

Both agencies cited inconsistencies in the application of criteria for these seasons, the lack of a detrimental impact upon nontarget species from these seasons, the performance of hunters in both States (as measured by the surveys) may not have exceeded the 0.25 attempt rate at nontargets, and the relatively low incidence of available nontarget species. In addition, six individuals from South Carolina requested a reconsideration of the Service's proposal to discontinue September teal seasons in North Carolina and South Carolina.

Service Response: In 1998, we approved the establishment of an experimental 9-day special September teal season in the Atlantic Flyway (63 FR 46124). Memorandums of Understanding (MOUs) were developed and implemented between the Service and all six participating States to stipulate the guidelines and implementation of these seasons. Because of the desire to assess these seasons on a Flyway-wide basis, we strongly encouraged as many of the States as possible to participate in the experimental evaluation since sampling requirements were based on the number of States involved. In 1999, the MOUs were revised to also include individual State-evaluation criteria.

In 2001, the Atlantic Flyway Council requested operational season status for the four States (Delaware, Georgia, Maryland, and Virginia) that met the individual State criteria. During the comment period, North Carolina and South Carolina requested 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 (66 FR 44010). The seasons were continued again on the same basis in 2002.

In March 2003, the Atlantic Flyway Council submitted its final report and requested approval of these seasons as operational for all six States in the experiment. Based on State-specific criteria that were established and approved in the MOUs by the individual participating States and the Service, we proposed in the July 17 **Federal Register** operational September teal seasons in Delaware, Virginia, Maryland, and Georgia. We further proposed to discontinue seasons in North Carolina and South Carolina, based on criteria that were not fully addressed in the MOU, particularly that State-specific nontarget attempt rates by hunters exceeded the 25 percent criterion over the 3-year experimental

period. During the comment period, North Carolina and South Carolina submitted supplementary information related to hunter performance and the availability of nontarget species. Upon further review of the MOUs, we recognized that criteria governing the evaluation of these seasons were presented at both the State and Flyway level, while the original design for their evaluation was based only on a Flyway-wide approach. Given the origin of these criteria and subsequent ambiguity in the MOUs, we believe it is appropriate to apply the hunter-performance criteria at the Flyway level. Consequently, in view of the additional information submitted by the States, and the application of these data at the Flyway level, we are granting operational status to these seasons. Finally, with regard to other ongoing or future MOUs involving similar cooperative activities, we will invite additional participation and review by both Flyway Council and State personnel to ensure that all criteria used to evaluate program success are unambiguous and clearly understood by all parties. Further, any changes to MOU criteria will be affected only through complete replacement of the MOU, rather than amendment.

Regarding Nebraska's special teal season, we do not concur with the Central Flyway Council's recommendation for operational status of this season at this time. 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.

vii. 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 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. In 2001, the Service concurred with the Atlantic Flyway Council's recommendation to expand the youth hunt to 2 consecutive hunting days because Sunday hunting is prohibited in some States in the Flyway. We do not support further expansion of the special youth hunt to 2 nonconsecutive hunting days. Further separation of hunting days would be inconsistent with the purpose identified earlier by the Flyway Councils for expanding the special hunt to 2 days, which was to reduce travel difficulties and scheduling conflicts inherent with the former 1-day hunt.

2. Sea Ducks

During last year's season, we were made aware of a conflict between the framework closing date for ducks and that for sea ducks. The latest closing dates for ducks was extended to the last Sunday in January, while the closing date for sea ducks remained at January 20. To avoid the complications of sea ducks in the regular-duck-season bag, we have changed the sea duck closing date to January 31.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Atlantic Flyway Council recommended that the Service increase the special September Canada goose hunting season bag limit to 8, with no possession limit, beginning with the 2003–04 hunting season. They further recommended that the framework closing date for the special September Canada goose season in North Carolina's Northeast Hunt Zone be extended from September 20 to September 30. They also recommended that the September 1–30 framework