

Special Youth and Veterans—Active Military Personnel Waterfowl Hunting Days

Reference: 16 USC 704 (c); 84 FR 42996, August 19, 2019 (page 43000)

United States Code: Title 16—Conservation

§ 704. Determination as to when and how migratory birds may be taken, killed, or possessed

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(c) FEDERAL FRAMEWORK CLOSING DATE FOR HUNTING OF DUCKS, MERGANSERS, AND COOTS.—

(1) REGULATIONS RELATING TO FRAMEWORK CLOSING DATE.—

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(2) SPECIAL HUNTING DAYS FOR YOUTHS, VETERANS, AND ACTIVE MILITARY PERSONNEL.—

(A) IN GENERAL.—Notwithstanding the Federal framework closing date under paragraph

(1) and subject to subparagraphs (B) and (C), the Secretary shall allow States to select 2 days for youths and 2 days for veterans (as defined in section 101 of title 38) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), to hunt eligible ducks, geese, swans, mergansers, coots, moorhens, and gallinules, if the Secretary determines that the addition of those days is consistent with science-based and sustainable harvest management. Such days shall be treated as separate from, and in addition to, the annual Federal framework hunting season lengths.

(B) REQUIREMENTS.—In selecting days under subparagraph (A), a State shall ensure that—

(i) the days selected—

(I) may only include the hunting of duck, geese, swan, merganser, coot, moorhen, and gallinule species that are eligible for hunting under the applicable annual Federal framework;

(II) are not more than 14 days before or after the Federal framework hunting season for ducks, mergansers, and coots; and

(III) are otherwise consistent with the

Federal framework; and

(ii) the total number of days in a hunting season for any migratory bird species, including any days selected under subparagraph (A), is not more than 107 days.

(C) LIMITATION.—A State may combine the 2 days allowed for youths with the 2 days allowed for veterans and members of the Armed Forces on active duty under subparagraph (A), but in no circumstance may a State have more than a total of 4 additional days added to its regular hunting season for any purpose.

(3) REGULATIONS.—The Secretary shall promulgate regulations in accordance with this subsection for the Federal framework for migratory bird hunting for the 2019–2020 hunting season and each hunting season thereafter.

(July 3, 1918, ch. 128, § 3, 40 Stat. 755; June 20, 1936, ch. 634, § 2, 49 Stat. 1556; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 105–312, title I, § 102, Oct. 30, 1998, 112 Stat. 2956; Pub. L. 116–9, title IV, § 4301, Mar. 12, 2019, 133 Stat. 764.)

Federal Register: 84 FR 42996, August 19, 2019 (page 43000)

“Subsequent to our proposed rule, the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Act), signed into law on March 12, 2019 (Pub. L. 116–9), amended the Migratory Bird Treaty Act to codify the 2 additional hunting days we currently have for youth hunters and to specifically add 2 additional hunting days for veterans and active military personnel. The Act states that “the Secretary shall allow States to select 2 days for youths and 2 days for veterans (as defined in section 101 of title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), to hunt eligible ducks, geese, swans, mergansers, coots, moorhens, and gallinules, if the Secretary determines that the addition of those days is consistent with science-based and sustainable harvest management. Such days shall be treated as separate from, and in addition to, the annual Federal framework hunting season lengths.” The Act also states that States may combine the 2 days allowed for youths with the 2 days allowed for veterans and members of the Armed Forces on active duty, but that no State may have more than a total of 4 additional days added to its regular hunting season. Thus, as directed by the Act, we have adopted the inclusion of the 2 additional days for veterans and active military personnel into the final frameworks for the 2019–20 hunting season.”