

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 20****RIN 1018-AD69****Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposed in an earlier document to establish annual hunting regulations for certain migratory game birds for the 1996-97 hunting season. This supplement to the proposed rule describes the Service's proposed regulatory alternatives for the 1996-97 duck hunting season and announces the Service's intent to consider establishing a special youth waterfowl hunting day.

DATES: The Service Migratory Bird Regulations Committee will consider and develop proposed regulations for early-season migratory bird hunting on June 25, 26, and 27, and for late-season migratory bird hunting on July 31, August 1, and 2. The Service will hold public hearings on proposed early- and late-season frameworks at 9:00 a.m. on June 27 and August 2, 1996, respectively. The Service Migratory Bird Regulations Committee will discuss the proposed regulatory alternatives for the 1996-97 duck hunting season and the special youth waterfowl hunting day at the June 25, 26, and 27 meetings.

The comment period on the proposed regulatory alternatives for the 1996-97 duck hunting season ends on July 5, 1996. The comment period for proposed migratory bird hunting-season frameworks for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other early seasons, including the consideration of a proposed youth hunting day, ends on July 25, 1996. The comment period for late-season frameworks ends on September 3, 1996. The Service will publish the final regulatory alternatives for the 1996-97 duck hunting season in a July supplemental containing the Service's proposed early-season frameworks.

ADDRESSES: The Service Migratory Bird Regulations Committee will meet in room 200 of the U.S. Fish and Wildlife Service's Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The Service will hold public hearings in the Auditorium of the Department of the Interior Building, 1849 C Street, NW., Washington, DC.

Parties should submit written comments on the proposals and/or a notice of intent to participate in either hearing 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. The public may inspect comments during normal business hours in room 634, ARLSQ Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358-1714.

SUPPLEMENTARY INFORMATION:**Regulations Schedule for 1996**

On March 22, 1996, the Service published in the Federal Register (61 FR 11992) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. On June 13, 1996, the Service published a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks. The June 13 supplement also provided detailed information on the 1996-97 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings. This document is the third in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. The Service will propose early-season frameworks in late June and late-season frameworks in early August. The Service will publish final regulatory alternatives for the regular duck hunting season on or about July 15, 1996. The Service will publish final regulatory frameworks for early seasons on or about August 14, 1996, and those for late seasons on or about September 23, 1996.

This supplement describes the Service's proposed regulatory alternatives for the 1996-97 duck hunting season and the Service's consideration of a proposed youth waterfowl hunting day. The Service published specific Flyway Council recommendations regarding the formation of these regulatory alternatives in the June 13 Federal Register. The Service will consider all comments in the regulations-development process and will publish responses to proposals, written comments, and public-hearing testimony when developing final

regulatory alternatives and final frameworks.

New proposals and modifications to previously described proposals are discussed below. The headings correspond to the numbered items in the March 22, 1996, Federal Register.

1. Ducks**A. Harvest Strategy Considerations**

In the March 22, 1996, Federal Register, the Service described the underlying principles of Adaptive Harvest Management (AHM) and the progress made on its implementation in 1995. In addition, the Service reported recommendations made by an AHM technical working group for the 1996-97 regulatory process. Comprised of representatives from the Service and the four Flyway Councils, the working group was established in 1992 to develop technical recommendations for improving duck harvest regulations.

One of the recommendations of the AHM working group for the 1996-97 regulatory process was to continue the regulatory alternatives used in 1995, with a minor exception in the Pacific Flyway. In 1995, the Service limited the choice of regulatory alternatives for the 1995-96 regular duck hunting season to three sets of frameworks similar to those in effect during the 1979-93 hunting seasons. These three sets of frameworks, or regulatory alternatives, were described in a relative sense as restrictive, moderate, and liberal. In general, specific guidelines for selection of one of the regulatory alternatives are based on the size of the mallard breeding population and habitat conditions.

In the June 13, 1996, Federal Register, the Service reported that all four Flyways continued to express support for the AHM approach to setting duck hunting regulations. The Mississippi, Central, and Pacific Flyway Councils recommended some specific modifications to the regulatory alternatives recommended by the working group and these recommendations were identified in the June 13, 1996, document.

For the 1996-97 regular duck hunting season, the Service proposes the three regulatory alternatives detailed in the accompanying table. Alternatives are specified for each Flyway and are designated as "RES" for the restrictive, "MOD" for the moderate, and "LIB" for the liberal alternative. The Service will publish final regulatory alternatives in July and propose a specific regulatory alternative when survey data on waterfowl population and habitat status are available.

G. Special Seasons/Species Management

The long-term conservation of North America's migratory bird resources depends on the future paths and actions of today's youth. To assist in the formation and development of a conservation ethic in future generations, the Service is considering proposing the establishment of a "Youth Waterfowl Hunting Day" and is seeking public comment on such an action. The special day would provide an opportunity for young hunters (16 or under), accompanied by an adult (18 or older), to experience a safe, quality waterfowling experience. The hunt day would have to be on a weekend or holiday when youth hunters would have the maximum opportunity to participate. Both the youth hunters and accompanying adults (who could not duck hunt) would have to be licensed according to State law. The intent of establishing this special day would be to introduce youth to the concepts of ethical utilization and stewardship of waterfowl and other natural resources, encourage youngsters and adults to experience the outdoors together, and contribute toward the long-term conservation of the migratory bird resource. Because the special 1-day hunt would be limited to youths, the Service believes that waterfowl populations could support the additional harvest and that the hunt would produce long-term benefits to the resource.

To facilitate public comment, the Service is considering proposing the following guidelines:

1. States may select 1 day, designated as "Youth Waterfowl Hunting Day", in addition to their regular duck seasons.

2. The day must be held outside of any regular duck season on either a weekend or holiday when youth hunters would have the maximum opportunity to participate.

3. The day could be held up to 10 days before or after any regular duck season or within any split of a regular duck season.

4. The daily bag limit may be no more than 4 ducks. Flyway species restrictions would remain in effect.

5. Youth hunters must be 16 years of age or younger.

6. An adult at least 18 years of age must accompany the youth hunter into the field. This adult could not duck hunt.

7. Both the youth hunter and the accompanying adult must be fully licensed to hunt according to State law.

8. The special youth hunt day will be considered a trial for its initial season and will be evaluated by the Service.

Public Comment Invited

The Service intends that adopted final rules be as responsive as possible to all concerned interests and wants to obtain comments from all interested areas of the public, as well as other government agencies. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

However, special circumstances involved in the establishment of these regulations limit the amount of time the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, the Service believes allowing comment periods past the dates specified is contrary to the public interest.

Comment Procedure

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process, whenever practical. Accordingly, interested persons may participate by submitting written comments 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. The public may inspect comments during normal business hours at the Service's office in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The Service will consider all comments received and will try to acknowledge received comments, but may not provide an individual response to each commenter.

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 EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, Federal Register (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). Copies of these documents are available

from the Service at the address indicated under the caption **ADDRESSES**.

Endangered Species Act Consideration

As in the past, the Service will design hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. Consultations are presently under way to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations will be included in a biological opinion and may cause modification of some regulatory measures proposed in this document. The final frameworks will reflect any such modifications. The Service's biological opinions resulting from its consultation under Section 7 are public documents available for public inspection in the Division of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

Regulatory Flexibility Act; Executive Order (E.O.) 12866 and the Paperwork Reduction Act

In the Federal Register dated March 22, 1996, the Service reported measures it took to comply with requirements of the Regulatory Flexibility Act and the Executive Order. One measure was to prepare a Small Entity Flexibility Analysis (Analysis) in 1995 documenting the significant beneficial economic effect on a substantial number of small entities. The Analysis estimated that migratory bird hunters would spend between \$258 and \$586 million at small businesses in 1995. Copies of the Analysis are available upon request from the Office of Migratory Bird Management. This rule was not subject to review by the Office of Management and Budget under E.O. 12866.

The Service examined these proposed regulations under the Paperwork Reduction Act of 1995 and found no information collection requirements.

Authorship

The primary author of this proposed rule is Ron W. Kokel, Office of Migratory Bird Management.

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 1996–97 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: June 7, 1996.

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

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PROPOSED REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 1996-97 SEASON

	ATLANTIC FLYWAY			MISSISSIPPI FLYWAY			CENTRAL FLYWAY (a)			PACIFIC FLYWAY (b)(c)		
	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB
Beginning Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28	SEP 28
Closing Date	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19	JAN 19
Season Length	30	40	50	30	40	50	39	51	60	59	79	93
Daily Bag/Possession	3 6	4 8	5 10	3 6	4 8	5 10	3 6	4 8	5 10	4 8	5 10	7 14
Species/Sex Limits within the Overall Daily Bag Limit												
Mallard (Total/Female)	3/1 1	4/1 1	5/1 1	2/1 1	3/1 1	4/1 1	3/1 1	4/1 1	5/1 1	3/1 1	4/1 2	7/1 2
Pintail	1	1	1	1	1	1	1	1	1	1	2	2
Black Duck	1	1	1	1	1	1	1	1	1	1	1	1
H. Merganser	1	1	1	1	1	1	1	1	1	1	1	1
Canvasback	1	1	1	1	1	1	1	1	1	1	1	1
Redhead	2	2	2	1	1	2	1	1	2	1	1	1
Wood Duck	2	2	2	2	2	2	2	2	2	2	2	2
Whistling Ducks	1	1	1	1	1	1	1	1	1	1	1	1
Harlequin	Closed	Closed	Closed	1	1	1	1	1	1	1	1	1
Mottled Duck	1	1	1	3	3	3	1	1	1	1	1	1

(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway with the exception of season length. Under the restrictive package, the number of additional days would be 12, 16 for the moderate package and 23 for the liberal package. Under all options, additional days must be after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway with the exception of season length. Under all options, an additional 7 days would be allowed.

(c) In Alaska, framework dates, bag limits, and season length would be different than the remainder of the Pacific Flyway. The bag limit would be 5-7 under the restrictive option and 8-10 for the moderate and liberal packages. There would be no restrictions on pintails and canvasback limits will follow those for the remainder of the Pacific Flyway. Under all options, season length would be 107 days and framework dates would be Sep 1 - Jan 26.