

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AD08

Migratory Bird Harvest Information Program

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) and State wildlife agencies (States) are cooperatively establishing a national Migratory Bird Harvest Information Program (Program). The Program requires licensed migratory game bird hunters to supply their names, addresses, and other necessary information to the hunting licensing authority of the State in which they hunt. The Program improves the quality and extent of information about the harvests of migratory game birds to better manage these populations. The Program requires hunters to have evidence of current Program participation (Program validation) on their person while hunting migratory game birds in participating States. Hunters' names and addresses will provide a sample frame for voluntary hunter surveys needed to improve harvest estimates for all migratory game birds. States will gather migratory bird hunters' names and addresses and the Service will conduct the harvest surveys. This specific action adds five States to the list of those participating in the Program, bringing the total to 22.

DATE: This rule takes effect on September 1, 1997.

FOR FURTHER INFORMATION CONTACT: Paul I. Padding, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 10815 Loblolly Pine Drive, Laurel, Maryland 20708-4028, (301) 497-5980, FAX (301) 497-5981.

SUPPLEMENTARY INFORMATION: This final rule facilitates the collection of needed information about migratory game bird harvests. A proposed rule was published in the March 14, 1997, *Federal Register* (62 FR 12524). This final rule amends Section 20.20 of 50 CFR by adding Arizona, Delaware, Florida, Kentucky, and North Carolina to the list of participating States. Licensed hunters, as a condition for hunting migratory game birds in these States, will be required to annually provide their names, addresses, and other necessary information to the licensing authority of the State in which they hunt. This information will provide a nationwide sampling frame of

migratory bird hunters, from which representative samples of hunters will be selected and asked to participate in voluntary harvest surveys that the Service will conduct annually.

The Service and States are currently implementing this Program over a 5-year period, starting with the 1994-95 hunting season. During this implementation, the Program's participation requirement will not apply on Federal Indian Reservations or to tribal members hunting on ceded lands. Participating States will provide the sample frame by annually collecting the name, address, and date of birth of each State licensed migratory bird hunter. To reduce survey costs and to identify hunters who hunt less commonly-hunted species, States will also request that each migratory bird hunter provide a brief summary of his or her migratory bird hunting activity for the previous year. States will send this information to the Service, and the Service will sample hunters and conduct national hunter activity and harvest surveys.

A notice of intent to establish the Program was published in the June 24, 1991, *Federal Register* (56 FR 28812). A final rule establishing the Program and initiating a 2-year pilot phase in three volunteer States (California, Missouri, and South Dakota) was published in the March 19, 1993, *Federal Register* (58 FR 15093). The pilot phase was completed following the 1993-94 migratory bird hunting seasons in California, Missouri, and South Dakota.

The Service formed a State/Federal group to evaluate Program requirements, the different approaches used by the pilot States, and the Service's survey procedures during the pilot phase. Their evaluation resulted in Program changes specified in a final rule, published in the October 21, 1994, *Federal Register* (59 FR 53334), initiating the implementation phase of the Program.

Currently, all licensed migratory game birds hunters in participating States are required to have a Program validation, indicating that they have identified themselves as migratory bird hunters and have provided the required information to the State wildlife agency. Hunters must provide the required information to each State in which they hunt migratory birds. Validations are printed on or attached to the annual State hunting license or on a State-specific supplementary permit.

Names, addresses, and other information are needed in time to distribute hunting record forms to selected hunters before they forget the details of their hunts. Previously, the Service's survey design required participating States to send the required

information to the Service within 5 business days of the hunting license or permit issuance (10 business days if the information is in electronic form). Several States expressed concern that they could not meet this time requirement. The Service conducted an experiment during the 1994-95 hunting season to determine whether extending the time requirement would adversely affect the accuracy of survey results. Based on the results of that experiment, the Service now requires participating States to forward hunter information to the Service within 30 calendar days from the date of license or permit issuance.

The Service does not require hunters exempted from State permit and licensing requirements to participate in the Program. This would include junior hunters, senior hunters, landowners, and other special categories. Exemptions vary on a State-by-State basis. Excluding these hunters from the Program also excludes their harvest from the estimates which may result in serious bias. Thus States may require exempted hunters to participate; and the Service encourages States to provide any available information about these groups (for example, junior hunter safety course participant lists and State harvest estimates for exempted categories) to the Service for use in improving harvest estimates. Methodology may vary by State and will be incorporated into individual Memoranda of Agreement with the Service.

The Service will use the names and addresses only for conducting hunter surveys, and will delete names and addresses after the surveys. State uses of these names and addresses will be governed by State laws.

Under 5 U.S.C. 553(d)(3), at least 30 days is required for a rule to become effective unless an agency has good cause to make it sooner. The Service and the States are currently implementing this Program over a five-year period at the request of the International Association of Fish and Wildlife Agencies. The States added by this rule to the list of participating States, Arizona, Delaware, Florida, Kentucky, and North Carolina, have prepared for a September 1 implementation date of the Program. Generally, migratory game bird hunting seasons may begin as early as September 1, 1997, and since migratory game bird hunters are required to have a Program validation on their person while hunting migratory game birds in these States, the Service believes good cause exists to make this rule effective on September 1, 1997.

Review of Comments and the Service's Response

The Service received comments on the proposed rule from two States.

1. Implementation Phase—Schedule of State Participation

Comment: Delaware requested that its scheduled implementation be advanced from 1998 to 1997. Delaware will implement a telephone license sales system in 1997 and prefers to implement the Program at the same time.

Service Response: The Service welcomes Delaware's proposed advance and will accommodate this change in the schedule.

Comment: Texas indicated that it experienced some technical difficulties with the electronic license sales system that it implemented last year. Texas requested that the Program's requirements be waived for a portion of its 1997-98 hunting license year, to give the State additional time to resolve those problems. Thus, Texas proposed to begin collecting the required information from migratory bird hunters on October 1, 1997.

Service Response: The Service recognizes the unique problems associated with implementing a new electronic license system in Texas, where the number of licensed hunters exceeds 1,000,000. However, this proposal will result in an incomplete sample frame from Texas. Therefore, the Service will not conduct Harvest Information Program surveys of Texas' migratory bird hunters during the 1997 hunting season. The Service will conduct the traditional waterfowl harvest survey based upon a sample of Federal duck stamp purchasers in Texas. To avoid confusion among hunters and law enforcement personnel in Texas, the Service will omit Texas from the list of States in which hunters are required to participate in the Program in 1997.

NEPA Consideration

The Service considered the establishment of this Harvest Information Program and options in the "Environmental Assessment: Migratory Bird Harvest Information Program." Copies of this document are available from the Service at the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

Regulatory Flexibility Act

On June 14, 1991, the Assistant Secretary for Fish and Wildlife and Parks concluded that the rule would not have a significant economic impact on

a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will eventually affect about 3-5 million migratory game bird hunters when it is fully implemented. It will require licensed migratory game bird hunters to identify themselves and to supply their names, addresses, and birth dates to the State licensing authority. Additional information will be requested in order that they can be efficiently sampled for a voluntary national harvest survey. Hunters will be required to have evidence of current participation in the Program on their person while hunting migratory game birds.

The States may require a handling fee to cover their administrative costs. Many of the State hunting-license vendors are small entities, but this rule should not economically impact those vendors. Only migratory game bird hunters, individuals, would be required to provide this information, so this rule should not adversely affect small entities.

Collection of Information: Migratory Bird Harvest Information Program

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)), the U.S. Fish and Wildlife Service has received approval for this collection of information, with approval number 1018-0015, with the expiration date of August 31, 1998.

The information to be collected includes: the name, address, and date of birth of each licensed migratory bird hunter in each participating State. Hunters' names, addresses, and other information will be used to provide a sample frame for voluntary hunter surveys to improve harvest estimates for all migratory game birds. The Service needs and uses the information to improve the quality and extent of information about harvests of migratory game birds in order to better manage these populations.

All information is to be collected once annually from licensed migratory bird hunters in participating States by the State license authority. Participating States are required to forward the hunter information to the Service within 30 calendar days of license or permit issuance. Annual reporting and record keeping burden for this collection of information is estimated to average 0.015 hours per response for 1,650,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total annual reporting and record keeping burden for

this collection is estimated to be 24,750 hours. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Service Information Collection Clearance Officer, ms 224—ARLSQ, U.S. Fish and Wildlife Service, 1849 C Street, NW., Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018-0015, Washington, DC 20503.

The Department considered comments by the public on this proposed collection of information in--

(1) Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

(2) Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhancing the quality, usefulness, and clarity of the information to be collected; and

(4) Minimizing the burden or the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Executive Order 12866

This rule was not subject to Office of Management and Budget review under Executive Order 12866.

Unfunded Mandates Reform Act

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a loss of \$100 million or more in any given year on local or state governments or private entities.

Civil Justice Reform—Executive Order 12988

The Department has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Authorship

The primary author of this rule is Paul I. Padding, Office of Migratory Bird Management.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and record keeping requirements, Transportation, Wildlife.

For the reasons set out in the preamble, 50 CFR part 20 is amended as set forth below.

PART 20—MIGRATORY BIRD HUNTING

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

AUTHORITY: 16 U.S.C. 703-711, 16 U.S.C. 712, and 16 U.S.C. 742 a-j.

2. In Section 20.20 paragraphs (a), (b) and (e) are revised to read as follows:

§ 20.20 Migratory Bird Harvest Information Program.

(a) *Information collection requirements.* The collections of information contained in § 20.20 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0015. The information will be used to provide a sampling frame for the national Migratory Bird Harvest Survey. Response is required from licensed hunters to obtain the benefit of hunting migratory game birds. Public reporting burden for this information is estimated

to average 0.015 hours per response for 1,650,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total annual reporting and record keeping burden for this collection is estimated to be 24,750 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Officer, MS-224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018-0015, Washington, DC 20503.

(b) *General provisions.* Each person hunting migratory game birds in Alabama, Arizona, California, Delaware, Florida, Georgia, Idaho, Illinois, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee,

and Vermont must have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the respective State hunting licensing authority and must have on his or her person evidence, provided by that State, of compliance with this requirement.

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(e) *Implementation schedule.* The Service is completing the implementation of this Program in 1998, which will incorporate approximately 1.6 million additional migratory bird hunters. The State of Texas will collect the name, address, and other necessary information from migratory bird hunters who are issued hunting licenses in Texas on or after October 1, 1997. All States must participate in the Program in 1998.

Dated: August 21, 1997.

William L. Leary,
Acting Assistant Secretary for Fish and Wildlife and Parks.

BILLING CODE 4310-55-F
[FR Doc. 97-22849 Filed 8-27-97; 8:45 am]