

review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 01. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### List of Subjects in 33 CFR Part 100

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 33 CFR 1.05-1.

■ 2. Add § 100.35T08-0009 to read as follows:

##### § 100.35T08-0009 Special Local Regulation; Black Warrior River, Tuscaloosa, AL.

(a) *Regulated area.* All navigable waters of the Black Warrior River between mile markers 339.0 and 341.5, Tuscaloosa, AL.

(b) *Period of enforcement.* This section will be enforced from 6 a.m. until noon on February 24, 2018.

(c) *Special local regulations.* (1) In accordance with the general regulations in § 100.801, entry into, transit within or through, or exit from this area is prohibited unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Patrol Commander may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign "PATCOM".

(2) All persons and vessels not registered with the event sponsor as participants or official patrol vessels are considered spectators. The "official patrol vessels" consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned

or approved by the COTP to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the COTP or a designated representative and when so directed by that officer will be operated at a minimum safe navigation speed in a manner which will not endanger participants in the regulated area or any other vessels.

(4) No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

(6) The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(7) The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The COTP or a designated representative will terminate enforcement of the special local regulations at the conclusion of the event.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the regulated area as well as any changes in the date and times of enforcement.

Dated: January 26, 2018.

**M.R. Mclellan,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.*

[FR Doc. 2018-02159 Filed 2-2-18; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 171

#### General Information, Regulations, and Definitions

##### CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 100 to 177, revised as of October 1, 2017, on page 131, in § 171.8, reinstate the definition of "specification packaging" to read as follows:

#### § 171.8 Definitions and abbreviations.

\* \* \* \* \*

*Specification packaging* means a packaging conforming to one of the specifications or standards for packagings in part 178 or part 179 of this subchapter.

\* \* \* \* \*

[FR Doc. 2018-02303 Filed 2-2-18; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 20

[Docket No. FWS-HQ-MB-2016-0051; FF09M21200-178-FXMB1231099BPP0]

RIN 1018-BB40

#### Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2017-18 Season

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

**ACTION:** Final rule.

**SUMMARY:** This rule prescribes special 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 February 5, 2018.

**ADDRESSES:** You may inspect comments received on the special hunting regulations and Tribal proposals during normal business hours at U.S. Fish and Wildlife Headquarters, 5275 Leesburg

Pike, Falls Church, VA 22041-3803, or at <http://www.regulations.gov> at Docket No. FWS-HQ-MB-2016-0051.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041-3803; (703) 358-1967.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Migratory Bird Treaty Act (MBTA) of July 3, 1918 (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 the August 22, 2017, **Federal Register** (82 FR 39716), we proposed special migratory bird hunting regulations for the 2017-18 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). 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 the June 10, 2016, **Federal Register** (81 FR 38050), we requested that tribes desiring special hunting regulations in the 2017-18 hunting season submit a proposal including details on:

(1) Harvest anticipated under the requested regulations;

(2) Methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(3) Steps that would 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

(4) 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]).

The final rule described here is the final in the series of proposed and final rulemaking documents for Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2017-18 Season. Because some tribal seasons began on September 1, before the close of the comment period and finalization of the August 22, 2017, proposed rule (82 FR 39716), we published an interim final rule on August 31, 2017 (82 FR 41344) to allow these tribes to conduct their hunting seasons. In compliance with the MBTA, this rule opened the seasons on the dates set forth in the rule portion of this document, thereby allowing individuals to legally partake in hunting on these lands. Without publication of the interim final rule, hunting of migratory birds on certain Tribal ceded lands as requested by the Tribes would have been prohibited until we concluded with this rulemaking process initiated by the August 22, 2017, proposed rule (82 FR 39716). This new final rule replaces the August 31, 2017, interim final rule.

This rule sets hunting seasons, hours, areas, and limits for migratory game bird species on reservations and ceded territories. This final rule is the culmination of the rulemaking process for the Tribal migratory game bird hunting seasons, which started with the August 22, 2017, proposed rule. This final rule sets the Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2017-18 Season.

**Population Status and Harvest**

Each year we publish various species status reports that provide detailed information on the status and harvest of migratory game birds, including information on the methodologies and results. These reports are available at the address indicated under **FOR**

**FURTHER INFORMATION CONTACT** or from our website at <https://www.fws.gov/birds/surveys-and-data/reports-and-publications/population-status.php>.

We used the following reports: Adaptive Harvest Management, 2017 Hunting Season (August 2016); American Woodcock Population Status, 2016 (August 2016); Band-tailed Pigeon Population Status, 2016 (September 2016); Migratory Bird Hunting Activity and Harvest During the 2014-15 and 2015-16 Hunting Seasons (October 2016); Mourning Dove Population Status, 2016 (August 2016); Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations, 2016 (September 2016); and Waterfowl Population Status, 2016 (August 2016).

**Comments and Issues Concerning Tribal Proposals**

For the 2017-18 migratory bird hunting season, we proposed regulations for 24 Tribes or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. We noted in the August 22 proposed rule that we were proposing seasons for six Tribes who have submitted proposals in past years but from whom we had not yet received proposals this year. We did not receive proposals from five of those Tribes and, therefore, have not included them in this final rule.

The comment period for the August 22 proposed rule closed on September 21, 2017. We received 21 comments on our August 22 proposed rule, which announced proposed seasons for migratory bird hunting by American Indian Tribes. Similar comments were combined and significant comments are addressed below.

*Written Comments:* We received one comment from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) and three other comments in support of the August 22 proposed rule. GLIFWC expressed support for the content of the proposed regulations listed for the GLIFWC bands and further addressed several potentially new elements of the tribes' migratory bird harvesting rules.

Specifically, GLIFWC appreciated our support for an experimental application of electronic calls to harvest migratory birds and our willingness to approve an experimental application of non-mechanical hand-held nets and snares for the harvest of migratory birds within the 1837 and 1842 Ceded Territories. They pointed out that in order to evaluate the impact that these methods may have, the Tribes have agreed to

require that each hunter engaging in hunting with electronic calls, and hand-held nets or snares, submit a detailed hunter diary at the conclusion of the season. GLIFWC have also agreed to limit the number of permits for electronic calls to 50 hunters, due to concerns articulated by the Service regarding potential effects. They remain confident that the proposal strikes an appropriate balance: Allowing them to hunt migratory birds in an effective and efficient manner, consistent with their reserved treaty rights, while protecting and conserving migratory bird populations for present and future generations. GLIFWC also appreciated our proposal to extend the swan hunting season in the 1837 and 1842 Ceded Territories and establish a sandhill crane hunting season in the 1836 Ceded Territory.

Lastly, GLIFWC addressed the timing of the rulemaking process. They recognized that due to circumstances that may have been out of the Service's control, the final rules may not be issued until the middle of the Tribes' migratory bird hunting season. This delay may foreclose the opportunity for some Tribes to benefit from the proposed rule changes. For example, if we do establish a tribal season for sandhill crane harvesting in the 1836 Ceded Territory, it will be unlikely that hunters will be afforded an opportunity to hunt sandhill cranes in the 2017–18 season, as the migration of sandhill cranes through the 1836 Ceded Territory is likely to have concluded by the time we publish the final rule. The Tribes hope that, in future years, the Service commits to publishing its final rule for Tribes prior to the start of the migratory bird hunting season, noting that the Service consistently issues regulations for State seasons on time.

*Service Response:* Comments noted.

*Written Comments:* The Mississippi Flyway Council (MFC), the Central Flyway Council (CFC), the Wisconsin Department of Natural Resources (WDNR), and 13 other respondents expressed opposition to our proposal to allow GLIFWC the use of electronic calls, night hunting for waterfowl, and the trapping of migratory birds. Opposition expressed included continued concerns about the potential negative impacts to local waterbird populations, the increased potential for take of nongame species, the incompatibility with Federal and State waterfowl management, public safety, potential user conflicts, law-enforcement problems, the fact that electronic calls were not around during the signing of the Treaties, and the potential to place non-tribal hunters in

violation of migratory game bird hunting regulations. We address each of those issues in more detail below.

I. *Allowing the use of electronic duck and goose calls.* The MFC, CFC, and WDNR remain opposed to the proposal as outlined within their prior annual comment letters and noted past Service concerns in **Federal Register** statements over the last several years. As noted in numerous federal documents, they point out that electronic calls are very effective at attracting waterfowl and legal for hunting only in contexts where there is a management objective to produce a level of kill that reduces a local or continental population of migratory birds. Neither of those are objectives in the northern Great Lakes region.

The ceded territory covers one-third of the State of Wisconsin and significant areas of public hunting areas and public waters of Michigan and Minnesota. The commenters believe that the use of electronic calls for waterfowl hunting by tribal hunters could attract waterfowl in a zone of influence that may put any non-tribal hunters within that zone in violation of the law because they are prohibited from being aided by electronic calls in waterfowl hunting. This could effectively close public waters and lands to non-tribal waterfowl hunting where tribal hunters are using electronic calls and create zones of exclusivity. Further, it would not be possible for a tribal hunter to know whether or not a non-tribal hunter would or could be present on a public water or property for waterfowl hunting since most waterfowl hunters find their locations before dawn. In addition to the Federal restrictions on use of electronic calls, Wisconsin waterfowl hunting regulations also prohibit hunting with the “aid” of electronic calls; thus, a non-tribal hunter would be in violation if a tribal hunter was hunting the same general area with electronic calls. Closing these public lands and waters to hunting when they are supported by Pittman-Robertson and State wildlife management funds is inconsistent with their purpose. This situation has the potential to increase conflict among the hunting public creating a safety concern and a challenging law enforcement environment.

II. *Use of hand-net and snares and night hunting of waterfowl.* The MFC was not opposed to the harvest of migratory waterfowl by use of hand-nets and/or snares; however, they did oppose that this would include take of birds at night. The CFC was opposed to the use of hand-held nets and snares, and the WDNR was opposed to night hunting of waterfowl. It has been long established

that sunset is the appropriate closing time for hours in which harvest can occur, relative to migratory birds, to aid in identification and reduce non-target kill as well as promote public safety. WDNR pointed out that although the Service approved a 15-minutes-after-sunset shooting hour for tribal hunters in 2007, and a 30-minutes-after-sunset shooting hour for tribal hunters in 2012 (when 60 minutes was requested), these extensions were made with “trepidation” by the Service. Thus, MFC and CFC opposed these requests when initially proposed, remain opposed to these extensions, and request we return to not allowing any take of migratory bird hunters after the sunset closure of shooting hours for all migratory bird hunters, including tribal members.

III. *Use of hunter diaries.* For both use of electronic calls and hand-nets and snares, GLIFWC has proposed that hunters be required to complete and submit a hunt diary in order to receive a hunting permit the following year. The MFC and WDNR commented that in the past the Service has observed little evidence that these self-reporting requirements have been productive (*i.e.*, tribal swan and sandhill crane seasons). They further point out that in earlier discussions, they had requested that GLIFWC be required to have staff (wardens, biologists) conduct field observations on these “experimental seasons” just as States had been required to do for other experimental seasons, such as early teal seasons. Both restated their desire to require GLIFWC staff to conduct field observation and monitoring on these “experimental seasons” if they are approved.

*Service Response:*

I. *Allowing electronic calls.* In the 1837 and 1842 Treaty Areas, GLIFWC proposes allowing an experimental application of electronic calls with up to 50 Tribal hunters allowed to use the devices. Individuals using electronic calls will be required to obtain a special Tribal permit, complete a hunt diary for each hunt where the devices are used, and submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain a permit for the following year. GLIFWC will require hunters to record the date, time, and location of each hunt; the number of hunters; the number of each species harvested per hunting event; if other hunters were in the area, any interactions with other hunters; and other information GLIFWC deems appropriate. GLIFWC will then summarize the diary results and submit a report to the Service. Barring unforeseen results, GLIFWC proposes that this experimental application be

replicated for 3 years, after which a full evaluation would be completed.

As we have stated over the last 6 final rules (76 FR 54676, September 1, 2011; 77 FR 54451, September 5, 2012; 78 FR 53218, August 28, 2013; 79 FR 52226, September 3, 2014; 80 FR 52663, September 1, 2015; 81 FR 62404, September 9, 2016), the issue of allowing electronic calls and other electronic devices for migratory game bird hunting has been highly debated and highly controversial over the last 40 years, similar to other prohibited hunting methods. Electronic calls, *i.e.*, the use or aid of recorded or electronic amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds to lure or attract migratory game birds to hunters, were federally prohibited in 1957, because of their effectiveness in attracting and aiding the harvest of ducks and geese and because they are generally not considered a legitimate component of hunting (see restriction in 50 CFR 20.21(g)). In 1999, after much debate, the migratory bird regulations were revised to allow the use of electronic calls for the take of light geese (lesser snow geese and Ross geese) during a light-geese-only season when all other waterfowl and crane hunting seasons, excluding falconry, were closed (64 FR 7507, February 16, 1999; 64 FR 71236, December 20, 1999; 73 FR 65926, November 5, 2008). The regulations were also changed in 2006, to allow the use of electronic calls for the take of resident Canada geese during Canada-geese-only September seasons when all other waterfowl and crane seasons, excluding falconry, were closed (71 FR 45964, August 10, 2006). In both instances, these changes were made in order to significantly increase the take of these species due to serious population overabundance, depredation issues, or public health and safety issues, or a combination of these.

In our previous responses on this issue, we have also discussed information stemming from the use of electronic calls during the special light-geese seasons and our conclusions as to its applicability to most other waterfowl species. Given available evidence on the effectiveness of electronic calls, we continue to be concerned about the large biological uncertainty surrounding any widespread use of electronic calls. Additionally, given the fact that tribal waterfowl hunting covered by this rule would occur on ceded lands that are not in the ownership of the Tribes, we remain concerned that the use of electronic calls to take waterfowl could lead to confusion on the part of the public, wildlife-management agencies,

and law enforcement officials in implementing the requirements of 50 CFR part 20. Further, similar to the impacts of baiting, we have some concerns on the uncertain zone of influence range from the use of electronic calls which could potentially increase harvest from non-tribal hunters operating within areas that electronic calls are used during the dates of the general hunt. However, unlike baiting, once the electronic call is removed from an area, the attractant or lure is immediately removed with presumably little to no lingering effects.

Notwithstanding our above concerns, we understand and appreciate GLIFWC's position on this issue, their desire to increase tribal hunter opportunity, harvest, and participation, and the importance that GLIFWC has ascribed to these issues. We further appreciate GLIFWC's latest proposal on the issue. GLIFWC has proposed a limited use of electronic calls under an experimental design with up to only 50 Tribal hunters. Hunters would be required to obtain special permits and complete and submit a hunt diary for each hunt where electronic calls were used. In our recent consultations with them, they have willingly discussed our concerns and all the uncertainties and difficulties surrounding them. Further, given GLIFWC's extremely limited current and expected waterfowl harvest (less than 3,000 ducks and 600 geese) and hunter participation (limited to 50 hunters), our concerns for any potential biological impacts are significantly lessened. Therefore, we agree with the tribes that much of the large uncertainty surrounding any widespread use of electronic calls could be potentially controlled, or significantly lessened, by this very modest experiment.

In that light, we are approving GLIFWC's limited experimental approach with the hope of gaining additional information and knowledge about the use of electronic calls and their effects on waterfowl. Ideally, this limited approach includes utilizing electronic calls both for Canada geese (where they may already be used in some instances) and new efforts for ducks. Important data related to tribal hunter interest, participation, effects on targeted species, and harvest needs to be closely tracked and reported, as GLIFWC has agreed. We conclude that the experimental removal of the electronic call prohibition, with the proposed limited design, is consistent with helping address and answer some of our long-standing concerns, and thus we approve GLIFWC's proposal to allow the experimental use of electronic calls in the 1837 and 1842 Treaty Areas for

any open season for a 3-year experimental period.

II. *Use of hand-held nets and snares.* GLIFWC proposed that we allow tribal members to take migratory birds (primarily waterfowl) with the use of hand-held nets, hand-held snares, and the capturing of birds by hand in the 1837 and 1842 Treaty Areas. GLIFWC's proposal for the use of nets and snares and capturing by hand would include the take of birds at night. Non-attended nets or snares would not be authorized under this proposal. Tribal members using nets or snares to take migratory birds, or taking birds by hand, would be required to obtain a special Tribal permit, complete a hunt diary for each hunt where these methods are used, and submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain a permit to net migratory birds for the following year. GLIFWC-required information would include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; and other information GLIFWC deems appropriate. Diary results would then be summarized and documented in a GLIFWC report, which would be submitted to the Service. Barring unforeseen results, GLIFWC proposes that this experimental application be replicated for 3 years, after which a full evaluation would be completed.

Current regulations at 50 CFR part 20 do not allow the use of traps, nets, or snares to capture migratory game birds (see § 20.21(a)), and we are unaware of any current State regulations allowing the use of traps for the capture of resident game birds. While the use of traps or nets for birds is not generally considered a sport-hunting technique, we recognize that their use may be a customary and traditional hunting method by tribal members. Further, GLIFWC's netting and trapping proposal does not allow baiting (which could lead to concerns related to potential disease transmission) or the herding of waterfowl into traps when they are largely flightless, such as during the summer molt. Practices such as these would significantly increase our concerns. As such, and recognizing the importance GLIFWC has placed on this issue, we are not opposed to the trapping of migratory birds, especially given all the GLIFWC-proposed restrictions on their use and the fact that they will be monitored at all times. Thus, we agree with the GLIFWC proposal and conclude that the restrictions they have proposed are appropriate to begin a 3-year experimental evaluation.

III. *Use of hunter diaries.* For both use of electronic calls and hand-nets and snares, GLIFWC has proposed that hunters be required to complete and submit a hunt diary in order to receive a special hunting permit the following year. Despite commenters stating that these tribal self-reporting requirements have not been productive in the past, this methodology, with GLIFWC's commitment, will provide us with useful information to help assess the program's effectiveness, user conflicts, hunter participation, and harvest. Given the relatively small size of the program and the anticipated participation and harvest, we see little need for GLIFWC staff to conduct field observations as States or Flyways (with thousands of hunters and potentially ten of thousands in anticipated harvest) have done for other experimental seasons. However, if we see that either the quality of information being yielded is not sufficient for our purposes or the level of impacts are more than anticipated and may warrant field observers and/or a more rigorous study approach, we will work with GLIFWC to address these issues.

*Written Comments:* Three commenters protested the entire migratory bird hunting regulations process, the killing of all migratory birds, and the status and habitat data on which the migratory bird hunting regulations are based. Two commenters believed certain migratory bird species such as ducks, geese, swans, sandhill cranes, woodcock, and mourning doves should not be hunted.

*Service Response:* Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Further, there exists a long history of establishing hunting seasons for migratory game bird species such as waterfowl, cranes, woodcock, doves, and migratory shore and upland game birds. Tribes, such as those included in this final rule, have hunted these species before and since the inception of our establishment of migratory game bird hunting seasons. These seasons are culturally important to them, and applicable treaties allow for hunting of these species.

Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, we conclude that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-

term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. We continue to conclude that the current Flyway-Council system of migratory bird management is one of the longest, most successful examples of State-Federal cooperative management since its establishment in 1952. Likewise, the establishment of special tribal migratory bird hunting regulations has been a successful Federal-Tribal partnership since 1988. However, as always, we continue to seek new ways to improve the process.

#### Required Determinations

##### *Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs*

This final rule is not subject to the requirements of Executive Order (E.O.) 13771 (82 FR 9339, February 3, 2017) because this final rule establishes annual harvest limits related to routine hunting or fishing.

##### *National Environmental Policy Act (NEPA) Consideration*

The programmatic document, "Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139)," filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being "Duck Hunting Regulations for 2017–18," with its corresponding April 7, 2017, finding of no significant impact. The programmatic document as well the separate environmental assessments are available on our website at <https://www.fws.gov/birds/index.php> or from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT.**

##### *Endangered Species Act Consideration*

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *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 jeopardize the continued existence of 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.**

##### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it would have an annual effect of \$100 million or more on the economy.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

An economic analysis was prepared for the 2013–14 season. This analysis was based on data from the 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion under *Regulatory Flexibility Act*, below). We used this analysis again for the 2017–18 season. This analysis estimated consumer surplus for three alternatives

for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2012–13 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2012–13 season. For the 2013–14 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of \$317.8–\$416.8 million. We also chose alternative 3 for the 2009–10, the 2010–11, the 2011–12, the 2012–13, the 2014–15, the 2015–16, the 2016–17, and the 2017–18 seasons. The 2013–14 analysis is part of the record for this rule and is available at <http://www.regulations.gov> at Docket No. FWS–HQ–MB–2016–0051.

#### *Regulatory Flexibility Act*

The annual migratory bird hunting 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. 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, 2004, 2008, and 2013. 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 2013 Analysis was based on the 2011 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 approximately \$1.5 billion at small businesses in 2013. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from <http://www.regulations.gov> at Docket No. FWS–HQ–MB–2016–0051.

#### *Small Business Regulatory Enforcement Fairness Act*

This final 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 will have 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*

This rule does not contain any new information collection that requires approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and assigned the following OMB control numbers:

- 1018–0019—North American Woodcock Singing Ground Survey (expires 5/31/2018).
- 1018–0023—Migratory Bird Surveys (expires 8/31/2020). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.

#### *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 E.O. 12988.

#### *Takings Implication Assessment*

In accordance with E.O. 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, this rule allows hunters to exercise otherwise unavailable privileges and, therefore, reduces restrictions on the use of private and public property.

#### *Energy Effects—Executive Order 13211*

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under E.O. 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.

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

In accordance with the President's memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951), E.O. 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. We have consulted with Tribes affected by this rule.

#### *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 E.O. 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### **Regulations Promulgation**

The rulemaking process for migratory game bird hunting, by its nature, operates under a time constraint as seasons must be established each year or hunting seasons remain closed. However, we intend that the public be provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements. Thus, when the preliminary proposed rulemaking was published, we established what we concluded were the

longest periods possible for public comment and the most opportunities for public involvement. Further, after establishment of the final frameworks, Tribes need sufficient time to conduct their own public processes to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. Thus, if there were a delay in the effective date of these regulations after this final rulemaking, Tribes might not be able to meet their own administrative needs and requirements. For the reasons cited above, we find that “good cause” exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and this final rule will take effect immediately upon publication.

Accordingly, with each participating Tribe having had an opportunity to participate in selecting the hunting seasons desired for its reservation or ceded territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

#### 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—MIGRATORY BIRD HUNTING

- 1. Revise the authority citation for part 20 to read as follows:

**Authority:** 16 U.S.C. 703 *et seq.*, and 16 U.S.C. 742a–j.

(**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 revised to read as follows:

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

Unless specifically provided for below, all of the regulations contained in 50 CFR part 20 apply to the seasons listed herein.

(a) [Reserved.]

(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, 2017, through March 9, 2018.

*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.

*Daily Bag and Possession Limits:* Same as ducks.

##### Geese

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* Same as ducks.

##### Nontribal Hunters

*Ducks (Including Mergansers)*

*Season Dates:* Open September 30, 2017, through January 7, 2018, and open January 13 through 17, 2018.

##### Scaup

*Season Dates:* Open September 30 through December 24, 2017.

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

##### Coots

*Season Dates:* Same as ducks.

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

##### Geese

*Dark Geese*

*Season Dates:* Open September 30, 2017, through January 7, 2018, and open January 13 through 17, 2018.

*Daily Bag and Possession Limits:* 4 and 12, respectively.

*Light Geese*

*Season Dates:* Same as for dark geese.

*Daily Bag and Possession Limits:* 20 and 60, respectively.

*General Conditions:* Tribal 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 one-half hour before sunrise to one-half hour after sunset, and each waterfowl hunter 16 years of age or older 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 Confederated Salish and Kootenai Tribes also apply on the reservation.

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

#### Ducks

*1854 and 1837 Ceded Territories*

*Season Dates:* Begin September 9 and end November 30, 2017.

*Daily Bag Limit:* 18 ducks, including no more than 12 mallards (only 3 of which may be hens), 9 black ducks, 9 scaup, 9 wood ducks, 9 redheads, 9 pintails, and 9 canvasbacks.

*Reservation*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* 12 ducks, including no more than 8 mallards (only 2 of which may be hens), 6 black ducks, 6 scaup, 6 redheads, 6 pintails, 6 wood ducks, and 6 canvasbacks.

#### Mergansers

*1854 and 1837 Ceded Territories*

*Season Dates:* Begin September 9 and end November 30, 2017.

*Daily Bag Limit:* 15 mergansers, including no more than 6 hooded mergansers.

*Reservation*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* 10 mergansers, including no more than 4 hooded mergansers.

#### Canada Geese

*1854 and 1837 Ceded Territories*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* 20 geese.

*Reservation*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* 20 geese.

#### Coots and Common Moorhens (Common Gallinules)

*1854 and 1837 Ceded Territories*

*Season Dates:* Begin September 9 and end November 30, 2017.

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

*Reservation*

*Season Dates:* Begin September 1 and end November 30, 2017.

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

**Sandhill Cranes: 1854 and 1837 Ceded Territories**

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* Two sandhill cranes. Crane carcass tags are required prior to hunting.

**Sora and Virginia Rails***All Areas*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* 25 sora and Virginia rails, singly or in the aggregate.

**Common Snipe***All Areas*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* Eight common snipe.

**Woodcock***All Areas*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* Three woodcock.

**Mourning Doves***All Areas*

*Season Dates:* Begin September 1 and end November 30, 2017.

*Daily Bag Limit:* 30 mourning doves.

**General Conditions**

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 for migratory birds. 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.

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

**Ducks**

*Season Dates:* Open September 1, 2017, through January 20, 2018.

*Daily Bag Limits:* 35 ducks, which may include no more than 8 pintail, 4 canvasback, 8 black ducks, 5 hooded merganser, 8 wood ducks, 8 redheads, and 20 mallards (only 10 of which may be hens).

**Canada and Snow Geese**

*Season Dates:* Open September 1, 2017, through February 15, 2018.

*Daily Bag Limits:* 15 geese.

**Other Geese (White-Fronted Geese and Brant)**

*Season Dates:* Open September 20 through December 30, 2017.

*Daily Bag Limits:* Five geese.

**Sora Rails, Common Snipe, and Woodcock**

*Season Dates:* Open September 1 through November 14, 2017.

*Daily Bag Limits:* 10 rails, 10 snipe, and 5 woodcock.

**Mourning Doves**

*Season Dates:* Open September 1 through November 14, 2017.

*Daily Bag Limits:* 15 mourning doves.

**Sandhill Crane**

*Season Dates:* Open September 1 through November 14, 2017.

*Daily Bag Limits:* 3 sandhill crane, with a season limit of 10.

*General Conditions:* A valid Grand Traverse Band Tribal license is required and must be in possession before taking any wildlife. Shooting hours for migratory birds are one-half hour before sunrise to one-half hour after sunset. All other basic regulations contained in 50 CFR part 20 are valid. Other tribal regulations apply, and may be obtained at the tribal office in Suttons Bay, Michigan.

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

The 2017–18 waterfowl hunting season regulations apply to all treaty areas (except where noted):

**Ducks**

*Season Dates:* Begin September 1 and end December 31, 2017.

*Daily Bag Limits:* 50 ducks in the 1837 and 1842 Treaty Area; 30 ducks in the 1836 Treaty Area.

**Mergansers**

*Season Dates:* Begin September 1 and end December 31, 2017.

*Daily Bag Limits:* 10 mergansers.

**Geese**

*Season Dates:* Begin September 1 and end December 31, 2017. In addition, any portion of the ceded territory that is open to State-licensed hunters for goose hunting outside of these dates will also be open concurrently for tribal members.

*Daily Bag Limits:* 20 geese in aggregate.

**Other Migratory Birds****Coots and Common Moorhens (Common Gallinules)**

*Season Dates:* Begin September 1 and end December 31, 2017.

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

**Sora and Virginia Rails**

*Season Dates:* Begin September 1 and end December 31, 2017.

*Daily Bag and Possession Limits:* 20, singly, or in the aggregate, 25.

**Common Snipe**

*Season Dates:* Begin September 1 and end December 31, 2017.

*Daily Bag Limits:* 16 common snipe.

**Woodcock**

*Season Dates:* Begin September 5 and end December 31, 2017.

*Daily Bag Limits:* 10 woodcock.

**Mourning Dove: 1837 and 1842 Ceded Territories Only**

*Season Dates:* Begin September 1 and end November 29, 2017.

*Daily Bag Limits:* 15 mourning doves.

**Sandhill Cranes: 1837 and 1842 Ceded Territories Only**

*Season Dates:* Begin September 1 and end December 31, 2017.

*Daily Bag Limits:* 2 cranes.

**Swans: 1837 and 1842 Ceded Territories Only**

*Season Dates:* Begin November 1 and end December 31, 2017.

*Daily Bag Limits:* 2 swans. All harvested swans must be registered by presenting the fully-feathered carcass to a tribal registration station or GLIFWC warden. If the total number of trumpeter swans harvested reaches 10, the swan season will be closed by emergency tribal rule.

**General Conditions**

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

B. Except as otherwise noted, tribal members are required to comply with tribal codes that are 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.

C. Particular regulations of note include:

1. Nontoxic shot is required for all waterfowl hunting by tribal members.

2. Tribal members in each zone must 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. There are no possession limits, with the exception of 2 swans (in the aggregate) and 25 rails (in the aggregate). For purposes of enforcing bag limits, all migratory birds in the possession and custody of tribal members on ceded lands are 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 do not count as part of any off-reservation bag or possession limit.

4. There are no shell limit restrictions.

5. Hunting hours are from 30 minutes before sunrise to 30 minutes after sunset, except that, within the 1837 and 1842 ceded territories hunters may use non-mechanical nets or snares that are operated by hand to take those birds subject to an open hunting season at any time. Hunters shall be permitted to capture, without the aid of other devices (*i.e.*, by hand) and immediately kill birds subject to an open season, regardless of time of day. See #7 below for further explanation.

6. An experimental application of electronic calls (e-calls) will be implemented in the 1837 and 1842 ceded territories. Up to 50 tribal hunters will be allowed to use e-calls. Individuals using e-calls will be required to obtain a special permit; they will be required to complete a hunt diary for each hunt where e-calls are used; and they will be required to submit the hunt diary to the Commission within two (2) weeks of the end of the season in order to be eligible

to obtain an e-call permit for the following year. Required information will include the date, time and location of the hunt, number of hunters, the number of each species harvested per hunting event, if other hunters were in the area, any interactions with other hunters, and other information deemed appropriate. Diary results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this experimental application would be replicated for 3 years, after which a full evaluation would be completed.

7. Within the 1837 and 1842 ceded territories, tribal members will be allowed to use non-mechanical hand-operated nets (*i.e.*, throw/cast nets or hand-held nets typically used to land fish) and/or hand-operated snares, and may chase and capture migratory birds without the aid of hunting devices (*i.e.*, by hand). At this time, non-attended nets or snares shall not be authorized under this regulation. Tribal members using nets or snares to take migratory birds, or taking birds by hand, will be required to obtain a special permit; they will be required to complete a hunt diary for each hunt where these methods are used; and they will be required to submit the hunt diary to the Commission within two (2) weeks of the end of the season in order to be eligible to obtain a permit to net migratory birds for the following year. Required information will include the date, time and location of the hunt, number of hunters, the number of each species harvested per hunting event, and other information deemed appropriate. Diary results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this experimental application would be replicated for 3 years, after which a full evaluation would be completed.

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

#### **Ducks (Including Mergansers)**

*Season Dates:* Open October 14 through November 30, 2017.

*Daily Bag and Possession Limits:* The daily bag limit is seven, including no more than two hen mallards, two pintail, two redheads, two canvasback, and three scaup. The possession limit is three times the daily bag limit.

#### **Canada Geese**

*Season Dates:* Open October 8 through November 30, 2017.

*Daily Bag and Possession Limits:* Two and six, respectively.

*General Conditions:* Tribal and 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 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 Jicarilla Tribe also apply on the reservation.

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

#### **Nontribal Hunters on Reservation**

##### **Geese**

*Season Dates:* Open September 9 through September 10, 2017; open September 16 through September 17, 2017; and open October 1, 2017, through January 8, 2018. During these periods, 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 Canada geese for the early season, and 6 light geese and 4 dark geese, for the late season. The daily bag limit is 2 brant (when the State's season is open) and is in addition to dark goose limits for the late-season. The possession limit is twice the daily bag limit.

##### **Ducks**

*Season Dates:* Open September 23, 2017, through September 24, 2017; open September 29, through September 30, 2017; and open October 1, 2017, through January 8, 2018.

##### **Scaup**

*Season Dates:* Open October 1, 2017, through December 25, 2017.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 2 female mallards, 1 pintail, 2 canvasback, 3 scaup (when open), and 2 redheads. The possession limit is twice the daily bag limit.

#### **Tribal Hunters Within Kalispel Ceded Lands**

##### **Ducks**

*Season Dates:* Open October 10, 2017, through January 31, 2018.

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

**Geese**

*Season Dates:* Open September 10, 2017, through January 31, 2018.

*Daily Bag Limit:* 20 light geese and 4 dark geese. The daily bag limit is 2 brant and is in addition to dark goose limits.

*General:* Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

(h) *Klamath Tribe, Chiloquin, Oregon (Tribal Members Only).*

**Ducks and Coots**

*Season Dates:* Open October 7, 2017, through January 31, 2018.

*Daily Bag and Possession Limits:* 9 and 18, respectively.

**Geese**

*Season Dates:* Open October 7, 2017, through January 31, 2018.

*Daily Bag and Possession Limits:* 9 and 18, respectively.

*General:* Nontoxic shot is required. Use of live decoys, bait, and commercial use of migratory birds are prohibited. Waterfowl may not be pursued or taken while using motorized craft. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

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

**Ducks**

*Season Dates:* Open September 16 through December 31, 2017.

*Daily Bag Limits:* 10 ducks, including no more than 5 pintail, 5 canvasback, and 5 black ducks.

**Geese**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag Limits:* 10 geese.

*General:* Possession limits are twice the daily bag limits. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required. Use of live decoys, bait, and commercial use of migratory birds are prohibited. Waterfowl may not be pursued or taken while using motorized craft.

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

**1836 Ceded Territory and Tribal Reservation****Ducks, Coots, and Gallinules**

*Season Dates:* Open September 15, 2017, through January 26, 2018.

*Daily Bag Limits:* 12 ducks, including no more than 6 mallards (2 of which may be hens), 3 black ducks, 3 redheads, 3 wood ducks, 2 pintail, 1 bufflehead, 1 hooded merganser, and 2 canvasback. Five coot and five gallinule.

**Canada Geese**

*Season Dates:* Open September 1, 2017, through February 4, 2018.

*Daily Bag Limit:* Five.

**White-Fronted Geese, Brant, and Snow Geese**

*Season Dates:* Open September 8 through December 10, 2017.

*Daily Bag Limit:* Five.

**Woodcock, Mourning Doves, Snipe, and Sora and Virginia Rails**

*Season Dates:* Open September 1 through November 12, 2017.

*Daily Bag Limit:* 5 woodcock and 10 each of the other species.

**General Conditions Are as Follows**

A. All tribal members will be required to obtain a valid tribal resource card and 2017–18 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. Shooting hours will be from one-half hour before sunrise to sunset.

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.

E. Possession limits are twice the daily bag limits.

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

**Ducks**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limits:* 20 ducks, including no more than 5 hen mallards, 5 black ducks, 5 redheads, 5 wood ducks, 5 pintail, 5 scaup, and 5 canvasback.

**Mergansers**

*Season Dates:* Open September 15, 2017, through January 31, 2018.

*Daily Bag Limits:* 10 mergansers, including no more than 5 hooded mergansers.

**Coots and Gallinules**

*Season Dates:* Open September 15 through December 31, 2017.

*Daily Bag Limit:* 20.

**Canada Geese**

*Season Dates:* Open September 1, 2017, through February 8, 2018.

*Daily Bag Limit:* 20 in the aggregate.

**Sora and Virginia Rails**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag Limit:* 20.

**Snipe**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag Limit:* 16.

**Mourning Doves**

*Season Dates:* Open September 1 through November 14, 2017.

*Daily Bag Limit:* 15.

**Woodcock**

*Season Dates:* Open September 1 through December 1, 2017.

*Daily Bag Limit:* 10.

**Sandhill Cranes**

*Season Dates:* Open September 1 through December 1, 2017.

*Daily Bag Limit:* 1.

*General:* Possession limits are twice the daily bag limits.

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

**Tribal Members****Ducks, Mergansers, and Coots**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* Six ducks, including no more than two hen mallard and five mallards total, two pintail, two redheads, two canvasback, three wood ducks, three scaup, two bonus teal during the first 16 days of the season, and one mottled duck Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded mergansers. The possession limit is three times the daily bag limit.

**Canada Geese**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* 6 and 18, respectively.

**White-Fronted Geese**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* Two and six, respectively.

**Light Geese**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag Limit:* 20.

#### **Nontribal Hunters**

##### **Ducks (Including Mergansers and Coots)**

*Season Dates:* Open October 7, 2017, through January 11, 2018.

*Daily Bag and Possession Limits:* Six ducks, including five mallards (no more of which can be two hen mallard), three scaup, two canvasback, two redheads, three wood ducks, one mottled duck, one pintail, and two bonus blue-winged teal during October 7, through October 22, 2017. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded mergansers. The possession limit is three times the daily bag limit.

##### **Canada Geese**

*Season Dates:* Open October 28, 2017, through February 11, 2018.

*Daily Bag and Possession Limits:* 6 and 18, respectively.

##### **White-Fronted Geese**

*Season Dates:* Open October 28, 2017, through January 23, 2018.

*Daily Bag and Possession Limits:* Two and six, respectively.

##### **Light Geese**

*Season Dates:* Open October 28, 2017, through February 11, 2018.

*Daily Bag and Possession Limits:* 50 and no possession limit.

*General Conditions:* All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR part 20, including the use of steel shot and shooting hours. Nontribal hunters must possess a validated Migratory Bird Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must adhere to when hunting in areas subject to control by the Tribe.

(m) [Reserved.]

(n) *Makah Indian Tribe, Neah Bay, Washington (Tribal Members).*

##### **Band-Tailed Pigeons**

*Season Dates:* Open September 22 through October 23, 2017.

*Daily Bag Limit:* Two band-tailed pigeons.

##### **Ducks and Coots**

*Season Dates:* Open September 23, 2017, through January 28, 2018.

*Daily Bag Limit:* Seven ducks including no more than five mallards (only two of which can be a hen), one redhead, one pintail, three scaup, and one canvasback. The seasons on wood duck and harlequin are closed. The coot daily bag limit is 25.

#### **Geese**

*Season Dates:* Open September 23, 2017, through January 28, 2018.

*Daily Bag Limit:* Four, including no more than one brant. The seasons on Aleutian and dusky Canada geese are closed.

##### **General Conditions**

All other Federal regulations contained in 50 CFR part 20 apply. The following restrictions also apply:

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 1 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.

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

7. Shooting hours for all species of waterfowl are one-half hour before sunrise to sunset.

8. Open hunting areas are: GMUs 601 (Hoko), a portion of the 602 (Dickey) encompassing the area north of a line between Norwegian Memorial and east to Highway 101, and 603 (Pysht).

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

##### **Band-Tailed Pigeons**

*Season Dates:* Open September 1 through September 30, 2017.

*Daily Bag and Possession Limits:* 5 and 10 pigeons, respectively.

##### **Mourning Doves**

*Season Dates:* Open September 1 through September 30, 2017.

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

##### **Ducks (Including Mergansers and Coots)**

*Season Dates:* Open September 23, 2017, through January 7, 2018.

##### **Scaup**

*Season Dates:* Open September 23 through December 17, 2017.

##### **Daily Bag and Possession Limits:**

Seven ducks, including no more than two hen mallards, one mottled duck, two canvasback, three scaup (when open), two redheads, and one pintail. Coot daily bag limit is 25. Merganser daily bag limit is seven. The possession limit is three times the daily bag limit.

##### **Canada Geese**

*Season Dates:* Open September 23, 2017, through January 7, 2018.

*Daily Bag and Possession Limits:* 4 and 12, 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 face. Special regulations established by the Navajo Nation also apply on the reservation.

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

##### **Ducks (Including Mergansers)**

*Season Dates:* Open September 16 through December 3, 2017.

*Daily Bag and Possession Limits:* Six, including no more than six mallards (three hen mallards), six wood ducks, one redhead, two pintail, and one hooded merganser. The possession limit is twice the daily bag limit.

##### **Geese**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag and Possession Limits:* 5 Canada geese with a possession limit of 10. A seasonal quota of 500 birds is adopted. If the quota is reached before the season concludes, the season will be closed at that time.

##### **Woodcock**

*Season Dates:* Open September 2 through November 5, 2017.

*Daily Bag and Possession Limits:* Two and four woodcock, respectively.

##### **Doves**

*Season Dates:* Open September 2 through November 5, 2017.

*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. Tribal members and nontribal members hunting on the Reservation or on lands under the jurisdiction of the Tribe will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Tribal members are exempt from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells.

(q) *Point No Point Treaty Council, Kingston, Washington (Tribal Members Only)*.

#### **Jamestown S'Klallam Tribe**

##### **Ducks**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* Seven ducks, including no more than one harlequin duck per season.

##### **Geese**

*Season Dates:* Open September 9, 2017, through March 10, 2018.

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

##### **Brant**

*Season Dates:* Open January 10 through January 25, 2018.

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

##### **Coots**

*Season Dates:* Open September 13, 2017, through February 1, 2018.

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

##### **Mourning Doves**

*Season Dates:* Open September 13, 2017, through January 18, 2018.

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

##### **Snipe**

*Season Dates:* Open September 13, 2017, through March 10, 2018.

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

##### **Band-Tailed Pigeons**

*Season Dates:* Open September 13, 2017, through January 18, 2018.

*Daily Bag and Possession Limits:* Two and four pigeons, respectively.

#### **Port Gamble S'Klallam Tribe**

##### **Ducks**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* Seven ducks, including no more than one harlequin duck per season.

##### **Geese**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

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

##### **Brant**

*Season Dates:* Open November 9, 2017, through January 31, 2018.

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

##### **Coots**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* 7 and 14 coots, respectively.

##### **Mourning Doves**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

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

##### **Snipe**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

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

##### **Band-Tailed Pigeons**

*Season Dates:* Open September 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* Two and four pigeons, respectively.

*General:* Tribal members must possess a tribal hunting permit from the Point No Point Tribal Council pursuant to tribal law. Hunting hours are from one-half hour before sunrise to sunset. Hunters must observe all other basic Federal migratory bird hunting regulations in 50 CFR part 20.

(r) *The Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation, Mt. Pleasant, Michigan (Tribal Members Only)*.

##### **Mourning Doves**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limit:* 25 doves.

##### **Ducks**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limits:* 20, including no more than 5 hen mallard, 5 wood duck, 5 black duck, 5 pintail, 5 redhead, 5 scaup, and 5 canvasback.

##### **Mergansers**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limit:* 10, including no more than 5 hooded mergansers.

##### **Canada Geese**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limit:* 20 in the aggregate.

##### **Coots and Gallinule**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limit:* 20 in the aggregate.

##### **Woodcock**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limits:* 10.

##### **Common Snipe**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limits:* 16.

##### **Sora and Virginia Rails**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limits:* 20 in the aggregate.

##### **Sandhill Crane**

*Season Dates:* Open September 1, 2017, through January 31, 2018.

*Daily Bag Limits:* One.

*General:* Possession limits are twice the daily bag limits except for rails, of which the possession limit equals the daily bag limit (20). Tribal members must possess a tribal hunting permit from the Saginaw Tribe pursuant to tribal law. Shooting hours are one-half hour before sunrise until one-half hour after sunset. Hunters must observe all other basic Federal migratory bird hunting regulations in 50 CFR part 20.

(s) *Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan (Tribal Members Only)*.

##### **Mourning Doves**

*Season Dates:* Open September 1 through November 14, 2017.

*Daily Bag Limit:* 10 doves.

##### **Teal**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag Limits:* 20 in the aggregate.

##### **Ducks**

*Season Dates:* Open September 15 through December 31, 2017.

*Daily Bag Limits:* 20, including no more than 10 mallards (only 5 of which may be hens), 5 canvasback, 5 black duck, and 5 wood duck.

##### **Mergansers**

*Season Dates:* Open September 15 through December 31, 2017.

*Daily Bag Limit:* 10 in the aggregate.

**Geese**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag Limit:* 20 in the aggregate.

**Coots and Gallinule**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag Limit:* 20 in the aggregate.

**Woodcock**

*Season Dates:* Open September 2 through December 1, 2017.

*Daily Bag Limits:* 10.

**Common Snipe**

*Season Dates:* Open September 15 through December 31, 2017.

*Daily Bag Limits:* 16.

**Sora and Virginia Rails**

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag Limits:* 20 in the aggregate.

*General:* Possession limits are twice the daily bag limits except for rails, of which the possession limit equals the daily bag limit (20). Tribal members must possess a tribal hunting permit from the Sault Ste. Marie Tribe pursuant to tribal law. Shooting hours are one-half hour before sunrise until one-half hour after sunset. Hunters must observe all other basic Federal migratory bird hunting regulations in 50 CFR part 20.

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

**Ducks, Including Mergansers**

*Duck Season Dates:* Open October 7, 2017, through January 19, 2018.

*Scaup Season Dates:* Open October 7, 2017, through December 31, 2017.

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

**Coots**

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots. The possession limit is three times the daily bag limit.

**Common Snipe**

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 8 and 24 snipe, respectively.

**Canada Geese**

*Season Dates:* Open October 7, 2017, through January 19, 2018.

*Daily Bag and Possession Limits:* 4 and 12, respectively.

**White-Fronted Geese**

*Season Dates:* Open October 7, 2017, through January 19, 2018.

*Daily Bag and Possession Limits:* 10 and 30, respectively.

**Light Geese**

*Season Dates:* Open October 7, 2017, through January 19, 2018.

*Daily Bag and Possession Limits:* 20 and 60, 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.

(u) [Reserved.]

(v) [Reserved.]

(w) [Reserved.]

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

**Common Snipe**

*Season Dates:* Open October 1, 2017, through January 31, 2018.

*Daily Bag and Possession Limits:* 10 and 30, respectively.

**Ducks**

*Season Dates:* Open October 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* 10 ducks. The possession limit is three times the daily bag limit.

**Coots**

*Season Dates:* Open October 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* 25 coots. The possession limit is three times the daily bag limit.

**Geese**

*Season Dates:* Open October 1, 2017, through March 10, 2018.

*Daily Bag and Possession Limits:* 6 and 18, respectively. The season on brant is closed.

*General Conditions:* Tribal members hunting on lands 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.

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

**Ceded Territory and Swinomish Reservation****Ducks and Mergansers**

*Season Dates:* Open September 1, 2017, through March 9, 2018.

*Daily Bag and Possession Limits:* 20 and 40, respectively.

**Canada Geese**

*Season Dates:* Open September 1, 2017, through March 9, 2018.

*Daily Bag and Possession Limits:* 10 and 20 geese, respectively.

**Brant**

*Season Dates:* Open September 1, 2017, through March 9, 2018.

*Daily Bag and Possession Limits:* 5 and 10 brant, respectively.

**Coots**

*Season Dates:* Open September 1, 2017, through March 9, 2018.

*Daily Bag and Possession Limits:* 25 and 75 coots, respectively.

**Mourning Dove**

*Season Dates:* Open September 1, 2017, through March 9, 2018.

*Daily Bag and Possession Limits:* 15 and 30 mourning dove, respectively.

**Band-Tailed Pigeon**

*Season Dates:* Open September 1, 2017, through March 9, 2018.

*Daily Bag and Possession Limits:* Three and six band-tailed pigeon, respectively.

(z) *The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members Only).*

**Ducks and Mergansers**

*Season Dates:* Open September 1, 2017, through February 28, 2018.

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

**Geese**

*Season Dates:* Open September 1, 2017, through February 28, 2018.

*Daily Bag and Possession Limits:* Seven geese, including no more than four cackling and dusky Canada geese. Possession limit is twice the daily bag limit.

**Brant**

*Season Dates:* Open September 1, 2017, through February 28, 2018.

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

**Coots**

*Season Dates:* Open September 1, 2017, through February 28, 2018.

*Daily Bag and Possession Limits:* 25 and 25 coots, respectively.

### Snipe

*Season Dates:* Open September 1, 2017, through February 28, 2018.

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

*General Conditions:* All tribal hunters must have a valid Tribal identification card on his or her person while hunting. All nontribal hunters must obtain and possess while hunting a valid Tulalip Tribe hunting permit and be accompanied by a Tulalip Tribal member. Shooting hours are one-half hour before sunrise to sunset, and steel shot is required for all migratory bird hunting. Hunters must observe all other basic Federal migratory bird hunting regulations in 50 CFR part 20.

(aa) *Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only).*

### Mourning Doves

*Season Dates:* Open September 1 through December 31, 2017.

*Daily Bag and Possession Limits:* 12 and 15 mourning doves, respectively.

### Ducks

*Season Dates:* Open October 1, 2017, through February 28, 2018.

*Daily Bag and Possession Limits:* 15 and 20, respectively.

### Coots

*Season Dates:* Open October 1, 2017, through February 15, 2018.

*Daily Bag and Possession Limits:* 20 and 30, respectively.

### Geese

*Season Dates:* Open October 1, 2017, through February 28, 2018.

*Daily Bag and Possession Limits:* 7 and 10 geese, respectively.

### Brant

*Season Dates:* Open November 1 through 10, 2017.

*Daily Bag and Possession Limits:* Two and two, respectively.

*General Conditions:* 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.

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

### Teal

*Season Dates:* Open October 9, 2017, through February 17, 2018.

*Daily Bag Limits:* 10 teal.

### Ducks

*Season Dates:* Open October 9, 2017, through February 17, 2018.

*Daily Bag Limits:* Six ducks, including no more than four hen mallards, six black ducks, four mottled ducks, one fulvous whistling duck, four mergansers, three scaup, two hooded merganser, three wood ducks, one canvasback, two redheads, and two pintail. The season is closed for harlequin ducks.

### Sea Ducks

*Season Dates:* Open October 2, 2017, through February 17, 2018.

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

### Woodcock

*Season Dates:* Open October 9 through November 25, 2017.

*Daily Bag Limits:* Three woodcock.

### Canada Geese

*Season Dates:* Open September 4 through 16, 2017, and open October 23, 2017, through February 17, 2018.

*Daily Bag Limits:* Eight Canada geese.

### Snow Geese

*Season Dates:* Open September 4 through 16, 2017, and open November 20, 2017, through February 17, 2018.

*Daily Bag Limits:* 15 snow geese.

### Sora and Virginia Rails

*Season Dates:* Open September 4 through November 4, 2017.

*Daily Bag Limits:* 5 sora and 10 Virginia rails.

### Snipe

*Season Dates:* Open September 4 through December 9, 2017.

*Daily Bag Limits:* Eight snipe.

*General Conditions:* Shooting hours are one-half hour before sunrise to sunset. Nontoxic shot is required. All other basic Federal migratory bird hunting regulations contained in 50 CFR part 20 will be observed.

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

### Ducks

*Season Dates:* Open September 9 through December 17, 2017.

*Daily Bag Limit for Ducks:* 10 ducks, including no more than 2 female mallards, 1 pintail, and 1 canvasback.

### Mergansers

*Season Dates:* Open September 9 through December 17, 2017.

*Daily Bag Limit for Mergansers:* Five mergansers, including no more than two hooded mergansers.

### Geese

*Season Dates:* Open September 1 through December 15, 2017.

*Daily Bag Limit:* 12 geese through September 23, and 5 thereafter.

### Coots

*Season Dates:* Open September 1 through November 30, 2017.

*Daily Bag Limit:* 20 coots.

### Snipe

*Season Dates:* Open September 1 through November 30, 2017.

*Daily Bag Limit:* 10 snipe.

### Mourning Dove

*Season Dates:* Open September 1 through November 30, 2017.

*Daily Bag Limit:* 25 mourning dove.

### Woodcock

*Season Dates:* Open September 1 through November 30, 2017.

*Daily Bag Limit:* 10 woodcock.

### Rail

*Season Dates:* Open September 1 through November 30, 2017.

*Daily Bag Limit:* 25 rail.

*General Conditions:* Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required. All other basic Federal migratory bird hunting regulations contained in 50 CFR part 20 will be observed.

(dd) *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 and Y-10 in Wildlife Management Unit 7, Only)

*Season Dates:* Open September 1 through 15, 2017.

*Daily Bag and Possession Limits:* Three and six pigeons, respectively.

### Mourning Doves (Wildlife Management Unit 10 and Areas South of Y-70 and Y-10 in Wildlife Management Unit 7, Only)

*Season Dates:* Open September 1 through 15, 2017.

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

### Ducks and Mergansers

*Season Dates:* Open October 14, 2017, through January 28, 2018.

**Scaup**

*Season Dates:* Open November 4, 2017, through January 28, 2018.

*Daily Bag Limits:* Seven including no more than two redheads, one pintail, three scaup (when open), seven mallards (including no more than two hen mallards), and two canvasback.

*Possession Limits:* Twice the daily bag limit.

**Coots**

*Season Dates:* Open October 14, 2017, through January 28, 2018.

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

**Canada Geese**

*Season Dates:* Open October 14, 2017, through January 28, 2018.

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

*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.

Dated: January 16, 2018.

**Jason Larrabee,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 170915903-8077-02]

RIN 0648-XF706

**Pacific Island Fisheries; 2017 Hawaii Kona Crab Annual Catch Limit and Accountability Measure**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Final specification.

**SUMMARY:** In this final rule, NMFS specifies an annual catch limit (ACL) for 2017 of 3,500 lb for Hawaii Kona crab, and an accountability measure (AM) to correct or mitigate any overages of the catch limit. The ACL and AM support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

**DATES:** The final specification is effective March 7, 2018. The final specification is applicable from January 1, 2017, through December 31, 2017.

**ADDRESSES:** The Fishery Ecosystem Plan for the Hawaiian Archipelago is available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or <http://www.wpcouncil.org>. Copies of the environmental analysis and other supporting documents for this action, identified by NOAA-NMFS-2017-0012, are available at <http://www.regulations.gov/>

[#!docketDetail;D=NOAA-NMFS-2017-0012](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0012), or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

**FOR FURTHER INFORMATION CONTACT:** Sarah Ellgen, NMFS PIR Sustainable Fisheries, 808-725-5173.

**SUPPLEMENTARY INFORMATION:** NMFS is specifying an ACL of 3,500 lb of Hawaii Kona crab for fishing year 2017. NMFS proposed this specification on December 20, 2017 (82 FR 60366), and the final specification does not differ from the proposed. The 2017 fishing year began on January 1 and ended on December 31.

The Council recommended the ACL based on a recommended acceptable biological catch of 3,500 lb from its Scientific and Statistical Committee, and the results of an October 2015 stock assessment. The stock assessment found that the Hawaii Kona crab stock had reached an overfished status (<50 percent of  $B_{MSY}$ , biomass at maximum sustainable yield) in 2006, and was likely still overfished in 2010. The assessment also included biomass projections for 2010-2030 under three commercial landings scenarios: Zero lb, 7,000 lb, and 8,000 lb.

At a constant 7,000-lb annual commercial harvest rate, the assessment estimated that Kona crab biomass would increase above 50 percent of  $B_{MSY}$  by 2030, but due to uncertainty, there was a chance that stock biomass could potentially decline to zero lb by 2020. In developing the ACL, the Council also considered information indicating a 50:50 male to female landings ratio, and

information suggesting that crabs disentangled from Kona crab may have injuries that could result in mortality rates as high as 100 percent if limbs are lost. Therefore, to meet the objective of rebuilding stock biomass to levels >50 percent of  $B_{MSY}$ , and limit total fishing mortality to 7,000 lb, the Council recommended an ACL of 3,500 lb. NMFS is planning to complete a benchmark assessment for Hawaii Kona crab in 2019, which could be available for management use in fishing year 2020.

As an AM, NMFS will apply a 3-year average catch to evaluate fishery performance against the ACL. Specifically, NMFS will use the average catch of fishing years 2015, 2016, and 2017, to evaluate fishery performance against the 2017 ACL. If, after the end of the fishing year, NMFS and the Council determine that the 3-year average catch exceeded the specified ACL, NMFS and the Council will reduce the ACL for that fishery by the amount of the overage in the subsequent year. The Council recommended an AM based on multi-year average catch data to reduce the influence of inter-annual variability in catch estimates in evaluating fishery performance against the ACL.

You may review additional background information on this action in the preamble to the proposed specification (82 FR 60366; December 20, 2017); we do not repeat that information here.

**Comments and Responses**

The comment period for the proposed specification ended on January 4, 2018. NMFS received two public comments that were not relevant to this rulemaking.

**Changes From the Proposed Specification**

There are no changes in the final specification from the proposed specification.

**Classification**

The Regional Administrator, NMFS PIR, determined that this action is necessary for the conservation and management of Pacific Island fisheries, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small