

officers upon request during normal business hours.

(ix) Nothing in this section authorizes the killing of resident Canada geese or destruction of their nests and eggs contrary to the laws or regulations of any State, and none of the privileges of this section may be exercised unless the public health agency possesses the appropriate State permits, when required; nor does it authorize the killing of any migratory bird species or destruction of their nest and eggs other than resident Canada geese.

(6) *Managed take of resident Canada geese.* (i) What is managed take? Managed take is a special management action that is needed to control certain wildlife populations when traditional management programs are unsuccessful in preventing overabundance of the population. We are implementing a managed take program under the authority of the Migratory Bird Treaty Act to reduce and stabilize resident Canada goose populations. Managed take allows additional methods of taking resident Canada geese, allows shooting hours for resident Canada geese to extend to one-half hour after sunset, and removes daily bag limits for resident Canada geese inside or outside the migratory bird hunting season frameworks as described below.

(ii) *In what areas can a managed take program be implemented?* All States except Alaska and Hawaii.

(iii) *What is required in order for State governments to participate in a managed take program?* Any State government responsible for the management of wildlife and migratory birds may, without permit, kill or cause to be killed under its general supervision, resident Canada geese under the following conditions:

(A) Activities conducted under the managed take program may not affect endangered or threatened species as designated under the Endangered Species Act.

(B) Control activities must be conducted clearly as such and are not to be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated under Section 3 of the Migratory Bird Treaty Act.

(C) Control activities may only be conducted under this section between August 1 and September 15.

(D) Control activities may be conducted only when all waterfowl (including resident Canada goose) and crane hunting seasons, excluding falconry, are closed.

(E) Control measures employed through this section may be implemented only between the hours of

one-half hour before sunrise to one-half hour after sunset.

(F) Nothing in the program may limit or initiate management actions on Federal land without concurrence of the Federal agency with jurisdiction.

(G) States must designate participants who must operate under the conditions of the managed take program.

(H) States must inform participants of the requirements/conditions of the program that apply.

(I) States must keep annual records of activities carried out under the authority of the program. Specifically, information must be collected on:

(1) The number of individuals participating in the program;

(2) The number of days individuals participated in the program;

(3) The total number of resident Canada geese shot and retrieved during the program; and

(4) The number of resident Canada geese shot but not retrieved. The States must submit an annual report summarizing activities conducted under the program on or before June 1 of each year, to the Chief, Division of Migratory Bird Management, 4401 N. Fairfax Dr., Suite 634, Arlington, Virginia 22203.

(iv) *What is required for individuals to participate in the program?* Individual participants in State programs covered by the managed take program must comply with the following requirements:

(A) Participants must comply with all applicable State laws or regulations including possession of whatever permit(s) or other authorization(s) may be required by the State government concerned.

(B) Participants who take resident Canada geese under the program may not sell or offer for sale those birds or their plumage, but may possess, transport, and otherwise properly use them.

(C) Participants must permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted and must promptly furnish whatever information an officer requires concerning the operation.

(D) Participants may take resident Canada geese by any method except those prohibited as follows:

(1) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance.

(2) From or by means, aid, or use of a sinkbox or any other type of low-floating device, having a depression affording the person a means of concealment beneath the surface of the water.

(3) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance.

(4) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and the sails furled, and its progress has ceased. A craft under power may be used only to retrieve dead or crippled birds; however, the craft may not be used under power to shoot any crippled birds.

(5) By the use or aid of live birds as decoys. No person may take resident Canada geese on an area where tame or captive live geese are present unless such birds are, and have been for a period of 10 consecutive days before the taking, confined within an enclosure that substantially reduces the audibility of their calls and totally conceals the birds from the sight of resident Canada geese.

(6) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of resident Canada geese.

(7) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited as described in § 20.11(j) and (k). Resident Canada geese may not be taken on or over lands or areas that are baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation as described in § 20.11(h) and (l). However, nothing in this paragraph prohibits the taking of resident Canada geese on or over the following lands or areas that are not otherwise baited areas:

(i) Standing crops or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice as described in § 20.11(g), (i), (l), and (m);