

estimated that migratory bird hunters would spend between \$254 and \$592 million at small businesses in 1996. The approval of tungsten-iron as an alternative shot to steel and bismuth-tin will have a minor positive impact on small businesses by allowing them to sell a third nontoxic shot to the hunting public. However, the overall effect to hunting expenditures in general would be minor. Therefore, the Service determined this rule will have no effect on small entities since the approved shot merely will supplement nontoxic shot already in commerce and available throughout the retail and wholesale distribution systems. The Service anticipates no dislocation or other local effects, with regard to hunters and others. This rule was not subject to Office of Management and Budget (OMB) review under Executive Order 12866. The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. However, the Service does have OMB approval (1018-0067; expires 06/30/2000) for information collection relating to what manufacturers of shot are required to provide the Service for the nontoxic shot approval process. For further information see 50 CFR 20.134.

Unfunded Mandates Reform

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

Civil Justice Reform—Executive Order 12988

The Service, in promulgating this rule, determines that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 50 CFR Part 20

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

Accordingly, the Service proposes to amend Part 20, Subchapter B, Chapter 1 of Title 50 of the Code of Federal Regulations as follows:

PART 20—[AMENDED]

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

Authority: 16 U.S.C. 703–712; and 16 U.S.C. 742 a–j.

2. Amend Section 20.21 by revising paragraph (j)(2) to read as follows:

§ 20.21 Hunting methods.

* * * * *

(j) * * *
(2) Tungsten-iron shot (nominally 40 parts tungsten: 60 parts iron with <1 percent residual lead) is legal as nontoxic shot for the 1998–99 migratory bird hunting season, except in the Yukon-Kuskokwim (Y–K) Delta, Alaska.

Dated: July 14, 1998.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98–19891 Filed 7–24–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018–AE68

1998–99 Refuge-Specific Hunting and Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to add additional national wildlife refuges (refuges) to the list of areas open for hunting and/or sport fishing, along with pertinent refuge-specific regulations for such activities; and amend certain regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting and sport fishing for the 1998–99 seasons.

DATES: Comments may be submitted on or before August 26, 1998.

ADDRESSES: Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 670 ARLSQ, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, at the above address; Telephone (703) 358–2397; Fax (703) 358–1826.

SUPPLEMENTARY INFORMATION: National wildlife refuges generally are closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the mission of the System or purpose(s) for which individual refuges were established. The action also must be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound fish and wildlife management and administration. Management is intended to ensure that

the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans, and otherwise must be in the public interest.

The Service reviews refuge hunting and fishing programs annually to determine whether to add additional refuges or whether individual refuge regulations governing existing programs need modification, deletion or additions made to them. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitat may warrant modifications ensuring continued compatibility of hunting and fishing programs and that these programs will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.

50 CFR part 32 contains provisions governing hunting and fishing on national wildlife refuges. Hunting and fishing are regulated on refuges to:

- Ensure compatibility;
- Properly manage the fish and wildlife resource;
- Protect other refuge values; and
- Ensure refuge user safety.

On many refuges, the Service policy of adopting regulations identical to State hunting and fishing regulations is adequate in meeting these objectives. On other refuges, it is necessary to supplement State regulations with more restrictive Federal regulations to ensure that the Service meets its management responsibilities, as outlined under the section entitled “Statutory Authority.” The Service issues refuge-specific hunting and fishing regulations when a wildlife refuge is opened to either migratory game bird hunting, upland game hunting, big game hunting or sport fishing. These regulations list the wildlife species that may be hunted or are subject to sport fishing, seasons, bag limits, methods of hunting or fishing, descriptions of open areas, and other provisions as appropriate. 50 CFR part 32 contains previously issued refuge-specific regulations for hunting and fishing. The Service promulgates many of the amendments to these sections to standardize and clarify the existing language of these regulations.

The Service proposes to revise nontoxic shot provisions for hunting upland game on Waterfowl Production Areas and other areas of the National Wildlife Refuge System (System).

Specifically part 32 would prohibit the use or possession of toxic shotgun pellets by upland game hunters onto Waterfowl Production Areas and other areas of the System. The only shot

allowed in areas of the System would be specifically identified in 50 CFR 20.21 (j). The currently approved shot listed in that regulation are: steel, bismuth-tin and tungsten-iron. Refuge wildlife ingest toxic lead by-products of refuge public hunting programs through their feeding habits and die from lead poisoning. The Service permits hunting programs on many areas of the System in accordance with existing management plans, policy procedures and regulations.

In the August 16, 1995 issue of the **Federal Register** (60 FR 42668), the Service published a proposed regulations that would require hunters to use nontoxic shot while hunting on certain refuges, because of the likelihood of depositing toxic lead shot pellets on the land, with resulting impacts to waterfowl and other migratory birds. In 1992, the Service first required nontoxic shot on all areas of the System while hunting waterfowl.

In the December 4, 1995 **Federal Register** (60 FR 62035), the Service published an evaluation of public comments received in the previously issued proposed rule and announced that it had decided to delay nontoxic shot implementation for hunting upland game until the 1996–97 hunting season on those refuges it had proposed to convert to nontoxic shot during the 1995–96 season. The Service also announced delay of implementation of this regulation in Alaska until the 1997–98 season, to allow coordination with the State and the outlying native villages. The Service also announced it had decided to delay implementation of this regulation with regard to Waterfowl Production Areas principally in the Dakotas, Iowa, Minnesota, Montana, and Wisconsin, until the 1998–99 season.

The Service took these actions to allow adequate time for additional coordination and educational outreach with the affected States, hunting organizations and the general public on the effects of toxic lead shot to waterfowl and other migratory birds. The Service requested voluntary hunter use of nontoxic shotshells until implementing specific rules.

Lead shot from hunters' shotguns deposited onto open and ice-covered wetlands, seasonally flooded habitats, and upland habitats in close proximity to these wetlands is toxic to waterfowl that directly ingest lead products during feeding, and secondarily toxic to predators and carrion feeders that consume these toxic wildlife carcasses. The documented scientific evidence is clear in this regard. Information not adequately communicated to some hunters and habitat managers for their

consideration is the effect of this deposition of toxic lead shot onto these marginal or fringe wetland areas by hunting activities other than waterfowl and coot hunting. Nationwide, efforts by the Service, State wildlife agencies, and several conservation organizations have been ongoing to educate the public and activate programs to reduce this threat to waterfowl, raptors and other susceptible wildlife species. A scientifically recognized toxic lead problem exists on these adjoining upland areas. Lead pellets ingested by waterfowl and secondarily by raptors, including eagles, results in the death of these animals due to toxic lead poisoning. Waterfowl ingest lead shot pellets deposited during upland or small game hunting on dry areas that are subject to seasonal flooding, while feeding in these areas during high water periods and are vulnerable to lead poisoning. This proposed rule will significantly reduce this threat to wildlife.

Scientific information on the "Toxicity of Lead Shot to Wildlife" may be obtained by calling the U.S. Fish and Wildlife Reference Service at 1–800–582–3421 or by accessing the bibliographic databases information directly on the INTERNET at "<http://www.fws.gov/fwrefser.html>".

The Service determines that uses in this proposed rule are compatible. The Service further determined that this proposed action is:

- In accordance with the provisions of all applicable laws;
- Consistent with principles of sound fish and wildlife management and administration;
- Consistent with the principles of available science and resources;
- Helps implement Executive Orders 12996 (Management and Public Use of the National Wildlife Refuge System) and 12962 (Recreational Fisheries); and
- Is otherwise in the public interest by providing additional recreational opportunities at national wildlife refuges.

Sufficient funds will be available within the refuge budgets to operate the hunting and sport fishing programs as proposed.

Request for Comments

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. A 30-day comment period is specified in order to facilitate public input. Consideration was given to providing a 60-day comment period, however, the Service determined that an additional 30 day delay in processing these refuge-

specific hunting and fishing regulations would hinder the effective planning and administration of hunting and fishing programs. Specifically, a delay of an additional 30 days would jeopardize holding the hunting or fishing programs this year, or shorten their duration and thereby lessen the management effectiveness of this regulation. Many of these rules also relieve restrictions and allow the public to participate in recreational activities on a number of refuges. In addition, good cause exists in that, in order to continue to provide for previously authorized hunting opportunities while at the same time provide for adequate resource protection, the Service must be timely in providing modifications to certain hunting programs on some refuges. Accordingly, good cause exists to limit the comment period to 30 days.

Interested persons may submit written comments concerning this proposed rule to the person listed above under the heading **ADDRESSES**. All substantive comments will be reviewed and considered.

Statutory Authority

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, (16 U.S.C. Sec. 668dd–668ee), and the Refuge Recreation Act (RRA) of 1962 (16 U.S.C. 460k–460K–4), govern the administration and public use of national wildlife refuges.

The National Wildlife Refuge System Improvement Act (NWRISA) of 1997 (Pub. L. 105–57) is the latest amendment to the NWRSA. It amends and builds upon the NWRSA in a manner that provides an improved "Organic Act" for the Refuge System similar to those which exist for other public lands. It serves to ensure that the System is effectively managed as a national system of lands, waters and interests for the protection and conservation of our nation's wildlife resources. The NWRSA states first and foremost that the mission of the System be focused on conservation of fish, wildlife, and plant resources and their habitat. This Act prevents the Secretary from initiating or permitting a new use of a refuge or expanding, renewing, or extending an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety.

The RRA, authorizes the Secretary to administer areas within the System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purpose(s) for which the areas were

established. This Act requires that any recreational use of refuge lands be compatible with the primary purposes for which a refuge was established and not inconsistent with other previously-authorized operations.

The NWRSA, and RRA, also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

Hunting and sport fishing plans are developed for each existing refuge prior to opening it to hunting or fishing. In many cases, the Service develops refuge-specific regulations to ensure the compatibility of the programs with the purposes for which the refuge was established. Initial compliance with the NWRSA and the RRA has been ensured for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at the time of acquisition. This ensures that the determinations required by these acts are made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. The Service ensures continued compliance by the development of long-term hunting and sport fishing plans and by annual review of hunting and sport fishing programs and regulations.

In preparation for new openings, the following documents are included in the refuge's "openings package" for Regional review and approval from the Washington Office: an interim hunting and fishing management plan; a Section 7 determination pursuant to the Endangered Species Act, that these openings will have no effect, or are not likely to have an adverse effect, on listed species or critical habitats; a letter of concurrence from the affected State; interim compatibility determination; and refuge-specific regulations to administer the hunting and/or fishing programs. Upon review of these documents, the Service, acting for the Secretary, has determined that the opening of these National Wildlife Refuges to hunting and fishing is compatible with the principles of sound fish and wildlife management and administration and otherwise will be in the public interest.

The following wildlife-dependent recreational activities are proposed:

Hunting of migratory game birds, upland game and big game is proposed to start at Canaan Valley National Wildlife Refuge, West Virginia.

Hunting of migratory game birds and upland game is proposed to be opened for the first time on Key Cave National Wildlife Refuge, Alabama.

Hunting of Migratory Game Birds and sport fishing is proposed to open at

Trustom Pond National Wildlife Refuge, Rhode Island.

Sport fishing is proposed to be opened for the first time at Breton National Wildlife Refuge, Louisiana; Amagansett, Oyster Bay, Seatuck and Target Rock National Wildlife Refuges, New York; Block Island, Ninigret, Pettaquamscutt Cove and Sachuest Point National Wildlife Refuges, Rhode Island; Dungeness and Nisqually National Wildlife Refuges, Washington; Guam, Kilauea Point and Midway Atoll National Wildlife Refuges, Pacific Islands Territory. The remaining regulations represent revisions to existing refuge specific regulations.

In accordance with the NWRSA and the RRA, the Service has determined that these openings are compatible and consistent with the primary purposes for which the refuge was established.

Need for This Regulation

The Service proposes to add additional refuges to the list of areas open for hunting and/or sport fishing, along with pertinent refuge-specific regulations for such activities; and amend certain regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting and sport fishing for the 1998-99 seasons. On many refuges, the Service policy of adopting regulations identical to State regulations is adequate in meeting National Wildlife Refuge System objectives. On other refuges, it is necessary to supplement State regulations with more restrictive Federal regulations to ensure that the Service meets its management responsibilities, as outlined under the section entitled "Statutory Authority" in the proposed rule. The Service issues refuge-specific regulations when opening a national wildlife refuge or modifying the various uses of a refuge, and for all hunting or sport fishing. These regulations list the prohibited uses, limited uses and those activities that are available without restriction. They also list those wildlife species that may be hunted or fished for along with the respective, seasons, bag limits, methods of hunting or fishing, descriptions of open areas, and other provisions as appropriate. Many of the amendments to these sections in this proposed regulation are promulgated to provide greater restriction and clarify the existing language of existing regulations and should result in less violations of refuge regulations.

Why Alternative Approaches Are Not Feasible

Refuge officers process violations notices through the Federal District

Court's Violation Notice procedures. U.S. Magistrates have required refuge regulations to be printed in the Code of Federal Regulations before they will accept refuge violations into their courts. Federal recreation regulations are not prosecuted in the State courts, and voluntary compliance of regulations has not been successful.

Authority Under Which This Rule Will be Published

The National Wildlife Refuge System Administration Act of 1966, (16 U.S.C. Sec. 668dd (b)(5) and (d)(1)).

Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, this rule is not a significant regulatory action.

a. This rule will not have an annual economic effect of \$100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis is not required. This proposed rule is administrative, legal, technical and procedural in nature and makes only minor modifications to existing refuge public use programs. The proposed regulations do not liberalize refuge regulations, but clarifies what a refuge visitor may or may not do on a refuge.

b. This rule will not create inconsistencies with other agencies' actions. Recreational use on National Wildlife Refuges is coordinated with State governments as well as other Federal agencies having adjoining or overlapping jurisdiction before the regulations are proposed. The proposed regulation is consistent with, and not less restrictive than, other agencies' rules.

c. This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. The provisions of this proposed rule only applies to persons involved in wildlife-dependent public use including regulated hunting and sport fishing on National Wildlife Refuges, which is a privilege and not a right. User fees will not change as a result of this rule.

d. This rule will not raise novel legal or policy issues. The Solicitor's office has reviewed and approved the contents of this proposed rule.

Regulatory Flexibility Act

I certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 USC 601 *et seq.*). A final Regulatory Flexibility Analysis is not

attached. Accordingly, a Small Entity Compliance Guide is not required.

This rulemaking will not have a significant economic impact on a substantial number of small entities. The National Wildlife Refuge System was created to conserve fish, wildlife, and plants and their habitats. This conservation mission has been facilitated by providing Americans opportunities to visit and participate in compatible wildlife-dependent recreation, including fishing, hunting, wildlife observation and photography, and environmental education and interpretation as priority public uses on National Wildlife Refuges and to better appreciate the value of, and need for, fish and wildlife conservation.

This proposed rule is administrative, legal, technical and procedural in nature and provides for minor changes to the methods of hunting and fishing permitted within the National Wildlife Refuge System, but does not stop the overall use permitted. This proposed rule will not change the number of visitors using refuges, nor the amount of revenue spent in the area of refuges during these visits. This rulemaking will have no impact on local economies by increasing or decreasing visitation and expenditures in the surrounding area of national wildlife refuges because this proposed rule does not restrict visitors from utilizing refuges, but rather modifies their behavior while they are on refuges.

Refuge visitors will continue to contribute to the local economies at the same rate for food and lodging, transportation, fishing and hunting licenses, binoculars, spotting scopes, outdoor magazines, sportsman's club membership dues, contributions, land leasing and ownership, hunting and fishing stamps, tags, permits, arms, ammunition and fishing tackle.

Economic impacts of refuge fishing and hunting programs on local communities are calculated from average expenditures in the "1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation" and "Banking on Nature: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation."

In 1996, 77 million U.S. residents, about 40 percent of the population 16 years old and older, participated in wildlife-associated recreation activities expending \$101 billion in the United States. Of this group, 35.2 million enjoyed a variety of fishing opportunities and 14 million hunted, while 62.9 million enjoyed at least one type of wildlife-watching recreation activity including observing, feeding or

photographing fish and other wildlife, in the United States.

Recreational visits to national wildlife refuges generates substantial economic activity. In fiscal year 1995, people visited refuges more than 27.7 million times for recreation and environmental education. Their spending generated \$401.1 million of sales in regional economies. As this spending flowed through the economy, it generated more than 10,000 employed people and \$162.9 million in employment income. This spending should continue at a proportionate rate into the future.

At these 65 National Wildlife Refuges included in this proposed regulation, 701,000 fishermen are estimated to spend \$28.7 million annually in pursuit of their sport, while approximately 343,000 hunters will spend \$11.3 million annually hunting on the refuges. While many of these fishermen and hunters already make such expenditures prior to the refuge opening, some of these additional expenditures directly are due to the land now being open to the general public.

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities such as businesses, organizations and governmental jurisdictions in the area under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*).

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of \$100 million or more. These proposed regulations will affect only visitors at National Wildlife Refuges. It will not cause any changes in the number of visitors using the refuge, but only limit what they can do while they are on a refuge. Refer to response under Regulatory Flexibility Act.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. These proposed regulations will affect only visitors at National Wildlife Refuges. It will not cause any changes in the number of visitors using the refuge, but only limit what they can do while they are on a refuge. Refer to response under Regulatory Flexibility Act.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to

compete with foreign-based enterprises. These proposed regulations will affect only visitors at National Wildlife Refuges. It will not cause any changes in the number of visitors using the refuge, but only limit what they can do while they are on a refuge. Refer to response under Regulatory Flexibility Act.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*):

a. This rule will not "significantly or uniquely" affect small governments. A Small Government Agency Plan is not required.

b. This rule will not produce a Federal mandate of \$100 million or greater in any year, i.e., it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. The Service has determined that the rule has no potential takings of private property implications. A takings implication assessment is not required. These proposed regulations will affect only visitors at National Wildlife Refuges. It will not cause any changes in the number of visitors using the refuge, but only limit what they can do while they are on a refuge. Refer to response under Regulatory Flexibility Act.

Federalism

In accordance with Executive Order 12612, the rule does not have significant Federalism effects. A Federalism assessment is not required. This rule will not have substantial direct effects on the States, in their relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, the Service has determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The proposed regulation will clarify established regulations, and result in better understanding of the regulations by refuge visitors. They will be enforced through the use of U.S. District Court

Violation Notice procedures. A refuge regulation violator can plead guilty and forfeit a set amount of fine established at the time of the violation by the refuge officer. This is completed through the mail without a court appearance. A violator can also plead not guilty on the notice and the Magistrates Court will set an appearance date and time and notify both the violator and officer to appear in Magistrates Court for a hearing and/or trial, in accordance with U.S. District Court Rules of Procedure.

Paperwork Reduction Act (44 U.S.C. 3501 et seq., 5 CFR 1320, Pub. L. 104-13)

This regulation does not contain any information collection that requires Office of Management and Budget approval under the Paperwork Reduction Act 44 U.S.C. 3501 *et seq.*

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) and 512 DM 2: We have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects.

Section 7 Consultation (16 U.S.C. 1531 et seq., 50 CFR 402)

In preparation for new openings, Section 7 consultation documents are included in the refuge's "openings package" for Regional review and approval from the Washington Office. The Service reviewed the changes in hunting and fishing herein proposed with regard to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and finds the proposed action is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species within the System since the rule is primarily administrative, legal, technical or procedural in nature and/or makes minor modifications to existing public use programs. The Service complies with Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) when developing comprehensive conservation plans, refuge public use management plans, and prior to implementing any new or revised public recreation program on a refuge as identified in 50 CFR 26.32. Determinations required by the Endangered Species Act are also made on a case-by-case basis before the addition of a refuge to the lists of areas

open to hunting or fishing as contained in 50 CFR 32.7.

National Environmental Policy Act

The Service analyzed this rule in accordance with the criteria of the National Environmental Policy Act and 318 DM 2.2(g) and 6.3(D). This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement/assessment is not required. The Service ensures compliance when hunting and sport fishing plans are developed, and the determinations required by NEPA are made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. The amendment of refuge-specific hunting and fishing regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of a particular national wildlife refuge. The Service exclusion found at 516 DM 6, App. 1.4 B(5) is employed here as these amendments are considered "[m]inor changes in the amounts or types of public use on FWS or State-managed lands, in accordance with regulations, management plans, and procedures." These refuge-specific hunting and fishing regulations simply qualify or otherwise define a hunting or fishing activity, for purposes of resource management. These documents are on file in the offices of the Service and may be viewed by contacting the primary author noted below.

Available Information for Specific Refuges

Individual refuge headquarters retain information regarding public use programs and the conditions that apply to their specific programs, and maps of their respective areas. You may also obtain information from the regional offices at the addresses listed below:

Region 1—California, Hawaii, Idaho, Nevada, Oregon, and Washington. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181; Telephone (503) 231-6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas. Assistant Regional Director—Refuges and Wildlife U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; Telephone (505) 766-1829.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities,

Minnesota 55111; Telephone (612) 725-3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico and the Virgin Islands. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, Georgia 30345; Telephone (404) 679-7152.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035-9589; Telephone (413) 253-8550.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225; Telephone (303) 236-8145.

Region 7—Alaska. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786-3545.

Primary Author: Stephen R. Vehrs, Refuge Program Specialist, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC 20240, is the primary author of this proposed rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

For the reasons set forth in the preamble, the Service proposes to amend Title 50, Chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 32—[AMENDED]

1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd-ee, and 7151.

2. Section 32.2 is amended by revising the heading, the introductory text, and by adding paragraph (k) to read as follows:

§ 32.2 General provisions regarding hunting on areas of the National Wildlife Refuge System.

The following provisions shall apply to each person while engaged in public

hunting on areas of the National Wildlife Refuge System:

* * * * *

(k) Persons may only use or possess nontoxic shot identified in 50 CFR 20.21(j) while hunting with shotguns or muzzleloaders on Waterfowl Production Areas, or on certain other areas of the National Wildlife Refuge System as delineated on maps, leaflets and/or signs, available at each refuge headquarters or posted at each refuge, or as stated in refuge specific regulations. This regulation does not apply to turkey and deer hunters using buckshot or slugs, except as specifically authorized by refuge specific regulations.

§ 32.7 [Amended]

3. Section 32.7 is amended by alphabetically adding the listing "Key Cave National Wildlife Refuge" to the State of Alabama; by alphabetically adding the listing "Breton National Wildlife Refuge" to the State of Louisiana; by removing the alphabetical listing of "Pond Island National Wildlife Refuge" from the State of Maine; by alphabetically adding the listings "Amagansett National Wildlife Refuge," "Oyster Bay National Wildlife Refuge," "Seatuck National Wildlife Refuge," and "Target Rock National Wildlife Refuge" to the State of New York; by revising the listing of "Tinicum National Environmental Center to read "John Heinz National Wildlife Refuge at Tinicum" in the State of Pennsylvania; by alphabetically adding the listings "Block Island National Wildlife Refuge," "Ninigret National Wildlife Refuge," "Pettaquamscutt Cove National Wildlife Refuge," "Sachuest Point National Wildlife Refuge," and "Trustum Pond National Wildlife Refuge" to the State of Rhode Island; by alphabetically adding the listings "Dungeness National Wildlife Refuge" and "Nisqually National Wildlife Refuge" to the State of Washington; by alphabetically adding the listing "Canaan Valley National Wildlife Refuge" to the State of West Virginia; by alphabetically adding the listings "Guam National Wildlife Refuge" and "Midway Atoll National Wildlife Refuge" to the Pacific Islands Territory.

4. Section 32.20 *Alabama* is amended by revising paragraphs D.1., D.2. and adding paragraph D.4. of Eufaula National Wildlife Refuge; and adding the alphabetical listing of Key Cave National Wildlife Refuge to read as follows:

§ 32.20 Alabama.

* * * * *

Eufaula National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

1. Fishermen may fish, including bowfishing, only during daylight hours on refuge impoundments and waters other than the Walter F. George Reservoir.

2. Fishermen may not frog or trap turtles in impounded waters not contiguous with the Walter F. George Reservoir.

* * * * *

4. Reciprocal license agreements between Alabama and Georgia only apply to waters contiguous with the Walter F. George Reservoir. Fishermen must possess current State of Alabama fishing licenses when fishing in refuge impoundments.

Key Cave National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* Hunters may hunt mourning doves on designated portions of the refuge subject to the following condition. Permits are required.

B. *Upland Game Hunting.* Hunters may hunt only quail, squirrel, rabbits, raccoons, and opossum on designated portions of the refuge subject to the following condition: Permits are required.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* [Reserved]

* * * * *

5. Section 32.24 *California* is amended by revising paragraph C.1. of Clear Lake National Wildlife Refuge to read as follows:

§ 32.24 California.

* * * * *

Clear Lake National Wildlife Refuge

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C. Big Game Hunting. * * *

1. Hunters may hunt only in the unit for nine (9) consecutive days beginning on the first Saturday following the third Wednesday in August.

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6. Section 32.28 *Florida* is amended by revising paragraph D.3. of Lower Suwannee National Wildlife Refuge; by revising the introductory text of paragraph B. and paragraph D. of St. Marks National Wildlife Refuge; and by revising paragraph D. of Ten Thousand Islands National Wildlife Refuge to read as follows:

§ 32.28 Florida.

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Lower Suwannee National Wildlife Refuge

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D. Sport Fishing. * * *

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3. Boats may not be left on the refuge overnight.

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St. Marks National Wildlife Refuge

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B. *Upland Game Hunting.* Hunters may hunt squirrel, rabbit, and raccoon on designated areas of the refuge subject to the following condition: Permits are required.

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D. *Sport Fishing.* Anglers may fish and crab on designated areas of the refuge subject to the following conditions:

1. Anglers may fish and crab only from sunrise to sunset.

2. Anglers may only use boats with motors of 10 horsepower or less in refuge pools and lakes.

3. Anglers may only use boats with or without motors on the St. Marks Unit pools from March 15 through October 15.

4. Anglers may take only fish species, and fish limits authorized by State regulations.

5. Anglers may not take frogs or turtles.

6. Anglers may fish and boat in Panacea Unit ponds year round. Anglers may access Panacea Unit ponds in a vehicle only from March 15 through May 15. Anglers may fish and boat in Otter Lake year round.

7. Anglers may not launch commercial boats at the saltwater boat ramp on Co. Rd. 59 (Lighthouse Rd.).

8. Anglers may only take bait fish and non-game fish by hook and line in refuge ponds, lakes, and impoundments.

9. Anglers may not use crab traps in refuge pools and impoundments on the St. Marks Unit.

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Ten Thousand Islands National Wildlife Refuge

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D. *Sport Fishing.* Anglers may fish only on designated portions of the refuge subject to the following conditions:

1. Anglers may not use airboats, hovercraft, off road vehicles, or personal water craft in freshwater and brackish water wetlands and water bodies.

2. Anglers may fish in freshwater and brackish water creeks and ponds year round from sunrise to sunset. Anglers may enter these areas only from sunrise to sunset.

3. Anglers may fish in tidal waters year round and 24 hours a day.

4. Anglers may not fish with trotlines, gigs, spears, bush hooks, snatch hooks,

crossbows or bows and arrows of any type.

5. Anglers may enter the refuge to crab in freshwater and brackish water areas only from sunrise to sunset. Recreational anglers may use crab pots only in accordance with State regulations, except that crab pots abandoned or not checked after 72 hours are subject to impoundment.

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7. Section 32.29 *Georgia* is amended by revising paragraph D.4. and removing paragraph D.5. of Blackbeard Island National Wildlife Refuge; by revising paragraphs D.1., removing paragraph D.2., and renumbering paragraph D.3. as paragraph D.2. of Harris Neck National Wildlife Refuge; by revising paragraphs D.1., D.2., D.4. and adding paragraph D.6. of Savannah National Wildlife Refuge; by revising the introductory text of paragraphs D and D.1., and by removing paragraph D.3. of Wolf Island National Wildlife Refuge to read as follows:

§ 32.29 Georgia.

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Blackbeard Island National Wildlife Refuge

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D. Sport Fishing. * * *

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4. Anglers may only bank fish into estuarine waters from sunrise to sunset daily.

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Harris Neck National Wildlife Refuge

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D. Sport Fishing. * * *

1. Anglers may fish in estuarine waters year round from sunrise to sunset daily.

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Savannah National Wildlife Refuge

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D. Sport Fishing. * * *

1. Anglers may fish in refuge impoundments and canals from March 1 through November 30 annually.

2. Anglers may fish in Black Pond year round.

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4. Anglers may bank fish year round in the canal adjacent to the wildlife drive.

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6. Anglers may only use non-motorized boats and boats with electric motors.

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Wolf Island National Wildlife Refuge

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D. Sport Fishing. Anglers may fish on designated areas of the refuge subject to the following condition:

1. Anglers may fish year round from sunrise to sunset.

8. Section 32.32 *Illinois* is amended by revising paragraphs A.1., A.2., A.3. and B.3. of Cypress Creek National Wildlife Refuge to read as follows:

§ 32.32 Illinois.

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Cypress Creek National Wildlife Refuge

A. Hunting of Migratory Game Birds.

* * *

1. Hunters may dove hunt on sunflower fields only on Mondays, Wednesdays, and Saturdays starting September 1. Hunters may hunt only from noon to 5 pm. Hunters must sign in and out and report daily harvest at registration box. All hunting must be from field borders only. Hunters may not hunt or shoot from the interior of sunflower fields or within 100 yards of roadways. Hunters may not carry or use guns while retrieving downed doves from field interiors.

2. On the Bellrose Waterfowl Reserve—Hunters may not hunt ducks. Hunters may hunt only geese following the closure of the state duck season. Hunters may hunt only on Tuesdays, Thursdays, and Sundays. Hunters may hunt only from sunrise to 1 pm. All hunters must remove blinds and decoys, and be off the unit by 2 pm daily. Hunters may not enter the area prior to 5 am. Hunters may not hunt during special snow goose seasons after the closure of the regular goose season. Hunters may use only temporary or portable blinds; Hunters may not construct pit blinds. No one may hunt within 100 yards of any private property boundary. Distance between hunting parties must be at least 200 yards. All hunters must sign in and out and report daily harvest at the registration box.

3. Hunters must remove boats, decoys, and blinds from the refuge at the conclusion of each days hunt.

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B. Upland Game Hunting. * * *

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3. Hunters may only use or possessed nontoxic shot while hunting for any permitted birds except wild turkey. Hunters may use lead shot while hunting wild turkey.

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9. Section 32.34 *Iowa* is amended by revising the introductory text of paragraph B., and revising paragraph C.2. of Union Slough National Wildlife Refuge to read as follows:

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§ 32.34 Iowa.

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Union Slough National Wildlife Refuge

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B. Upland Game Hunting. Hunters may hunt upland game in designated areas of the refuge subject to the following condition: Hunters may only use or possess nontoxic shot while hunting upland game, except wild turkeys. Hunters may possess and use lead shot for wild turkey hunting.

C. Big Game Hunting. * * *

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2. Hunters must remove all hunting stands from the refuge at the end of each day's hunt.

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10. Section 32.36 *Kentucky* is amended by adding paragraph D.3. of Reelfoot National Wildlife Refuge to read as follows:

§ 32.36 Kentucky.

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Reelfoot National Wildlife Refuge

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D. Sport Fishing. * * *

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3. Anglers may not entry the refuge, or use airboats, hovercraft, or jet skis (personal water-craft) on any waters within the refuge boundary.

11. Section 32.37 *Louisiana* is amended by adding Breton National Wildlife Refuge; by revising the introductory text of paragraphs A. and D., of Cameron Prairie National Wildlife Refuge; and by revising the text of paragraphs A. and D. of the Lake Ophelia National Wildlife Refuge to read as follows:

§ 32.37 Louisiana.

* * * * *

Breton National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and crab on designated areas of the refuge subject to the following conditions:

1. Anglers may fish year-round from sunrise to sunset only.

2. Crabbers must tend crabbing equipment at all times.

3. Anglers may not use trotlines, slat traps, or nets.

4. Refuge visitors may not use open fires.

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Cameron Prairie National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt waterfowl on designated areas of the refuge subject to the following condition: Refuge permits required.

D. Sport Fishing. Anglers may sport fish on Gibbston Unit. Anglers may sport fish and castnet on the East Cove Unit subject to the following conditions: Any person entering, using or occupying the refuge must abide by all terms and conditions set forth in the appropriate refuge fishing brochure.

Lake Ophelia National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt duck, coots, woodcock, and snipe on designated areas of the refuge subject to the following condition: Hunters must possess a refuge daily permit.

D. Sport Fishing. Anglers may fish on designated areas of the refuge subject to the following condition: Anglers must possess a refuge daily permit.

12. Section 32.38 *Maine* is amended by removing the alphabetical listing of Pond Island National Wildlife Refuge; by adding paragraph A.3., revising the introductory text of B., revising paragraphs B.2., B.3., removing B.4., revising C. 2., adding C.3. and C.4. of Rachel Carson National Wildlife Refuge; and by revising paragraph D. of Sunkhaze Meadows National Wildlife Refuge to read as follows:

§ 32.38 Maine.

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Rachel Carson National Wildlife Refuge

A. Hunting of Migratory Game Birds.

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3. Designated Youth Hunting Areas are open to individuals under 18 who possess a permit. An adult must accompany youths under 15 years of age. Accompanying adults possessing a permit may hunt.

B. Upland Game Hunting. Hunters may hunt pheasants on designated areas of the refuge subject to the following conditions:

* * * * *

2. Hunters during the firearm deer season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.

3. Hunters must possess and use, while in the field, only nontoxic shot.

C. Big Game Hunting. * * *

* * * * *

2. Designated youth hunting areas are open to individuals under 18 who possess a permit. An adult must accompany youths under 15 years of age. Accompanying adults who possess a permit may hunt.

3. Hunters may hunt fox and coyotes during the firearm deer season only.

4. Hunters during the firearm deer season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.

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Sunkhaze Meadows National Wildlife Refuge

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D. Sport Fishing. Anglers may fish on the waters of and from the banks of Sunkhaze Stream, Birch Stream, and Little Birch Stream, in accordance with state regulations.

13. Section 32.39 *Maryland* is amended by revising paragraph C., and by revising paragraph D. of Eastern Neck National Wildlife Refuge to read as follows:

§ 32.39 Maryland.

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Eastern Neck National Wildlife Refuge

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C. Big Game Hunting. Hunters may hunt deer and turkey on designated areas of the refuge subject to the following conditions:

1. Refuge permits required.

2. The refuge is open to limited turkey hunting during the state spring turkey season.

3. Hunters may only use archery, shotguns, and muzzleloaders for deer, and shotguns only for turkey.

4. Hunters may not possess loaded weapons in parking areas, blacktopped or graveled roads.

5. Deer hunters must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid colored hunter orange clothing or material.

6. Turkey hunters must wear a hat or cap of hunter orange when moving to or from their blind or hunting position.

D. Sport Fishing. Anglers may saltwater fish from the Eastern Neck Island bridge in accordance with state regulations.

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14. Section 32.40 *Massachusetts* is amended by revising the introductory

text of paragraph D. of Oxbow National Wildlife Refuge to read as follows:

§ 32.40 Massachusetts.

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Oxbow National Wildlife Refuge

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D. Sport Fishing. Anglers may fish along the banks of the Nashua River in accordance with state regulations.

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15. Section 32.42 *Minnesota* is amended by revising the introductory text of paragraph B., and adding paragraph B.3. of Tamarac National Wildlife Refuge to read as follows:

§ 32.42 Minnesota.

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Tamarac National Wildlife Refuge

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B. Upland Game Hunting. Hunters may hunt ruffed grouse, red, gray and fox squirrel, cottontail rabbit, jackrabbit, snowshoe hare, red fox, raccoon, and striped skunk on designated areas of the refuge subject to the following conditions:

* * * * *

3. Shotgun hunters may only use and possess nontoxic shot while hunting for all upland game species.

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16. Amend § 32.43 *Mississippi* by revising paragraphs A., B., and C. of Dahomey National Wildlife Refuge; by revising paragraph D. and removing paragraphs D.1. through D.4. of Hillside National Wildlife Refuge; by revising paragraph D. of Mathews Break National Wildlife Refuge; by revising paragraph D. of Morgan Break National Wildlife Refuge; by revising paragraph D. and removing paragraphs D.1. through D.4. of Panther Swamp National Wildlife Refuge, and adding paragraphs D.4 and D.5. of St. Catherine Creek National Wildlife Refuge to read as follows:

§ 32.43 Mississippi.

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Dahomey National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt mourning doves, migratory waterfowl, coots, snipe and woodcock on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunters may hunt quail, squirrel, rabbit, beaver, raccoon and opossum on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunters may hunt deer and turkey on designated

areas of the refuge subject to the following condition: Permits are required.

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Hillside National Wildlife Refuge

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D. Sport Fishing. Fishing and frogging are permitted on designated portions of the refuge subject to the following condition: Fishermen must possess a refuge access permit.

Mathews Brake National Wildlife Refuge

* * * * *

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishermen must possess a refuge access permit.

Morgan Brake National Wildlife Refuge

* * * * *

D. Sport Fishing. Fishing and frogging is permitted on designated portions of the refuge subject to the following condition: Fishermen must possess a refuge access permit.

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Panther Swamp National Wildlife Refuge

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D. Sport Fishing. Fishing and frogging is permitted on designated areas of the refuge subject to the following condition: Fishermen must possess a refuge access permit.

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St. Catherine Creek National Wildlife Refuge

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D. Sport Fishing. * * *

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4. The use of nets, seines, trotlines or any device for taking fish other than rod and reel is not permitted.

5. Commercial fishing is not permitted.

17. Section 32.45 *Montana* is amended by revising paragraph C of Charles M. Russell National Wildlife Refuge; and revising paragraph C of UL Bend National Wildlife Refuge to read as follows:

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§ 32.45 Montana.

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Charles M. Russell National Wildlife Refuge

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C. Big Game Hunting. Hunters may hunt big game subject to refuge specific

regulations as designated in refuge publications.

* * * * *

UL Bend National Wildlife Refuge

* * * * *

C. Big Game Hunting. Hunters may hunt big game subject to refuge-specific regulations as designated in refuge publications.

* * * * *

18. Section 32.46 *Nebraska* is amended by revising introductory paragraphs A., B., C. and D. of Valentine National Wildlife Refuge to read as follows:

§ 32.46 Nebraska.

* * * * *

Valentine National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt migratory birds on designated areas of the refuge subject to refuge specific regulations.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to refuge specific regulations.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to refuge specific regulations.

D. Sport Fishing. Anglers may fish on designated portions of the refuge subject to refuge specific regulations.

19. Section 32.47 *Nevada* is amended by revising paragraphs D.7 and D.8. of Ruby Lake National Wildlife Refuge; and by revising paragraph D.1. of Sheldon National Wildlife Refuge to read as follows:

§ 32.47 Nevada.

* * * * *

Ruby Lake National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

* * * * *

7. Anglers may not store boats of any kind on the refuge from January 1 through May 31.

8. Anglers may wade and bank fish in the South Marsh only at Brown Dike, the Main Boat Landing, and Narciss Boat Landing from January 1 through July 31 annually. Anglers may wade and bank fish in the entire South Marsh, from August 1 through December 31, annually.

Sheldon National Wildlife Refuge

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D. Sport Fishing. * * *

1. Big Springs Reservoir, Dufurrena Ponds, and Catnip Reservoir—Anglers may bank fish, fish by wading, or use nonmotorized boats, boats with electric

motors, float tubes and similar floatation devices only. Anglers may not fish from motorized boats.

* * * * *

20. Section 32.49 *New Jersey* is amended by adding paragraph A.4., of Cape May National Wildlife Refuge; and by revising paragraph C.2. and removing paragraph C.3. of Great Swamp National Wildlife Refuge to read as follows:

§ 32.49 New Jersey.

* * * * *

Cape May National Wildlife Refuge

A. Hunting of Migratory Game Birds.

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4. Hunters shall possess and use, while in the field, only nontoxic shot.

* * * * *

Great Swamp National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

* * * * *

2. Hunters must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

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21. Section 32.51 *New York* is amended by adding Amagansett National Wildlife Refuge; revising the introductory text of paragraph D. of Montezuma National Wildlife Refuge; and by adding the alphabetical listings of Oyster Bay National Wildlife Refuge; Seatuck National Wildlife Refuge; and Target Rock National Wildlife Refuge to read as follows:

§ 32.51 New York.

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Amagansett National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations.

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Montezuma National Wildlife Refuge

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D. Sport Fishing. Anglers may access the New York State Barge Canal System waters at only three sites on the refuge: the Seneca River Fishing Access Site, the May's Point Fishing Area, and the Armitage Road Fishing Area. Anglers may either bank fish or boat fish, in accordance with state regulations.

Oyster Bay National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may fish in refuge-controlled waters of Oyster Bay. Anglers may also fish from designated areas on the refuge shoreline at Mill Pond during daylight hours. All fishing within the refuge is in accordance with state regulations.

Seatuck National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may fish in refuge-controlled waters of Great South Bay from boats only. All fishing is in accordance with state regulations.

Target Rock National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may fish in Huntington Bay from the refuge shoreline when the refuge is open to visitors. All fishing is in accordance with state regulations.

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22. Section 32.52 *North Carolina* is amended by revising paragraph D. of Pocosin Lakes National Wildlife Refuge to read as follows:

§ 32.52 North Carolina.

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Pocosin Lakes National Wildlife Refuge

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D. *Sport Fishing.* Anglers may fish on designated areas of the refuge subject to the following conditions:

1. The refuge portion of New Lake and the Pungo Lake is open to fishing from March 1 to November 1. The public may not access the refuge portion of New Lake and Pungo Unit during the period from November 2 to the end of February. Anglers may fish in all other refuge waters year round.

2. Anglers may bank fish only on the Pungo Unit.

3. Anglers may only fish from sunrise to sunset.

4. Boats may not be left on the refuge overnight.

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23. Section 32.53 *North Dakota* is amended by revising paragraph B introductory text of Des Lacs National Wildlife Refuge; by revising paragraph B.1. of Lake Zahl National Wildlife Refuge; by revising paragraph B

introductory text and adding paragraph B.1. of Tewaukon National Wildlife Refuge; and by adding paragraph B.3. of Upper Souris National Wildlife Refuge to read as follows:

§ 32.53 North Dakota.

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Des Lacs National Wildlife Refuge

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B. *Upland Game Hunting.* Hunters may hunt ringnecked pheasants, sharp-tailed grouse, gray partridge, turkey, cottontail rabbit, jackrabbits, snowshoe hares and fox on designated areas of the refuge subject to the following conditions:

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Lake Zahl National Wildlife Refuge

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B. *Upland Game Hunting.* * * *

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1. Hunters may only possess and use nontoxic shot.

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Tewaukon National Wildlife Refuge

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B. Hunters may hunt ring-necked pheasants on designated areas of the refuge subject to the following conditions:

1. Hunters may only possess and use nontoxic shot.

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Upper Souris National Wildlife Refuge

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B. *Upland Game Hunting.* * * *

* * * * *

3. Hunters may only possess and use nontoxic shot.

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24. Section 32.55 *Oklahoma* is amended by adding paragraphs A.4., A.5., revising paragraphs B.3. and B.4. of Little River National Wildlife Refuge; revising paragraphs B. introductory text, B.2., adding paragraph B.3.; and revising paragraph C. introductory text of Optima National Wildlife Refuge; by revising paragraphs D.1. through D.12 of Tishomingo National Wildlife Refuge; revising paragraphs B. introductory text, adding paragraph B.2., revising paragraphs D. introductory text, D.1., D.2.; and removing paragraph D.4. of Washita National Wildlife Refuge; revising paragraph D.5. of Wichita Mountains Wildlife Refuge to read as follows:

§ 32.55 Oklahoma.

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Little River National Wildlife Refuge

A. *Hunting of Migratory Game Birds.*

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4. Hunters must carry refuge hunting permits.

5. Hunters may hunt waterfowl (ducks) only during designated refuge seasons.

B. *Upland Game Hunting.* * * *

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3. Hunters may hunt upland game only during designated refuge seasons.

4. Hunters shall possess and use, while in the field, only nontoxic shot

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Optima National Wildlife Refuge

* * * * *

B. *Upland Game Hunting.* Hunters may hunt pheasants, bobwhite and scaled quail, cottontail rabbit and jackrabbit on the refuge in accordance with State hunting regulations subject to the following conditions:

* * * * *

2. Closed during the State gun deer season.

3. Hunting ends at 4:30 p.m. daily.

C. *Big Game Hunting.* Hunters may hunt white-tailed deer, mule deer and turkey on the refuge in accordance with State hunting regulations subject to the following conditions:

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Tishomingo National Wildlife Refuge

* * * * *

D. *Sport Fishing.* * * *

1. Anglers may bank and wade fish with pole and line or rod and reel year-round in areas open for public fishing access.

2. Anglers may use boats from March 1 through September 30 on designated refuge waters and Wildlife Management Unit.

3. Anglers may use trotlines and other set tackle only in the Cumberland Pool and between the natural banks of the Washita River. Anglers must attach set tackle, used in Cumberland Pool, to anchored floats. Anglers may not attach set tackle to sticks, poles, trees, or other fixed objects.

4. Anglers may not use limblines, throwlines, juglines, and yo-yo's.

5. Anglers may not use any containers (jugs, bottles) as floats.

6. Anglers must remove fishing tackle at the end of the boating season.

7. Anglers may no-wake boat fish during the boating season. Anglers may only use line and pole or rod and reel in: (a) open areas south and west of the Cumberland Pool shallow water buoy line; (b) lakes south and west of the

Washita River; and (c) the Wildlife Management Unit.

8. Anglers may night fish from boat (during boating season) on the Cumberland Pool, except not in the no-wake area south and west of the buoy line. Anglers may night fish at the headquarters area, including Sandy Creek Bridge, Murray 2, Nida Point, and the Wildlife Management Unit.

9. Anglers may take bait for personal use while fishing on the refuge in accordance with Oklahoma State law.

10. Anglers may bow fish only in the Wildlife Management Unit.

11. Anglers may not take fish by the use of hands (noodling) in any refuge waters.

12. Anglers may not take frogs, turtles, or mussels.

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Washita National Wildlife Refuge

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B. Upland Game Hunting. Hunters may hunt quail and rabbit on designated areas of the refuge in accordance with State hunting regulations subject to the following conditions:

* * * * *

2. Closed during the State gun deer season.

* * * * *

D. Sport Fishing. Anglers may fish on designated areas of the refuge in accordance with State fishing regulations subject to the following conditions:

1. Anglers may fish from March 15 through October 14 on the Washita River and Foss Reservoir. Anglers may bank fish year round from the refuge boundary south of Lakeview Recreation to Pitts Creek Recreation Area.

2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.

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Wichita Mountains Wildlife Refuge

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D. Sport Fishing. * * *

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5. Anglers may use electric trolling motors on boats 14' or less in length only on Jed Johnson, Rush, Quanah Parker and French Lakes.

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25. Amend § 32.56 *Oregon* by revising paragraph B. of Hart Mountain National Wildlife Refuge, by revising paragraph D. of Lewis and Clark National Wildlife Refuge to read as follows:

§ 32.56 Oregon.

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Hart Mountain National Wildlife Refuge

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B. Upland Game Hunting. Hunters may hunt partridge and coyote on designated areas of the refuge.

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Lewis and Clark National Wildlife Refuge

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D. Sport Fishing. Anglers may fish in designated areas of the refuge.

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26. Section 32.57 *Pennsylvania* is amended by revising the heading of Tinicum National Environmental Center to read as follows:

§ 32.57 Pennsylvania.

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John Heinz National Wildlife Refuge at Tinicum

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27. Section 32.59 *Rhode Island* is amended by adding an introductory paragraph; by adding the alphabetical listing of Block Island National Wildlife Refuge, Ninigret National Wildlife Refuge, Pettaquamscutt Cove National Wildlife Refuge, Sachuest Point National Wildlife Refuge, and Trustum Pond National Wildlife Refuge to read as follows:

§ 32.59 Rhode Island.

The following refuge units have been opened for hunting and/or fishing and are listed in alphabetical order with applicable refuge-specific regulations.

Block Island National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations.

Ninigret National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations. Anglers may saltwater fish and shellfish in Ninigret Pond from the refuge shoreline only from sunrise to sunset in accordance with state and refuge regulations.

Pettaquamscutt Cove National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline in accordance with state regulations.

Sachuest Point National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean and Sakonnet River from the refuge shoreline in accordance with state regulations. Additionally, anglers may night-fish after sunset in accordance with state regulations.

Trustum Pond National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt Canada geese and mourning doves on designated areas of the refuge subject to the following conditions: State permits are required.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline from September 16 to March 31 in accordance with state and refuge regulations.

28. Section 32.60 *South Carolina* is amended by revising paragraph A. of Ace Basin National Wildlife Refuge to read as follows:

§ 32.60 South Carolina.

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Ace Basin National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, geese, and coots on designated areas of the refuge subject to the following condition: Refuge hunting permits required.

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29. Section 32.62 *Tennessee* is amended by revising paragraph C. of Lake Isom National Wildlife Refuge; and adding paragraph D.5. of Lower Hatchie National Wildlife Refuge to read as follows:

§ 32.62 Tennessee.

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Lake Isom National Wildlife Refuge

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C. Big Game Hunting. Hunters may hunt white-tailed deer with archery equipment on designated areas of the refuge subject to the following condition: Permits are required.

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Lower Hatchie National Wildlife Refuge

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D. Sport Fishing. * * *

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5. Anglers may only use non-motorized boats and boats with electric motors on Sunk Lake Public Use Natural Area.

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30. Section 32.63 *Texas* is amended by revising paragraphs B.1., and C.1. of Balcones Canyonlands National Wildlife Refuge to read as follows:

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Balcones Canyonlands National Wildlife Refuge

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B. Upland Game Hunting. * * *

1. Hunting will take place in November, December, and/or January.

* * * * *

C. Big Game Hunting. * * *

1. Hunting will take place in November, December, and/or January.

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31. Section 32.66 *Virginia* is amended by revising paragraph C.7., and adding paragraph C.8. of Great Dismal Swamp National Wildlife Refuge to read as follows:

§ 32.66 Virginia.

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Great Dismal Swamp National Wildlife Refuge

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C. Big Game Hunting. * * *

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7. Hunters may not shoot onto or across a refuge road including roads closed to vehicles.

8. Hunters may not possess alcoholic beverages.

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32. Section 32.67 *Washington* is amended by adding the alphabetical listing of Dungeness National Wildlife Refuge and Nisqually National Wildlife Refuge; adding paragraphs A.6., and B.5. of Toppenish National Wildlife Refuge; amended by adding paragraph C. introductory text and C.1. of Umatilla National Wildlife Refuge to read as follows:

§ 32.67 Washington.

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Dungeness National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may salt water fish on designated areas of the refuge.

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Nisqually National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may salt water fish on designated areas of the refuge.

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Toppenish National Wildlife Refuge

A. Hunting of Migratory Game Birds.

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6. Hunters may hunt on Wednesdays, Saturdays, Sundays, Thanksgiving day, Christmas day, and New Years day only.

B. Upland Game Hunting. * * *

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5. Hunters may hunt on Wednesdays, Saturdays, Sundays, Thanksgiving day, Christmas day, and New Years day only.

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Umatilla National Wildlife Refuge

C. Big Game Hunting. Hunters may hunt deer on designated areas of the refuge subject to the following condition:

1. Hunting by permit only.

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33. Section 32.68 *West Virginia* is amended by alphabetically listing Canaan Valley National Wildlife Refuge to read as follows:

§ 32.68 West Virginia.

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Canaan Valley National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.

B. Upland Game Hunting. Hunters may hunt upland (small) game on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.

2. Shotgun hunters may use or possess only nontoxic shot while hunting upland (small) game on the refuge.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.

D. Sport Fishing. [Reserved]

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34. Section 32.69 *Wisconsin* is amended by adding paragraph B.4., and revising paragraph C.5. of Necedah National Wildlife Refuge to read as follows:

§ 32.69 Wisconsin.

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Necedah National Wildlife Refuge

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B. Upland Game Hunting. * * *

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4. Dogs may be used only when hunting upland game birds and waterfowl.

C. Big Game Hunting. * * *

5. Refuge Area 3 is open to deer hunting during the state's gun, muzzle loader, and late archery season.

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35. Section 32.71 *Pacific Islands Territory* is amended by adding the alphabetical listing of Guam National Wildlife Refuge, Kilauea Point National Wildlife Refuge, and Midway Atoll National Wildlife Refuge to read as follows:

§ 32.71 Pacific Islands Territory.

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Guam National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may salt water fish on designated areas of the refuge.

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Kilauea Point National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may salt water fish on designated areas of the refuge.

Midway Atoll National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and lobster only in accordance with a refuge fishing leaflet available at refuge headquarters.

Dated: July 14, 1998.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

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