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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20
Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005–06 Late Season; Final Rule
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 20
RIN 1018–AT76

Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005–06 Late Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

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

DATES: This rule takes effect on September 24, 2005.

ADDRESSES: You may inspect comments on the special hunting regulations and tribal proposals during normal business hours in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, Virginia.


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

In a proposed rule published in the August 5, 2005, Federal Register (70 FR 45336), we proposed special migratory bird hunting regulations for the 2005–06 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, Federal Register (50 FR 23464). The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

1. On-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);
2. On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and
3. Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10–September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In a proposed rule published in the April 6, 2005, Federal Register (70 FR 17574), we requested that tribes desiring special hunting regulations in the 2005–06 hunting season submit a proposal including details on:

(a) Harvest anticipated under the requested regulations;
(b) Methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);
(c) Steps that would be taken to limit the level of harvest, where it could be shown that failure to limit the harvest would adversely impact the migratory bird resource; and
(d) Tribal capabilities to establish and enforce migratory bird hunting regulations.

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

Although the August 5 proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season proposals were addressed in a final rule published in the August 31, 2005, Federal Register (70 FR 51984). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about September 24 or later each year and have a primary emphasis on waterfowl.

Status of Populations

In the August 5 proposed rule and August 31 final rule, we reviewed the status for various populations for which seasons were proposed. This information included brief summaries of the May Breeding Waterfowl and Habitat Survey, population status reports for blue-winged teal, sandhill cranes, woodcock, mourning doves, white-winged doves, white-tipped doves, and band-tailed pigeons, and the status and harvest of waterfowl. The tribal seasons established below are commensurate with the population status.

Comments and Issues Concerning Tribal Proposals

For the 2005–06 migratory bird hunting season, we proposed regulations for 29 tribes and/or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes had both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 19 tribes have proposals with late seasons.

Proposals are addressed in the following section. The comment period for the proposed rule, published on August 5, 2005, closed on August 15, 2005, we received one comment regarding the notice of intent published on April 6, 2005, which announced rulemaking on regulations for migratory bird hunting by American Indian tribal members. This comment was addressed in the August 31 final rule.

National Environmental Policy Act (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 (FSSES 88–14),” filed with the Environmental Protection Agency on June 9, 1988. We published Notice of Availability in the Federal Register on June 16, 1988 (53 FR 22582), and our Record of Decision on August 18, 1988 (53 FR 31341).

In addition, in a proposed rule published in the April 30, 2001, Federal Register (66 FR 21298), we expressed our intent to begin the process of developing a new EIS for the migratory bird hunting program. Our notice beginning the public process was published in the September 8, 2005, Federal Register (70 FR 53376).
Endangered Species Act Consideration

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531B et seq.), provides that, “The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act” and shall “insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. * * *” Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to adversely affect any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this Section 7 consultation are public documents available for public inspection at the address indicated under ADDRESSES.

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 1990–96, 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 mid-point 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://migratorybirds.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 1990–95. 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://migratorybirds.gov.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, 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 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. A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

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

Civil Justice Reform—Executive Order 12988

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

Takings Implication Assessment

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

Energy Effects—Executive Order 13211

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 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 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.

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

PART 20—[AMENDED]

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


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

2. Section 20.110 is amended by revising paragraphs (a), (b), (c), (g), (m), (n), (o), (q), (r), (s), and (u) and by adding paragraphs (v) through (cc) to read as set forth below. (Current § 20.110 was published at 70 FR 51987, August 31, 2005.)

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

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

Doves

Season Dates: Open September 1, through September 15, 2005; then open November 12, through December 26, 2005.

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

Ducks (Including Mergansers)


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

Coots and Common Moorhens

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots and common moorhens, singly or in the aggregate.

Geese


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

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

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

Tribal Members Only

Ducks (Including Mergansers)

Season Dates: Open September 1, 2005, through March 9, 2006.

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

Coots

Season Dates: Same as ducks.

Geese

Season Dates: Same as ducks.

Nontribal Hunters

Ducks (Including Mergansers)

Canvasbacks: Open October 1, through November 29, 2005.

Other ducks: Open October 1, 2005, through January 15, 2006.

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

Coots

Season Dates: Same as ducks.

Geese

Season Dates: Same as ducks.

Dark Geese


Daily Bag and Possession Limits: Four and eight geese, respectively.

Light Geese


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

Youth Waterfowl Hunt


Daily Bag and Possession Limits: Same as ducks but includes one canvasback.

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

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

Nontribal Hunters on Reservation

Ducks

Season Dates: Open September 24, 2005, through January 31, 2006. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays, and for a continuous period in the months of October and November, not to exceed 107 days total. Nontribal hunters should contact the Tribe for more detail on hunting days.

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

Geese

Season Dates: Open September 3, 2005, through September 18, for the early-season, and open October 1, through January 31, 2006, for the late-season. During this period, days to be hunted are specified by the Kalispel Tribe. Nontribal hunters should contact the Tribe for more detail on hunting days.

Daily Bag and Possession Limits: 5 and 10, respectively, for the early-season, and 3 light geese and 4 dark geese, for the late season. The daily bag limit is 2 brant and is in addition to dark goose limits for the late season. The possession limit is twice the daily bag limit.

Band-Tailed Pigeons

Season Dates: Open September 1, through September 30, 2005. Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Ducks (Including Mergansers)

Season Dates: Open September 24, through November 22, 2005. Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, one pintail, one canvasback (when open), three scaup, and two redheads. The possession limit is twice the daily bag limit.

Coots and Common Moorhens

Season Dates: Same as ducks. Daily Bag and Possession Limits: 25 coots and moorhens, singly or in the aggregate.

Dark Geese

Season Dates: Open September 24, 2005, through January 8, 2006. Daily Bag and Possession Limits: Four and eight geese, respectively.

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

(n) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)

Ducks (Including Mergansers)

Season Dates: Open September 24, through November 18, 2005, and open November 28, through December 4, 2005.
**Daily Bag and Possession Limits:** Six, including no more than six mallards (three hen mallards), five wood ducks, one redhead, two pintail, and one hooded merganser. The possession limit is twice the daily bag limit.

**Geese**

Season Dates: Open September 16 through December 31, 2005.

Daily Bag and Possession Limits: Four geese, and may include no more than three light geese. The season on Aleutian Canada goose is closed. Possession limit is twice the daily bag limit.

**Brant**


Daily Bag and Possession Limits: Two brant. Possession limit is twice the daily bag limit.

**Coots**

Season Dates: Open September 16, through December 31, 2005.

Daily Bag Limits: 25 coots.

**Mourning Doves**

Season Dates: Open September 16, through December 31, 2005.

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

**Band-Tailed Pigeon**

Season Dates: Open September 16, through December 31, 2005.

Daily Bag and Possession Limits: Two and 4 pigeons, respectively.

**General Conditions:** Tribal members must observe the same season dates, shooting hours, and bag limits which differ from tribal member seasons. The possession limit is twice the daily bag limit.

**Woodcock**

Season Dates: Open September 10, through November 13, 2005.

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

**Dove**

Season Dates: Open September 1, through November 13, 2005.

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

**General Conditions:** Tribal member shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontribal members hunting on the Reservation or on lands under the jurisdiction of the Tribe must comply with all State of Wisconsin regulations, including season dates, shooting hours, and bag limits which differ from tribal member seasons. The possession limit is twice the daily bag limit.

**Snipe**

Season Dates: Open September 16, through December 31, 2005.

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

**Tribal Members**

**Ducks (Including Coots and Mergansers)**


Daily Bag and Possession Limits: 8 and 16 ducks, respectively, except that bag and possession limits may include no more than 2 female mallards, 1 pintail, 3 scaup, and 2 redheads. Possession limit is twice the daily bag limit.

**Geese**

Season Dates: Open September 15, 2005, and through February 28, 2006. Daily Bag and Possession Limits: 7 and 14 geese, respectively; except that the bag limits may not include more than 2 brant and 1 cackling Canada goose. For those tribal members who engage in subsistence hunting, the Tribes set a maximum annual bag limit of 365 ducks and 365 geese.**

**Snipe**


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

**Nontribal Hunters**

**Ducks**


Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, one pintail, three scaup, and two redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

**Coots**

Season Dates: Same as ducks.

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

**Geese**


Daily Bag and Possession Limits: Four geese, including four dark geese but no more than three light geese. The possession limit is twice the daily bag limit.

**Brant**


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

**Snipe**


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

**General Conditions:** 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. Nontribal hunters 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. Both stamps must be validated by signing across the face of the stamp. Other tribal regulations apply, and may be obtained at the tribal office in Marysville, Washington.

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

**Ducks and Mergansers**

Season Dates: Open September 16, through December 31, 2005.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, one pintail, one canvasback, one harlequin, and two redheads. Possession limit is twice the daily bag limit.

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

**Tribal Members**

**Ducks (Including Coots and Mergansers)**


Daily Bag and Possession Limits: 8 and 16 ducks, respectively, except that bag and possession limits may include no more than 2 female mallards, 1 pintail, 3 scaup, and 2 redheads. Possession limit is twice the daily bag limit.

**Geese**


Daily Bag and Possession Limits: 7 and 14 geese, respectively; except that the bag limits may not include more than 2 brant and 1 cackling Canada goose. For those tribal members who engage in subsistence hunting, the Tribes set a maximum annual bag limit of 365 ducks and 365 geese.
(r) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)

Ducks
Season Dates: Open November 1, 2005, through February 8, 2006.
Daily Bag and Possession Limits: 15 and 20, respectively. The season on canvasbacks is closed.

Coots
Season Dates: Open November 1, 2005, through February 8, 2006.
Daily Bag and Possession Limits: 20 and 30, respectively.

Geese
Season Dates: Open November 1, 2005, through December 31, 2005.
Daily Bag and Possession Limits: The daily bag limits are seven geese and five brant. The possession limits for geese and brant are 10 and 7, respectively.

Mourning Dove
Season Dates: Open September 1, through December 31, 2005.
Daily Bag and Possession Limits: Twelve and 15 mourning doves, respectively.

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

Band-Tailed Pigeons (Wildlife Management Unit 10 and Areas South of Y-70 in Wildlife Management Unit 7, Only)
Season Dates: Open September 1, through September 15, 2005.
Daily Bag Limit: Three woodcock.
General Conditions: Shooting hours are one-half hour before sunrise to sunset. Nontoxic shot is required. Tribal members will observe all basic Federal migratory bird hunting regulations contained in 50 CFR.

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

Teal
Daily Bag Limit: Six teal.

Ducks
Season Dates: Open November 1, 2005, and through February 26, 2006.
Daily Bag Limit: Six ducks, including no more than two hen mallards, two black ducks, two mottled ducks, one fulvous whistling duck, four mergansers, two scaup, one hooded merganser, two wood ducks, one canvasback, two redheads, and one pintail. The season is closed for harlequin ducks.

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

Canada Geese
Daily Bag Limit: Five Canada geese during the first period and three during the second.

Snow Geese
Daily Bag Limit: 15.

Woodcock
Season Dates: Open October 16, through November 30, 2005.
Daily Bag Limit: Three woodcock.

General Conditions: All nontribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands shall have in their possession a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all nontribal hunters hunting band-tailed pigeons must have in their possession a White Mountain Special Band-tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, the area open to waterfowl hunting in the above seasons consists of: The entire 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 2005–06 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 2005–06 season.

(5) Bois Forte Band of Chippewa, Nett Lake, Minnesota (Tribal Members and Nontribal Hunters)

Ducks

Pintails and Canvasbacks (For nontribal hunters only): Open September 27, through October 26, 2005.

Other ducks: Open September 27, through November 25, 2005, except shooting hours on opening day and for every hunting day of the remainder of the season would be one-half hour before sunrise and continue to one-half hour after sunset for tribal members. Nontribal shooting hours will go from one-half hour before sunrise to sunset on reservation.

Daily Bag Limits and Possession Limits: The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 2 scaup, 1 black duck,
1 pintail, 1 canvasback, 2 wood ducks, and 2 redheads. The possession limit is twice the daily bag limit.

  The Band’s Conservation Department regulates nontribal harvest limits under the following regulations: (1) Nontribal hunters must be accompanied at all times by a Band Member guide; (2) Nontribal hunters must have in their possession a valid small game hunting license, a Federal migratory waterfowl stamp, and a Minnesota State waterfowl stamp; (3) Nontribal hunters and Band Members must have only Service-approved nontoxic shot in possession at all times; (4) Nontribal hunters must conform to possession limits established and regulated by the State of Minnesota and the Bois Forte Band.

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

Canvasback
Season Dates: Open October 8, through November 30, 2005.

Other Ducks (Including Mergansers)
Season Dates: Open October 8, through November 30, 2005.

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

Canada Geese
Season Dates: Same as ducks.

Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the Indian Reservation, Dulce, New Mexico (Tribal Members Only)

Ducks

Coots
Season Dates: Same as ducks.

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

Tribal Members
Ducks (Including Mergansers and Coots)

General: The Klamath Tribe provides its game management officers, biologists, and wildlife technicians with regulatory enforcement authority, and has a court system with judges that hear cases and set fines.

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

Canvasbacks
Season Dates: Open October 8, through November 30, 2005.

Mergansers

Ducks (Including Mergansers and Coots)
Season Dates: Open October 1, 2005, through January 5, 2006.

Merganser daily bag limit is five, including no more than one hooded merganser. The possession limit is twice the daily bag limit.

Canada Geese

White-Fronted Geese
Season Dates: Same as above.

Light Geese
Season Dates: Same as above.

Youth Waterfowl Hunt
Season Dates: Same as above.

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

Canvasbacks
Season Dates: Open October 1, through November 29, 2005.

Other Ducks

Mergansers
Season Dates: Same as ducks.

Ducks (Including Mergansers and Coots)

Coots
Season Dates: Same as ducks.

Ducks (Including Mergansers and Coots)
Season Dates: Open October 1, 2005, through January 5, 2006.

Mergansers daily bag limit is five, including no more than one hooded merganser. The possession limit is twice the daily bag limit.

Canada Geese

White-Fronted Geese
Season Dates: Same as above.

Youth Waterfowl Hunt
Season Dates: Same as above.

Youth Waterfowl Hunt
Season Dates: Same as above.
Geese
Daily Bag and Possession Limits: Four geese, including not more than three light geese or two white-fronted geese. The possession limit is twice the daily bag limit.

Common Snipe
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

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

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

Ducks (Including Mergansers)
Daily Bag and Possession Limits: 10 and 20, respectively.

Geese
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 8 and 16 geese, respectively.

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

Snipe
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 10 and 20, respectively.

(b) Stillaguamish Tribal Law Enforcement. shot or a nontoxic shot as required by Federal regulations.

(c) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)
Ducks (Including Mergansers)
Daily Bag and Possession Limits: 10 ducks, including no more than 5 hen mallards, 4 pintail, 7 scaup, and 5 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

Coots
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 25 coots.

Geese
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 5 and 10 brant, respectively.

On Reservation
Ducks (Including Mergansers)
Season Dates: Open September 27, 2005, through March 9, 2006.
Daily Bag and Possession Limits: 10 ducks, including no more than 5 hen mallards, 4 pintail, 7 scaup, and 5 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

Coots
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 25 coots.

Geese
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 7 geese, including seven dark geese but no more than six light geese. The possession limit is twice the daily bag limit.

Brant
Season Dates: Same as ducks.
Daily Bag and Possession Limits: 8 and 16 brant.

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

Dated: September 21, 2005.
Craig Manson,
Assistant Secretary for Fish and Wildlife and Parks.