trumpeter migration between the Tristate area and wintering areas in California. The Council offered these recommendations in an effort to integrate Western Population tundra swan and Rocky Mountain Population trumpeter swan management programs and to move ahead and evaluate various aspects of both programs.

Public-Hearing Comment: Mr. Bruce Barbour indicated that both the Eastern and Western Populations of tundra swans are stable and of no management concern. The National Audubon Society supports efforts to restore trumpeter swans throughout their former range, and believes that issues related to the incidental take of trumpeter swans during tundra swan seasons have been adequately addressed in this year's

proposal Dr. Rollin Sparrowe was supportive of the ongoing efforts to restore and redistribute the Rocky Mountain Population of trumpeter swans within the Tristate Area. He spoke of the conflict between range expansion efforts and waterfowl hunting programs in the Pacific Flyway, including tundra swan seasons in Montana, Utah, and Nevada. However, The Trumpeter Swan Society was satisfied with the Service's proposal to allow significantly modified swan seasons in those three States, which should enhance the likelihood for successful range expansion by trumpeter swans. He thanked the Pacific Flyway Council, the States of Montana, Utah, Nevada, and Oregon, and the Service for successfully developing a compromise that meets everyone's

needs. Written Comments: Ms. Ruth E. Shea, a wildlife biologist associated with research and management of Rocky Mountain Population trumpeter swans since 1976, by letter of July 29, 1995, described a proposal by her and Dr. Rod Drewien which was the foundation of recommendations from The Trumpeter Swan Society and the Pacific Flyway Council included herein. The Shea-Drewien proposal incorporated two primary strategies: (1) increasing protection of migrant trumpeter swans by tightly focusing tundra swan hunts in time and place; and (2) authorizing a small quota of trumpeter swans within each tundra swan hunt area in order to eliminate the liability of the otherwise legitimate tundra swan hunters who accidently shoot a trumpeter swan, with mandatory check of birds to adequately implement a quota system. She attributes the vulnerable status of this population to a diminished tendency to migrate and to a winter distribution that is largely in overcrowded, less favorable sites. She believes building a migration

southward from eastern Idaho, to the fall staging area of the Bear River Delta in Utah would be an important step in restoring a secure winter distribution. To enhance survival of those few trumpeters that currently migrate into Utah and Nevada, Shea and Drewein proposed focusing tundra swan hunting only in areas and at times where tundra swans are abundant and trumpeters are less likely to be present or have access to suitable security areas. She deemed an ending date of "plus or minus" December 1, in Utah to be the single most important feature of their proposal. Rationale for using this date included: (1) in most years security areas on the Bear River Migratory Bird Refuge freeze around Thanksgiving, potentially forcing swans to use non-secure habitats; and (2) Service and Pacific Flyway efforts to assist in winter distribution includes hazing swans from overcrowded areas, as early as practical in November, which when coupled with shrinking habitat with the onset of winter has potential for pushing swans into the Great Salt Lake Basin by late November. She said that a December 1 closure would still give Utah swan hunters about 45 days of opportunity and would provide future opportunity to translocated trumpeters from Idaho to the Bear River Migratory Bird Refuge vicinity during December. She believes trumpeter swan restoration efforts have been stymied by real or perceived conflicts with the swan hunt, but believes their recommended approach would meet the very different management needs for two species of

The Trumpeter Swan Society (TTSS), again urged the Service to adopt a closing date of December 1 (see the June 16, 1995, Federal Register) or the first Sunday in December, if there is a tradition of ending seasons on a Sunday, for the tundra swan hunting season in Utah to provide additional protection for migrating Rocky Mountain Population trumpeter swans. With the exception of the closing date in Utah, TTSS is in agreement with the Pacific Flyway Council's recommendations as reported in the Federal Register of June 16, 1995. Because these trumpeter swans winter in marginal habitat in the Tristate region of Montana, Idaho, and Wyoming, and have a poor tradition for migrating elsewhere, they will suffer a die-off in a severe winter. TTSS believes a rapid redistribution to better winter habitat is critical to the population's survival. TTSS had previously endorsed a 5-year experimental plan proposed by Drewien and Shea [see comments from TTSS and Shea elsewhere in this

document]. Of the numerous recommended changes, the most critical feature of the plan was modification of hunting seasons in Utah to increase survival of migrating swans. The Great Salt Lake Basin is in the most likely migration path for trumpeters from the Tristate area. The December 1 date is favored because: (1) it coincides with the average date for freezeup of many lakes in the Tristate area which could force trumpeters south, (2) it is about the time that many wetlands within Bear River Migratory Bird Refuge would also freeze which could increase the vulnerability of trumpeters that have migrated to the refuge, and (3) it anticipates increased trumpeter migrations and not past accidental shootings. TTSS does not object to a quota system that would allow a take of trumpeter swans if other conditions of their proposal are met, including modification of seasons and boundaries for swan hunting and of management on the Bear River Migratory Bird Refuge. The quota system is not intended to protect trumpeters but to protect hunters from liability if they accidentally shoot a trumpeter. TTSS regrets the potential loss of hunting opportunity that the December 1 closing date would have on tundra swan hunters but believes it may be the only way to provided adequate protection to migrating trumpeters.

The Humane Society requests that the Service close all swan hunting seasons and contends that tundra swan hunting impedes, if not prevents, winter range expansion and recovery of trumpeter swans. The Humane Society says the Pacific Flyway Council's recommendation for increased permits in Utah and a quota on trumpeter swans in exchange for season modifications should be denied.

The Utah Division of Wildlife Resources, did not support the proposed frameworks for tundra swan hunting in Utah. They believed that the proposed closing date of the first Sunday in December was arbitrary, overly restrictive, likely without benefits to trumpeter swans, and will inhibit the ability to learn and make informed management decisions in the future. They contended that changing the ending date from December 15 was a breach in understanding that changes in frameworks would be driven by data gathered by the mandated Statemonitoring programs. Because no trumpeters were detected by Utah's monitoring program, they questioned the validity of the proposed changes and the utility of costly and burdensome monitoring programs if the resulting information was not used. Additionally,