

(2) While on the ground takes or attempts to take any wildlife by means, aid, or use of an aircraft.

§ 19.12 Exceptions to general prohibitions.

The prohibitions of the preceding section shall not apply to any person who:

(1) Is acting within the scope of his official duties as an employee or authorized agent of a State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops; or

(2) Is acting within the limitations of a permit referred to in § 19.21 or § 19.31 of this part.

Subpart C—Federal Permits

§ 19.21 Limitation on Federal permits.

No Federal permits will be issued to authorize any person to hunt, shoot, or harass any wildlife from an aircraft, except for Federal permits to scare or herd migratory birds referred to in § 21.41 of this subchapter.

Subpart D—State Permits and Annual Report Requirements

§ 19.31 State permits.

(a) Except as provided in § 19.3, States may issue permits to persons to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops. States may not issue permits for the purpose of sport hunting.

(b) Upon issuance of a permit by a State to a person pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having jurisdiction according to § 10.22.

§ 19.32 Annual reporting requirements.

(a) Any State issuing permits to persons to engage in airborne hunting or harassing of wildlife or any State whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, live-

stock, domestic animals, human life or crops, shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.

(b) The annual report required by this section shall contain the following information as to each such permit issued:

(1) The name and address of each person to whom a permit was issued.

(2) Permit number and inclusive dates during which permit was valid.

(3) The aircraft number of the aircraft used and the location where such aircraft was based.

(4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.

(5) The purpose for which the permit was issued, specifically identifying whether the permit was issued to protect land, water, wildlife, livestock, domestic animals, crops, or human life.

(6) The common name and number of wildlife taken by permittees and State employees or agents.

(c) A compilation of all annual reports required by this section shall be made by the Director and furnished to any State filing such annual report.

PART 20—MIGRATORY BIRD HUNTING

Subpart A—Introduction

Sec.

20.1 Scope of regulations.

20.2 Relation to other provisions.

Subpart B—Definitions

20.11 Meaning of terms.

Subpart C—Taking

20.21 Hunting methods.

20.22 Closed seasons.

20.23 Shooting hours.

20.24 Daily limit.

20.25 Wanton waste of migratory game birds.

20.26 Emergency closures.

Subpart D—Possession

20.31 Prohibited if taken in violation of Subpart C.

- Sec.  
 20.32 During-closed season.  
 20.33 Possession limit.  
 20.34 Opening day of a season.  
 20.35 Field possession limit.  
 20.36 Tagging requirement.  
 20.37 Custody of birds of another.  
 20.38 Possession of live birds.  
 20.39 Termination of possession.  
 20.40 Gift of migratory game birds.

**Subpart E—Transportation Within the United States**

- 20.41 Prohibited if taken in violation of Subpart C.  
 20.42 Transportation of birds of another.  
 20.43 Species identification requirement.  
 20.44 Marking package or container.

**Subpart F—Exportation**

- 20.51 Prohibited if taken in violation of Subpart C.  
 20.52 Species identification requirement.  
 20.53 Marking package or container.

**Subpart G—Importations**

- 20.61 Importation limits.  
 20.62 Importation of birds of another.  
 20.63 Species identification requirement.  
 20.64 Foreign export permits.  
 20.65 Processing requirement.  
 20.66 Marking of package or container.

**Subpart H—Federal, State, and Foreign Law Sec.**

- 20.71 Violation of Federal law.  
 20.72 Violation of State law.  
 20.73 Violation of foreign law.

**Subpart I—Migratory Bird Preservation Facilities**

- 20.81 Tagging requirement.  
 20.82 Records required.  
 20.83 Inspection of premises.

**Subpart J—Feathers or Skins**

- 20.91 Commercial use of feathers.  
 20.92 Personal use of feathers or skins.

**Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules**

- 20.100 General provisions.  
 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.  
 20.102 Seasons, limits, and shooting hours for Alaska.  
 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

- Sec.  
 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.  
 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.  
 20.106 Seasons, limits, and shooting hours for sandhill cranes.  
 20.107 Seasons, limits, and shooting hours for whistling swans.  
 20.108 Non-toxic shot zones.  
 20.109 Extended seasons, limits and hours for taking migratory game birds by falconry.

**Subpart L—Administrative and Miscellaneous Provisions**

- 20.131 Extension of seasons.  
 20.132 Subsistence use in Alaska.  
 20.133 Hunting regulations for crows.  
 20.134 Nontoxic shot.

**Subpart M—[Reserved]**

**Subpart N—Special Procedures for Issuance of Annual Hunting Regulations**

- 20.151 Purpose and scope.  
 20.152 Definitions.  
 20.153 Regulations committee.  
 20.154 Flyway Councils.  
 20.155 Public file.

AUTHORITY: Migratory Bird Treaty Act, Sec. 3, Pub. L. 65-186, 40 Stat. 755 (16 U.S.C. 704); Sec. 3(h)(3), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712).

SOURCE: 38 FR 22021, Aug. 15, 1973, unless otherwise noted.

**Subpart A—Introduction**

§ 20.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate only to the hunting of migratory game birds, and crows.

(b) *Procedural and substantive requirements.* Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part. Crows may be taken, possessed, transported, exported, or imported only in accordance with Subpart H of this part and the restrictions, conditions, and requirements prescribed in § 20.133.

## § 20.2 Relation to other provisions.

(a) *Migratory bird permits.* The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to part 21 of this subchapter.

(b) *Migratory bird hunting stamps.* The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a).

(c) *National wildlife refuges.* The provisions of this part are in addition to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.

(d) *State Laws for the protection of migratory birds.* No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this part, however, nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with these regulations and the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

### Subpart B—Definitions

#### § 20.11 Meaning of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

*"Migratory game birds"* means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:

- (1) Anatidae (ducks, geese, brant, and swans);
- (2) Columbidae (doves and pigeons);
- (3) Gruidae (little brown cranes);
- (4) Rallidae (rails, coots, and gallinules); and

- (5) Scolopacidae (woodcock and snipe).

A list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in § 10.13 of this subchapter.

*"Open season"* means the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

*"Closed season"* means the days on which migratory game birds shall not be taken.

*"Daily bag limit"* means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

*"Aggregate daily bag limit"* means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area for which a daily bag limit is prescribed. The aggregate daily bag limit it equal to, but shall not exceed, the largest daily bag limit prescribed for any one of the specified geographic areas in which taking occurs.

*"Possession limit"* means the maximum number of migratory game birds permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

*"Aggregate possession limit"* means the maximum number of migratory game birds taken in the United States, permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the specified geographic areas in which taking and possession occurs.

*"Personal abode"* means one's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or

any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

"Migratory bird preservation facility" means:

(i) Any person who, at his residence or place of business and for hire or other consideration; or

(ii) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(iii) Any hunting club which, in the normal course of operations, receives, possesses, or has in custody any migratory game birds belong to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

"Paraplegic" means an individual afflicted with paralysis of the lower half of the body with involvement of both legs usually due to disease of or injury to the spinal cord.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 23312, Aug. 29, 1973; 41 FR 31536, July 29, 1976; 42 FR 39667, Aug. 5, 1977; 45 FR 70275, Oct. 23, 1980]

### Subpart C—Taking

#### § 20.21 Hunting methods.

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No person shall take migratory game birds:

(a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind,

except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: *Provided*, That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power except in the seaduck area as permitted in Subpart K of this part;

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(h) By means or aid of any motordriven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird;

(i) By the aid of baiting, or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain

a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

(1) The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of *bona fide* agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: *Provided*, That manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown;

(j) While possessing shotshells loaded with shot other than steel shot or such shot approved as non-toxic by the Director pursuant to procedures set forth in § 20.134. *Provided*, That:

(1) This restriction applies only to the taking of ducks, geese, swans, and coots (*Fulica americana*) in areas described in § 20.108 as non-toxic shot zones; and

(2) Prior to September 1, 1980, this restriction applies only to 12-gauge shotshells.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22896, Aug. 27, 1973; 44 FR 2599, Jan. 12, 1979; 45 FR 70275, Oct. 23, 1980]

#### § 20.22 Closed seasons.

No person shall take migratory game birds during the closed season.

#### § 20.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in Subpart K of this part.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22626, Aug. 23, 1973]

#### § 20.24 Daily limit.

No person shall take in any 1 calendar day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22626, Aug. 23, 1973]

#### § 20.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at the place where taken or between that place and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

[41 FR 31536, July 29, 1976]

#### § 20.26 Emergency closures.

(a) The Director may close or temporarily suspend any season established under Subpart K of this part:

(1) Upon a finding that a continuation of such a season would constitute an imminent threat to the safety of any endangered or threatened species or other migratory bird populations.

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in paragraph (a) (2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restriction in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension, the date and time when the season may be resumed shall be provided by a subsequent local notification to the public, and by publication in the FEDERAL REGISTER.

[41 FR 31536, July 29, 1976]

**Subpart D—Possession**

**§ 20.31 Prohibited if taken in violation of Subpart C.**

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

**§ 20.32 During closed season.**

No person shall possess any freshly killed migratory game birds during the closed season.

**§ 20.33 Possession limit.**

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

**§ 20.34 Opening day of a season.**

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

**§ 20.35 Field possession limit.**

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or

transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

[41 FR 31536, July 29, 1976]

**§ 20.36 Tagging requirement.**

No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

**§ 20.37 Custody of birds of another.**

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.

**§ 20.38 Possession of live birds.**

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

**§ 20.39 Termination of possession.**

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

[41 FR 31537, July 29, 1976]

## § 20.40 Gift of migratory game birds.

No person may receive, possess, or give to another, any freshly killed migratory game birds as a gift, except at the personal abodes of the donor or donee, unless such birds have a tag attached, signed by the hunter who took the birds, stating such hunter's address, the total number and species of birds and the date such birds were taken.

[42 FR 39668, Aug. 5, 1977]

### Subpart E—Transportation Within the United States

## § 20.41 Prohibited if taken in violation of Subpart C.

No person shall at any time, by any means, or in any manner, transport any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

## § 20.42 Transportation of birds of another.

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.

## § 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

[41 FR 31537, July 19, 1976]

## § 20.44 Marking package or container.

No person shall transport by the Postal Service or a common carrier migratory game birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

### Subpart F—Exportation

## § 20.51 Prohibited if taken in violation of Subpart C.

No person shall at any time, by any means, or in any manner, export or cause to be exported, any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

## § 20.52 Species identification requirement.

No person shall export migratory game birds unless one fully feathered wing remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

## § 20.53 Marking package or container.

No person shall export migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

### Subpart G—Importations

## § 20.61 Importation limits.

No person shall import migratory game birds in excess of the following importation limits:

(a) *Doves and pigeons.* (1) From any foreign country except Mexico, during any one calendar week beginning on Sunday, not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species.

(2) From Mexico, not to exceed the maximum number permitted by Mexican authorities to be taken in any one day: *Provided*, That if the importer has his Mexican hunting permit date-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

(b) *Waterfowl.* (1) From any foreign country except Canada and Mexico, during any one calendar week begin-

ning on Sunday, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species.

(2) From Canada, not to exceed the maximum number permitted to be exported by Canadian authorities.

(3) From Mexico, not to exceed the maximum number permitted by Mexican authorities to be taken in any one day: *Provided*, That if the importer has his Mexican hunting permit date-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

[40 FR 36346, Aug. 20, 1975]

§ 20.62 Importation of birds of another.

No person shall import migratory game birds belonging to another person.

§ 20.63 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a migratory bird preservation facility.

[41 FR 31537, July 19, 1976]

§ 20.64 Foreign export permits.

No person shall import, possess or transport, any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

§ 20.65 Processing requirement.

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in § 20.63), drawn, and the head and feet are removed: *Provided*, That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current

taxidermist permit issued to him pursuant to § 21.24 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

§ 20.66 Marking of package or container.

No person shall import migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

**Subpart H—Federal, State, and Foreign Law**

§ 20.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any act of Congress or any regulation issued pursuant thereto.

§ 20.72 Violation of State law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

§ 20.73 Violation of foreign law.

No person shall at any time, by any means, or in any manner, import, possess, or transport, any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

**Subpart I—Migratory Bird Preservation Facilities**

§ 20.81 Tagging requirement.

No migratory bird preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 20.36.

[41 FR 31537, July 29, 1976]

§ 20.82 Records required.

(a) No migratory bird preservation facility shall:

(1) Receive or have in custody any migratory game bird unless accurate records are maintained which can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show (i) the number of each species; (ii) the location where taken; (iii) the date such birds were received; (iv) the name and address of the person from whom such birds were received; (v) the date such birds were disposed of; and (vi) the name and address of the person to whom such birds were delivered, or

(2) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

(b) Record keeping as required by this section will not be necessary at hunting clubs which do not fully process migratory birds by removal of both the head and wings.

[41 FR 38510, Sept. 10, 1976]

§ 20.83 Inspection of premises.

No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried.

[41 FR 31537, July 19, 1976]

Subpart J—Feathers or Skins

§ 20.91 Commercial use of feathers.

Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses the feathers of migratory waterfowl (ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds

taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

[38 FR 22021, Aug. 15, 1973, as amended at 45 FR 70275, Oct. 23, 1980]

§ 20.92 Personal use of feathers or skins.

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules

§ 20.100 General provisions.

(a) The taking, possession, transportation, and other uses of migratory game birds by hunters is generally prohibited unless it is specifically provided for under regulations developed in accordance with the Migratory Bird Treaty Act. Consequently, hunting is prohibited unless regulatory schedules are established for seasons, daily bag and possession limits, and shooting (or hawking) hours. Migratory game bird population levels, including production and habitat conditions, vary annually. These conditions differ over North America, and within the United States, by flyways, States, and frequently areas within States. Thus, it is necessary to make annual adjustments in the schedules to limit the harvests of migratory game birds to permissible levels.

(b) The development of these schedules involves annual data gathering programs to determine migratory game bird population status and trends, evaluations of habitat conditions, harvest information, and other factors having a bearing on the anticipated size of the fall flights of these birds. The proposed hunting schedules are announced early in the spring, and following consideration of additional information as it becomes available, as well as public comment, they are modified and published as supplemental proposals. These are also open to

public comment. Public hearings are held for the purpose of providing additional opportunity for public participation in the rulemaking process.

(16 U.S.C. 701-708h)  
[44 FR 7147, Feb. 6, 1979]

**§ 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.**

This section provides for the annual hunting of certain doves, pigeons, ducks; coots, gallinules, and snipe in Puerto Rico; and for certain doves and pigeons in the Virgin Islands.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-708h)  
[44 FR 7147, Feb. 6, 1979]

**§ 20.102 Seasons, limits, and shooting hours for Alaska.**

This section provides for the annual hunting of certain waterfowl (ducks, geese, and brant), snipe, and sandhill cranes in Alaska.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-708h)  
[44 FR 7147, Feb. 6, 1979]

**§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.**

This section provides for the annual hunting of certain doves and pigeons in the 48 contiguous United States. The mourning dove hunting regulations are arranged by the Eastern, Central, and Western Management Units.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-708h)  
[44 FR 7147, Feb. 6, 1979]

**§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.**

This section provides for the annual hunting of certain rails, woodcock, and snipe in the 48 contiguous United States.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-708h)  
[44 FR 7148, Feb. 6, 1979]

**§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.**

This section provides for the annual hunting of certain waterfowl (ducks, geese, brant), coots, and gallinules in the 48 contiguous United States. The regulations are arranged by the Atlantic, Mississippi, Central, and Pacific Flyways. These regulations often vary within flyways or States, and by time periods.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-708h)  
[44 FR 7148, Feb. 6, 1979]

**§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.**

This section provides for the annual hunting of sandhill cranes in designated portions of the Central Flyway.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-708h)  
[44 FR 7148, Feb. 6, 1979]

**§ 20.107 Seasons, limits, and shooting hours for whistling swans.**

This section provides for the annual hunting of whistling swans in Utah and designated areas in Montana and Nevada.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-708h)  
[44 FR 7148, Feb. 6, 1979]

**§ 20.108 Non-toxic shot zones.**

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as non-toxic shot zones for waterfowl hunting.

## ATLANTIC FLYWAY

*Connecticut*

1. That portion of New Haven and Fairfield Counties bounded by a line beginning at the north end of the breakwater at Milford Point extending south to Stratford Point, north along Prospect Drive and Route 113 to Interstate 95, easterly along I-95 to Naugatuck Avenue, southerly along Naugatuck Avenue and Milford Point Road and continuing along a line extending from the end of Milford Point Road to the north end of the breakwater at Milford Point.

2. That portion of New Haven County along the Quinnipiac River known as the Quinnipiac Meadows beginning at the intersection of Sackett Point Road and I-91, extending south along I-91 to Route 5, northerly along Route 5 to Sackett Point Road, and easterly along Sackett Point Road to I-91.

*Delaware*

All lakes, ponds, marshes, swamps, bays, rivers, and streams or within 150 yards thereof within the boundaries of the following areas:

1. Chesapeake and Delaware Canal State Wildlife Area.
2. Augustine State Wildlife Area.
3. Woodland Beach State Wildlife Area.
4. Little Creek State Wildlife Area.
5. Prime Hook State Wildlife Area.
6. Bombay Hook National Wildlife Refuge.
7. Prime Hook National Wildlife Refuge.
8. Cape Henlopen and Delaware Seashores State Parks and Assawoman and Gordon's Pond Wildlife Areas.

*Florida*

That portion of Brevard County lying east of Interstate Highway 95; Osceola, Broward, and Dade Counties; Leon County (exclusive of Lake Talquin and the Ochlockonee River); Lake Miccosukee in Leon and Jefferson Counties; Orange Lake and Lochloosa Lake in Alachua County; and Lake Okeechobee (all areas located lakeward of the main levee surrounding Lake Okeechobee and including the area located lakeward of State Road 78 between the Kissimmee River and the intersection of the Hoover Dike and State Road 78, near the Old Sportman's Village).

*Maine*

On the waters of the Kennebec River known as Merrymeeting Bay bounded as follows: from the high tension wires at Chops Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset, and Eastern Rivers and the Richmond-Dresden Bridge on the Kennebec River, and within a

150-yard zone of land adjacent to the margins of these waters in the counties of Cumberland, Sagadahoc and Lincoln.

*Massachusetts*

*Essex County: North Boundary*—Massachusetts—New Hampshire lines (in the town of Salisbury); *West Boundary*—U.S. Route 1 (in Salisbury) from the State line southward to the Parker River; *South Boundary*—the Parker River and lands 150 yards south of the south bank of the Parker River; *East Boundary*—the Atlantic Ocean and the boundaries of the Parker River National Wildlife Refuge.

Also, the Parker River National Wildlife Refuge and Plum Island, including Plum Island State Park.

*Plymouth County: Waters of the Wareham and Weweantic Rivers* in the towns of Wareham and Marion and the marshes adjacent to these rivers and within a 150 yard zone of land adjacent to these rivers and marshes, seaward from the first upstream bridge.

*New Jersey*

That portion of the State bounded on the north by The Shark River, on the west by the Garden State Parkway, on the south by the Cape May Canal, and on the east by the Atlantic Ocean.

*New York*

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and ocean waters but not including temporary or sheet water) and all land areas within 150 yards of all waters of the following portions of New York:

1. West of Interstate Highway 81 and north of the New York State Thruway (Interstate Highway 90) with the following exceptions: waters of Lake Ontario, outside the barrier beach, from Tibbets Point in Jefferson County to the mouth of the Niagara River in Niagara County and the waters of the Niagara River from its mouth in Niagara County upstream to the Peace Bridge in the City of Buffalo are excluded from the non-toxic shot requirement. However, this exclusion does not include the Henderson Bay-Black River Bay area which shall continue to require non-toxic shot. The Henderson Bay-Black River Bay area is described as the area east of a line running from Snowshoe Point on Henderson Harbor to Pillar Point on the southward portion of the Pillar Point Peninsula.

2. In those portions of Nassau County bounded on the south by the Long Island shoreline from the Wantagh Parkway west to the Nassau County-New York City line; on the west by the Nassau County-New York City line northward from the Long

Island shoreline to the Sunrise Highway (Route 27); on the north by the Sunrise Highway (Route 27) eastward to its junction with the Wantagh Parkway; on the east by the Wantagh Parkway southward to the Long Island shoreline.

3. An area including and adjacent to Oneida Lake bounded on the north by route 49, on the east by route 13, on the south by route 31 and on the west by Interstate route 81.

4. Wilson Hill Wildlife Management area in St. Lawrence County.

5. Upper and Lower Lakes Wildlife Management area in St. Lawrence County.

6. An area including and adjacent to the Hudson River bounded on the north by the New York State Thruway (Interstate Highway 90); on the east by route 9J from the New York Thruway south to its junction with route 9, south along route 9 to its junction with route 9G in the city of Hudson, then south along route 9G to route 199; on the south by route 199; on the west by route 32 from route 199 north to its junction with route 9W, then north along route 9W to route 385, then along route 385 to Lawrence Street in Coxsackie then along Lawrence Street to Nubbell Street, along Nubbell Street to county road 61, then north along county road 61 to route 144, then along route 144 to the New York State Thruway (Interstate 90).

*North Carolina*

All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land in these counties adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

*Pennsylvania*

Crawford County, Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties, and the waters of the Susquehanna River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundary and including a 25-yard zone of land adjacent to the waters of the Susquehanna River that are described above.

*Rhode Island*

That portion of Washington County lying south and east of U.S. Route 1 but excluding Block Island and the waters of Block Island Sound and Narragansett Bay.

*South Carolina*

Georgetown, Colleton, Charleston, and Beaufort Counties.

*Virginia*

All waters and a 150-yard zone of land adjacent to these waters in the City of Virginia Beach and in an area between the York River and the James River bounded on the north by U.S. Highway 60, on the west by Highway 155, and on the south by Highway 5.

MISSISSIPPI FLYWAY

*Illinois*

Oakwood Bottoms Greentree Reservoir, Rice Lake Public Hunting Area, Union County Public Hunting Area, and Horseshoe Lake (Alexander County) Public Hunting Area.

*Indiana*

1. On all waters of Lake, Porter, LaPorte, Newton, Jasper, Starke, Elkhart, Kosciusko, LaGrange, Steuben, and Posey Counties and within 150-yard zone of land in these counties adjacent to the margins of these waters. This include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. Within the boundaries of the following State-owned or State-operated properties: Jasper-Pulaski Fish and Wildlife Area in Pulaski County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Glendale Fish and Wildlife Area in Daviess County, and the Tri-County Fish and Wildlife Area in Noble and Kosciusko Counties.

3. Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

*Iowa*

1. In Fremont and Mills Counties on all waters and a 150-yard zone of land in these two counties adjacent to waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Missouri River and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. All waters and a 150 yard zone of land adjacent to these waters on the following public hunting areas under the jurisdiction of the State Conservation Commission:

- Sweet Marsh in Bremer County
- Big Marsh in Butler County
- Green Island Area in Jackson County
- Princeton Area in Scott County

*Ohio*

The Maumee River in Wood county and on all waters of Erie, Ottawa, Sandusky, Cuyahoga, Wayne, Holmes, and Lucas Counties and when hunting waterfowl within a 150-yard zone of land adjacent to the margins of these waters. These waters mentioned in this paragraph include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described in this paragraph are excluded from the nontoxic shot requirements.

*Michigan*

1. Saginaw Bay Area—That area of Iosco, Arenac, Bay, Saginaw, Tuscola and Huron counties: Beginning at a point at the tip of Tawas Point in Sec. 3, T21N, R8E, Iosco County; northeast north and west on Tawas Point Road to its intersection with Highway US-23 (Sec. 21, T22N, R8E); south and west on Highway US-23 in Iosco and Arenac Counties to the intersection with Highway M-13 (Sec. 2, T18N, R4E, Arenac County); south on Highway M-13 in Arenac and Bay counties to the intersection with interstate Highway I-75 (Sec. 13, T14N, R4E); south on I-75, US-23 to the intersection with Highway US-10 (Sec. 24 T14N, R4E); west on Highway US-10 to the intersection with Garfield Road (northeast corner Sec. 27, T14N, R3E); south on Garfield Road in Bay and Saginaw Counties to the intersection with Tittabawassee Road (southwest corner Sec. 35, T13N, R3E); west on Tittabawassee Road to intersection with Graham Road (northwest corner Sec. 4, T12N, R3E); south on Graham Road to the junction of Highways M-46 and M-52 (west quarter corner Sec. 28, T12N, R3E); south on Highway M-52 to Highway M-57 (southwest corner Sec. 7 T9N, R3E); east on Highway M-57 to Highway M-13 (southeast corner Sec. 13, T9N, R4E); north on Highway M-13 to Burt Road (northwest corner Sec. 31, T10N, R5E); east on Burt Road to Highway I-75, US-10 and US-23 (Sec. 28 T10N, R6E); north on Highway I-75 to Highway M-46 (Sec. 28, T12N, R5E); east on Highway M-46 to North Gera Road southeast corner (Sec. 27, T12N, R6E); North Gera Road to Highway M-15 (Sec. 23, T12N, R6E); north on Highway M-15 in Saginaw and Bay Counties to Munger Road (Sec. 18, T13N, R6E); east on Munger Road (M-138), in Bay County and Fairgrove Road (M-138), in Tuscola County to Vassar Road (southeast corner Sec. 13, T13N, R7E); north on Vassar Road to Highway M-25 east quarter corner (Sec. 13, T14N, R7E); east and north on Highway M-25 in Tuscola and Huron Counties to Kinde Road (Sec. 35, T18N, R10E); east on Kinde Road to Highway M-53

(southeast corner Sec. 36, T18N, R12E); north on Highway M-53 to the junction with Highway M-25 (Sec. 30, T19N, R13E); north from that point to the shoreline of Lake Huron and then northwesterly from this point to the point of beginning (tip of Tawas Point in Iosco County).

2. Houghton Lake Area—That area of Roscommon, Missaukee, Kalkaska and Crawford Counties:

Beginning at the intersection of State Highway M-55 and Highway M-76 in Roscommon County (southeast corner Sec. 10, T22N, R1W); north on Highway M-76 to the Village of Roscommon, then west and south on county road 100 to the intersection of county road 104 (Sec. 32, T24N, R3W); west on county road 104 to the intersection of Highway US-27 (Sec. 34, T24N, R4W); north on Highway US-27 to the intersection of Fletcher Road in Crawford County (Sec. 23, T25N, R4W); west and northwest on Fletcher Road to county road 571 in Kalkaska County (Sec. 8, T25N, R6W); south on county road 571 to Highway M-55 in Missaukee County (Sec. 32, T23N, R6W); then east on Highway M-55 to the point of beginning.

3. Eastern Upper Peninsula Area—That area of Mackinac and Chippewa Counties:

Beginning at the point where the Mackinac Straits Bridge intersects the Lake Huron shoreline of Mackinac County north on Highway I-75 to Highway M-134 (Sec. 4, T42N, R3W); east on Highway M-134 to Highway M-129 (southeast corner Sec. 25, T42N, R1W); north on Highway M-129 to business loop I-75 (Sec. 7, T47N, R1E); north on business loop I-75 to downtown Sault Ste. Marie and extending on a line northward to the International Boundary between U.S. and Canada; east and south along the International Boundary on the St. Mary's River north channel and Lake Huron to a point west of the southwest corner of Cockburn Island (in Canada); west from that point on the International Boundary in Lake Huron to the south tip of Goose Island lying southwest of Marquette Island; continuing southwest in Lake Huron to the southernmost point of Mackinac Island and then west to the point of beginning.

4. Southwestern Michigan Area—That area of Muskegon, St. Joseph, Newago, Ottawa, Allegan, Van Buren, Cass, Kalamazoo, Calhoun, Barry, Ionia, Branch, and Kent Counties:

Beginning at the southwest meander corner of Sec. 4, T12N, R18W, Muskegon County, west on a line across Lake Michigan to the State boundary between Michigan and Wisconsin; south along the State boundary to a point directly west of the mouth of the Black River (Sec. 9, T1S, R17W) Van Buren County; east along a line

to the mouth of the Black River (Sec. 9, T1S, R17W); upstream along the south shore of the Black River to Highway US-31, then southerly along Highway US-31 to Highway M-43 (Sec. 14, T1S, R17W); easterly along Highway M-43 in Van Buren County to the junction with M-40 (Sec. 13, T2S, R14W); southerly along M-40 to the junction of M-216 (Marcellus) Sec. 16, T5S, R13W) Cass County; easterly along M-216 to junction of US-131 (Sec. 19, T5S, R11W); south on US-131 and Business US-131 to junction with M-60 (Sec. 18, T6S, R11W) St. Joseph County; North on M-60 and M-66 to the junction with I-96 (Sec. 25, T6N, R7W) Ionia County; west on I-96 to the junction with M-37 (Sec. 13, T7N, R12W) Kent County; north on M-37 to 112 Street (north quarter corner Sec. 13, T11N, R13W); west on 112 Street to Warner Road (Sec. 13, T11N, R14W) north on Warner Road to Roth Road (NE corner, Sec. 26, T12N, R14W); west on Roth Road to Maple Island Road to Highway M-20 (southwest corner, Sec. 31, T13N, R14W) and continuing north on M-20 to Skeels Road (northeast corner, Sec. 1, T12N, R15W); west on Skeels Road to Nichols Road (Sec. 2, T12N, R16W); south on Nichols Road to Fruitville Road (Sec. 2, T12N, R16W); west on Fruitville Road to Highway US-31 (Sec. 9, T12N, R17W); north on Highway US-31 to Meinert Road (Sec. 4, T12N, R17W); west on Meinert Road to the southwest meander corner Sec. 4, T12N, R18W (the point of beginning).

5. Southeastern Michigan Area—That area of Shiawassee, Washtenaw, Genesee, Livingston, Oakland, Lenawee, Jackson, Wayne, Ingham, St. Clair, Macomb and Monroe Counties:

Beginning at a point on the Blue Water Bridge at the International Boundary between the United States and Canada (Sec. 35, T7N, R17E) St. Clair County; westerly and south on Highway I-94 in St. Clair, Macomb Counties to the junction with M-59; west on M-59 to the junction with Highway I-75 in Oakland County; northwest along Highway I-75 to the junction with Highway I-69 in Genesee County; southwest along Highway I-69 to the junction with Highway M-52 (Sec. 9, T5N, R2E) Shiawassee County; south on M-52 to the junction with Highway M-36 (Sec. 22, T2N, R2E) Ingham County; west on M-36 to the junction with Highway US-127 (Sec. 6, T2N, R1W) Ingham County; south along US-127 in Ingham and Jackson Counties (through City of Jackson) to the junction with Highway US-12 (Sec. 7, T5S, R1E) Lenawee County; easterly on US-12 to the junction with Highway I-94 (Sec. 18, T3S, R7E) Washtenaw County; easterly on I-94 to the junction with Highway I-275 in Wayne County; southerly along I-275 to the junction with I-75 in Monroe County; southerly along I-75 to the State line (Sec. 5, T17S,

R8E); east along the State line between Michigan and Ohio to the shoreline of Lake Erie; northeasterly along the State line to the International Boundary in Lake Erie, northerly along the International Boundary in Lake Erie, the Detroit River, Lake St. Clair and the St. Clair River to the point of beginning.

*Minnesota*

1. All State Wildlife Management Areas and all Federal Waterfowl Production Areas.

2. On the waters on Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150-yard zone of land adjacent to the margins of the above lakes.

3. Beginning at the intersection of the midline of the Mississippi River and U.S. Highway 61 at Hastings, thence southerly along U.S. Highway 61 to U.S. Highway 16 at LaCrescent, thence southerly along U.S. Highway 16 to State Trunk Highway 26, thence southerly along State Trunk Highway 26 to the southern boundary of the State; thence along the southern and eastern boundaries of the State to the confluence of the St. Croix and Mississippi Rivers, thence along the midline of the Mississippi River to the point of beginning.

4. *Lac qui Parle Zone*: Beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27, Lac qui Parle County; thence along CSAH 27 to CSAH 20, Lac qui Parle County, thence along CSAH 20 to State Trunk Highway (STH) 40; thence along STH 40 to STH 119; thence along STH 119 to CSAH 34, Lac qui Parle County; thence along CSAH 34 to CSAH 19, Lac qui Parle County; thence along CSAH 19 to CSAH 38, Lac qui Parle County; thence along CSAH 38 to U.S. Highway 75; thence along U.S. Highway 75 to STH 7; thence along STH 7 to CSAH 6, Swift County; thence along CSAH 6 to County Road 65, Swift County; thence along County Road 65 to County Road 34, Chippewa County; thence along County Road 34 to CSAH 12, Chippewa County; thence along CSAH 12 to CSAH 9, Chippewa County; thence along CSAH 9 to STH 7; thence along STH 7 to Montevideo; thence along the municipal boundary of Montevideo to U.S. Highway 212; thence along U.S. Highway 212 to the point of beginning.

*Missouri*

Montrose Wildlife Management Area, Duck Creek Wildlife Management Area, Schell-Osage Wildlife Management Area, Fountain Grove Wildlife Management Area,

Ted Shanks Wildlife Management Area, Marais Temps Clair Wildlife Management Area, Otter Slough Wildlife Management Area, and those parts of the Swan Lake and Mingo National Wildlife Refuges in which hunting of waterfowl is authorized.

#### *Wisconsin*

1. In that portion of the State lying west of the Burlington Northern Railway in Pierce, Pepin, Buffalo, Trempealeau, La Crosse, Vernon, Crawford and Grant Counties and all signed federal lands lying east of such railway in these same counties.

2. On all waters in the counties of Calumet, Columbia, Dodge, Fond du Lac, Green Lake, Jefferson, Manitowoc, Marquette, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Waukesha, Winnebago, Washington, Waupaca and those portions of Oconto and Marinette Counties east of U.S. Highway 41, and that portion of Brown County lying northwest of the Fox River and east of U.S. Highway 141, and the Brown County islands in Green Bay and within a 150-yard zone of land adjacent to the margins of these waters, except that in the Horicon and Central goose management zones, non-toxic shot will be required for all waterfowl hunting. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above and the open water of Lake Michigan and Green Bay are excluded from the non-toxic shot requirements. All county boundary waters and lakes partially within a steel shot zone are totally included.

3. On any State wildlife area within the zones described in (2), steel shot is required for hunting waterfowl anywhere on State-owned lands or waters within the boundaries of said wildlife area and on the following State-owned wildlife areas which are not within the zones described in (2): Mead Wildlife Area in Marathon, Wood and Portage Counties, Wood County Wildlife Area and Sandhill Wildlife Area in Wood County, Meadow Valley Wildlife Area in Juneau and Monroe Counties.

#### CENTRAL FLYWAY

##### *Kansas*

Barton County: The Cheyenne Bottoms Wildlife Area except the south 200 yards west of U.S. 156 and east of the north-south centerline of S36, T18S, R13W in Barton County and that area west of U.S. 281 commonly known as the inlet canal.

Linn County: All of the Marais des Cygnes Wildlife Areas.

Montgomery County: All of the Elk City Reservoir and Wildlife Area including all lands and waters managed by the U.S. Corps

of Engineers and the Kansas Forestry, Fish and Game Commission.

Neosho County: All of the Neosho Wildlife Area.

Reno County: All of the Cheney Reservoir and Wildlife Area including all lands managed by the U.S. Bureau of Reclamation and the Kansas Forestry, Fish and Game Commission. Also, that portion of Quivira National Wildlife Refuge in Reno County.

Stafford County: That portion of the Quivira National Wildlife Refuge in Stafford County.

Rice County: That portion of the Quivira National Wildlife Refuge in Rice County.

#### *Nebraska*

Clay and Fillmore Counties and in Kearney and Phelps Counties except on the waters of the Platte River.

#### *New Mexico*

That area bounded by a line beginning at the junction of U.S. Highway 60 and Interstate Highway 25 and running south along Interstate 25 approximately 13.5 miles to the San Acacia overpass; thence east along a paved and dirt road to the west bank of the Rio Grande at the San Acacia diversion; thence northeast along the west bank of the Rio Grande to U.S. Highway 60; thence west along U.S. Highway 60 to its junction with Interstate Highway 25.

#### *Texas*

That area lying within boundaries beginning at the Louisiana State Line thence Westward along Interstate Highway 10 to the junction with Interstate Highway 45 in Houston, thence southward along Interstate Highway 45 to the junction with State Highway 35, thence southwestward along State Highway 35 to the junction with the Brazos River, thence along the eastern shore of the Brazos River to the shoreline of the Gulf of Mexico, thence seaward to the three marine league limit, thence north-eastward along the three marine league limit to the Louisiana State Line.

#### PACIFIC FLYWAY

##### *Oregon*

Sauvie Island Wildlife Management Area.

##### *Washington*

1. Beginning at Interstate 5 and Highway 20 at Burlington, thence easterly along Highway 20 to Highway 9 at Sedro Woolley; thence southerly along Highway 9 to Highway 538 at Big Rock; thence westerly along Highway 538 to Mt. Vernon and Interstate 5; thence northerly along Interstate 5 to the point of origin.

[46 FR 40881, Aug. 13, 1981]

## § 20.109

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

This section provides annual regulations by which falconers may take permitted migratory game birds.

NOTE: FOR FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected*.

(16 U.S.C. 701-718h)

[44 FR 7148, Feb. 6, 1979]

### Subpart L—Administrative and Miscellaneous Provisions

#### § 20.131 Extension of seasons.

Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

#### § 20.132 Subsistence use in Alaska.

(a) In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

(b) In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner and at any time, snowy owls and cormorants and their eggs for food and their skins

## Title 50—Wildlife and Fisheries

for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

#### § 20.133 Hunting regulations for crows.

(a) Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section.

(b) Except in the State of Hawaii, where no crows shall be taken, States may by statute or regulation prescribe a hunting season for crows. Such State statutes or regulations may set forth the method of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State:

(1) Crows shall not be hunted from aircraft;

(2) The hunting season or seasons on crows shall not exceed a total of 124 days during a calendar year;

(3) Hunting shall not be permitted during the peak crow nesting period within a State; and

(4) Crows may only be taken by firearms, bow and arrow, and falconry.

#### § 20.134 Nontoxic shot.

(a) *Approval procedures.* The Director, U.S. Fish and Wildlife Service shall determine that a specific type of shot material is acceptable for the purposes of § 20.21(j) if after a review of applications and supporting data submitted in accordance with this section, together with all other relevant evidence, it is concluded that the shot material can be used in migratory waterfowl habitats without imposing a significant danger to such waterfowl or to such habitats.

(1) *Application.* All applications under this section shall be submitted to the Director and shall include (i) the name, chemical identity, and composition of the shot material; (ii) a full and complete report of the results of all experimental work by the applicant on the toxicity of the shot material to migratory waterfowl and their habitat; (iii) data relating to the toxicity of the shot material to migratory waterfowl and their habitat obtained

by other investigators; (iv) information on the effectiveness and performance of the ammunition made from this shot material; (v) any other information which the applicant believes will justify a finding of "nontoxicity;" and (vi) information analyzing the environmental impacts associated with use of the proposed shot material for waterfowl hunting (including information on possible health and safety hazards), which information should be of the type, quantity, and quality specified by the Council on Environmental Quality for Preparation of Environmental Impact Statements, in order that the Director can make an assessment of the environmental impact of the proposed activity as required under the National Environmental Policy Act.

(2) *Public participation.* Approximately 30 days after receipt of a complete and valid application for a determination of "nontoxicity," the Director will publish such application, or a summary thereof, in the FEDERAL REGISTER and invite public comment thereon for a period of at least 60 days.

(3) *Decision time table.* The Director, within 180 days after receipt of an application will make a determination of toxicity or "nontoxicity," he may reject such an application without prejudice to any later applications for the same shot material. Such a rejection without prejudice may be made if there exists insufficient data, or if the application contains insufficient data, to demonstrate that the shot material can be used in migratory waterfowl habitats without imposing a significant danger to such waterfowl or to such habitats. In making these decisions the Director is not limited to his review of the application, supporting data, and public comments, but may consider any data deemed relevant to a determination of toxicity. The Director may deem it necessary to require further testing of the shot material. Shot materials which have been demonstrated to cause no increase in the percentage of birds unretrieved (birds downed but not retrieved divided by birds downed) beyond that resulting from the use of steel shot under field test conditions similar to that used to

assess performance of steel shot will, if they have met the other standards be approved as substitute shot. Notice of the Director's decision will be published in the FEDERAL REGISTER, together with a summary of the reasons for this determination.

(4) *Standards.* Acceptable substitute shot must meet the following standards relative to toxicity. The toxicity evaluation experiments must include undosed and controls dosed with five number 4 lead shot which experience 75 percent mortality.

(i) Less than 20 percent mortality to each sex of pen-reared, 6-month-old or older mallards during 6-week-long experiments after administering five number 4 shot via tube to the proventriculus to experimental groups of not less than 20 birds of each sex on an ad libitum diet of only whole kernel, dent yellow corn and water during both a winter period and a laying period. However, if the substitute shot is formed with a nontoxic coating over a toxic core substance, the time period for assessing mortality will not be until two weeks after all administered shot are completely eroded or passed.

(ii) No debilitating factor (e.g., immobility, excessive weakness or excessive weight loss, i.e., no more than 20 percent of undosed controls) caused by the proposed substitute shot.

(iii) No lowering of productivity performance as measured by parameters including number of eggs laid in first and second clutches, fertility, time of start of laying, interruption of laying sequence, hatchability and survivability of young up to 2 weeks of age.

(iv) No evidence of increased susceptibility to disease beyond that posed by steel shot.

(v) No significant known harmful effects to the environment.

[41 FR 31388, July 28, 1976]

### Subpart M—[Reserved]

### Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

SOURCE: 46 FR 62079, Dec. 22, 1981, unless otherwise noted.

§ 20.151 Purpose and scope.

The rules of this Subpart N apply to the issuance of the annual regulations establishing seasons, bag limits, and other requirements for the seasonal hunting of migratory birds. The rules of this Subpart N do not apply to the issuance of regulations under Part 21 of this title or under Subparts A-J and L-M of this Part 20.

§ 20.152 Definitions.

As used in this Subpart N:

(a) "Flyway Council" means the Atlantic, Mississippi, Central, or Pacific Flyway Council;

(b) "Regulations Committee" means the Migratory Bird Regulations Committee of the Fish and Wildlife Service; and

(c) "Significant," as used in reference to a communication or other form of information or data, means related to the merits of the regulation and received, utilized, or transmitted by an official of the Department who is or may reasonably be expected to be involved in the decisional process on the regulation.

§ 20.153 Regulations committee.

(a) *Notice of meetings.* Notice of each meeting of the Regulations Committee to be attended by any person outside the Department will be published in the FEDERAL REGISTER at least two weeks before the meeting. The notice will state the time, place, and general subject(s) of the meeting, as well as the extent of public involvement.

(b) *Public observation and written comment.* Each meeting of the Regulations Committee for which notice is published pursuant to paragraph(a) of this section will be open to the public for observation and the submission of written comments.

(c) *Public participation.* Except for the mid-summer meetings held in Washington, D.C., in conjunction with the public hearing on waterfowl and other late season frameworks, the public may participate in any meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section through the submission of oral statements that

comply with the rules stated in the notice.

(d) *Minutes of meetings.* Minutes will be made of each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section.

§ 20.154 Flyway Councils.

(a) *Notice of meetings.* Notice of each meeting of a Flyway Council to be attended by any official of the Department will be published in the FEDERAL REGISTER at least two weeks before the meeting or as soon as practicable after the Department learns of the meeting. The notice will state the time, place, and general subject(s) of the meeting.

§ 20.155 Public file.

(a) *Establishment.* A public file will be established for each rulemaking to which this Subpart N is applicable.

(b) *Contents.* Except for information exempt from disclosure under 5 U.S.C. 552, a public file established pursuant to paragraph (a) of this section will contain:

(1) The minutes of Regulations Committee meetings made pursuant to paragraph (d) of § 20.153;

(2) Any written comments and other significant written communications which occur after the notice of proposed rulemaking;

(3) Summaries, identifying the source, of any significant oral communications which occur after the notice of proposed rulemaking; and

(4) Copies of or references to any other significant data or information.

**PART 21—MIGRATORY BIRD PERMITS**

**Subpart A—Introduction**

Sec.

21.1 Purpose of regulations.

21.2 Scope of regulations.

**Subpart B—General Requirements And Exceptions**

21.11 General permit requirements.

21.12 General exception to permit requirements.

21.13 Permit exceptions for captive-reared mallard ducks.