

summer migratory bird subsistence season in Alaska are outlined in 50 CFR part 92.

This supplemental rule calls for proposals for regulations that will expire on August 31, 2004, for the spring/summer subsistence harvest of migratory birds in Alaska. Each year, seasons will open after March 11 and close prior to September 1.

Alaska Spring/Summer Subsistence Harvest Proposal Procedures

We will publish details of the Alaska spring/summer subsistence harvest proposals in later **Federal Register** documents under 50 CFR Part 92. General relationship to the process for developing national hunting regulations for migratory game birds is as follows:

(a) *Alaska Migratory Bird Co-Management Council*. (1) Proposals may be submitted by the public to the Co-management Council during the period of November 1–December 15, 2003, to be acted upon for the 2005 migratory bird subsistence harvest season. Proposals should be submitted to the Executive Director of the Co-management Council, listed above under the caption **ADDRESSES**.

(b) *Flyway councils*. (1) Proposed 2004 regulations recommended by the Co-management Council will be submitted to all Flyway Councils for review and comment. The Council's recommendations must be submitted prior to the SRC's last regular meeting of the calendar year in order to be approved for spring/summer harvest beginning March 11 of the following calendar year.

(2) Alaska Native representatives may be appointed by the Co-management Council to attend meetings of one or more of the four Flyway Councils to discuss recommended regulations or other proposed management actions.

(c) *Service regulations committee*. Proposed annual regulations recommended by the Co-management Council will be submitted to the Service Regulations Committee for their review and recommendation to the Service Director. Following the Service Director's review and recommendation, the proposals will be forwarded to the Department of Interior for approval. Proposed annual regulations will then be published in the **Federal Register** for public review and comment, similar to the annual migratory game bird hunting regulations. Final spring/summer regulations for Alaska will be published in the **Federal Register** in the preceding Fall.

Because of the time required for our and public review, proposals from the Co-management Council for the 2004

spring/summer migratory bird subsistence harvest season should be submitted to the Flyway Councils and the Service by June 15, 2003, for their comments and Service action on July 30–31, 2003.

Review of Public Comments

This supplemental rulemaking describes Flyway Council recommended changes based on the preliminary proposals published in the May 6, 2003, **Federal Register**. We have included only those recommendations requiring either new proposals or substantial modification of the preliminary proposals. This supplement does not include recommendations that simply support or oppose preliminary proposals and provide no recommended alternatives. We will consider these recommendations later in the regulations-development process. We will publish responses to all proposals and written comments when we develop final frameworks. In addition, this supplemental rulemaking contains the final regulatory alternatives for the 2003–04 duck hunting seasons. We have included all Flyway Council recommendations received relating to the development of these alternatives.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items identified in the May 6, 2003, proposed rule. Only those categories requiring your attention or for which we received Flyway Council recommendations are discussed below.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy, (B) Regulatory Alternatives, including specification of framework dates, season length, and bag limits, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management.

A. General Harvest Strategy

Council Recommendations: The Atlantic Flyway Council recommended that selection of the appropriate regulatory alternative for the Atlantic Flyway should be based on optimal harvest strategies for eastern mallards. The Council also recommended that annual changes in regulations should be limited to no more than one step up or down among the regulatory alternatives (e.g., from “liberal” to “moderate,” but not “liberal” to “restrictive”).

The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended limiting regulation changes to one step annually, and also that hunting seasons should remain open above the range of mallard population and pond levels where hunting seasons were open historically.

The Central Flyway Council recommended placing a constraint on the Adaptive Harvest Management (AHM) process that ensures seasons will remain open when mallard breeding populations (traditional breeding areas plus the Great Lakes region) exceed 5.5 million. The Central Flyway Council did not support limiting annual regulatory changes to one step each year.

The Pacific Flyway Council also recommended placing a constraint on the AHM process that ensures seasons will remain open when mallard breeding populations (traditional breeding areas plus the Great Lakes region) exceed 5.5 million, due to the fact that it appears to have relatively little impact on the frequency of “moderate” and “liberal” seasons. However, the Pacific Flyway Council did not support limiting annual regulatory changes to one step because it appears to make the harvest strategy more conservative overall.

Written Comments: The Illinois Department of Natural Resources and the Colorado Division of Wildlife did not support placing a limitation on changes in regulations to one step each year. Further, the Illinois Department of Natural Resources recommended that hunting seasons should remain open above the range of mallard population and pond levels where hunting seasons were open historically, and the Colorado Division of Wildlife recommended placing a constraint on the AHM process that ensures seasons will remain open when mallard breeding populations (traditional breeding areas plus the Great Lakes region) exceed 5.5 million.

Service Response: As recommended by the Atlantic Flyway Council, we will continue to select a regulatory alternative in the Atlantic Flyway based on the status of eastern mallards. However, we reiterate that this arrangement is still considered provisional, and it is important to press forward with development of an adaptive harvest strategy for the Atlantic Flyway that appropriately accounts for other key species in the harvest, such as black ducks and wood ducks.

We understand the desires of the Atlantic and Mississippi Flyway Councils to limit changes in annual