



# Federal Register

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**Friday,  
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**Part VII**

## **Department of the Interior**

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**Fish and Wildlife Service**

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**50 CFR Part 20**

**Migratory Bird Hunting; Certain Federal  
Indian Reservations and Ceded Lands for  
the 2007–08 Season; 2007–08 Late-Season  
Migratory Bird Hunting; Proposed Rules**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 20**

RIN 1018-AV12

**Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2007-08 Season****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (hereinafter, Service or we) proposes special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2007-08 migratory bird hunting season.

**DATES:** We will accept all comments on the proposed regulations that are postmarked or received in our office by September 10, 2007.

**ADDRESSES:** Send your comments on these proposals to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP-4107-ARLSQ, 1849 C Street, NW., Washington, DC 20240, or fax comments to (703) 358-2272. All comments received will become part of the public record. You may inspect comments during normal business hours in room 4107, 4501 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358-1714.

**SUPPLEMENTARY INFORMATION:** In the April 11, 2007, **Federal Register** (72 FR 18328), we requested proposals from Indian Tribes wishing to establish special migratory bird hunting regulations for the 2007-08 hunting season, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). In this supplemental proposed rule, we propose special migratory bird hunting regulations for 28 Indian Tribes, based on the input we received in response to the April 11, 2007, proposed rule. As described in that document/proposed rule, the promulgation of annual migratory bird hunting regulations involves a series of rulemaking actions each year. This proposed rule is part of that series.

We developed the guidelines for establishing special migratory bird hunting regulations for Indian Tribes in response to tribal requests for recognition of their reserved hunting

rights and, for some Tribes, recognition of their authority to regulate hunting by both tribal and nontribal hunters on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and nontribal hunters, with hunting by nontribal hunters 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 the 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 to September 1 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Treaty). The guidelines apply to those Tribes having recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal hunters on all lands within the exterior boundaries of reservations where Tribes have full wildlife management authority over such hunting or where the Tribes and affected States otherwise have reached agreement over hunting by nontribal hunters on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the Tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a Tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where Tribes wish to establish special hunting regulations for tribal members on ceded lands. Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, we provide the

following clarification. We routinely provide copies of **Federal Register** publications pertaining to migratory bird management to all State Directors, Tribes, and other interested parties. It is the responsibility of the States, Tribes, and others to notify us of any concern regarding any feature(s) of any regulations. When we receive such notification, we will initiate consultation.

Our guidelines provide for the continued harvest of waterfowl and other migratory game birds by tribal members on reservations where such harvest has been a customary practice. We do not oppose this harvest, provided it does not take place during the closed season defined by the Treaty, and does not adversely affect the status of the migratory bird resource. Before developing the guidelines, we reviewed available information on the current status of migratory bird populations; reviewed the current status of migratory bird hunting on Federal Indian reservations; and evaluated the potential impact of such guidelines on migratory birds. We concluded that the impact of migratory bird harvest by tribal members hunting on their reservations is minimal.

One area of interest in Indian migratory bird hunting regulations relates to hunting seasons for nontribal hunters on dates that are within Federal frameworks, but which are different from those established by the State(s) where the reservation is located. A large influx of nontribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse population impacts on one or more migratory bird species. The guidelines make this unlikely, however, because tribal proposals must include:

(a) Harvest anticipated under the requested regulations; (b) methods that will be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.); (c) steps that will 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. We may modify regulations or establish experimental special hunts, after evaluation and confirmation of harvest information obtained by the Tribes.

We believe the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian Tribes while ensuring that the migratory bird resource receives necessary protection. The conservation

of this important international resource is paramount. The guidelines should not be viewed as inflexible. In this regard, we note that they have been employed successfully since 1985. We believe they have been tested adequately and, therefore, we made them final beginning with the 1988–89 hunting season. We should stress here, however, that use of the guidelines is not mandatory and no action is required if a Tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

### Service Migratory Bird Regulations Committee Meetings

Participants at the June 20–21, 2007, meetings reviewed information on the current status of migratory shore and upland game birds and developed 2007–08 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the U.S. Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl. Participants at the previously announced August 1–2, 2007, meetings reviewed information on the current status of waterfowl and developed recommendations for the 2007–08 regulations pertaining to regular waterfowl seasons and other species and seasons not previously discussed at the early-season meetings. In accordance with Department of the Interior policy, these meetings were open to public observation and you may submit comments to the Director on the matters discussed.

### Population Status and Harvest

The following paragraphs provide preliminary information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds excerpted from various reports. For more detailed information on methodologies and results, you may obtain complete copies of the various reports at the address indicated under **ADDRESSES** or from our Web site at <http://www.fws.gov/migratorybirds/reports/reports.html>.

#### Status of Ducks

Federal, provincial, and State agencies conduct surveys each spring to estimate the size of breeding populations and to evaluate the conditions of the habitats. These surveys are conducted using fixed-wing aircraft and helicopters and encompass principal breeding areas of North

America, and cover over 2.0 million square miles. The traditional survey area comprises Alaska, Canada, and the northcentral United States, and includes approximately 1.3 million square miles. The Eastern survey area includes parts of Ontario, Quebec, Labrador, Newfoundland, Nova Scotia, Prince Edward Island, New Brunswick, New York, and Maine, an area of approximately 0.7 million square miles.

#### Breeding Ground Conditions

Overall, habitat conditions for breeding waterfowl in 2007 were similar or slightly improved relative to 2006. The total pond estimate (Prairie Canada and United States combined) was  $7.0 \pm 0.3$  million ponds, 15 percent greater than last year's estimate of  $6.1 \pm 0.2$  million ponds and 44 percent higher than the long-term average of  $4.9 \pm 0.03$  million ponds. The 2007 estimate of ponds in Prairie Canada was  $5.0 \pm 0.3$  million. This was a 13 percent increase from last year's estimate ( $4.4 \pm 0.2$  million), 49 percent above the 1955–2006 average ( $3.4 \pm 0.03$  million), and the fourth highest on record. The 2007 pond estimate for the northcentral United States ( $2.0 \pm 0.1$  million) was 19 percent greater than last year's estimate ( $1.6 \pm 0.09$  million) and 29 percent above the long-term average ( $1.5 \pm 0.02$  million). In the Eastern Survey Area (strata 51–72), the boreal forests were generally in good or excellent condition this spring, except for a few drier patches in Northern Quebec that were in fair condition.

#### Breeding Population Status

In the Waterfowl Breeding Population and Habitat Survey traditional survey area (strata 1–18, 20–50, and 75–77), the total duck population estimate was  $41.2 \pm 0.7$  [SE] million birds. This was 14 percent greater than last year's estimate of  $36.2 \pm 0.6$  million birds and 24 percent above the 1955–2006 long-term average. Mallard (*Anas platyrhynchos*) abundance was  $8.3 \pm 0.3$  million birds, which was 14 percent above last year's estimate of  $7.3 \pm 0.2$  million birds and 11 percent above the long-term average. Blue-winged teal (*A. discors*) estimated abundance was  $6.7 \pm 0.4$  million birds, the third highest since 1955, 14 percent greater than last year's estimate of  $5.9 \pm 0.3$  million birds, and 48 percent above the long-term average. Estimated abundances of gadwall (*A. strepera*;  $3.4 \pm 0.2$  million) and Northern shovelers (*A. clypeata*;  $4.6 \pm 0.2$  million) were also higher than those of last year (+19 percent and +24 percent, respectively) and well above their long-term averages (+96 percent and +106 percent, respectively). Estimated abundance of

American wigeon (*A. americana*;  $2.8 \pm 0.2$  million) was 29 percent greater than last year but similar to the long-term average. Estimated abundances of green-winged teal (*A. crecca*;  $2.9 \pm 0.2$  million), redheads (*Aythya americana*;  $1.0 \pm 0.08$  million), and canvasbacks (*A. valisineria*;  $0.9 \pm 0.09$  million) were similar to last year's, but were each >50 percent above their long-term averages. Abundances of Northern shovelers, redheads, and canvasbacks were the highest ever estimated in this survey area, and the abundance of green-winged teal was the second highest estimated for this region. Estimates for Northern pintails (*Anas acuta*;  $3.3 \pm 0.2$  million) and scaup (*Aythya affinis* and *A. marila* combined;  $3.5 \pm 0.2$  million) were unchanged from those of 2006 and remained below long-term averages (–19 percent and –33 percent, respectively).

The eastern survey area was restratified in 2005, is now composed of strata 51–72, and efforts at integrating U.S. Fish and Wildlife Service and Canadian Wildlife Service surveys are ongoing. Estimated abundance of mallards, scap, scoters (black [*Melanitta nigra*], white-winged [*M. fusca*], and surf [*M. perspicillata*]), green-winged teal, American wigeon, and buffleheads (*B. albeola*) were all similar to 2006 estimates and to long-term averages. American black duck (*A. rubripes*, 568,700 ducks) and ring-necked duck (*Aythya collaris*, 651,000 ducks) estimates were 14 percent and 19 percent higher than those of 2006, and 22 percent and 27 percent above their 1990–2006 averages, respectively. The merganser (red-breasted [*Mergus serrator*], common [*M. merganser*], and hooded [*Lophodytes cucullatus*]) estimate of 400,100 was 27 percent higher than last year's, and the goldeneye (common [*Bucephala clangula*] and Barrow's [*B. islandica*]) count of 319,000 was 49 percent higher than that of 2006, but both these species were similar to their long-term averages.

#### Fall Flight Estimate

The mid-continent mallard population is composed of mallards from the traditional survey area, Michigan, Minnesota, and Wisconsin, and is  $9.1 \pm 0.3$  million. This is similar to the 2006 estimate of  $7.9 \pm 0.2$  million. The projected mallard fall flight index was  $11.4 \pm 1.0$  million, similar to the 2006 estimate of  $9.9 \pm 0.9$  million birds. These indices were based on revised mid-continent mallard population models, and therefore, differ from those previously published.

### Status of Geese and Swans

We provide information on the population status and productivity of North American Canada geese (*Branta canadensis*), brant (*B. bernicla*), snow geese (*Chen caerulescens*), Ross' geese (*C. rossii*), emperor geese (*C. canagica*), white-fronted geese (*Anser albifrons*), and tundra swans (*Cygnus columbianus*). In 2007, a large area of the eastern Canadian Arctic experienced a much colder than average spring. Delayed nesting activities and reduced production of waterfowl occurred widely from Queen Maud Gulf to northern Quebec, and will impact goose and swan populations migrating through the Continent's three eastern flyways. In contrast, waterfowl nesting in subarctic areas around Hudson and James Bays and Alaska's Yukon Delta experienced favorable nesting conditions. Primary abundance indices in 2007 increased from 2006 levels for 17 goose populations and decreased for 5 goose populations. Primary abundance indices in 2007 for both populations of tundra swans increased from 2006 levels. The following populations displayed significant positive trends during the most recent 10-year period ( $P < 0.05$ ): Mississippi Flyway Giant, Atlantic, and Aleutian Canada geese; Western Arctic/Wrangell Island snow geese; and Pacific white-fronted geese. Only the Eastern Population of tundra swans showed a significant negative 10-year trend. The forecast for the production of geese and swans in North America in 2007 is regionally variable, but production for many populations will be reduced from the excellent production experienced in 2006.

### Sandhill Cranes

Compared to increases recorded in the 1970s, annual indices to abundance of the Mid-Continent Population (MCP) of sandhill cranes have been relatively stable since the early 1980s. The Central Platte River Valley, Nebraska, spring index for 2007, uncorrected for visibility bias, was 302,600 sandhill cranes. The photo-corrected, 3-year average for 2004–06 was 378,420, which is within the established population-objective range of 349,000–472,000 cranes. All Central Flyway States, except Nebraska, allowed crane hunting in portions of their States during 2006–07. About 10,120 hunters participated in these seasons, which was similar to the number that participated in the previous year's season. Hunters harvested 17,631 MCP cranes in the U.S. portion of the Central Flyway during the 2006–07 seasons, which was 3 percent lower than the estimated harvest for the

previous year. The retrieved harvest of MCP cranes in hunt areas outside the Central Flyway (Arizona, New Mexico, Alaska, Canada, and Mexico combined) was estimated at 13,048 during 2006–07. The preliminary estimate for the North American MCP sport harvest, including crippling losses, was 35,341 birds, which is 3 percent lower than the previous year's estimate. The long-term (1982–2004) trends for the MCP indicate that harvest has been increasing at a higher rate than population growth.

The fall 2006 pre-migration survey for the Rocky Mountain Population (RMP) was not completed due to engine problems with the survey aircraft. The 3-year average for 2003–05 was 19,633 sandhill cranes, which is within established population objectives of 17,000–21,000 for the RMP. Hunting seasons during 2006–07 in portions of Arizona, Idaho, Montana, New Mexico, Utah, and Wyoming, resulted in a harvest of 907 RMP cranes, a 29 percent increase from the harvest of 702 the year before, and a record high harvest for this population.

### Woodcock

Singing-ground and Wing-collection Surveys were conducted to assess the population status of the American woodcock (*Scolopax minor*). The Singing-ground Survey is intended to measure long-term changes in woodcock population levels. Singing-ground Survey data indicated that the numbers of displaying American woodcock in the Eastern Region in 2007 declined 11.6 percent from 2006; however, the Central Region was unchanged. We note that measurement of short-term (i.e., annual) trends tends to give estimates with larger variances and is more prone to be influenced by climatic factors that may affect local counts during the survey. For example, it is possible that the decrease observed in the Eastern Region this year may have been due in part to late season snowfalls that portions of the Northeast received after woodcock arrived on the breeding grounds.

There was no significant trend in woodcock heard in either the Eastern or Central Regions during 1997–2007. This represents the fourth consecutive year since 1992 that the 10-year trend estimate for either region did not indicate a significant decline. There were long-term (1968–2007) declines of 2.0 percent per year in the Eastern Region and 1.8 percent per year in the Central Region. Wing-collection Survey data indicate that the 2006 recruitment index for the U.S. portion of the Eastern Region (1.5 immatures per adult female) was 7 percent lower than the 2005 index, and 8 percent lower than the

long-term average. The recruitment index for the U.S. portion of the Central Region (1.6 immatures per adult female) was 11 percent higher than the 2005 index, and 2 percent higher than the long-term average.

### Band-Tailed Pigeons and Doves

A range-wide survey for the Pacific Coast Band-tailed Pigeon Population was initiated on an experimental basis in 2001 and became operational in 2004. Pigeons are counted at selected mineral sites throughout their range in British Columbia, Washington, Oregon, and California. Results are used as an index to determine the population trend over time. Range-wide trend estimates showed an increase in Pacific Coast pigeons during 2001–2006 of over 10 percent per year. Pigeon counts at more than half of mineral sites (54 percent) increased in 2006. In 2006, there were 44 sites counted.

Breeding Bird Survey (BBS) data are used to monitor the Interior Band-tailed Pigeon Population. Analyses of BBS data over the most recent 10 years (1997–2006) showed a significant decline while there was no trend indicated between 1968 and 2006. For the Pacific Coast Population, the preliminary 2005–06 harvest estimate from the Harvest Information Program (HIP) was 16,600 pigeons. For the Interior Population, the preliminary harvest estimate was 1,600 pigeons.

Analyses of Mourning Dove Call-count Survey data over the most recent 10 years indicated no significant trend for doves heard in either the Eastern or Western Management Units while the Central Unit showed a significant decline. Over the 42-year period, 1966–2007, all 3 units exhibited significant declines in mourning doves heard. In contrast, for doves seen over the 10-year period, no significant trends were found in any of the three Management Units. For doves seen over 42 years, no trend was found in the Eastern and Central Units while a significant decline was indicated for the Western Unit. The preliminary 2006 harvest estimate for the United States was 19,245,300 doves, a 13 percent decrease from 2005. A banding project is underway to obtain current information in order to develop mourning dove population models for each unit to provide guidance for improving our decisionmaking process with respect to harvest management.

The two key States with a white-winged dove population are Arizona and Texas. California and New Mexico have much smaller populations. In Arizona, the white-winged dove population showed a significant decline between 1962 and 1980. To adjust

harvest with population size, the bag limits, season length, and shooting hours have been reduced over the years, most recently in 1988. These regulations changes appear to have slowed the decline, and in recent years, the harvest has stabilized at around 110,000 birds per year. Arizona is currently experiencing the greatest drought in recorded history. In 2007, the Call-count index was 24.6. According to HIP surveys, the 2006 harvest estimate was 107,400 doves.

In Texas, white-winged doves continue to expand their breeding range and are even extending into the northeast part of the State. Nesting is essentially confined to urban areas, but appears to be expanding to exurban areas. Concomitant with this range expansion has been a dramatic increase in whitewing abundance. Moreover, because until recently, whitewing populations were not surveyed outside south Texas, the population increase has probably been even more dramatic. A new distance sampling protocol was implemented for Central and South Texas for 2007. It is anticipated that this protocol will be implemented Statewide in 2008, which should give the ability to obtain a good estimate of white-winged dove abundance in Texas. The 2007 data were not available at the time of this report. However, 2006 surveys in Central Texas indicated a population in this region of 991,103 to 1,394,300 whitewings. Preliminary harvest estimates suggest that, during the 2006–07 season, 2,165,128 white-winged doves were harvested Statewide. This includes approximately 278,000 whitewings harvested during the special white-winged dove season in the Special White-winged Dove Zone, and approximately 319,000 white-wings harvested during the same period outside the Special Zone. Total Statewide harvest represents a slight, but not necessarily significant, change from the previous season of 1,840,536 whitewings.

In California, BBS data indicate that there has been a significant increase in the population between 1968 and 2006 while no trend was indicated over the most recent 10 years. According to HIP surveys, the preliminary harvest estimate for 2006 was 55,200. In New Mexico, both the long- and short-term trends show a significant increase. In 2006, the estimated harvest was 66,100 doves.

White-tipped doves are maintaining a relatively stable population in the Lower Rio Grande Valley of Texas. They are most abundant in cities and, for the most part, are not available to hunting. White-winged dove distance sampling

in the Valley included white-tipped doves for the first time in 2007. However, these data were not available at the time of this report. Once available, they should provide, for the first time, an estimate of actual white-tipped dove abundance in Texas. During the 2006–07 season, an estimated total of 150,521 white-tipped doves were killed in Texas. This is essentially unchanged from the 2005–06 estimate of 144,302 doves.

#### **Hunting Season Proposals From Indian Tribes and Organizations**

For the 2007–08 hunting season, we received requests from 28 Tribes and Indian organizations. We actively solicit regulatory proposals from other tribal groups that are interested in working cooperatively for the benefit of waterfowl and other migratory game birds. We encourage Tribes to work with us to develop agreements for management of migratory bird resources on tribal lands.

It should be noted that this proposed rule includes generalized regulations for both early- and late-season hunting. Because of the timing of this proposed rule, a final rule will be published in the **Federal Register** in mid-September 2007 that will include tribal regulations for the early- and late-hunting seasons. Early seasons generally begins around September 1 each year and most commonly includes such species as American woodcock, sandhill cranes, mourning doves, and white-winged doves. Late seasons generally begin on or around September 24 and most commonly include waterfowl species.

In this current rulemaking, because of the compressed timeframe for establishing regulations for Indian Tribes and because final frameworks dates and other specific information are not available, the regulations for many tribal hunting seasons are described in relation to the season dates, season length, and limits that will be permitted when final Federal frameworks are announced for early- and late-season regulations. For example, daily bag and possession limits for ducks on some areas are shown as the same as permitted in Pacific Flyway States under final Federal frameworks, and limits for geese will be shown as the same permitted by the State(s) in which the tribal hunting area is located.

The proposed frameworks for early-season regulations were published in the **Federal Register** on July 23, 2007 (72 FR 40194); early-season final frameworks will be published in late-August. Proposed late-season frameworks for waterfowl and coots will be published in late-August, and the

final frameworks for the late seasons will be published in mid-September. We will notify affected Tribes of season dates, bag limits, etc., as soon as final frameworks are established. As previously discussed, no action is required by Tribes wishing to observe migratory bird hunting regulations established by the State(s) where they are located. The proposed regulations for the 28 Tribes that have submitted proposals that meet the established criteria are shown below.

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

The Colorado River Indian Reservation is located in Arizona and California. The Tribes own almost all lands on the reservation, and have full wildlife management authority.

In their 2007–08 proposal, the Colorado River Indian Tribes requested split dove seasons. They propose their early season begin September 1 and end September 15, 2007. Daily bag limits would be 10 mourning or white-winged doves in the aggregate. The late season for doves is proposed to open November 10, 2007, and close December 24, 2007. The daily bag limit would be 10 mourning doves. The possession limit would be twice the daily bag limit after the first day of the season. Shooting hours would be from one-half hour before sunrise to noon in the early season and until sunset in the late season. Other special tribally set regulations would apply.

The Tribes also propose duck hunting seasons. The season would open October 13, 2007, and run until January 27, 2008. The Tribes propose the same season dates for mergansers, coots, and common moorhens. The daily bag limit for ducks, including mergansers, would be seven, except that the daily bag limits could contain no more than two hen mallards, two redheads, two Mexican ducks, two goldeneye, three scaup, and two cinnamon teal. The seasons on canvasback and pintail are closed. The possession limit would be twice the daily bag limit after the first day of the season. The daily bag and possession limit for coots and common moorhens would be 25, singly or in the aggregate.

For geese, the Colorado River Indian Tribes propose a season of October 20, 2007, through January 27, 2008. The daily bag limit for geese would be three light geese and three dark geese. The possession limit would be six light geese and six dark geese after opening day.

In 1996, the Tribe conducted a detailed assessment of dove hunting.

Results showed approximately 16,100 mourning doves and 13,600 white-winged doves were harvested by approximately 2,660 hunters who averaged 1.45 hunter-days. Field observations and permit sales indicate that fewer than 200 hunters participate in waterfowl seasons. Under the proposed regulations described here and, based upon past seasons, we and the Tribes estimate harvest will be similar.

Hunters must have a valid Colorado River Indian Reservation hunting permit in their possession while hunting. Other special tribally set regulations would apply. As in the past, the regulations would apply both to tribal and non-tribal hunters, and nontoxic shot is required for waterfowl hunting.

We propose to approve the Colorado River Indian Tribes regulations for the 2007–08 hunting season.

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

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the Tribes are currently operating under a cooperative agreement signed in 1990 that addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation.

As in the past, tribal regulations for nontribal hunters would be at least as restrictive as those established for the Pacific Flyway portion of Montana. Goose season dates would also be at least as restrictive as those established for the Pacific Flyway portion of Montana. Shooting hours for waterfowl hunting on the Flathead Reservation are sunrise to sunset. Steel shot or other federally approved nontoxic shots are the only legal shotgun loads on the reservation for waterfowl or other game birds.

For tribal members, the Tribe proposes outside frameworks for ducks and geese of September 1, 2007, through March 9, 2008. Daily bag and possession limits were not proposed for tribal members.

The requested season dates and bag limits are similar to past regulations. Harvest levels are not expected to change significantly. Standardized check station data from the 1993–94 and 1994–95 hunting seasons indicated no significant changes in harvest levels and

that the large majority of the harvest is by non-tribal hunters.

We propose to approve the Tribes' request for special migratory bird regulations for the 2007–08 hunting season.

*(c) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Nontribal Hunters)*

The Crow Creek Indian Reservation has a checkerboard pattern of land ownership, with much of the land owned by non-Indians. Since the 1993–94 season, the Tribe has selected special waterfowl hunting regulations independent of the State of South Dakota. The Tribe observes migratory bird hunting regulations contained in 50 CFR part 20.

The Tribe requests a duck and merganser season of October 2 to December 14, 2007, with a daily bag limit of six ducks, including no more than five mallards (only two of which may be hens), two redheads, two wood ducks, one pintail, one canvasback, and three scaup. The merganser daily bag limit would be five and include no more than one hooded merganser. The daily bag limit for coots would be 15.

For Canada geese, the Tribe proposes an October 16, 2007, to January 18, 2008, season with a three-bird daily bag limit. For white-fronted geese, the Tribe proposes a September 25 to December 19, 2007, season with a daily bag limit of two. For snow geese, the Tribe proposes a September 24 to December 29, 2007, season with a daily bag limit of 20.

Similar to the last several years, the Tribe also requests a sandhill crane season from September 11 to October 17, 2007, with a daily bag limit of three.

In all cases, except snow geese, the possession limits would be twice the daily bag limit. There would be no possession limit for snow geese. Shooting hours would be from one-half hour before sunrise to sunset.

The season and bag limits would be essentially the same as last year, and, as such, the Tribe would expect similar harvest. In 1994–95, duck harvest was 48 birds, down from 67 in 1993–94. Goose harvest during recent past seasons has been fewer than 100 geese. Total harvest on the reservation in 2000 was estimated to be 179 ducks and 868 geese.

The Service proposes to approve the request for special migratory bird hunting regulations for the Crow Creek Sioux Tribe. We remind the Tribe that all sandhill crane hunters are required to obtain a Federal sandhill crane permit. As such, the Tribe should

contact us for further information on obtaining the needed permits. In addition, as with all other groups, we request the Tribe continue to survey and report harvest.

*(d) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)*

Since 1996, the Service and the Fond du Lac Band of Lake Superior Chippewa Indians have cooperated to establish special migratory bird hunting regulations for tribal members. The Fond du Lac's May 29, 2007, proposal covers land set apart for the band under the Treaties of 1837 and 1854 in northeast and east-central Minnesota.

The band's proposal for 2007–08 is essentially the same as that approved last year. Specifically, the Fond du Lac Band proposes a September 15 to December 3, 2007, season on ducks, mergansers, coots, and moorhens, and a September 1 to December 3, 2007, season for geese. For sora and Virginia rails, snipe, and woodcock, the Fond du Lac Band proposes a September 1 to December 3, 2007, season. The band proposes a September 1 to October 30, 2007, season for mourning doves. Proposed daily bag limits would consist of the following:

*Ducks:* 18 ducks, including no more than 12 mallards (only 6 of which may be hens), 3 black ducks, 6 scaup, 4 wood ducks, 6 redheads, 3 pintails, and 3 canvasbacks.

*Mergansers:* 15 mergansers, including no more than 3 hooded mergansers.

*Geese:* 12 geese.

*Coots and Common Moorhens (Common Gallinules):* 20 coots and common moorhens, singly or in the aggregate.

*Sora and Virginia Rails:* 25 sora and Virginia rails, singly or in the aggregate.

*Common Snipe:* Eight common snipe.

*Woodcock:* Three woodcock.

*Mourning dove:* 30 mourning dove.

The following general conditions

apply:

1. While hunting waterfowl, a tribal member must carry on his/her person a valid Ceded Territory License.

2. Shooting hours for migratory birds are one-half hour before sunrise to one-half hour after sunset.

3. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation, and

other conditions generally applicable to migratory bird hunting.

4. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

5. There are no possession limits on any species, unless otherwise noted above. For purposes of enforcing bag limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

The band anticipates harvest will be fewer than 500 ducks and geese.

We propose to approve the request for special migratory bird hunting regulations for the Fond du Lac Band of Lake Superior Chippewas.

*(e) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)*

In the 1995–96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service first cooperated to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized Tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2007–08 season, the Tribe requests that the tribal member duck season run from September 22, 2007, through January 21, 2008. A daily bag limit of 12 would include no more than 2 pintail, 2 canvasback, 1 hooded merganser, 3 black ducks, 3 wood ducks, 3 redheads, and 6 mallards (only 3 of which may be hens).

For Canada and snow geese, the Tribe proposes a September 1 through November 30, 2007, and a January 1 through February 8, 2008, season. For white-fronted geese and brant, the Tribe proposes a September 20 through November 30, 2007, season. The daily bag limit for all geese (including brant) would be five birds. Based on our information, it is unlikely that any Canada geese from the Southern James Bay Population will be harvested by the Tribe.

For woodcock, the Tribe proposes a September 1 through November 14, 2007, season. The daily bag limit will

not exceed five birds. For mourning doves, snipe and rails, the Tribe proposes a September 1 through November 14, 2007, season. The daily bag limit would be 10 per species.

All other Federal regulations contained in 50 CFR part 20 would apply. The Tribe proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. Harvest surveys from the 2006–07 hunting season indicated that approximately 15 tribal hunters harvested an estimated 112 ducks and 50 Canada geese.

We propose to approve the Grand Traverse Band of Ottawa and Chippewa Indians requested 2007–08 special migratory bird hunting regulations.

*(f) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)*

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized off-reservation hunting rights for migratory birds in Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC, which represents the various bands). Beginning in 1986, a tribal season on ceded lands in the western portion of the State's Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources, and we have approved special regulations for tribal members in both Michigan and Wisconsin since the 1986–87 hunting season. In 1987, the GLIFWC requested, and we approved, special regulations to permit tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin originally concurred with the regulations, although Wisconsin has raised concerns in the past and Michigan now annually raises objections. Minnesota did not concur with the original regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. We acknowledge all of the States' concerns, but point out that the U.S. Government has recognized the Indian hunting rights decided in the *Lac Courte Oreilles v. State of Wisconsin (Voigt)* case, and that acceptable hunting regulations have been negotiated successfully in both Michigan and Wisconsin even though the Voigt decision did not specifically address

ceded land outside Wisconsin. We believe this is appropriate because the treaties in question cover ceded lands in Michigan (and Minnesota), as well as in Wisconsin.

Consequently, in view of the above, we have approved special regulations since the 1987–88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of reserved treaty rights for band members to hunt and fish was pivotal in our decision to approve a special 1991–92 season for the 1836 ceded area in Michigan.

For 2007, the GLIFWC proposed off-reservation special migratory bird hunting regulations on behalf of the member Tribes of the Voigt Intertribal Task Force of the GLIFWC (for the 1837 and 1842 Treaty areas) and the Bay Mills Indian Community (for the 1836 Treaty area). Member Tribes of the Task Force are: the Bad River Band of the Lake Superior Tribe of Chippewa Indians, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Red Cliff Band of Lake Superior Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin, the Sokaogon Chippewa Community (Mole Lake Band), all in Wisconsin; the Mille Lacs Band of Chippewa Indians in Minnesota; and the Lac Vieux Desert Band of Chippewa Indians and the Keweenaw Bay Indian Community in Michigan.

The GLIFWC 2007 proposal is generally similar to last year's regulations, except that it includes increased bag limits for most species in the 1836, 1837, and 1842 Treaty Areas; eliminates all species restrictions within the bag limit for ducks; lengthens season dates for all species except mourning doves and woodcock, from September 15–December 1 to September 1–December 31; and extends hunting hours until 15 minutes after sunset. More specifically, the proposal includes increasing the daily bag limit for ducks, in the 1837 and 1842 Treaty Areas, and geese, and mergansers in the 1836, 1837 and 1842 Treaty Areas to 40, 20, and 10 birds, respectively (from 20, 10, and 5 birds in 2006, respectively). The proposal includes increasing the daily bag limits for ducks in the 1836 Treaty Area to 20 (from 10 birds in 2006). The proposal maintains the daily bag limit for snipe, woodcock, and mourning doves (for mourning dove this applies only in the 1837 and 1842 Treaty Areas) of 16, 10, and 15 birds, respectively, similar to last year, in the 1836, 1837, and 1842 Treaty Areas.

Under the GLIFWC proposed regulations, GLIFWC expects total ceded

territory harvest to increase by no more than 500 ducks and 150 geese for the following reasons:

(1) Additional hunting in December is likely to have little impact on harvest levels, due to the high likelihood of ice-up over most of the ceded territory during this period.

(2) A September 1 opening date for ducks will likely result in a very modest increase in harvest, as hunting pressure remains concentrated to the period when additional migrant birds are present;

(3) Increases in daily bag limits are likely to affect only a very small number of hunters, since higher daily bags are realized only on very rare occasions;

(4) Removal of species restrictions may lead to a modest increase in harvest, however, removal of these restrictions will help stem the loss of the waterfowl hunting tradition among individuals who fear inadvertently violating species restrictions; and

(5) Extension of hunting hours will make waterfowl hunting hours consistent with most other tribal hunting hours. Concern about species identification under somewhat lower light conditions is addressed by removing species restrictions in the daily bag limits.

Given these factors, the Tribe expects harvest would likely remain below 5,000 ducks and 1,000 geese, which is similar to anticipated levels in previous years.

Recent GLIFWC harvest surveys (1996–98, 2001, and 2004) indicate that tribal off-reservation waterfowl harvest has averaged less than 1,000 ducks and 120 geese annually. In the latest survey year (2004), an estimated 53 hunters took an estimated 421 trips and harvested 645 ducks (1.5 ducks per trip) and 84 geese (0.2 geese per trip). Further, in the last 5 years of harvest surveys, only one hunter reported harvesting 20 ducks in a single day. Analysis of hunter survey data over the period in question (1996–2004) indicates a general downward trend in both harvest and hunter participation.

While we acknowledge that tribal harvest and participation has declined in recent years, we do not believe that the GLIFWC's proposal for tribal waterfowl seasons on ceded lands in Wisconsin, Michigan, and Minnesota for the 2007 season is the best plan for increasing tribal participation. More specific discussion follows below.

#### *Overall Daily Bag Limit for Waterfowl*

Based on the current proposal, GLIFWC is estimating a relatively small additional duck harvest (1000 to 1500). However, it is possible that hunter

participation could increase beyond their estimates and could result in a conservation impact, particularly on locally-breeding populations, such as wood ducks and mallards. Further, based on the GLIFWC's own harvest data, present daily bag limits do not appear to be a hindrance or limiting factor for Tribal harvest, and increasing the daily bag limit to 40 ducks would be far in excess (more than double) of anything we currently have experience with regarding tribal migratory bird hunting regulations. Until we have additional information on which we could assess potential impacts, we do not favor increasing daily bag limits for ducks to the extent GLIFWC has proposed. In an effort to obtain the necessary information, we are willing to allow a pilot expansion of the daily bag limit to 30 birds per day in the 1837 and 1842 Treaty Areas. We are proposing this with the understanding that we will need to closely monitor tribal harvest through either GLIFWC's own increased harvest surveys or GLIFWC's assisting the Service to survey tribal hunters.

We do support the proposals for increasing the daily bag limits for ducks in the 1836 Treaty Area to bring them more in line with our proposed GLIFWC daily bag limits for ducks in the 1837 and 1842 Treaty Areas. Further, we also support the proposals for increasing the daily bag limits for geese in the 1837, 1842, and 1836 Treaty Areas. Given the limited goose harvest and the Flyway-wide effort to increase the harvest of resident Canada geese, we see no potential conservation impacts with this part of the proposal.

#### *Removal of Species Restrictions*

We have several concerns with GLIFWC's proposal for removal of all species restrictions within the overall duck daily bag limits in the 1837, 1842, and 1836 Treaty Areas. We have a number of duck species that are showing long term downward population trends (scaup, pintails, and black ducks), and others for which an increased daily bag limit of 30 birds per day could potentially have conservation impacts (canvasbacks), particularly on locally-breeding ducks (mallards and wood ducks). Overharvest of these species in localized areas due to removal of species restrictions could contribute to long term declines. Removal of species restrictions on these species would be inconsistent with our current conservation concerns. Thus, we propose the following species restrictions within the overall daily bag limit in all three of the Treaty Areas: 10 mallards (only 5 of which may be hens), 5 black ducks, 5 scaup, 5 pintails, 5

wood ducks, and 5 canvasbacks. We believe these species restrictions are commensurate with the individual species' population status.

#### *Expanded Season Dates*

Generally, we have tried to limit the opening date of tribal duck seasons to around September 15 for a number of reasons. Foremost among those reasons is that opening the tribal season 2–3 weeks ahead of a State's normal season has the potential to impact locally-breeding ducks. In the 1836, 1837 and 1842 Treaty Areas, we believe mallards and wood ducks would be the most susceptible to potential impacts of early September hunting. Birds are naive to the gun at this time prior to the opening of the general gun season and that could increase the potential for large harvests of resident breeding birds. Thus, we believe that expanding early September duck hunting in the 1836, 1837 and 1842 Treaty Areas would not be in the best interest of the resource. However, we have less concern about allowing the extension on the end of the season for the month of December and support this portion of their proposal. In most instances, many waterfowl will have already migrated.

#### *Expanded Shooting Hours*

Normally, shooting hours for migratory game birds are one-half hour before sunrise to sunset. A number of reasons and concerns have been cited for extending shooting hours past sunset. Potential impacts to some locally breeding populations (e.g., wood ducks), hunter safety, difficulty of identifying birds, retrieval of downed birds, and impacts on law enforcement are some of the normal concerns raised when discussing potential expansions of shooting hours. However, despite these concerns, we support the proposal for expanding the shooting hours by 15 minutes after sunset in the 1837, 1842, and 1836 Treaty Areas. We have previously supported this in other tribal areas and have not been made aware of any wide-scale problems. Further, we believe the continuation of a specific species restriction within the daily bag limit for mallards, and the implementation of a species restriction within the daily bag limit for wood ducks, will allay potential conservation concerns for these species. We realize that this proposal, when implemented with all the other proposed changes in GLIFWC's tribal seasons, could have conservation impacts. Thus, we are supporting this with the understanding that we will need to closely monitor tribal harvest through either GLIFWC's own increased harvest surveys or



GLIFWC's assisting the Service to survey tribal hunters.

#### Summary

In summary, given the above information, we believe that the regulations advanced by the GLIFWC for the 2007–08 hunting season are not in the best interests of the migratory bird resource. However, we propose the approval of an increased bag limit for ducks in the 1836 Treaty Area; increased bag limits for geese in the 1836, 1837, and 1842 Treaty Areas; lengthened season dates for all species except mourning doves and woodcock, from December 1–December 31; and extended hunting hours until 15 minutes after sunset. In addition, we propose a pilot bag limit increase for ducks in the 1837 and 1842 Treaty Areas. As we stated last year (71 FR 55076, September 20, 2006), we are willing to meet with the GLIFWC to explore possible ways to increase tribal participation in migratory bird hunting opportunities. Further, we appreciate the opportunity we had to meet with the Tribes last winter to discuss the mutual concerns we have for the migratory bird resource and future hunting opportunities. We note that GLIFWC's proposal this year clearly responds to some of the important concerns we expressed at that time.

The Commission and the Service are parties to a Memorandum of Agreement (MOA) designed to facilitate the ongoing enforcement of Service-approved tribal migratory bird regulations. Its intent is to provide long-term cooperative application.

Also, as in recent seasons, the proposal contains references to Chapter 10 of the Migratory Bird Harvesting Regulations of the Model Off-Reservation Conservation Code. Chapter 10 regulations parallel State and Federal regulations and, in effect, are not changed by this proposal.

The proposed 2007–08 waterfowl hunting season regulations for GLIFWC are as follows:

#### Ducks:

A. Wisconsin and Minnesota 1837 and 1842 Treaty Areas:

Season Dates: Begin September 15 and end December 31, 2007.

Daily Bag Limit: 30 ducks, including no more than 10 mallards (only 5 of which may be hens), 5 black ducks, 5 scaup, 5 pintails, 5 wood ducks, and 5 canvasbacks.

B. Michigan 1836 Treaty Area:

Season Dates: Begin September 15 and end December 31, 2007.

Daily Bag Limit: 20 ducks, including no more than 10 mallards (only 5 of which may be hens), 5 black ducks, 5

scaup, 5 pintails, 5 wood ducks, and 5 canvasbacks.

*Mergansers: All Ceded Areas:*

Season Dates: Begin September 15 and end December 31, 2007.

Daily Bag Limit: 10 mergansers.

*Geese: All Ceded Areas:*

Season Dates: Begin September 1 and end December 31, 2007. In addition, any portion of the ceded territory that is open to State-licensed hunters for goose hunting after December 1 will also be open concurrently for tribal members.

Daily Bag Limit: 20 geese in aggregate.

*Other Migratory Birds:*

A. *Coots and Common Moorhens (Common Gallinules):*

Season Dates: Begin September 1 and end December 31, 2007.

Daily Bag Limit: 20 coots and common moorhens (common gallinules), singly or in the aggregate.

B. *Sora and Virginia Rails:*

Season Dates: Begin September 1 and end December 31, 2007.

Daily Bag Limit: 20, singly or in the aggregate.

C. *Common Snipe:*

Season Dates: Begin September 15 and end December 1, 2007.

Daily Bag Limit: 16 common.

D. *Woodcock:*

Season Dates: Begin September 5 and end December 1, 2007.

Daily Bag Limit: 10 woodcock.

E. *Mourning Dove: 1837 and 1842 Ceded Territories.*

Season Dates: Begin September 1 and end October 30, 2007.

Daily Bag Limit: 15.

#### General Conditions

A. All tribal members will be required to obtain a valid tribal waterfowl hunting permit.

B. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the model ceded territory conservation codes approved by Federal courts in the *Lac Courte Oreilles v. State of Wisconsin (Voigt)* and *Mille Lacs Band v. State of Minnesota* cases. Chapter 10 in each of these model codes regulates ceded territory migratory bird hunting. Both versions of Chapter 10 parallel Federal requirements as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting. They also automatically incorporate by reference the Federal migratory bird regulations adopted in response to this proposal.

C. Particular regulations of note include:

1. Nontoxic shot will be required for all off-reservation waterfowl hunting by tribal members.

2. Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

3. Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above. Possession limits are applicable only to transportation and do not include birds that are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession and custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as taken on reservation lands. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

4. The baiting restrictions included in the respective sections 10.05(2)(h) of the model ceded territory conservation codes will be amended to include language which parallels that in place for non-tribal members as published at 64 FR 29799, June 3, 1999.

5. The shell limit restrictions included in the respective sections 10.05(2)(b) of the model ceded territory conservation codes will be removed.

6. Hunting hours shall be from a half hour before sunrise to 15 minutes after sunset.

D. Michigan—Duck Blinds and Decoys. Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

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

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for tribal members and nonmembers since the 1986–87 hunting season. The Tribe owns all lands on the reservation and has recognized full wildlife management authority. In general, the proposed seasons would be more conservative than allowed by the Federal frameworks of last season and by States in the Pacific Flyway.

The Tribe proposed a 2007–08 waterfowl and Canada goose season beginning with the earliest possible opening date in the Pacific Flyway States, October 13, 2007, and a closing date of November 30, 2007. Daily bag and possession limits for waterfowl

would be the same as Pacific Flyway States. The Tribe proposes a daily bag limit for Canada geese of two. Other regulations specific to the Pacific Flyway guidelines for New Mexico would be in effect.

During the Jicarilla Game and Fish Department's 2006–07 season, estimated duck harvest was 496, which is within the historical harvest range. The species composition in the past has included mainly mallards, gadwall, wigeon, and teal. Northern pintail comprised 1 percent of the total harvest in 2006. The estimated harvest of geese was 9 birds.

The proposed regulations are essentially the same as were established last year. The Tribe anticipates the maximum 2007–08 waterfowl harvest would be around 300–400 ducks and 10–25 geese.

We propose to approve the Tribe's requested 2007–08 hunting seasons.

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

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4,600 acres. The Tribe owns all Reservation land and has full management authority. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The Tribe enjoys excellent wildlife management relations with the State. The Tribe and the State have an operational Memorandum of Understanding with emphasis on fisheries but also for wildlife.

The nontribal member seasons described below pertain to a 176-acre waterfowl management unit and 800 acres of reservation land with a guide for waterfowl hunting. The Tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area. Beginning in 1996, the requested regulations also included a proposal for Kalispel-member-only migratory bird hunting on Kalispel-ceded lands within Washington, Montana, and Idaho.

For the 2007–08 migratory bird hunting seasons, the Kalispel Tribe proposed tribal and nontribal member waterfowl seasons. The Tribe requests that both duck and goose seasons open at the earliest possible date and close on the latest date under Federal frameworks.

For nontribal hunters, the Tribe requests that the season for ducks begin September 22, 2007, and end January 31, 2008. In that period, nontribal hunters would be allowed to hunt

approximately 101 days. Hunters should obtain further information on specific hunt days from the Kalispel Tribe.

The Tribe also requests the season for geese run from September 1 to September 16, 2007, and from October 1, 2007, to January 31, 2008. Total number of days would not exceed 107. Nontribal hunters should obtain further information on specific hunt days from the Tribe. Daily bag and possession limits would be the same as those for the State of Washington.

The Tribe reports a 2006–07 nontribal harvest of 70 ducks. Under the proposal, the Tribe expects harvest to be similar to last year and less than 100 geese and 200 ducks.

All other State and Federal regulations contained in 50 CFR part 20, such as use of nontoxic shot and possession of a signed migratory bird hunting stamp, would be required.

For tribal members on Kalispel-ceded lands, the Kalispel propose outside frameworks for ducks and geese of September 1, 2007, through January 31, 2008. The Tribe requests that both duck and goose seasons open at the earliest possible date and close on the latest date under Federal frameworks.

However, during that period, the Tribe proposes that the season run continuously. Daily bag and possession limits would be concurrent with the Federal rule.

The Tribe reports that there was no tribal harvest. Under the proposal, the Tribe expects harvest to be less than 500 birds for the season with less than 200 geese. Tribal members would be required to possess a signed Federal migratory bird stamp and a tribal ceded lands permit.

We propose to approve the regulations requested by the Kalispel Tribe, provided that the nontribal seasons conform to Treaty limitations and final Federal frameworks for the Pacific Flyway. All seasons for nontribal hunters must conform with the 107-day maximum season length established by the Treaty.

*(i) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)*

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing, and gathering rights within its former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864, and carried out cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the

Federal Government, the State of Oregon, and the Klamaths. The Klamath Indian Game Commission sets the seasons. The tribal biological staff and tribal Regulatory Enforcement Officers monitor tribal harvest by frequent bag checks and hunter interviews.

For the 2007–08 season, the Tribe requests proposed season dates of October 1, 2007, through January 28, 2008. Daily bag limits would be nine for ducks and six for geese, with possession limits twice the daily bag limit. The daily bag and possession limit for coots would be 25. Shooting hours would be one-half hour before sunrise to one-half hour after sunset. Steel shot is required.

Based on the number of birds produced in the Klamath Basin, this year's harvest would be similar to last year's. Information on tribal harvest suggests that more than 70 percent of the annual goose harvest is local birds produced in the Klamath Basin.

We propose to approve the Klamath Tribe's requested 2007–08 special migratory bird hunting regulations.

*(j) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)*

The Leech Lake Band of Ojibwe is a federally recognized Tribe located in Cass Lake, Minnesota. The reservation employs conservation officers to enforce conservation regulations. The Service and the Tribe have cooperatively established migratory bird hunting regulations since 2000.

For the 2007–08 season, the Tribe requests a duck season starting on September 22 and ending December 31, 2007, and a goose season to run from September 1 through December 31, 2007. Daily bag limits for both ducks and geese would be 10. Possession limits would be twice the daily bag limit. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

The annual harvest by tribal members on the Leech Lake Reservation is estimated at 500–1,000 birds.

We propose to approve the Leech Lake Band of Ojibwe's special migratory bird hunting season.

*(k) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)*

The Little River Band of Ottawa Indians is a self-governing, federally recognized Tribe located in Manistee, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season. Ceded lands are located in Lake, Mason, Manistee,

and Wexford Counties. The Band proposes the following regulations to govern the hunting of migratory birds by Tribal members within the 1836 Ceded Territory as well as on the Band's Reservation.

For the 2007–08 season, the Little River Band of Ottawa Indians proposes a duck and merganser season from September 15, 2007, through January 20, 2008. A daily bag limit of 12 ducks would include no more than 2 pintail, 2 canvasback, 3 black duck, 3 wood ducks, 3 redheads, 6 mallards (only 2 of which may be a hen), and 1 hooded merganser. Possession limits would be twice the daily bag limit.

For white-fronted geese, snow geese, and brant, the Tribe proposes a September 20 through November 30, 2007, season. Daily bag limits would be five geese.

For Canada geese only, the Tribe proposes a September 1, 2007, through February 8, 2008, season with a daily bag limit of five Canada geese. The possession limit would be twice the daily bag limit.

For snipe, woodcock, rails, and mourning doves, the Tribe proposes a September 1 to November 14, 2007, season. The daily bag limit would be 10 common snipe, 5 woodcock, 10 rails, and 10 mourning doves. Possession limits for all species would be twice the daily bag limit.

The Tribe monitored harvest through mail surveys. General Conditions were as follows:

A. All tribal members will be required to obtain a valid tribal resource card and 2007–08 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20.

C. Particular regulations of note include:

(1) Nontoxic shot will be required for all waterfowl hunting by tribal members.

(2) Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

D. Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

We propose to approve Little River Band of Ottawa Indians' special migratory bird hunting seasons.

*(l) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)*

The Little Traverse Bay Bands of Odawa Indians is a self-governing, federally recognized Tribe located in Petoskey, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2007–08 season, the Little Traverse Bay Bands of Odawa Indians propose regulations similar to those of other Tribes in the 1836 treaty area. The tribal member duck, merganser, coot, and gallinule season would run from September 15, 2007, through January 20, 2008. A daily bag limit of 12 would include no more than 2 pintail, 2 canvasback, 1 hooded merganser, 3 black ducks, 3 wood ducks, 3 redheads, and 6 mallards (only 3 of which may be hens).

For Canada geese, the Tribe proposes a September 1, 2007, through February 8, 2008, season. For white-fronted geese, brant, and snow geese, the Tribe proposes a September 1 through November 30, 2007, season. The daily bag limit for Canada geese would be 5 birds, and for snow geese, brant, and white-fronted geese, 10 birds. Based on our information, it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the Tribe. Possession limits are twice the daily bag limit.

For woodcock, the Tribe proposes a September 1, 2007, to November 14, 2007, season. The daily bag limit will not exceed five birds. For snipe, mourning doves, and sora rail, the Tribe proposes a September 1 to November 14, 2007, season. The daily bag limit will not exceed 10 birds per species. The possession limit will not exceed two days' bag limit for all birds. All other Federal regulations contained in 50 CFR part 20 would apply.

The Tribe proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. In particular, the Tribe proposes monitoring the harvest of Southern James Bay Canada geese to assess any impacts of tribal hunting on the population.

We propose to approve the Little Traverse Bay Bands of Odawa Indians' requested 2007–08 special migratory bird hunting regulations.

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

The Lower Brule Sioux Tribe first established tribal migratory bird hunting

regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to the Missouri River, south of Pierre. Land ownership on the reservation is mixed, and until recently, the Lower Brule Tribe had full management authority over fish and wildlife via an MOA with the State of South Dakota. The MOA provided the Tribe jurisdiction over fish and wildlife on reservation lands, including deeded and Corps of Engineers-taken lands. For the 2007–08 season, the two parties have come to an agreement that provides the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to tribal and non-tribal hunters.

For the 2007–08 migratory bird hunting season, the Lower Brule Sioux Tribe proposes a nontribal member duck, merganser, and coot season length of 97 days, the same number of days tentatively allowed under the liberal regulatory alternative in the High Plains Management Unit for this season. The Tribe proposes a season from October 13, 2007, through January 17, 2008. The daily bag limit would be six birds, including no more than five mallards (only one of which may be a hen), one pintail, two redheads, two wood ducks, three scaup, and one mottled duck. The canvasback season for nontribal hunters is closed. The daily bag limit for mergansers would be five, only one of which could be a hooded merganser. The daily bag limit for coots would be 15. Possession limits would be twice the daily bag limits.

The Tribe's proposed nontribal member Canada goose season would run from October 27, 2007, through February 10, 2008 (107 day season length), with a daily bag limit of three Canada geese. The Tribe's proposed nontribal member white-fronted goose season would run from October 13, 2007, through December 23, 2007, with a daily bag limit of two white-fronted geese. The Tribe's proposed nontribal member light goose season would run from October 13, 2007, through January 13, 2008, and February 26 through March 10, 2008. The light goose daily bag limit would be 20. Possession limits would be twice the daily bag limits.

For tribal members, the Lower Brule Sioux Tribe proposes a duck, merganser, and coot season from September 22, 2007, through March 10, 2008. The daily bag limit would be five birds, including no more than five mallards (only one of which may be a hen), one pintail, two redheads, one canvasback,

two wood ducks, two scaup, and one mottled duck. The daily bag limit for mergansers would be five, only two of which could be hooded mergansers. The daily bag limit for coots would be 15. Possession limits would be twice the daily bag limits.

The Tribe's proposed Canada goose season for tribal members would run from October 13, 2007, through March 10, 2008, with a daily bag limit of three Canada geese. The Tribe's proposed white-fronted goose tribal season would run from October 6, 2007, through March 10, 2008, with a daily bag limit of two white-fronted geese. The Tribe's proposed light goose tribal season would run from October 13, 2007, through March 10, 2008. The light goose daily bag limit would be 20. Possession limits would be twice the daily bag limits.

In the 2006–07 season, hunters harvested an estimated 1,886 geese and 929 ducks. In the 2006–07 season, duck harvest species composition was primarily mallard (85 percent), gadwall (6 percent), green-winged teal (2 percent), blue-winged teal (1 percent), and wigeon (4 percent).

Goose harvest species composition in 2006–07 at Mni Sho Sho was approximately 90 percent Canada geese, 8 percent snow geese, and 2 percent white-fronted geese. Harvest of geese harvested by other hunters was approximately 97 percent Canada geese and 3 percent snow geese.

The Tribe anticipates a duck harvest similar to those of the previous three years and a goose harvest below the target harvest level of 3,000 to 4,000 geese. All basic Federal regulations contained in 50 CFR part 20, including the use of steel shot, Migratory Waterfowl Hunting and Conservation Stamp, etc., would be observed by the Tribe's proposed regulations. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution in June 1982 and updated in 1996.

We propose to approve the Tribe's requested regulations for the Lower Brule Reservation.

*(n) Lower Elwha Klallam Tribe, Port Angeles, Washington (Tribal Members Only)*

Since 1996, the Service and the Point No Point Treaty Tribes, of which Lower Elwha was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes are now acting independently and the Lower Elwha Klallam Tribe would like to establish migratory bird hunting regulations for tribal members for the

2007–08 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

For the 2007–08 season, the Lower Elwha Klallam Tribe requests a duck and coot season from September 22, 2007, to December 30, 2007. The daily bag limit will be seven ducks including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck will be one per season. The coot daily bag limit will be 25. The possession limit will be twice the daily bag limit, except as noted above.

For geese, the Tribe requests a season from September 22, 2007, to December 30, 2007. The daily bag limit will be four, including no more than three light geese. The season on Aleutian Canada geese will be closed.

For brant, the Tribe proposes a season from November 1, 2007, to February 15, 2008, with a daily bag limit of two. The possession limit will be twice the daily bag limit.

For mourning doves, band-tailed pigeon, and snipe, the Tribe requests a season from September 22, 2007, to December 30, 2007, with a daily bag limit of 10, 2, and 8, respectively. The possession limit will be twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a tribal hunting permit from the Lower Elwha Klallam Tribe pursuant to tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe typically anticipates harvest to be fewer than 50 birds. Tribal reservation police and Tribal Fisheries enforcement officers have the authority to enforce these migratory bird hunting regulations.

The Service proposes to approve the request for special migratory bird hunting regulations for the Lower Elwha Klallam Tribe.

*(o) Makah Indian Tribe, Neah Bay, Washington (Tribal Members Only)*

The Makah Indian Tribe and the Service have been cooperating to establish special regulations for migratory game birds on the Makah Reservation and traditional hunting land off the Makah Reservation since the 2001–02 hunting season. Lands off the Makah Reservation are those contained within the boundaries of the

State of Washington Game Management Units 601–603 and 607.

The Makah Indian Tribe proposes a duck and coot hunting season from September 22, 2007, to January 20, 2008. The daily bag limit is seven ducks, including no more than one canvasback, one pintail, three scaup, and one redhead. The daily bag limit for coots is 25. The Tribe has a year-round closure on wood ducks and harlequin ducks. Shooting hours for all species of waterfowl are one-half hour before sunrise to sunset.

For geese, the Tribe proposes the season open on September 22, 2007, and close January 20, 2008. The daily bag limit for geese is four and one brant. The Tribe notes that there is a year-round closure on Aleutian and Dusky Canada geese.

For band-tailed pigeons, the Tribe proposes the season open September 1, 2007, and close October 31, 2007. The daily bag limit for band-tailed pigeons is two.

The Tribe anticipates that harvest under this regulation will be relatively low since there are no known dedicated waterfowl hunters and any harvest of waterfowl or band-tailed pigeons is usually incidental to hunting for other species, such as deer, elk, and bear. The Tribe expects fewer than 50 ducks and 10 geese to be harvested during the 2007–08 migratory bird hunting season.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the Tribe:

(1) As per Makah Ordinance 44, only shotguns may be used to hunt any species of waterfowl. Additionally, shotguns must not be discharged within 0.25 miles of an occupied area;

(2) Hunters must be eligible, enrolled Makah tribal members and must carry their Indian Treaty Fishing and Hunting Identification Card while hunting. No tags or permits are required to hunt waterfowl;

(3) The Cape Flattery area is open to waterfowl hunting, except in designated wilderness areas, or within one mile of Cape Flattery Trail, or in any area that is closed to hunting by another ordinance or regulation;

(4) The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited;

(5) Steel or bismuth shot only for waterfowl is allowed; the use of lead shot is prohibited; and

(6) The use of dogs is permitted to hunt waterfowl.

We propose to approve the Makah Indian Tribe's requested 2007–08 special migratory bird hunting regulations.

*(p) Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)*

Since 1985, we have established uniform migratory bird hunting regulations for tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New Mexico, and Utah). The Navajo Nation owns almost all lands on the reservation and has full wildlife management authority.

For the 2007–08 season, the Navajo Nation requests special migratory bird hunting regulations on the reservation for both tribal and nontribal hunters for the 2007–08 hunting season for ducks (including mergansers), Canada geese, coots, band-tailed pigeons, and mourning doves. For ducks, mergansers, Canada geese, and coots, the Tribe requests the earliest opening dates and longest seasons, and the same daily bag and possession limits allowed to Pacific Flyway States under final Federal frameworks.

For both mourning dove and band-tailed pigeons, the Navajo Nation proposes seasons of September 1 through September 30, 2007, with daily bag limits of 10 and 5, respectively. Possession limits would be twice the daily bag limits.

The Nation requires tribal members and nonmembers to comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp), which must be signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

The Tribe anticipates a total harvest of fewer than 500 mourning doves; 20 band-tailed pigeons; 1,000 ducks, coots, and mergansers; and 1,000 Canada geese for the 2007–08 season. Harvest will be measured by mail survey forms. Through the established Tribal Nation Code, Title 17 and 18 U.S.C. 1165, the Tribe will take action to close the season, reduce bag limits, or take other appropriate actions if the harvest is detrimental to the migratory bird resource.

We propose to approve the Navajo Nation's special migratory bird season.

*(q) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)*

Since 1991–92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform

regulations for migratory bird hunting by tribal and non-tribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced the Tribe's hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin and the majority of the seasons and limits are the same for the Tribe and Wisconsin.

In a April 27, 2007, letter, the Tribe proposed special migratory bird hunting regulations. For ducks, the Tribe described the general outside dates as being September 22 through December 9, 2007, with a closed segment of November 17 to 25, 2007. The Tribe proposes a daily bag limit of six birds, which could include no more than six mallards (three hen mallards), six wood duck, one redhead, two pintail, and one hooded merganser.

For geese, the Tribe requests a season between September 1 and December 31, 2007, with a daily bag limit of three Canada geese. Hunters will be issued three tribal tags for geese in order to monitor goose harvest. An additional three tags will be issued each time birds are registered. The Tribe will close the season November 17 to 25, 2007. If a quota of 300 geese is attained before the season concludes, the Tribe will recommend closing the season early.

For woodcock, the Tribe proposes a season between September 8 and November 11, 2007, with a daily bag and possession limit of 5 and 10, respectively.

For mourning dove, the Tribe proposes a season between September 1 and November 11, 2007, with a daily bag and possession limit of 10 and 20, respectively.

The Tribe proposes shooting hours be one-half hour before sunrise to one-half hour after sunset. Nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must comply with all State of Wisconsin regulations, including shooting hours of one-half hour before sunrise to sunset, season dates, and daily bag limits.

Tribal members and nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Oneida members would be exempt from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells. Tribal member shooting hours will be from one-half hour before sunset to one-half hour after sunset.

The Service proposes to approve the request for special migratory bird hunting regulations for the Oneida Tribe of Indians of Wisconsin.

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

Almost all of the Fort Hall Indian Reservation is tribally owned. The Tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed tribal jurisdiction, especially for hunting by non-tribal members on reservation lands owned by non-Indians. As a compromise, since 1985, we have established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the Tribes and provided for different season dates than in the remainder of the State. We agreed to the season dates because they seemed to provide additional protection to mallards and pintails. The State of Idaho concurred with the zoning arrangement. We have no objection to the State's use of this zone again in the 2007–08 hunting season, provided the duck and goose hunting season dates are the same as on the reservation.

In a proposal for the 2007–08 hunting season, the Shoshone-Bannock Tribes requested a continuous duck (including mergansers) season, with the maximum number of days and the same daily bag and possession limits permitted for Pacific Flyway States under final Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as last year, the season would have an opening date of October 7, 2007, and a closing date of January 19, 2008. Coot and snipe season dates would be the same as for ducks, with the same daily bag and possession limits permitted for Pacific Flyway States. The Tribes anticipate harvest will be between 2,000 and 5,000 ducks.

The Tribes also requested a continuous goose season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 7, 2007, and a closing date of January 19, 2008. The Tribes anticipate harvest will be between 4,000 and 6,000 geese.

The Tribe requests a common snipe season with the maximum number of days and the same daily bag and possession limits permitted in Idaho

under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 7, 2007, and a closing date of January 19, 2008.

Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours, use of steel shot, and manner of taking. Special regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

We note that the requested regulations are nearly identical to those of last year and propose they be approved for the 2007–08 hunting season.

*(s) Skokomish Tribe, Shelton, Washington (Tribal Members Only)*

Since 1996, the Service and the Point No Point Treaty Tribes, of which the Skokomish Tribe was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes have been acting independently since 2005, and the Skokomish Tribe would like to establish migratory bird hunting regulations for tribal members for the 2007–08 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

The Skokomish Tribe requests a duck and coot season from September 16, 2007, to December 31, 2007. The daily bag limit is seven ducks, including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck is one per season. The coot daily bag limit is 25. The possession limit is twice the daily bag limit except as noted above.

For geese, the Tribe requests a season from September 16, 2007, to December 31, 2007. The daily bag limit is four, including no more than three light geese. The season on Aleutian Canada geese is closed. For brant, the Tribe proposes a season from November 1, 2007, to February 15, 2008, with a daily bag limit of two. The possession limit is twice the daily bag limit.

For mourning doves, band-tailed pigeon, and snipe, the Tribe requests a season from September 16, 2007, to December 31, 2007, with a daily bag limit of 10, 2, and 8, respectively. The possession limit is twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a tribal hunting permit from the Skokomish Tribe pursuant to tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer,

tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe anticipates harvest to be fewer than 150 birds. The Skokomish Public Safety Office enforcement officers have the authority to enforce these migratory bird hunting regulations.

We propose to approve the Skokomish Tribe's requested migratory bird hunting season.

*(t) Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington (Tribal Members Only)*

The Squaxin Island Tribe of Washington and the Service have cooperated since 1995 to establish special tribal migratory bird hunting regulations. These special regulations apply to tribal members on the Squaxin Island Reservation, located in western Washington near Olympia, and all lands within the traditional hunting grounds of the Squaxin Island Tribe.

For the 2007–08 season, the Tribe requests to establish duck and coot seasons that would run from September 1, 2007, through January 15, 2008. The daily bag limit for ducks is five per day and could include only one canvasback. The season on harlequin ducks is closed. For coots, the daily bag limit is 25. For snipe, the Tribe proposes the season start on September 15, 2007, and end on January 15, 2008. The daily bag limit for snipe is eight. For band-tailed pigeon, the Tribe proposes the season start on September 1, 2007, and end on December 31, 2007. The daily bag limit is five. The possession limit is twice the daily bag limit.

The Tribe proposes a season on geese starting September 15, 2007, and ending on January 15, 2008. The daily bag limit for geese is four, including no more than two snow geese. The season on Aleutian and Cackling Canada geese is closed. For brant, the Tribe proposes the season start on September 1, 2007, and end on December 31, 2007. The daily bag limit for brant is two. The possession limit is twice the daily bag limit.

We propose to approve the Squaxin Island Tribe's requested 2007–08 special migratory bird hunting regulations.

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

The Stillaguamish Tribe of Indians and the Service have cooperated to establish special regulations for migratory game birds since 2001. The Tribe is proposing regulations to hunt all open and unclaimed lands under the Treaty of Point Elliott of January 22,

1855, including their main hunting grounds around Camano Island, Skagit Flats, and Port Susan to the border of the Tulalip Tribes Reservation. Ceded lands are located in Whatcom, Skagit, Snohomish, and Kings Counties, and a portion of Pierce County, Washington. The Stillaguamish Tribe of Indians is a federally recognized Tribe and reserves the Treaty Right to hunt (*U.S. v. Washington*).

The Tribe proposes that duck (including mergansers) and goose seasons run from October 1, 2007, to February 15, 2008. The daily bag limit on ducks (including sea ducks and mergansers) is 10 and must include no more than 7 mallards (only 3 of which can be hens), 3 pintail, 3 redhead, 3 scaup, and 3 canvasback. For geese, the daily bag limit is six. Possession limits are totals of two daily bag limits.

The Tribe proposes that coot, brant, and snipe seasons run from October 1, 2007, to January 31, 2008. The daily bag limit for coot is 25. The daily bag limit on brant is three. The daily bag limit for snipe is 10. Possession limits are totals of two daily bag limits.

Harvest is regulated by a punch card system. 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 Stillaguamish Tribal Law Enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

The Tribe anticipates a total harvest of 200 ducks, 100 geese, 50 mergansers, 50 brant, 100 coots, and 100 snipe. Anticipated harvest needs include subsistence and ceremonial needs. Certain species may be closed to hunting for conservation purposes, and consideration for the needs of certain species will be addressed.

The Service proposes to approve the request for special migratory bird hunting regulations for the Stillaguamish Tribe of Indians.

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

In 1996, the Service and the Swinomish Indian Tribal Community began cooperating to establish special regulations for migratory bird hunting. The Swinomish Indian Tribal Community is a federally recognized Indian Tribe consisting of the Suiattle, Skagit, and Kikialos. The Swinomish Reservation was established by the Treaty of Point Elliott of January 22, 1855, and lies in the Puget Sound area north of Seattle, Washington.

For the 2007–08 season, the Tribe requests to establish a migratory bird hunting season on all areas that are open and unclaimed and consistent with the meaning of the treaty. The Tribe requests to establish duck, merganser, Canada goose, brant, and coot seasons opening on the earliest possible date allowed by the final Federal frameworks for the Pacific Flyway and closing 30 days after the State of Washington closes its season. The Swinomish Tribe requests an additional three birds of each species over that allowed by the State for daily bag and possession limits.

The Community normally anticipates that the regulations will result in the harvest of approximately 300 ducks, 50 Canada geese, 75 mergansers, 100 brant, and 50 coot. The Swinomish utilize a report card and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All tribal regulations will be enforced by tribal fish and game officers.

On reservation, the Tribal Community proposes a hunting season for the above mentioned species beginning on the earliest possible opening date and closing March 9, 2008. The Swinomish manage harvest by a report card and permit system, and we anticipate harvest will be similar to that expected off reservation.

We believe the estimated harvest by the Swinomish will be minimal and will not adversely affect migratory bird populations. We propose to approve the Tribe's requested 2007–08 special migratory bird hunting regulations.

*(w) The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Nontribal Hunters)*

The Tulalip Tribes are the successors in interest to the Tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation just north of the City of Everett in Snohomish County, Washington. The Tribes or individual tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to nonmember hunting unless opened by Tulalip Tribal regulations.

For the 2007–08 season, the Tribe proposes tribal and nontribal hunting regulations for the 2007–08 season. Migratory waterfowl hunting by Tulalip Tribal members is authorized by Tulalip Tribal Ordinance No. 67. For ducks, mergansers, coot, and snipe, the

proposed season for tribal members would be from September 15, 2007, through February 29, 2008. In the case of nontribal hunters hunting on the reservation, the season would be the latest closing date and the longest period of time allowed under final Pacific Flyway Federal frameworks. Daily bag and possession limits for Tulalip Tribal members would be 7 and 14 ducks, respectively, except that for blue-winged teal, canvasback, harlequin, pintail, and wood duck, the bag and possession limits would be the same as those established in accordance with final Federal frameworks. For nontribal hunters, bag and possession limits would be the same as those permitted under final Federal frameworks. For coot, daily bag and possession limits are 25 and 50, respectively, and for snipe 8 and 18, respectively. Nontribal hunters should check with the Tulalip tribal authorities regarding additional conservation measures which may apply to specific species managed within the region. Ceremonial hunting may be authorized by the Department of Natural Resources at any time upon application of a qualified tribal member. Such a hunt must have a bag limit designed to limit harvest only to those birds necessary to provide for the ceremony.

For geese, tribal members propose a season from September 15, 2007, through February 29, 2008. Non-tribal hunters would be allowed the longest season and the latest closing date permitted for Pacific Flyway Federal frameworks. For tribal hunters, the goose daily bag and possession limits would be 7 and 14, respectively, except that the bag limits for brant, cackling Canada geese, and dusky Canada geese would be those established in accordance with final Federal frameworks. For nontribal hunters hunting on reservation lands, the daily bag and possession limits would be those established in accordance with final Federal frameworks for the Pacific Flyway. The Tulalip Tribes also set a maximum annual bag limit for those tribal members who engage in subsistence hunting of 365 ducks and 365 geese.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other tribal regulations enforced by the Tribe. Each nontribal hunter 16 years of age and older hunting pursuant to Tulalip Tribes' Ordinance No. 67 must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory

Waterfowl Stamp. Each hunter must validate stamps by signing across the face.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, harvest information indicates a total take by tribal and nontribal hunters under 1,000 ducks and 500 geese annually.

We propose approval of the Tulalip Tribe's request to have a special season. We request that harvest be monitored closely and regulations be reevaluated for future years if harvest becomes too great in relation to population numbers.

*(x) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal members only)*

The Upper Skagit Indian Tribe and the Service have cooperated to establish special regulations for migratory game birds since 2001. The Tribe has jurisdiction over lands within Skagit, Island, and Whatcom Counties, Washington. Tribal hunters are issued a harvest report card that will be shared with the State of Washington.

For the 2007–08 season, the Tribe requests a duck season starting October 1, 2007, and ending February 15, 2008. The Tribe proposes a daily bag limit of 15 with a possession limit of 20. The Tribe requests a coot season starting October 15, 2007, and ending February 15, 2008. The coot daily bag limit is 20 with a possession limit of 30.

The Tribe proposes a goose season from October 15, 2007, to February 15, 2008, with a daily bag limit of seven geese and five brant. The possession limit for geese and brant are 10 and 7, respectively.

The Tribe proposes a mourning dove season between September 1 to December 31, 2007, with a daily bag limit of 12 and possession limit of 15.

The anticipated migratory bird harvest under this proposal would be 100 ducks, 5 geese, 2 brant, and 10 coots. 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 15 minutes before official sunrise to 15 minutes after official sunset.

The Service proposes to approve the request for special migratory bird hunting regulations for the Upper Skagit Indian Tribe. We request that the Tribe closely monitor harvest of this special migratory bird hunting season.

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

The Wampanoag Tribe of Gay Head is a federally recognized Tribe located on the island of Martha's Vineyard in Massachusetts. The Tribe has approximately 560 acres of land, which it manages for wildlife through its natural resources department. The Tribe also enforces its own wildlife laws and regulations through the natural resources department.

For the 2007–08 season, the Tribe proposes a duck season of October 31, 2007, through February 27, 2008. The Tribe proposes a daily bag limit of six birds, which could include no more than two hen mallards, six drake 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, one pintail, and four of all other species not listed. The season for harlequins would be closed. The Tribe proposes a teal (green-winged and blue) season of October 15, 2007, through January 28, 2008. A daily bag limit of six teal would be in addition to the daily bag limit for ducks.

For sea ducks, the Tribe proposes a season between October 15, 2007, and February 29, 2008, with a daily bag limit of seven, which could include no more than one hen eider and four of any one species unless otherwise noted above.

For geese, the Tribe requests a season between September 10 to September 24, 2007, and October 31, 2007, through February 27, 2008, with a daily bag limit of 5 Canada geese during the first period, 3 Canada geese during the second period, and a daily bag limit of 15 snow geese.

For woodcock, the Tribe proposes a season between October 15 and November 30, 2007, with a daily bag limit of three.

The Tribe currently has 22 registered tribal hunters and estimates harvest to be no more than 15 geese, 25 mallards, 25 teal, 50 black ducks, and 50 of all other species combined. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20. Hunters will be required to register with the Harvest Information Program.

The Service proposes to approve the request for special migratory bird hunting regulations for the Wampanoag Tribe of Gay Head.

*(z) White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only)*

The White Earth Band of Ojibwe is a federally recognized tribe located in

northwest Minnesota and encompasses all of Mahnommen County and parts of Becker and Clearwater Counties. The reservation employs conservation officers to enforce migratory bird regulations. The Tribe and the Service first cooperated to establish special tribal regulations in 1999.

For the 2007–08 migratory bird hunting season, the White Earth Band of Ojibwe requests a duck and merganser season to start September 15 and end December 16, 2007. For ducks, they request a daily bag limit of 10, including no more than 2 mallards and 1 canvasback. The merganser daily bag limit would be five with no more than two hooded mergansers. For geese, the Tribe proposes an early season from September 1 through September 28, 2007, and a late season from September 29, 2007, through December 16, 2007. The early season daily bag limit is eight geese and the late season daily bag limit is five geese.

For coots, dove, rail, woodcock, and snipe, the Tribe proposes a September 1 through November 30, 2007, season with daily bag limits of 20 coots, 25 doves, 25 rails, 10 woodcock, and 10 snipe. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required.

Based on past harvest surveys, the Tribe anticipates harvest of 1,000 to 2,000 Canada geese and 1,000 to 1,500 ducks. The White Earth Reservation Tribal Council employs four full-time Conservation Officers to enforce migratory bird regulations.

We propose to approve the White Earth Band of Ojibwe's request to have a special season.

*(aa) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)*

The White Mountain Apache Tribe owns all reservation lands, and the Tribe has recognized full wildlife management authority. The White Mountain Apache Tribe has requested regulations that are essentially unchanged from those agreed to since the 1997–98 hunting year.

The hunting zone for waterfowl is restricted and is described as: The length of the Black River west of the Bonito Creek and Black River confluence and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 5, 6, and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3,

will be open to waterfowl hunting during the 2007–08 season. The length of the Black River east of the Black River/Bonito Creek confluence is closed to waterfowl hunting. All other waters of the reservation would be closed to waterfowl hunting for the 2007–08 season.

For nontribal and tribal hunters, the Tribe proposes a continuous duck, coot, merganser, gallinule, and moorhen hunting season, with an opening date of October 14, 2007, and a closing date of January 28, 2008. The Tribe proposes a separate canvasback season, with an opening date of October 14, 2007, and a closing date of December 10, 2007. The Tribe proposes a daily duck (including mergansers) bag limit of seven, which may include no more than two redheads, one pintail, one canvasback (when open), and seven mallards (including no more than two hen mallards). The daily bag limit for coots, gallinules, and moorhens would be 25, singly or in the aggregate. For geese, the Tribe is proposing a season from October 14, 2007, through January 28, 2008. Hunting would be limited to Canada geese, and the daily bag limit would be three.

Season dates for band-tailed pigeons and mourning doves would run concurrently from September 1 through September 15, 2007, in Wildlife Management Unit 10 and all areas south of Y–70 in Wildlife Management Unit 7, only. Proposed daily bag limits for band-tailed pigeons and mourning doves would be 3 and 10, respectively.

Possession limits for the above species are twice the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails, and snipe on the White Mountain Apache lands under this proposal. A number of special regulations apply to tribal and nontribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

We propose to approve the regulations requested by the Tribe for the 2007–08 season.

*(bb) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)*

On May 17, 2007, the Yankton Sioux Tribe submitted a waterfowl hunting proposal for the 2007–08 season. The Yankton Sioux tribal waterfowl hunting season would be open to both tribal members and nontribal hunters. The waterfowl hunting regulations would apply to tribal and trust lands within the external boundaries of the reservation.



For ducks (including mergansers) and coots, the Yankton Sioux Tribe proposes a season starting October 9, 2007, and running for the maximum amount of days allowed under the final Federal frameworks. The Tribe indicated that if the Service decided to close the canvasback season, the Tribe would close theirs; otherwise, the canvasback season would start October 9, 2007, and run for the maximum amount of days allowed under the final Federal frameworks. Daily bag and possession limits would be 6 ducks, which may include no more than 5 mallards (no more than 2 hens), 1 canvasback (when open), 2 redheads, 3 scaup, 1 pintail, or 2 wood ducks. The bag limit for mergansers is 5, which would include no more than 1 hooded merganser. The coot daily bag limit is 15.

For geese, the Tribe has requested a dark goose (Canada geese, brant, white-fronts) season starting October 29, 2007, and closing January 31, 2008. The daily bag limit would be three geese (including no more than one white-fronted goose or brant). Possession limits would be twice the daily bag limit. For white geese, the proposed hunting season would start October 29, 2007, and run for the maximum amount of days allowed under the final Federal frameworks for the State of South Dakota. Daily bag and possession limits would equal the maximum allowed under Federal frameworks.

All hunters would have to be in possession of a valid tribal license while hunting on Yankton Sioux trust lands. Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and the manner of taking. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

During the 2005–06 hunting season, the Tribe reported that 90 nontribal hunters took 400 Canada geese, 75 light geese, and 90 ducks. Forty-five tribal members harvested fewer than 50 geese and 50 ducks.

We concur with the Yankton Sioux proposal for the 2007–08 hunting season.

#### Public Comments Solicited

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments

received. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. We invite interested persons to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Special circumstances involved in the establishment of these regulations limit the amount of time that we can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) The need to establish final rules at a point early enough in the summer to allow affected Tribes to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, we believe that to allow comment periods past the dates specified in **DATES** is contrary to the public interest. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received during the comment period. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

You may inspect comments received on the proposed annual regulations during normal business hours at the Service's Division of Migratory Bird Management office in room 4107, 4501 North Fairfax Drive, Arlington, VA 22203. For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments received during the comment period and respond to them after the closing date in any final rules.

#### 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 (FSES 88–14)," filed with the Environmental Protection Agency on June 9, 1988. We published a 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, we prepared an August 1985 Environmental Assessment (EA) entitled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands." Annual NEPA considerations are covered under a separate Environmental Assessment (EA), "Duck Hunting Regulations for 2007–08," and an August 2007, Finding of No Significant Impact (FONSI). Copies of the 1985 EA, the annual EA, and FONSI are available upon request from the address indicated under **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). We have prepared a scoping report summarizing the scoping comments and scoping meetings. The report is available by either writing to the address indicated under **ADDRESSES** or by viewing on our Web site at <http://www.fws.gov/migratorybirds>.

#### Endangered Species Act Consideration

Prior to issuance of the 2007–08 migratory game bird hunting regulations, we will comply with provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; hereinafter, the Act), to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened, or modify or destroy its critical habitat, and is consistent with conservation programs for those species. Consultations under Section 7 of this Act may cause us to change proposals in this and future supplemental rulemaking documents.

#### Executive Order 12866

The migratory bird hunting regulations are economically significant and were reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. As such, a cost/benefit analysis was initially prepared in 1981. This analysis was subsequently revised annually from 1990 through 1996, updated in 1998, and updated again in 2004. It is further discussed below under the heading Regulatory Flexibility Act. Results from the 2004

analysis indicate that the expected welfare benefit of the annual migratory bird hunting frameworks is on the order of \$734 to \$1,064 million, with a midpoint estimate of \$899 million. Copies of the cost/benefit analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at <http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-Final-2004.pdf>.

Executive Order 12866 also requires each agency to write regulations that are easy to understand. We invite comments on how to make this rule easier to understand, including answers to questions such as the following:

(1) Are the requirements in the rule clearly stated?

(2) Does the rule contain technical language or jargon that interferes with its clarity?

(3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?

(4) Would the rule be easier to understand if it were divided into more (but shorter) sections?

(5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the rule?

(6) What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also e-mail the comments to this address: [Exsec@ios.doi.gov](mailto:Exsec@ios.doi.gov).

### Regulatory Flexibility Act

These 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 discussed under Executive Order 12866. This analysis was revised annually from 1990 through 1995. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, and 2004. 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 2004 Analysis was based on the 2001 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 between \$481 million and \$1.2 billion at small businesses in 2004. Copies of the Analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at <http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-Final-2004.pdf>.

### 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, this rule has an annual effect on the economy of \$100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date required by 5 U.S.C. 801 under the exemption contained in 5 U.S.C. 808(1).

### Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. 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 the surveys associated with the Migratory Bird Harvest Information Program and assigned clearance number 1018-0015 (expires 2/29/2008). 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 Sandhill Crane Harvest Survey and assigned clearance number 1018-0023 (expires 11/30/2007). The information from this survey is used to estimate the magnitude and the geographical and temporal distribution of the harvest, and the portion it constitutes of the total population. Lastly, OMB has 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. The OMB control number for the information collection is 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 proposed rule, has determined that this proposed 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 proposed 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

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this proposed 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.

### 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.

#### **Government-to-Government Relationship With Tribes**

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. Thus, 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, by virtue of the tribal proposals contained in this proposed rule, we have consulted with all the tribes affected by this rule.

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

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

Based on the results of migratory game bird studies, and having due consideration for any data or views submitted by interested parties, this proposed rulemaking may result in the adoption of special hunting regulations for migratory birds beginning as early as September 1, 2007, on certain Federal Indian reservations, off-reservation trust lands, and ceded lands. Taking into account both reserved hunting rights and the degree to which tribes have full wildlife management authority, the regulations only for tribal members or for both tribal and nontribal hunters may differ from those established by States in which the reservations, off-reservation trust lands, and ceded lands are located. The regulations will specify open seasons, shooting hours, and bag and possession limits for rails, coot, gallinules, woodcock, common snipe,

band-tailed pigeons, mourning doves, white-winged doves, ducks, mergansers, and geese.

The rules that eventually will be promulgated for the 2007–08 hunting season are authorized under the Migratory Bird Treaty Act (MBTA) of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), as amended. The MBTA authorizes and directs the Secretary 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.

Dated: August 22, 2007.

**Todd Willens,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 07–4235 Filed 8–30–07; 8:45 am]

**BILLING CODE 4310–55–P**

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **50 CFR Part 20**

**RIN 1018–AV12**

#### **Migratory Bird Hunting; Proposed Frameworks for Late-Season Migratory Bird Hunting Regulations**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; supplemental.

**SUMMARY:** The Fish and Wildlife Service (hereinafter Service or we) is proposing to establish the 2007–08 late-season hunting regulations for certain migratory game birds. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed in late seasons. These frameworks are necessary to allow State selections of seasons and limits and to allow recreational harvest at levels compatible with population and habitat conditions.

**DATES:** You must submit comments on the proposed migratory bird hunting late-season frameworks by September 10, 2007.

**ADDRESSES:** Send your comments on the proposals to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms MBSP–4107–ARLSQ, 1849 C Street, NW., Washington, DC 20240.

All comments received, including names and addresses, will become part of the public record. You may inspect comments during normal business hours at the Service's office in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Robert Blohm, Chief, or Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

#### **SUPPLEMENTARY INFORMATION:**

#### **Regulations Schedule for 2007**

On April 11, 2007, we published in the **Federal Register** (72 FR 18328) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and dealt with the establishment of seasons, limits, proposed regulatory alternatives for the 2007–08 duck hunting season, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2007–08 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 11 proposed rule.

On June 8, 2007, we published in the **Federal Register** (72 FR 31789) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations and the regulatory alternatives for the 2007–08 duck hunting season. The June 8 supplement also provided detailed information on the 2007–08 regulatory schedule and announced the Service Migratory Bird Regulations Committee (SRC) and Flyway Council meetings.

On June 20 and 21, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory shore and upland game birds and developed recommendations for the 2007–08 regulations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 2007–08 regular waterfowl seasons. On July 23, 2007, we published in the **Federal Register** (72 FR 40194) a third document specifically dealing with the proposed frameworks for early-season regulations. In late August, we will publish a