

■ For the reasons set out in the preamble, we are amending title 50, chapter I, subchapters B and F, 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 742 a–j; Pub. L. 106–108.

■ 2. Amend § 20.2 by adding paragraph (e) to read as follows:

#### **§ 20.2 Relation to other provisions.**

\* \* \* \* \*

(e) *Migratory bird subsistence harvest in Alaska.* The provisions of this part, except for paragraphs (a) through (d) of this section, are not applicable to the regulations governing the migratory bird subsistence harvest in Alaska (part 92 of this subchapter) unless specifically referenced in part 92 of subchapter G of this chapter.

■ 3. Revise § 20.22 to read as follows:

#### **§ 20.22 Closed seasons.**

No person may take migratory game birds during the closed season established in this part except as provided in parts 21 and 92 of this chapter.

■ 4. Revise § 20.132 to read as follows:

#### **§ 20.132 Subsistence use in Alaska.**

In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner, from September 1 through April 1, snowy owls and cormorants for food and their skins for clothing, but birds and their parts may not be sold or offered for sale.

#### **PART 21—[AMENDED]**

■ 5. The authority citation for part 21 continues to read as follows:

**Authority:** Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712(2)); Pub. L. 106–108.

■ 6. Revise § 21.11 to read as follows:

#### **§ 21.11 General permit requirements.**

No person may take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit issued pursuant to the provisions of this part and part 13 of this chapter, or as permitted by regulations in this part, or part 20 of this subchapter (the hunting regulations), or part 92 of subchapter G of this chapter (the Alaska subsistence harvest regulations). Birds taken or possessed under this part in “included areas” of Alaska as defined in § 92.5(a) are subject to this part and not

to part 92 of subchapter G of this chapter.

#### **PART 92—[AMENDED]**

■ 7. The authority for part 92 continues to read as follows:

**Authority:** 16 U.S.C. 703–712.

#### **Subpart A—General Provisions**

■ 8. In subpart A amend § 92.4 by revising the definition for “Migratory bird” to read as follows:

#### **§ 92.4 Definitions.**

\* \* \* \* \*

*Migratory bird*, for the purposes of this part, means the same as defined in § 10.12 of subchapter B of this chapter. Species eligible to harvest are listed in § 92.32.

\* \* \* \* \*

■ 9. In subpart A amend § 92.5 by revising paragraphs (b) and (d) to read as follows:

#### **§ 92.5 Who is eligible to participate?**

\* \* \* \* \*

(b) *Excluded areas.* Village areas located in Anchorage, the Matanuska-Susitna or Fairbanks North Star Boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, or Southeast Alaska generally do not qualify for a spring or summer harvest. Communities located within one of these areas may petition the Co-management Council through their designated regional management body for designation as a spring and summer subsistence harvest area. The petition must state how the community meets the criteria identified in paragraph (c) of this section. The Co-management Council will consider each petition and will submit to the Service any recommendations to designate a community as a spring and summer subsistence harvest area. The Service will publish any approved new designations of communities as spring and summer subsistence harvest areas in subpart D of this part. All areas outside Alaska are ineligible.

\* \* \* \* \*

(d) *Participation by permanent residents of excluded areas.* Immediate family members who are permanent residents of excluded areas may participate in the customary spring and summer subsistence harvest in a village’s subsistence harvest area with the permission of the village council, where it is appropriate to assist indigenous inhabitants in meeting their nutritional and other essential needs or for the teaching of cultural knowledge to

or by their immediate family members. Eligibility for participation will be developed and recommended by the Co-management Council and adopted or amended by regulations published in subpart D of this part.

■ 10. In subpart A revise § 92.6 to read as follows:

#### **§ 92.6 Use and possession of migratory birds.**

Harvest and possession of migratory birds must be done using nonwasteful taking. You may not take birds for purposes other than human consumption. You may not sell, offer for sale, purchase, or offer to purchase migratory birds, their parts, or their eggs taken under this part. Nonedible by-products of migratory birds taken for food may be used for other noncommercial purposes only by individuals qualified to possess those birds. You may possess migratory birds, their parts, and their eggs, taken under this part, only if you are an eligible person as determined in § 92.5.

#### **Subpart B—Program Structure**

■ 11. In subpart B amend § 92.10 by revising paragraph (b)(1) to read as follows:

#### **§ 92.10 Alaska Migratory Bird Co-management Council.**

\* \* \* \* \*

(b) \* \* \*

(1) The Federal and State governments will each seat one representative. The Federal representative will be appointed by the Alaska Regional Director of the U.S. Fish and Wildlife Service, and the State representative will be appointed by the Commissioner of the Alaska Department of Fish and Game. Regional partner organizations may seat 1 representative from each of the 12 regions identified in § 92.11(a).

\* \* \* \* \*

■ 12. In subpart B, amend § 92.11 by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

#### **§ 92.11 Regional management areas.**

(a) *Regions identified.* To allow for maximum participation by residents of subsistence eligible areas, the Alaska Regional Director of the Service established 12 geographic regions based on common subsistence resource use patterns and the 12 Alaska Native regional corporation boundaries established under the Alaska Native Claims Settlement Act. Despite using the Alaska Native regional corporation boundaries, we are not working directly