented technical challenges in terms of predicting cumulative impacts and evaluating the effects of various regulatory tools and severely strain our capability to reliably predict and control harvests at levels commensurate with the biological capacity of waterfowl populations.

The ability to predict, at least probabilistically, the harvests achieved under the regulatory alternatives is an essential feature of the AHM process. Therefore, we believe that a limited set of Flyway-based regulatory alternatives that are stable over time is necessary to maintain or improve our understanding of the relationships between regulations and harvest, and between harvest and population response. The ability of AHM to operate as intended is premised on a set of well-defined regulatory alternatives, which are small in number and which lead to recognizable differences in harvest (or harvest rate). To this end, we are interested in cooperatively working with States, Flyway Councils, and the public to explore changes in Flyway-wide regulatory alternatives to resolve the frameworks issue. This approach will assure the integrity of the AHM process, while maintaining a Flyway-based regulatory system.

G. Special Seasons/Species Management

i. Scaup

We remain concerned about the declining trend in the size of the scaup breeding population and believe that substantial reductions in hunting opportunity are needed, particularly in light of recent harvest increases. As we announced last September, we intend to cooperate with the Flyway Councils in an effort to develop a strategy for guiding scaup harvest management beginning this year. A preliminary draft strategy was sent to each Flyway in February for comment. This strategy will build upon information in a recently completed scaup status report (copies available from MBMO).

ii. Canvasbacks

We continue to support the canvasback harvest strategy adopted in 1994. Last year, we reviewed data collected since implementation of the strategy to assess the strategy's performance. Subsequently, we prepared a report for the Flyways detailing our review and distributed the report to the Flyway Technical Sections for comment during their March meetings. Overall, we believe the strategy has performed adequately, and have not found sufficient reason to alter it. We will continue to monitor its performance as annual information from population and habitat surveys are available.

2. Sea Ducks

We continue to be concerned about recent population trends in sea ducks throughout North America. Last year, we provided a report titled ''Status of Sea Ducks in Eastern North America and a Review of the Special Sea Duck Season in the Atlantic Flyway'' to the Flyways. This report summarized our current state of knowledge regarding several sea duck species and highlighted our management concerns. In light of these concerns, we requested the Atlantic and Pacific Flyways to review the special regulations for sea duck seasons currently in place in each Flyway. In the Atlantic Flyway, we continue to ask the Council to consider changes to sea duck seasons and to develop management goals for sea ducks. In the Pacific Flyway, we encourage the Flyway, and particularly the State of Alaska to give consideration to changes in existing sea duck regulations in light of current population status and trends. In addition, we continue to support and encourage participation by the Atlantic and Pacific Flyways in the development and implementation of the sea duck joint venture to address management and information needs for this unique group of waterfowl in North America.

4. Canada Geese

We support the Atlantic Flyway Council's position that hunting seasons on Atlantic Population (AP) Canada Geese remain closed until the breeding population index exceeds 60,000 pairs and there is evidence of a sustained population recovery. Following the season closure in 1995 and favorable production in 1997 and 1998, we expect this population to begin expansion and begin to show an increase in the breeding pair survey index. In this context, we encourage the Council to give serious consideration to specific criteria for resuming the hunting season. Additionally, if these criteria are triggered in 1999, we believe that appropriate regulatory strategies and harvest controls will be necessary to effectively manage the harvest in order to prevent harvest levels that would deter the AP from making a full recovery to objective levels.

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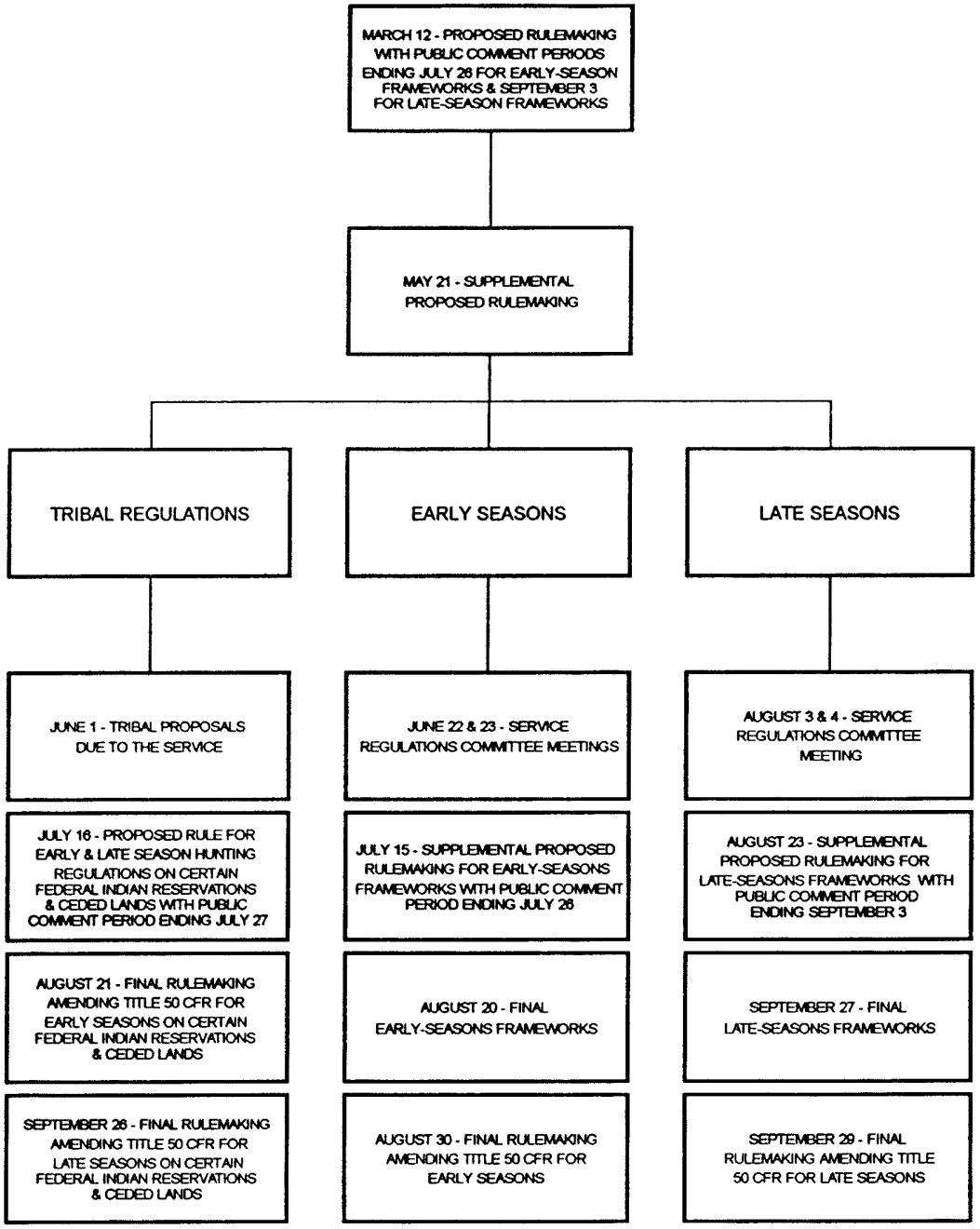
1999 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



DATES SHOWN RELATIVE TO PUBLICATION OF FEDERAL REGISTER DOCUMENTS ARE TARGET DATES

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