

COMMISSIONER'S ORDER NO. 159-92

Natural Resources

A Commissioner's Order authorizing approval of Mille Lacs Band of Chippewa Indians Department of Natural Resources to enter into a Memorandum of Understanding with U.S. Fish and Wildlife Service on the taking of migratory birds.

WHEREAS: the Commissioner of Natural Resources has the power to regulate natural resources within the jurisdiction of the Mille Lacs Band of Chippewa Indians through Band Statute 1162-MLC-50, Section 3; and

WHEREAS: the taking of migratory birds is a natural resource under the jurisdiction of the Mille Lacs Band of Chippewa Indians; and

WHEREAS: the regulating of the taking of migratory birds is an authority under the Commissioner of Natural Resources; and

WHEREAS: the Commissioner of Natural Resources has concurred with the Spiritual Advisor of the Band; and

WHEREAS: the priority for the taking of migratory birds will be the preservation of the species; and

WHEREAS: the United States Department of Interior, Division of Fish and Wildlife Service has an interest in establishing a Memorandum of Understanding with the Mille Lacs Band's Department of Natural Resources on the taking of migratory birds; and

WHEREAS: nothing herein or the application thereof shall be construed by any government, agency, person or circumstance as a waiver by the Non-Removable Mille Lacs Band of Chippewa Indians of the solemn, special trust obligation of the United States of America; and

WHEREAS: pursuant to the provisions of Band Statutes 1162-MLC-50, Section 3 the Commissioner of Natural Resources is empowered to execute the said Memorandum of Understanding for the Mille Lacs Band of Chippewa Indians Department of Natural Resources.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Chippewa Indians under tribal law, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby concur with the following Memorandum of Understanding for the taking of migratory birds.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S.FISH AND WILDLIFE SERVICE
AND
THE DEPARTMENT OF NATURAL RESOURCES
MILLE LACS BAND OF CHIPPEWA INDIANS

- WHEREAS: the United States Fish and Wildlife Service (FWS) is a Federal agency responsible for managing migratory birds and enforcing the provisions of the Migratory Bird Treaty Act, 16 U.S.C.S. 703 et seq. ;
- WHEREAS: the Mille Lacs Band (MLB) of Chippewa Indians negotiated various treaties with the United States including the Treaty of 1855 which established their reservation. The MLB's Department of Natural Resources (DNR) is responsible for managing migratory birds and enforcing hunting regulations on its reservations (Band Statute 1032-MLC-1, Sec. 29; Band Statute 1017-MLC-7; and Band Statute 1092-MLC-25, et seq. amended 1162-MLC-50 Sec. 3);
- WHEREAS: the MLB is a Federally recognized Chippewa Indian Band that has the authority, capability and intent to manage migratory birds on its reservation lands in accordance with sound principles of wildlife management; and,
- WHEREAS: the parties to this Agreement determine that, for purposes of the Migratory Bird Treaty Act, the taking of migratory game birds by Native Americans on their Indian Reservations should be regulated by the band governing body in a manner consistent with the terms specified in this Agreement;

THEREFORE, the parties agree that:

1. The MLB-DNR will maintain a scientifically-sound management program for migratory birds within its Reservation or lands under its jurisdiction where reserved hunting rights are recognized and will actively and effectively enforce its migratory bird regulations. The FWS will cooperate with the MLB-DNR in the development of data needed for sound management of migratory birds and will, at the request of the Band, assist in law enforcement efforts.
2. The MLB-DNR will adopt migratory game bird hunting regulations, which apply to hunting by Band members while on the Reservation or on lands under the jurisdiction of the MLB where reserved hunting rights have been recognized, consistent with the following frameworks:

BASIC REGULATIONS

Shooting hours: one-half hour before sunrise to sunset.

Steel shot: Steel shot will be used exclusively by all waterfowl hunters in zones nominated by the Band and described in Federal regulations.

Other basic regulations: Indian and non-Indians hunting on the Mille Lacs Indian Reservation or on lands under the jurisdiction of the MLB will observe all other Federal basic waterfowl regulations found in 50 CFR 20 except Indian hunters are excluded from 20.2 (b) and 20.21 (b) referring to the purchase of Federal duck stamps and plugging of repeater shotguns respectively. Basic Federal regulations, adopted as and incorporated into Band Statute 1017-MLC-7 and Band Statute 1092-MLC-25, as amended or promulgated pursuant to Commissioner's Order may be concurrently enforced and prosecuted in the Band's Court of Central Jurisdiction.

MLB Indians may outfit and guide non-Indian waterfowl hunters on their reservation and on lands under their jurisdiction only after the State waterfowl season opens. Such non-Indian hunters must abide by State, Band and Federal regulations while hunting on the reservation.

DUCKS

Outside dates: Between September 12 and November 30.

Hunting season: 50 days

Daily bag limit: five ducks daily including no more than 3 mallards, 1 mallard hen, 4 wood ducks, 1 carvasback, 1 redhead, 2 pintails, and 1 hooded merganser.

Possession limit: Two times the daily bag limit.

GEESE

Outside dates: Between September 12 and November 30.

Hunting season: 60 days

Daily bag limit: six geese daily including no more than 2 white-fronted geese and 2 Canada geese.

Possession limit: two times the daily bag limit.

COOTS

Outside dates: Between September 1 and November 30.

Hunting season: 60 days

Daily bag limit: 20

Possession limit: 40

COMMON SNIPE

Outside dates: Between September 1 and November 30.,

Hunting season: 60 days

Daily bag limit: 10

Possession limit: 20

MOURNING DOVES

Outside dates: Between September 1 and November 30.

Hunting season: 60 days

Daily bag limit: 18

Possession limit: 36

WOODCOCK

Outside dates: Between September 1 and November 30.

Hunting season: 60 days

Daily bag limit: 6

Possession limit: 12

RAILS

Outside dates: Between September 1 and November 30.

Hunting season : 60 days

Daily bag limit: 30

Possession limit: 60

The MLB-DNR will notify the FWS of its final migratory game bird hunting regulations on or before August 20 of each hunting season.

3. Nothing in this Agreement prevents the MLB from adopting regulations on the taking of migratory birds by members on the reservation or lands under the jurisdiction of the MLB that are more restrictive than the frameworks set out in paragraph 2, above.
4. The taking of migratory birds for commercial purposes and the sale of migratory birds shall be strictly prohibited by the MLB-DNR and the FWS. Nothing herein is intended to authorize or restrict federal prosecutions of band members for commercial taking or sales of migratory birds in violation of the Migratory Bird Treaty Act, Endangered Species Act, Lacey Act, or other Federal wildlife law.
5. By entering this Agreement, neither party intends to surrender jurisdiction, or the right to assert jurisdiction, over the hunting of migratory birds within the boundaries of the Mille Lacs Indian Reservation or on lands under jurisdiction of the MLB where reserved hunting rights have been recognized (see attachment).
6. While this Agreement is in force, the FWS will not promulgate regulations under the Migratory Bird Treaty Act that apply to the noncommercial taking of migratory game birds by members of the MLB while hunting within the boundaries of the Mille Lacs Indian Reservation or on lands under jurisdiction of the MLB or to the transportation of birds taken under this agreement.
7. This Agreement may be modified by mutual consent of the parties.
8. At the conclusion of each harvest season, the parties will analyze the results of the harvest and other relevant management data to determine whether amendments to this Agreement are necessary. This Agreement, including any agreed-upon modifications, may be reaffirmed for the subsequent harvest season, if the parties, at least 30 days in advance of the upcoming season, notify each other in writing of their intent to renew this Agreement.
9. Either party may revoke this Agreement if the other party fails to comply with the terms stated herein. Notice of revocation shall be given in writing and delivered to the party's representative, or his successor, who has signed this Agreement. Revocation will not take effect until 30 days after notice thereof has been received by the other party. During this 30 days period following the receipt of a revocation notice, the parties will attempt, in good faith, to resolve their differences and to conform their actions to the stipulation of this Agreement.
10. This Agreement applies only to the taking, possession, or transportation of migratory game birds by members of the MLB while within their reservation or to and from lands under jurisdiction of the MLB where reserved hunting rights have been recognized. It does not apply to or affect any authority the Secretary of the Interior may have under any federal fish and wildlife conservation law other than the Migratory Bird Treaty Act. It does not apply to or affect any sovereign rights held by the Mille Lacs Band of Chippewa Indians established independently or through treaties.

Commissioners Order 159-92
Natural Resources
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DONE, this the _____ day of _____.

Regional Director
U.S. Fish and Wildlife Service

Commissioner,
Department of Natural Resources
Mille Lacs Band of Chippewa Indians

LANDS IDENTIFIED
FOR
MIGRATORY BIRD HUNTING

Mille Lacs County: T43N-R27
T42N-R27
T42 - R26
T42 - R25

Crow Wing County: T136N-R25W - 4th P.M. Section 18, Gov't Lot 1, 2, 3 (Dean Lake)

Aitkin County T43N-R24 Section 31 SW 1/4
T45N-R27 Section 3 Lot 1
T46N-R25W - 4th P.M. Section 26, Lots 10 and 11 (Swamp Lake)
T47N-R23W Section 17 NE 1/4 NW 1/4
Section 20 NE 1/4 NW 1/4
Section 21 NE 1/2 SW 1/4
Section 29 SW 1/4 SW 1/4
Section 32 SW 1/4 SE 1/4
T49N-R23W Section 16 NW 1/4 SE 1/4; S 1/2 SE 1/4
Section 32 NE 1/4 SE 1/4 and Lot 5 NW 1/4 SW 1/4
T50N-R23W Section 22 Gov't Lot 3, N1/2 SW 1/4, SW 1/4 SW 1/4
Section 32 Gov't Lot 2 and 3


Pine County: T40N - R20 Section 25 W 1/2 SW 1/4, SE 1/4 SW 1/4
Section 26 E 1/2 SW 1/4
Section 35 NE 1/4 NE 1/4
T41N-R16W Section 10 W 1/2 SW 1/4
T41N-R17W Section 2 S 1/2 N 1/2
Section 3 SE 1/4 NW 1/4, N1/2 SE 1/4
Section 6 E 1/2 NW 1/4
Section 8 W 1/2 NE 1/4
Section 18 Lot 1 - 19
Section 30 SE 1/4, E 1/2 NE 1/4, SW 1/4 NE 1/4

DATED at Vineland, Minnesota this Twentysixth day of May in the year one thousand nine hundred and ninety-two.



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION



James F. Pence
Solicitor General

OFFICIAL SEAL OF THE BAND

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BETWEEN
THE U.S.FISH AND WILDLIFE SERVICE
AND
THE DEPARTMENT OF NATURAL RESOURCES
MILLE LACS BAND OF CHIPPEWA INDIANS**

WHEREAS: the United States Fish and Wildlife Service (FWS) is a Federal agency responsible for managing migratory birds and enforcing the provisions of the Migratory Bird Treaty Act, 16 U.S.C.S. 703 et seq. ;

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WHEREAS: the MLB is a Federally recognized Chippewa Indian Band that has the authority, capability and intent to manage migratory birds on its reservation lands in accordance with sound principles of wildlife management; and,

WHEREAS: the parties to this Agreement determine that, for purposes of the Migratory Bird Treaty Act, the taking of migratory game birds by Native Americans on their Indian Reservations should be regulated by the band governing body in a manner consistent with the terms specified in this Agreement;

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4. The taking of migratory birds for commercial purposes and the sale of migratory birds shall be strictly prohibited by the MLB-DNR and the FWS. Nothing herein is intended to authorize or restrict federal prosecutions of band members for commercial taking or sales of migratory birds in violation of the Migratory Bird Treaty Act, Endangered Species Act, Lacey Act, or other Federal wildlife law.
5. By entering this Agreement, neither party intends to surrender jurisdiction, or the right to assert jurisdiction, over the hunting of migratory birds within the boundaries of the Mille Lacs Indian Reservation or on lands under jurisdiction of the MLB where reserved hunting rights have been recognized (see attachment).
6. While this Agreement is in force, the FWS will not promulgate regulations under the Migratory Bird Treaty Act that apply to the noncommercial taking of migratory game birds by members of the MLB while hunting within the boundaries of the Mille Lacs Indian Reservation or on lands under jurisdiction of the MLB or to the transportation of birds taken under this agreement.
7. This Agreement may be modified by mutual consent of the parties.
8. At the conclusion of each harvest season, the parties will analyze the results of the harvest and other relevant management data to determine whether amendments to this Agreement are necessary. This Agreement, including any agreed-upon modifications, may be reaffirmed for the subsequent harvest season, if the parties, at least 30 days in advance of the upcoming season, notify each other in writing of their intent to renew this Agreement.
9. Either party may revoke this Agreement if the other party fails to comply with the terms stated herein. Notice of revocation shall be given in writing and delivered to the party's representative, or his successor, who has signed this Agreement. Revocation will not take effect until 30 days after notice thereof has been received by the other party. During this 30 days period following the receipt of a revocation notice, the parties will attempt, in good faith, to resolve their differences and to conform their actions to the stipulation of this Agreement.
10. This Agreement applies only to the taking, possession, or transportation of migratory game birds by members of the MLB while within their reservation or to and from lands under jurisdiction of the MLB where reserved hunting rights have been recognized. It does not apply to or affect any authority the Secretary of the Interior may have under any federal fish and wildlife conservation law other than the Migratory Bird Treaty Act. It does not apply to or affect any sovereign rights held by the Mille Lacs Band of Chippewa Indians established independently or through treaties.

DONE, this the _____ day of _____.

Regional Director
U.S. Fish and Wildlife Service

Commissioner,
Department of Natural Resources
Mille Lacs Band of Chippewa Indians

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Section 6 E 1/2 NW 1/4
Section 8 W 1/2 NE 1/4
Section 18 Lot 1 - 19
Section 30 SE 1/4, E 1/2 NE 1/4, SW 1/4 NE 1/4

Dated: April 22, 1992.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 92-10709 Filed 5-7-92; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 20

RIN 1018-AB60

Migratory Bird Hunting: Migratory Bird Hunting Regulations Proposals for Certain Federal Indian Reservations and Ceded Lands for the 1992-93 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent; request for proposals from Indian tribes desiring special migratory bird hunting regulations for the 1992-93 hunting season.

SUMMARY: The principal purpose of this notice of intent is to request proposals from Indian tribes that wish to establish special migratory bird hunting regulations for the 1992-93 hunting season, under the interim guidelines implemented for this purpose in September 1985. An additional purpose is to provide notification that the early and late season final rulemaking procedure, which was initiated in the last regulatory cycle to incorporate greater detail, will again be a feature of the tribal regulations. Proposals must include the details described later in this document. The U.S. Fish and Wildlife Service (Service) also welcomes comments concerning this notice of intent.

DATES: Proposals and comments should be submitted as soon as possible and must be received by June 5, 1992.

ADDRESSES: All proposals and comments should be submitted to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634, Arlington Square, 1849 C Street, NW., Washington, DC 20240. A copy of the proposal should be sent to the appropriate Service Regional office at the address shown near the end of this document. Also, tribes that request special hunting regulations for tribal members on ceded lands should

send a copy of the proposal to officials in the affected State(s).

FOR FURTHER INFORMATION CONTACT: Keith A. Morehouse, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634, Arlington Square, 1849 C Street, NW., Washington, DC 20240, Telephone: 703/358-1714.

SUPPLEMENTARY INFORMATION:

Background

Beginning with the 1985-86 hunting season, the Service has employed interim 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. The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members throughout their reservations. The guidelines include possibilities for: (1) On-reservation hunting by both tribal and nontribal members, with hunting by nontribal 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, the regulations established under the guidelines would have to be consistent with the annual March 10 to September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada. 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 establishing migratory bird hunting regulations for nontribal 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 nontribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service 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, the Service encourages the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, the Service will consult with a tribe and State with the aim of facilitating an accord. As requested, the Service 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.

One of the guidelines provides for the continuation of harvest of waterfowl and other migratory game birds by tribal members on reservations where it is a customary practice. The Service does not oppose this harvest, provided it does not take place during the closed season required by the 1916 Canadian Migratory Bird Treaty, and it is not so large as to adversely affect the status of the migratory bird resource. Since the 1987-88 hunting season, the Service has reached annual agreement with the Mille Lacs Band of Chippewa Indians for hunting by tribal members on their lands in Minnesota. The Service will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation hunting by tribal members.

The guidelines should not be viewed as inflexible. Nevertheless, the Service believes 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 1992-93 hunting season must submit a proposal that includes:

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

(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 impact seriously on the migratory bird resource; and

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

For the 1991-92 season, for the first time, final hunting regulations established for Indian tribes had separate rulemakings for early and late seasons. This is because a primary purpose for publishing rulemakings in the Federal Register is to inform, as fully as possible, the affected entities and the general public of actions regulatory agencies propose and ultimately take. To fully meet regulatory agency legal responsibilities and inform, the rulemakings should contain an appropriate level of relevant detail. Prior to the 1991-92 season, in these regulations, little detail had been included with only, in many instances, references to unfinalized State regulations and final Federal frameworks. Thus, the Service modified the tribal regulations procedure

somewhat in an attempt to allow the final regulations to better stand-alone and, thus, provide greater clarity of requirement with regard to season dates, season lengths, and bag/possession limits. In the 1992-93 migratory bird hunting season, the Service will again publish separate rulemakings for early and late season final regulations to meet the above objectives. However, in those few instances where a waterfowl season begins in the early season, it may still be necessary to describe the regulations generally, as in past years, in relation to unpublished final frameworks.

As in previous years, only a single proposed rule will be published that will include both early and late seasons. For the purposes of these regulations, an early season is one that begins before October 1 and a late season is one that begins on October 1 or later. Although only a rough distinction, early seasons usually focus on nonwaterfowl species i.e., doves, pigeons, etc., and late seasons usually focus on waterfowl. The Service is setting a target date for publishing the proposed rulemaking, containing tribal proposals, of July 17, 1992, with final rules for early and late seasons of about August 21 and September 18, 1992, respectively.

Again, the Service notes that duck hunting regulations for recent hunting seasons have been more restrictive because of the serious decline in duck populations caused by a lengthy period of drought in the prairies region of Canada and the United States. The drought was specially severe during 1988-1990 and several years of favorable environmental conditions probably will be required before ducks

will be able to reproduce successfully again in many prairie areas. In 1992, the Service will continue to monitor closely the status of duck populations and Indian tribes should consider the current situation when developing their hunting season proposals.

A tribe that desires the earliest possible opening of the waterfowl season should specify this in the 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.

The Service notes also that because of a long-term decline of mourning doves in the Western Management Unit, the recent hunting regulations for States in the unit have been more restrictive than usual. Similar regulations likely will be established in the unit for this species for the 1992-93 hunting season, with the aim of increasing the size of the population.

Pertinent details in proposals received from tribes will be published for public review in later Federal Register documents. Because of the time required for the Service and public review, Indian tribes that desire special migratory bird hunting regulations for the 1992-93 hunting season should submit their proposals as soon as possible, but no later than June 5, 1992. Tribal inquiries regarding the guidelines and proposals should be directed to the appropriate Service Regional office.

FISH AND WILDLIFE SERVICE REGIONAL OFFICES

[Address Regional Director, U.S. Fish and Wildlife Service]

States	Address	Telephone No.
California, Hawaii, Idaho, Oregon, Washington	911 NE 11th Ave., Portland, OR 97232-4181	503/231-6118
Arizona, New Mexico, Texas	PO Box 1306, 500 Gold Ave., SW Albuquerque, NM 87103	505/766-2321
Iowa, Illinois, Michigan, Minnesota, Missouri, Ohio, Wisconsin	Fed. Bldg., Ft. Snelling, Twin Cities, MN 55111	612/725-3563
Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee	Russell Bldg., Room 1209, 75 Spring St. SW, Atlanta, GA 30303	404/231-3568
Connecticut, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	One Gateway Center, Sta. 700, Newton Corner, MA 02158	617/965-5100
Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	PO Box 25486, Denver Federal Center, Denver, CO 80225	303/236-7920
Alaska	1011 E. Tudor Road, Anchorage, AK 99503	907/7765-3542

Authorship

The primary author of this Notice of Intent is Keith A. Morehouse, Office of

Migratory Bird Management, working under the direction of Thomas J. Dwyer, Chief.

List of Subjects in 50 CFR Part 20

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

The rules that eventually may be promulgated for the 1992-93 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended.

Dated: April 16, 1992.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 92-10739 Filed 5-7-92; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Proposed 1992-1993 Migratory Game Bird Hunting Regulations (Preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposes to establish annual hunting regulations for certain migratory game birds. The taking of migratory birds is prohibited unless specifically provided for by regulation. These regulations will permit the taking of the designated species during the 1992-93 season. The Service annually prescribes outside limits (frameworks) within which States may select hunting seasons. These seasons provide recreational hunting opportunities to the public and aid Federal and State governments in the management of migratory game birds, and are designed to maintain harvests at levels compatible with migratory bird population and habitat conditions.

DATES: The comment period for proposed early-season regulations frameworks will end on July 20, 1992; and for late-season proposals on August 30, 1992. The public hearing for early-season regulations will be held on June 25, 1992, at 9 a.m. The public hearing for late-season regulations will be held on August 6, 1992, at 9 a.m.

ADDRESSES: Both public hearings will be held in the Auditorium, Department of the Interior Building, 1849 C Street NW., Washington, DC. Written comments on the proposals and notice of intention to testify at either hearing may be mailed to the Director, (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240 (703) 358-1714.

SUPPLEMENTARY INFORMATION:

Notice of Intention to Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 1992-1993 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 migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these birds. For the 1992-93 hunting season, regulations will be proposed for certain designated members of the avian families Anatidae (ducks, geese, brant, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, and moorhens and gallinules); and Scolopacidae (woodcock and snipe). These proposals are described under Proposed 1992-93 Migratory Game Bird Hunting Regulations (Preliminary) in this document. 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, were published in the March 14, 1990, Federal Register (55 FR 9618).

Regulatory Schedule for 1992-1993

This is the first in a series of proposed and final rulemaking documents for migratory game bird hunting regulations. Proposed season frameworks are set forth for various groups of migratory game birds for which these regulations ordinarily do not vary significantly from year to year. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the Federal Register. Also, additional supplemental proposals will be published for public comment in the Federal Register as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain portions of these data become available,

it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow State agencies to select and publish season dates and bag limits prior to the hunting seasons and, on the other hand, the lack of current data on the status of most waterfowl before late July.

Because the process is strongly influenced by the times when information is available for consideration, the overall regulations process is divided 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 1992-1993 regulatory cycle relating to public hearings and Federal Register notifications are illustrated in the accompanying diagram. Dates shown relative to publication of Federal Register documents are target dates.

Sections of this and subsequent documents outline hunting frameworks and guidelines that 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 Geese
8. Tundra 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

Subsequent documents will refer only to numbered items requiring attention. Therefore, items requiring no attention