

Conservation Order for Light Geese

(a) What is a conservation order?

A conservation order is a special management action that is needed to control certain wildlife populations when traditional management programs are unsuccessful in preventing overabundance of the population. We are implementing a conservation order under the authority of the Migratory Bird Treaty Act to reduce and stabilize various light goose populations. The conservation order allows new methods of taking light geese, allows shooting hours for light geese to end one-half hour after sunset, and imposes no daily bag limits for light geese inside or outside the migratory bird hunting season frameworks as described below.

(b) Which waterfowl species are covered by the order?

The conservation order addresses management of greater snow (*Chen caerulescens atlantica*), lesser snow (*C. c. caerulescens*) and Ross's (*C. rossii*) geese that breed, migrate, and winter in North America. Populations in the Atlantic, Central and Mississippi Flyways are the primary focus of concern.

(c) In what areas can the conservation order be implemented?

(1) The following States, or portions of States, that are contained within the boundaries of the Atlantic, Mississippi, and Central Flyways: Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

(2) The following States, or portions of States, that are contained within the boundaries of the Pacific Flyway would be proposed for inclusion if light geese that frequent said Flyway reach undesirable levels: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Inclusion of Pacific Flyway states would be made following public review and comment.

(3) Tribal lands within the geographic boundaries in (1) and (2) above.

(d) What is required in order for State/Tribal governments to participate in the conservation order?

Any State or Tribal government responsible for the management of wildlife and migratory birds may, without permit, kill or cause to be killed under its general supervision, light geese under the following conditions:

- (1) Activities conducted under the conservation order may not affect endangered or threatened species as designated under the Endangered Species Act.
- (2) Control activities must be conducted clearly as such and are intended to relieve pressures on migratory birds and habitat essential to migratory bird populations only and are not to be construed as opening, re-opening, or extending any open hunting season contrary to any regulations promulgated under Section 3 of the Migratory Bird Treaty Act.
- (3) Control activities may be conducted only when all waterfowl (including light goose) and crane hunting seasons, excluding falconry, are closed.
- (4) Control measures employed through this section may be implemented only between the hours of one-half hour before sunrise to one-half hour after sunset.
- (5) Nothing in the conservation order may limit or initiate management actions on Federal land without concurrence of the Federal Agency with jurisdiction.
- (6) States and Tribes must designate participants who must operate under the conditions of the conservation order.
- (7) States and Tribes must inform participants of the requirements/conditions of the conservation order that apply.
- (8) States and Tribes must keep annual records of activities carried out under the authority of the conservation order. Specifically, information must be collected on: (i) the number of individuals participating in the conservation order, (ii) the number of days individuals participated in the conservation order, (iii) the number of individuals that pursued light geese with the aid of a shotgun capable of holding more than three shells, (iv) the number of individuals that pursued light geese with the aid of an electronic call, (v) the number of individuals that pursued light geese during the period one-half hour after sunset, (vi) the total number of light geese shot and retrieved during the conservation order, (vii) the number of light geese taken with the aid of an electronic call, (viii) the number of light geese taken with the fourth, fifth, or sixth shotgun shell, (ix) the number of light geese taken during the period one-half hour after sunset, and (x) the number of light geese shot but not retrieved. Information from Tribes may be incorporated in State reports. The States and Tribes must submit an annual report summarizing activities conducted under conservation order on or before August 30 of each year, to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr., Suite 634, Arlington, Virginia 22203.

(e) What is required in order for individuals to participate in the conservation order?

Individual participants in State or tribal programs covered by the conservation order are required to comply with the following requirements:

- (1) Nothing in the conservation order authorizes the take of light geese contrary to any State or Tribal laws or regulations; and none of the privileges granted under the conservation order may be

exercised unless persons acting under the authority of the conservation order possesses whatever permit or other authorization(s) as may be required for such activities by the State or Tribal government concerned.

(2) Participants who take light geese under the conservation order may not sell or offer for sale those birds nor their plumage, but may possess, transport, and otherwise properly use them.

(3) Participants acting under the authority of the conservation order must permit at all reasonable times including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and must promptly furnish whatever information an officer requires concerning the operation.

(4) Participants acting under the authority of the conservation order may take light geese by any method except those prohibited as follows:

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

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

(iii) 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;

(iv) 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 the sails furled, and its progress therefrom has ceased. A craft under power may be used only to retrieve dead or crippled birds; however, the craft may not be used under power to shoot any crippled birds;

(v) 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 light geese on an area where tame or captive live geese are present unless such birds are and have been for a period of 10 consecutive days before the taking, confined within an enclosure that substantially reduces the audibility of their calls and totally conceals the birds from the sight of light geese;

(vi) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of light geese;

(vii) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited as described in 50 CFR § 20.11(j-k). Light geese may not be taken on or over lands or areas that are baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation as described in § 20.11(h and l) . However, nothing in this paragraph prohibits the taking of light geese on or over the following lands or areas that are not otherwise baited areas: (A) standing crops or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or

grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice as described in § 20.11(g, i, l, and m); (B) from a blind or other place of concealment camouflaged with natural vegetation; (C) from a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or (D) standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

(viii) Participants may not possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot, bismuth-tin, tungsten-iron, tungsten-polymer, tungsten-matrix, tungsten-nickel-iron, or other shots that are authorized in 50 CFR 20.21(j).

(f) Under what conditions would the conservation order be suspended?

We will annually assess the overall impact and effectiveness of the conservation order on each light goose population to ensure compatibility with long-term conservation of this resource. If at any time evidence is presented that clearly demonstrates that an individual light goose population no longer presents a serious threat of injury to the area or areas involved, we will initiate action to suspend the conservation order for the specific light goose population in question. However, resumption of growth by the light goose population in question may warrant reinstatement of such regulations to control the population. Depending on the status of individual light goose populations, it is possible that a conservation order may be in effect for one or more light goose populations, but not others.

(g) Will information concerning the conservation order be collected?

The information collection requirements of the conservation order, as described in (c)(8) above, will be submitted for approval by OMB. Agencies 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. The record-keeping and reporting requirements imposed under the conservation order will be utilized to administer this program, particularly in the assessment of impacts alternative regulatory strategies may have on light geese and other migratory bird populations. The information collected will be required to authorize State and Tribal governments responsible for migratory bird management to take light geese within the guidelines provided by the Service.