

prevention of injury to people, property, agricultural crops, or other interests from resident Canada geese. The management and control activities allowed or conducted under the program are intended to relieve or prevent damage and injurious situations. No person should construe this program as opening, reopening, or extending any hunting season contrary to any regulations established under Section 3 of the Migratory Bird Treaty Act.

(c) *Who may participate in the program?* Only State wildlife agencies (State) in the lower 48 States are eligible to conduct (or allow) and implement the various resident Canada goose control and management program components.

(d) *What are the various components of the resident Canada goose control and management program?* The resident Canada goose control and management program has six components. Any State identified in paragraph (c) of this section, may implement all, part, or none of the following program components:

(1) *State control and management activities for resident Canada geese.* State wildlife agencies (or their authorized agents) may conduct (or allow) control and management activities, including the take of birds, on resident Canada goose populations when necessary to protect human health and safety; protect personal property, agricultural crops, and other interests from injury; and allow resolution or prevention of injury to people, property, agricultural crops, or other interests from resident Canada geese; and to reduce resident Canada goose populations within Flyway management objectives. Control and management activities include indirect and/or direct population control strategies such as aggressive harassment, trapping and relocation, nest and egg manipulation and destruction, gosling and adult trapping and culling programs, or other general population reduction strategies. The program is subject to the following restrictions:

(i) States should encourage and utilize nonlethal goose management tools to the extent they deem appropriate in an effort to minimize lethal take.

(ii) Methods of take for the control and management of resident Canada geese are at the State's discretion from among the following: Firearms, alpha-chloralose, traps, egg and nest manipulation and destruction, euthanization, and other damage control techniques consistent with accepted wildlife damage-management programs as may be approved by the Director.

(iii) States and their employees and agents may conduct (or allow) management and control activities, including the take of resident Canada geese, under this section between April 1 and August 31. The manipulation and destruction of resident Canada goose nests and eggs may take place between March 1 and June 30.

(iv) States and their employees and agents may possess, transport, and otherwise dispose of resident Canada geese taken under this section. States must dispose of birds taken under this program by donation to public museums or public institutions for scientific or educational purposes, by processing them for human consumption and distributing them free of charge to charitable organizations, or by burying or incinerating them. States, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada geese taken under this section, nor their plumage or eggs. Persons authorized to operate under the program may not possess or transport resident Canada goose nests and eggs taken under this section. Any specimens needed for scientific purposes as determined by the Director must not be destroyed, and information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1-800-327-BAND (or 2263).

(v) No person conducting resident Canada goose control and management activities under this section should construe the program as authorizing the killing of resident Canada geese or destruction of their nests and eggs contrary to any State law or regulation, nor may any control or management activities be conducted on any Federal land without specific authorization by the responsible management agency. No person may exercise the privileges granted under this section unless they possess any permits required for such activities by any State or Federal land manager.

(vi) States and their employees and agents operating under the provisions of this section may not use decoys, calls, or other devices to lure birds within gun range.

(vii) Persons using shotguns are required to use nontoxic shot.

(viii) Any State, its employees, and agents exercising the privileges of this section must keep and maintain a log recording the date and number of birds killed each month under this authorization. The log and any related records must be made available to Federal or State wildlife enforcement

officers upon request during normal business hours.

(ix) Any State employee or designated agent authorized to carry out management and control activities must have a copy of the State's authorization and designation in their possession when carrying out any activities. If the State is conducting operations on private property at the request of the property owner or occupant, the State must also require the property owner or occupant on whose premises resident Canada goose control and management activities are being conducted to allow, at all reasonable times, including during actual operations, free and unrestricted access to any Service special agent or refuge officer, State wildlife or deputy wildlife agent, warden, protector, or other wildlife law enforcement officer (wildlife officer) on the premises where they are, or were, conducting activities. Furthermore, any State employee or designated agent conducting such activities must promptly furnish whatever information is required concerning such activities to any such wildlife officer.

(x) States exercising the privileges granted by this section must submit an annual report summarizing activities, including the date, numbers, and location of birds taken by December 31 of each year. The State should submit the annual report to the Assistant Director for Migratory Birds and State Programs, U.S. Fish and Wildlife Service, (Attention: Division of Migratory Bird Management), 4401 North Fairfax Drive, MBSP-4107, Arlington, Virginia 22203.

(2) *Airport safety.* States may authorize commercial, public, and private airports (Airports) (and their employees or their agents) to establish and implement a resident Canada goose control and management program when necessary to protect public safety and allow resolution or prevention of airport safety threats from resident Canada geese. Control and management activities include indirect and/or direct population control strategies such as aggressive harassment, trapping and relocation, nest and egg manipulation and destruction, gosling and adult trapping and culling programs, or other general population reduction strategies. This program is subject to the following restrictions:

(i) Authorized airports should utilize nonlethal goose management tools to the extent they deem appropriate. To minimize lethal take, Airports should follow the following procedure:

(A) Assess the problem to determine its extent or magnitude, its impact on