

whitetails were bagged, according to State harvest-survey estimates.

Review of Public Comments

The preliminary proposed rulemaking (May 6 **Federal Register**) opened the public comment period for migratory game bird hunting regulations and the proposed regulatory alternatives for the 2003–04 duck hunting season. Comments concerning early-season issues and the proposed alternatives are summarized below and numbered in the order used in the May 6 **Federal Register** document. Only the numbered items pertaining to early-seasons issues and the proposed regulatory alternatives for which written comments were received are included. Consequently, the issues do not follow in direct numerical or alphabetical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below. 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 in the May 6, 2003, **Federal Register** document.

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. The categories correspond to previously published issues/discussions, and only those containing substantial recommendations are discussed below.

D. Special Seasons/Species Management

i. September Teal Seasons

Council Recommendations: The Atlantic Flyway Council recommended that States that have participated in the recent experimental teal season (Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia) be offered an operational September teal season beginning in 2003. They recommend that the season run for nine

consecutive days during September 1–30, 2003, with a bag limit not to exceed four teal, whenever the breeding population estimate for blue-winged teal exceeds 3.3 million in the traditional survey area. Delaware, Georgia, North Carolina, and Virginia may have shooting hours between one-half hour before sunrise and sunset, while shooting hours for Maryland and South Carolina may be between sunrise and sunset.

The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that the 16-day September teal seasons continue to be used when the blue-winged teal breeding population is at or above 4.7 million, based on the recently completed report, "Assessment of 16-Day September Teal Seasons 1998–2000 in the Central and Mississippi Flyways."

The Central Flyway Council recommended that Nebraska's experimental September teal season become operational.

Service Response: In 2001, the Atlantic Flyway Council requested operational status for a special teal season in the four States (Delaware, Georgia, Maryland, and Virginia) that fully met the established criteria. During the ensuing comment period, North Carolina and South Carolina submitted written requests that we reconsider our proposed decision to discontinue their September season based upon data-analysis inconsistencies and requested further analysis. We decided to continue the 9-day special season experimentally in all six States until a final report was submitted.

In 2002, we delayed action on the continuance of these seasons in the Atlantic Flyway until completion of a final report. Based on the criteria that were established and agreed to by the individual participating States and the Service, we propose operational September teal seasons in Delaware, Virginia, Maryland, and Georgia. However, the States of North Carolina and South Carolina have not met the criteria that hunter nontarget attempt rates be less than 25 percent over the 3-year experimental period. Thus, we propose to suspend the season in these two States.

Although we are aware of the Atlantic Flyway's request that we evaluate hunter performance on a pooled basis among States rather than on a State-by-State basis, we do not believe that it is appropriate to continue these seasons given the explicit criteria in the MOU to evaluate hunter performance on a State basis. All States, including North

Carolina and South Carolina, signed the MOU at the start of the experimental study in 1998 and agreed to the conditions of the MOU that stipulated that the attempts at nontarget species not exceed 25 percent on an individual State basis.

Regarding Nebraska's special teal season, we do not concur with the Central Flyway Council's recommendation for operational status of this season. We believe that the season should remain experimental until a final report on the experiment is completed.

ii. September Teal/Wood Duck Seasons

Council Recommendations: The Atlantic Flyway Council recommended that the bag limit for Florida's special September wood duck and teal season remain at 4 wood ducks and teal in the aggregate.

Service Response: In 2001, we granted operational status to September teal/wood duck seasons in the States of Florida, Kentucky, and Tennessee. The September teal/wood duck season in all three States is a 5-day season, with a daily bag limit of four birds, no more than two of which can be wood ducks. We do not support the Council's request for a 4-wood duck daily bag limit in Florida, as previously existed. This change was a condition of grandfathering these special seasons. Additionally, we have concerns about our ability to track the status of Florida's wood duck population and the low hen wood duck survival rates noted during the recently completed Monitoring Initiative.

iii. Youth Hunt

Council Recommendations: The Atlantic Flyway Council recommended that the Service allow all States the option of holding "youth waterfowl hunt days" on nonconsecutive hunting days, while maintaining the requirement that they must be held on non-school days.

Service Response: In 2000, in light of continuing interest from the Flyway Councils, we decided to expand the special youth waterfowl hunt from 1 day to 2 consecutive days. Anecdotal data suggested that the special hunt is very popular and has provided an excellent opportunity to introduce youth hunters to the sport of waterfowling and waterfowl and wetland conservation. Expansion of the special hunt to 2 consecutive days was implemented to help reduce travel difficulties and scheduling conflicts inherent with the 1-day hunt previously implemented.