DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AC79

Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service,

Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final lateseason frameworks from which States may select season dates, limits, and other options for the 1995-96 migratory bird hunting season. These late seasons include most waterfowl seasons, the earliest of which generally commence on or about October 1, 1995. The effects of this final rule are to facilitate the selection of hunting seasons by the States to further the annual establishment of the late-season migratory bird hunting regulations. State selections will be published in the Federal Register as amendments to §§ 20.104 through 20.107 and § 20.109 of title 50 CFR part 20.

EFFECTIVE DATE: September 27, 1995. ADDRESSES: Season selections from States are to be mailed to: 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. Comments received are available for public inspection during normal business hours in room 634, Arlington Square 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 1995

On March 24, 1995, the Service published for public comment in the Federal Register (60 FR 15642) a proposal to amend 50 CFR part 20, with comment periods ending July 21 for early-season proposals and September 4 for late-season proposals. Due to some unforeseen and uncontrollable publishing delays in the proposed earlyand late-season regulations frameworks, the Service extended the public comment period to July 31 for early seasons and September 7 for late seasons. These regulations were proposed 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). These species are designated as "migratory game birds" in conventions between the United States and several foreign nations for the protection and management of these birds. All other birds designated as migratory (under 10.13 of Subpart B of 50 CFR Part 10) in the aforementioned conventions may not be hunted. On June 16, 1995, the Service published for public comment a second document (60 FR 31890) which provided supplemental proposals for early- and late-season migratory bird hunting regulations frameworks. On June 22, 1995, a public hearing was held in Washington, DC, as announced in the March 24 and June 16 Federal Registers, to review the status of migratory shore and upland game birds. Proposed hunting regulations were discussed for these species and for other early seasons. On July 21, 1995, the Service published in the Federal Register (60 FR 37754) a third document in the series of proposed, supplemental, and final rulemaking documents which dealt specifically with proposed early-season frameworks for the 1995-96 season. On August 3, 1995, a public hearing was held in Washington, DC, as announced in the March 24, June 16, and July 21 Federal Registers, to review the status of waterfowl. Proposed hunting regulations were discussed for these late seasons. On August 28, 1995, the Service published a fourth document (60 FR 44463) which dealt specifically with proposed frameworks for the 1995-96 late-season migratory bird hunting regulations. The fifth document in the series, published August 29, 1995 (60 FR 45020), contained final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for 1995-96. On August 31, 1995, the Service published in the Federal Register (60 FR 45628) a sixth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. This document, which establishes final frameworks for late-season migratory bird hunting regulations for the 1995-96 season, is the seventh in the series.

Review of Comments and the Service's Response

Public-hearing and written comments received through September 7, 1995, relating to proposed late-season

frameworks are discussed and addressed here. Seven individuals presented statements at the August 3, 1995, public hearing. Individuals and the organizations represented were: Lloyd Alexander, Delaware Division of Fish and Wildlife; Bruce Barbour, National Audubon Society; Richard Elden, Michigan Department of Natural Resources; Mike Harris, Maryland Guide Association; Dr. Rollin Sparrowe, Wildlife Management Institute and The Trumpeter Swan Society; Scott Sutherland, Ducks Unlimited; and George Vandel, Central Flyway Council. The Service received 105 written comments that specifically addressed late-season issues. These late-season comments are summarized and discussed in the subject order used in the March 24, 1995, Federal Register. Only the numbered items pertaining to late seasons for which comments were received are included. Flyway Council recommendations shown below include only those involving changes from the 1994-95 late-season frameworks. For those topics where a Council recommendation is not shown, the Council supported continuing the same frameworks as in 1994-95.

General

Written Comments: The Citizens
Committee for the Right to Keep and
Bear Arms requested that the Service
give greater consideration to the
traditions and heritage of hunting when
formulating the annual regulations.
Specifically, the Committee cited the
costs of hunting, the lack of
standardized opening days, the lack of
considerations for youth, education of
the public, and the financial rewarding
of landowners for their stewardship of
public wildlife as areas where a lack of
concern has contributed to the erosion
of hunting.

The Humane Society of the United States (Humane Society) expressed concern that the public was not well represented in the regulations-establishment process and requested establishment of a system directly involving the non-hunting public. In addition, they recommended that the Service undertake efforts to obtain population estimates for all hunted species.

An individual from Wisconsin expressed support for the existing shooting hours of one-half hour before sunrise to sunset. He also opposed the requirement for steel shot and urged the development of non-toxic alternatives. The Andover Sportsmen's Club and the Concerned Coastal Sportsmen's Association, both of Massachusetts, also expressed support for the existing