

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

[FWS-R9-MB-2009-0124]  
[91200-1231-9BPP-L2]

RIN 1018-AW31

**Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Late Season****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

**SUMMARY:** This rule prescribes special late-season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands. This rule responds to tribal requests for U.S. Fish and Wildlife Service (hereinafter Service or we) recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

**DATES:** This rule takes effect on September 25, 2009.

**ADDRESSES:** You may inspect comments received on the proposed special hunting regulations and tribal proposals during normal business hours in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, VA, or at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703/358-1967), or Tina Chouinard, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (731/432-0981).

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Department of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

In the August 11, 2009, **Federal Register** (74 FR 40138), we proposed

special migratory bird hunting regulations for the 2009–10 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines respond 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 members and nonmembers on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal members and nonmembers, 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 must be consistent with the March 10 - September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In the April 10, 2009, **Federal Register** (74 FR 16339), we requested that tribes desiring special hunting regulations in the 2009–10 hunting season submit a proposal including details on:

(a) Harvest anticipated under the requested regulations;

(b) Methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(c) Steps that would be taken to limit level of harvest, where it could be shown that failure to limit such harvest would adversely impact the migratory bird resource; and

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

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. We have successfully used the guidelines since the 1985–86 hunting season. We finalized the guidelines beginning with the 1988–89 hunting season (August 18, 1988, **Federal Register** [53 FR 31612]).

Although the August 11 proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season proposals were addressed in a final rule

published in the September 2, 2009, **Federal Register** (74 FR 51704). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about September 24 or later each year and have a primary emphasis on waterfowl.

**Status of Populations**

In the August 11 proposed rule and September 2 final rule, we reviewed the status for various populations for which seasons were proposed. This information included brief summaries of the May Breeding Waterfowl and Habitat Survey; population status reports for blue-winged teal, sandhill cranes, woodcock, mourning doves, white-winged doves, white-tipped doves, and band-tailed pigeons; and the status and harvest of waterfowl. The tribal seasons established below are commensurate with the population status.

For more detailed information on methodologies and results, complete copies of the various reports are available at the street address indicated under **ADDRESSES** or from our website at <http://www.fws.gov/migratorybirds/NewsPublicationsReports.html>.

**Comments and Issues Concerning Tribal Proposals**

For the 2009–10 migratory bird hunting season, we proposed regulations for 29 tribes or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes had both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 11 tribes have proposals with late seasons. The comment period for the proposed rule, published on August 11, 2009, closed on August 21, 2009.

We did not receive any comments on our April 10, 2009, proposed rule, which announced rulemaking on regulations for migratory bird hunting by American Indian tribal members, or on our August 11, 2009, proposed rule.

**NEPA Consideration**

NEPA considerations are covered by the programmatic document “Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSER 88-14),” filed with the Environmental Protection Agency on June 9, 1988. We published Notice of Availability in the **Federal Register** on June 16, 1988 (53

FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the street address indicated under the caption **ADDRESSES**.

In a notice published in the September 8, 2005, **Federal Register** (70 FR 53376), we announced our intent to develop a new Supplemental Environmental Impact Statement for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as detailed in a March 9, 2006, **Federal Register** (71 FR 12216). A scoping report summarizing the scoping comments and scoping meetings is available by either writing to the street address indicated under **ADDRESSES** or by viewing on our website at <http://www.fws.gov/migratorybirds/>.

#### **Endangered Species Act Considerations**

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543; 87 Stat. 884), provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" (and) shall "insure that any action authorized, funded or carried out ... is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat..." Consequently, we conducted consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in the Section 7 Consultation on the Proposed 2009-10 Migratory Game Bird Hunting Regulations (dated August 24, 2009). The consultation concluded that the 2009-10 regulations are not likely to jeopardize the continued existence of either the whooping crane or Steller's eider. To prevent take of whooping cranes, the Contingency Plan for Federal-State Cooperative Protection of whooping cranes provides a protective program in 13 States. In addition, the State of Kansas will implement specific restrictions to avoid accidental shootings. To prevent take of Steller's eiders, the 2009-10 regulations include the continued implementation of measures initiated and outlined under the 2009 Alaska migratory bird subsistence regulations. These measures include Service-initiated conservation measures that increase migratory bird

hunter outreach prior to the opening of the hunting season, increased Service enforcement of migratory bird regulations, and in-season harvest verification of Steller's eider mortality and injury. Additionally, any modifications resulting from this consultation may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and Division of Migratory Bird Management, at the street address indicated under **ADDRESSES**.

#### **Executive Order 12866**

The Office of Management and Budget has determined that this rule is significant and has reviewed this rule under Executive Order 12866. OMB bases its determination of regulatory significance upon the following four criteria:

- (a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.
- (b) Whether the rule will create inconsistencies with other Federal agencies' actions.
- (c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.
- (d) Whether the rule raises novel legal or policy issues.

An economic analysis was prepared for the 2008-09 season. This analysis was based on data from the 2006 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimates consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) Issue restrictive regulations allowing fewer days than those issued during the 2007-08 season, (2) Issues moderate regulations allowing more days than those in alternative 1, and (3) Issue liberal regulations identical to the regulations in the 2007-08 season. For the 2008-09 season, we chose alternative 3, with an estimated consumer surplus across all flyways of \$205-\$270 million. For the upcoming 2009-10 season, we again considered these three alternatives and again chose alternative 3 for ducks. We made minor modifications to the season frameworks

for some other species, but these do not significantly change the economic impacts of the rule, which were not quantified for other species. For these reasons, we have not conducted a new economic analysis, but the 2008-09 analysis is part of the record for this rule and is available at <http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs> or at <http://www.regulations.gov>.

#### **Regulatory Flexibility Act**

The regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990-95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, and 2008. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2008 Analysis was based on the 2006 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately \$1.2 billion at small businesses in 2008. Copies of the Analysis are available upon written request from the street address indicated under **ADDRESSES** or from our website at <http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs> or at <http://www.regulations.gov>.

#### **Small Business Regulatory Enforcement Fairness Act**

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, the rule has an annual effect on the economy of \$100 million or more.

#### **Paperwork Reduction Act**

We examined these regulations under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of our Migratory Bird

Surveys and assigned control number 1018-0023 (expires 2/28/2011). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Alaska Subsistence Household Survey, an associated voluntary annual household survey used to determine levels of subsistence take in Alaska, and assigned control number 1018-0124 (expires 1/31/2010).

A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

#### Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

#### Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that the rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

#### Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

#### Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

#### Government-to-Government Relationship with Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 10 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2009-10 migratory bird hunting season. The resulting proposals were contained in an August 11 proposed rule (74 FR 40138). By virtue of these actions, we have consulted with Tribes affected by this rule.

#### Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the

preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, Tribes would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We find that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703-711), these regulations will take effect immediately upon publication.

#### List of Subjects in 50 CFR Part 20

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

■ Accordingly, part 20, subchapter B, chapter I of Title 50 of the Code of Federal Regulations is amended as follows:

#### PART 20—[AMENDED]

■ 1. The authority citation for part 20 continues to read as follows:

**Authority:** Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703-712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a-j; Pub. L. 106-108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

(Note: The following hunting regulations provided for by 50 CFR 20.110 will not appear in the Code of Federal Regulations because of their seasonal nature).

■ 2. Amend § 20.110 by:

■ a. Revising paragraphs (a), (b), (f), (j), (t) and (u), and

■ b. Adding paragraphs (x), (y), (z), (aa), and (bb), to read as set forth below. (Current § 20.110 was published at 74 FR 51707, September 2, 2009.)

#### § 20.110 Seasons, limits, and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) *Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nontribal Hunters).*

#### Doves

Season Dates: Open September 1, through September 15, 2009; then open November 14, through December 28, 2009.

Daily Bag and Possession Limits: For the early season, daily bag limit is 10 mourning or white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits.

#### Ducks (including mergansers)

Season Dates: Open October 10, 2009, through January 24, 2010.

Daily Bag and Possession Limits: Seven ducks, including two hen mallards, two redheads, two Mexican ducks, two goldeneye, two cinnamon teal, three scaup, and one pintail. The seasons on canvasback is closed. The possession limit is twice the daily bag limit.

#### Coots and Common Moorhens

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots and common moorhens, singly or in the aggregate. The possession limit is twice the daily bag limit.

#### Geese

Season Dates: Open October 17, 2009, through January 24, 2010.

Daily Bag and Possession Limits: Three geese, including no more than three dark (Canada) geese and three white (snow, blue, Ross's) geese. The possession limit is six dark geese and six white geese.

General Conditions: All persons 14 years and older must be in possession of a valid Colorado River Indian Reservation hunting permit before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

*(b) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Tribal Members and Nontribal Hunters).*

#### Tribal Members Only

##### Ducks (including mergansers)

Season Dates: Open September 1, 2009, through March 9, 2010.

Daily Bag and Possession Limits: The Tribe does not have specific bag and possession restrictions for Tribal members. The season on harlequin duck is closed.

#### Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: Same as ducks.

#### Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: Same as ducks.

#### Nontribal Hunters

##### Ducks (including mergansers)

Scaup Season Dates: Open October 3, 2009, through December 27, 2009.

Season Dates: Open October 3, 2009, through January 17, 2010.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, two pintail, three scaup (when open), one canvasback, and two redheads. The possession limit is twice the daily bag limit.

#### Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: The daily bag and possession limit is 25.

#### Geese

##### Dark Geese

Season Dates: Open October 3, 2009, through January 15, 2010.

Daily Bag and Possession Limits: 4 and 8 geese, respectively.

##### Light Geese

Season Dates: Open October 3, 2009, through January 15, 2010.

Daily Bag and Possession Limits: 6 and 12 geese, respectively.

#### Youth Waterfowl Hunt

Season Dates: September 26-27, 2009.

Daily Bag and Possession Limits: Same as ducks.

General Conditions: Tribal members and nontribal hunters must comply with all basic Federal migratory bird hunting regulations contained in 50 CFR part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset, and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

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*(f) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters).*

#### Nontribal Hunters on Reservation

##### Ducks

Season Dates: Open September 26, 2009, through January 31, 2010. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays, and for a continuous period in the months of October and November, not to exceed 107 days total. Nontribal hunters should

contact the Tribe for more detail on hunting days.

Daily Bag and Possession Limits: seven ducks, including no more than two female mallards, two pintail, 2 scaup, one canvasback, and two redheads. The possession limit is twice the daily bag limit.

#### Geese

Season Dates: Open September 1, 2009, through September 13, 2009, for the early-season, and open October 2, 2009, through January 31, 2010, for the late-season. During this period, days to be hunted are specified by the Kalispel Tribe, not to exceed 107 days total. Nontribal hunters should contact the Tribe for more detail on hunting days.

Daily Bag and Possession Limits: 5 Canada geese for the early season, and 3 light geese and 4 dark geese, for the late season. The daily bag limit is 2 brant (when the State's season is open) and is in addition to dark goose limits for the late season. The possession limit is twice the daily bag limit.

#### Tribal Hunters Within Kalispel Ceded Lands

##### Ducks

Season Dates: Open September 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 7 ducks, including no more than 2 female mallards, 2 pintail, 1 canvasback, 3 scaup, and 2 redheads. The possession limit is twice the daily bag limit.

#### Geese

Season Dates: Open September 1, 2009, through January 31, 2010.

Daily Bag Limit: 6 light geese and 4 dark geese. The daily bag limit is 2 brant and is in addition to dark goose limits.

General: Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

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*(j) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters).*

#### Tribal Members

##### Ducks, Mergansers, and Coots

Season Dates: Open September 19, 2009, through March 10, 2010.

Daily Bag and Possession Limits: Six ducks, including no more than five mallards (only one of which may be a hen), two scaup, one mottled duck, two redheads, two wood ducks, one canvasback, and one pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two

hooded merganser. The possession limit is twice the daily bag limit.

#### Canada Geese

Season Dates: Open October 10, 2009, through March 10, 2010.

Daily Bag and Possession Limits: Three and six, respectively.

#### White-fronted Geese

Season Dates: Open October 3, 2009, through March 10, 2010.

Daily Bag and Possession Limits: Two and four, respectively.

#### Light Geese

Season Dates: Open October 10, 2009, through March 10, 2010.

Daily Bag and Possession Limits: 20 and 40, respectively.

#### Nontribal Hunters

#### Ducks (including mergansers and coots)

Season Dates: Open October 10, 2009, through January 14, 2010.

Daily Bag and Possession Limits: Six ducks, including no more than five mallards (only one of which may be a hen), two scaup, one mottled duck, one canvasback, two redheads, two wood ducks, and one pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded mergansers. The possession limit is twice the daily bag limit.

#### Canada Geese

Season Dates: Open October 24, 2009, through February 7, 2010.

Daily Bag and Possession Limits: Three and six, respectively.

#### White-fronted Geese

Season Dates: Open October 10, 2009, through December 20, 2009.

Daily Bag and Possession Limits: One and two, respectively.

#### Light Geese

Season Dates: Open October 10, 2009, through January 10, 2010, and open February 26, 2010, through March 10, 2010.

Daily Bag and Possession Limits: 20 and 40, respectively.

General Conditions: All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR part 20, including the use of steel shot. Nontribal hunters must possess a validated Migratory Bird Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must adhere to when hunting in areas subject to control by the Tribe.

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(t) *Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only).*

#### Ducks

Season Dates: Open October 1, 2009, through February 28, 2010.

Daily Bag and Possession Limits: 15 and 20, respectively. The season on canvasbacks is closed.

#### Coots

Season Dates: Open October 15, 2009, through February 15, 2010.

Daily Bag and Possession Limits: 20 and 30, respectively.

#### Geese

Season Dates: Open October 15, 2009, through February 28, 2010.

Daily Bag and Possession Limits: The daily bag limits are seven geese and five brant. The possession limits for geese and brant are 10 and 7, respectively.

#### Mourning Dove

Season Dates: Open September 1, through December 31, 2009.

Daily Bag and Possession Limits: 12 and 15 mourning doves, respectively.

Tribal members must have the tribal identification and harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, except shooting hours would be one-half hour before official sunrise to one-half hour after official sunset.

(u) *Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only).*

#### Teal

Season Dates: Open October 13, 2009, through January 26, 2010.

Daily Bag Limit: Six teal.

#### Ducks

Season Dates: Open October 29, 2009, through February 23, 2010.

Daily Bag Limit: Six ducks, including no more than two hen mallards, two black ducks, two mottled ducks, one fulvous whistling duck, four mergansers, three scaup, one hooded merganser, two wood ducks, one canvasback, two redheads, and one pintail. The season is closed for harlequin ducks.

#### Sea Ducks

Season Dates: Open October 12, 2009, through February 28, 2010.

Daily Bag Limit: Seven ducks including no more than four of any one species (only one of which may be a hen eider).

#### Woodcock

Season Dates: Open October 13, through November 28, 2009.

Daily Bag Limit: 3 woodcock.

#### Canada Geese

Season Dates: Open September 14, through September 28, 2009, and open October 29, 2009, through February 25, 2010.

Daily Bag Limits: 5 Canada geese during the first period, 3 during the second.

#### Snow Geese

Season Dates: Open September 8, 2009, through September 22, 2009, and October 29, 2009, through February 25, 2010.

Daily Bag Limits: 15 snow geese.

General Conditions: Shooting hours are one-half hour before sunrise to sunset. Nontoxic shot is required. All basic Federal migratory bird hunting regulations contained in 50 CFR part 20 will be observed.

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(x) *Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters).*

#### Ducks (including mergansers)

Season Dates: Open October 10, through November 30, 2009.

Daily Bag and Possession Limits: The daily bag limit is seven, including no more than two hen mallards, two pintail, two redheads, one canvasback, and three scaup. The possession limit is twice the daily bag limit.

#### Canada Geese

Season Dates: Open October 10, through November 30, 2009.

Daily Bag and Possession Limits: Two and four, respectively.

General Conditions: Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(y) *Klamath Tribe, Chiloquin, Oregon (Tribal Members Only).*

#### Ducks

Season Dates: Open October 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 9 and 18 ducks, respectively.

**Coots**

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots.

**Geese**

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 9 and 18 geese, respectively.

General: The Klamath Tribe provides its game management officers, biologists, and wildlife technicians with regulatory enforcement authority, and has a court system with judges that hear cases and set fines. Nontoxic shot is required. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

(z) *Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters).*

**Ducks and Mergansers**

Scaup Season Dates: Open October 3, 2009, through December 27, 2009.

Season Dates: Open October 3, 2009, through January 17, 2010.

Daily Bag and Possession Limits: Seven ducks and mergansers, including no more than two hen mallards, two pintail, three scaup (when open), one canvasback, and two redheads. The possession limit is twice the daily bag limit.

**Coots**

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots. The possession limit is twice the daily bag limit.

**Geese**

Season Dates: Open October 3, 2009, through January 17, 2010.

Daily Bag and Possession Limits: 6 light geese and 4 dark geese. The possession limit is twice the daily bag limit.

**Common Snipe**

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

General Conditions: Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must possess a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Other regulations

established by the Shoshone-Bannock Tribes also apply on the reservation.

(aa) *Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only).*

**Ducks (including mergansers)**

Season Dates: Open October 1, 2009, through February 15, 2010.

Daily Bag and Possession Limits: 10 ducks, including no more than 7 mallards of which only 3 hen mallards, 3 pintail, 3 canvasback, 3 scaup, and 3 redheads. The possession limit is twice the daily bag limit.

**Coot**

Season Dates: October 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 25 and 50, respectively.

**Geese**

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 6 and 12, respectively.

**Brant**

Season Dates: Open October 1, 2009, through January 31, 2010.

Daily Bag and Possession Limits: 3 and 6, respectively.

**Snipe**

Season Dates: Open October 1, 2009, through January 21, 2010.

Daily Bag and Possession Limits: 10 and 20, respectively.

Tribal members hunting on lands will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal Law Enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

(bb) *Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only).*

Tribal Hunters within Swinomish, Lower Skagit, Kikialous, and Samish Ceded Lands

**Ducks (including mergansers)**

Season Dates: Open September 26, 2009, through February 10, 2010.

Daily Bag and Possession Limits: 10 ducks and mergansers, including no more than 5 hen mallards, 5 pintail, 6 canvasback, 6 scaup, and 5 redheads. The possession limit is twice the daily bag limit.

**Coot**

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 28 and 56, respectively.

**Geese**

Season Dates: Open October 3, 2009, through February 17, 2010.

Daily Bag and Possession Limits: 8 and 16, respectively.

**Brant**

Season Dates: Open October 3, 2009, through November 18, 2010.

Daily Bag and Possession Limits: 5 and 10, respectively.

Tribal Hunters on Swinomish, Lower Skagit, Kikialous, and Samish Reservation Lands

**Ducks (including mergansers)**

Season Dates: Open September 26, 2009, through March 9, 2010.

Daily Bag and Possession Limits: 10 ducks and mergansers, including no more than 5 hen mallards, 5 pintail, 6 canvasback, 6 scaup, and 5 redheads. The possession limit is twice the daily bag limit.

**Coot**

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 28 and 56, respectively.

**Geese**

Season Dates: Open October 3, 2009, through March 9, 2010.

Daily Bag and Possession Limits: 8 and 16, respectively.

**Brant**

Season Dates: Open October 3, 2009, through March 9, 2010.

Daily Bag and Possession Limits: 5 and 10, respectively.

Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Swinomish Lower Skagit, Kikialous, and Samish Tribal Law Enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

Dated: September 16, 2009.

**Thomas L. Strickland,**  
Assistant Secretary for Fish and Wildlife and Parks.

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