

## U.S. Fish and Wildlife Serv., Interior

## § 32.39

### SUNKHAZE MEADOWS NATIONAL WILDLIFE REFUGE

*A. Migratory Game Bird Hunting.* We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations.

*B. Upland Game Hunting.* We allow hunting of upland game on designated areas of the refuge in accordance with State regulations subject to the following condition: You may possess only approved nontoxic shot while in the field (see §32.2(k)).

*C. Big Game Hunting.* We allow hunting of deer, moose, and bear on designated areas of the refuge in accordance with State regulations subject to the following condition: You must wear, in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm<sup>2</sup>) of solid-colored hunter-orange clothing or material during firearms big game season.

*D. Sport Fishing.* We allow sport fishing on the waters of and from the banks of Baker Brook, Birch Stream, Buzzy Brook, Dudley Brook, Johnson Brook, Little Birch Stream, Little Buzzy Brook, Sandy Stream, and Sunkhaze Stream.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30784, May 12, 2000; 65 FR 56403, Sept. 18, 2000; 66 FR 46358, Sept. 4, 2001; 67 FR 58946, Sept. 18, 2002; 69 FR 54362, 54410, Sept. 8, 2004; 70 FR 54172, Sept. 13, 2005]

### § 32.39 Maryland.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

#### BLACKWATER NATIONAL WILDLIFE REFUGE

*A. Migratory Game Bird Hunting.* [Reserved]

*B. Upland Game Hunting.* [Reserved]

*C. Big Game Hunting.* We allow hunting of deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge permits for all hunters regardless of age. We require that permits must be in the hunter's possession along with a valid Maryland State hunting license, any required stamps, and a photo identification. Permits are nontransferable.

2. We require that hunters obtain deer hunt permits only through the mail, by mailing an application and administration fee to the refuge after applications are available in July. To obtain an application and regulations leaflet (including designated areas and map, dates of hunts, bag limits, and permit fees) for archery, youth, muzzleloader, and shotgun hunts, we require hunters to contact the refuge hunt coordinator or refuge Visitor

Center, which is open from 9 a.m. to 4 p.m. daily.

3. We allow archery hunters to obtain a permit; permits are available at the Visitor Center, after the first week of September until the end of the archery season.

4. We allow walk-in youth hunters to obtain a permit at the check station on the day of the hunt.

5. A licensed or exempt-from-licensed unarmed adult, age 21 or older, must accompany youth hunters (at least age 12 but less than age 16) at all times in the field.

6. We require a physician to certify "wheelchair-bound" permanently disabled hunters; and an assistant, who must not use a firearm, must accompany these hunters. We require the permanently disabled certification to accompany the hunters' permit application.

7. We only allow participants possessing authorized permits to enter the hunt areas.

8. Beginning at 5 a.m., we require check-in for the youth hunts, muzzleloader hunts, and shotgun hunts.

9. At the refuge check station on the day of the kill for all firearm hunts, we require hunters to properly tag and present for examination all deer killed.

10. We require hunters to seek refuge employee assistance to retrieve deer from closed areas.

11. We do not require check-in or check out at the refuge for the archery hunt, but we require hunters to register harvested deer at one of the State check stations designated by the refuge.

12. We only allow weapons that meet State regulations (bows and arrows for archery, shotguns with slugs and/or No. 1 buckshot or larger for youth hunts and shotgun hunts, and muzzleloading rifles and muzzleloading shotguns only for muzzleloader hunts). We prohibit handguns and breech-loading rifles.

13. We only allow access to hunt areas on designated roads and parking areas indicated on hunt maps in the regulations leaflet (obtained with application by mail or at the Visitor Center) (see §27.31 of this chapter). The only other access we allow is walk-in or bicycles. We prohibit access by boats or ATVs.

14. We only allow scouting on designated days listed in the regulations for permitted hunters.

15. We do not require check-in or check out for scouting.

16. We prohibit firearms or other weapons on the refuge when scouting.

17. We require adult hunters, age 21 or older, to accompany permitted youth hunters while scouting.

18. We require a minimum of 400 square inches (2,600 cm<sup>2</sup>) of solid-colored daylight fluorescent-orange clothing to be worn on

## § 32.39

## 50 CFR Ch. I (10–1–07 Edition)

the head, chest, and back of all hunters during the youth, muzzleloader, and shotgun hunts.

19. We require the use of a tree stand that elevates the hunter a minimum of 8 feet (240 cm) above the ground for hunting Area B2 (except disabled hunters). We allow temporary, removable, ladder, fixed, and climbing-type tree stands that do not damage trees in all other areas (see §§ 32.2(i)).

20. We prohibit screw-in steps, spikes, or other objects that may damage trees.

21. We prohibit hunting from a permanently constructed tree stand.

22. We allow hunters to preinstall tree stands during the scouting days for use during selected hunts and to leave the tree stands in the hunting area at the hunter's discretion. We require hunters to remove all stands the last day of the refuge hunting season (we are not responsible for damage, theft, or other hunter occupancy) (see § 27.93 of this chapter).

23. We prohibit dogs in hunt areas.

24. We prohibit hunting from or shooting across a roadway where we allow vehicle traffic.

25. We prohibit driving deer during youth hunts.

26. We prohibit commercialized guiding.

*D. Sport Fishing.* We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow fishing and crabbing from April 1 through September 30 during daylight hours.

2. We restrict fishing and crabbing to boats and the Key Wallace roadway across the Little Blackwater River.

3. We require a valid State sport fishing license. We do not require a refuge permit.

4. We require anglers to attend all fish and crab lines.

5. We prohibit boat launching from refuge lands except for canoes/kayaks at the canoe/kayak ramp located near the Blackwater River Bridge on Route 335. A public launching ramp is available at Shorter's Wharf.

6. We prohibit the use of air boats on refuge waters.

### EASTERN NECK NATIONAL WILDLIFE REFUGE

*A. Migratory Game Bird Hunting.* [Reserved]

*B. Upland Game Hunting.* [Reserved]

*C. Big Game Hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State hunting regulations subject to the following conditions:

1. We require hunters to carry a signed refuge hunt permit when scouting on the designated scouting days and when hunting. Hunters must turn in their hunt permit at the end of the hunt day or when leaving the refuge during the hunt day at the check-in station.

2. We only allow use of bow and arrows, shotguns, and muzzleloaders for deer hunting and shotguns for turkey hunting.

3. We prohibit possession of a loaded weapon (see § 27.42(b) of this chapter) on or within 50 feet (15 m) of any graveled, dirt, or paved refuge road or any designated parking area.

4. We require a minimum of 400 square inches (2,600 cm<sup>2</sup>) of solid hunter-orange clothing or material as the outermost layer of clothing on the head, chest, and back when deer hunting.

5. You must wear a hunter-orange cap or hat when moving to or from your blind or stand when turkey hunting.

6. Each youth hunter (age 15 or under) must remain within sight and normal voice contact of an adult age 18 or older. Children must be at least age 10 to hunt on the refuge.

7. We only allow parking in designated parking areas.

8. We prohibit hunting in the No Hunting Zones; however, you may walk through these areas with an unloaded weapon (see § 27.42(b) of this chapter) (no shells in the chamber or magazine cap off of the muzzleloader).

9. For deer hunting, the legal shooting hours are from legal sunrise to legal sunset.

10. For turkey hunting, the legal shooting hours are from ½ hour before legal sunrise to 12 p.m. (noon).

11. We prohibit entry to the refuge by boats during refuge hunts.

12. We only allow persons possessing a refuge hunt permit to be on the refuge during hunting days.

13. We prohibit the use of ATVs during refuge hunts (see § 27.31(f) of this chapter).

14. We allow the use of marking tape, reflective pins, or other removable materials to mark trails to and from stands. You must remove the marking material (see § 27.93 of this chapter) at the end of your hunt day. We prohibit paint or any other permanent marker to mark trails.

*D. Sport Fishing.* We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing and crabbing from Eastern Neck Island bridge.

2. We only allow fishing and crabbing from April 1–September 30 during daylight hours at the Ingleside Recreation Area.

3. We only allow fishing from the Boxes Point and Duck Inn Trails during daylight hours.

4. We allow fishing and crabbing from boardwalk located adjacent to the Eastern Neck Island bridge.

### PATUXENT RESEARCH REFUGE

*A. Migratory Game Bird Hunting.* We allow hunting of goose, duck, and dove on the North Tract in accordance with State regulations subject to the following conditions:

1. We require a fee-hunting permit.

2. We require hunters age 17 and under to have a parent or guardian countersign to receive a hunting permit. An adult, age 21 or older, possessing a hunting permit, must accompany hunters age 16 and younger in the field.

3. You must check-in and out at the Hunter Control Station (HCS) and exchange your hunting permit for a daily hunting pass and a vehicle pass every time you enter or exit the refuge, including breaks, lunch, and dinner.

4. We restrict hunters to the selected area and activity until you check out at the HCS.

5. You must use established and maintained roads and not block traffic (see §27.31(h) of this chapter).

6. We prohibit hunting on or across any road, within 50 yards (45 m) of a road, within 150 yards (135 m) of any occupied structure, or within 25 yards (22.5 m) from any designated "No Hunting" area. Only those with a State "Hunt from a Vehicle Permit" may hunt from the roadside at designated areas.

7. You must wear at least a fluorescent-orange hat or cap when walking from your vehicle to your hunting site. "Jump Shooters" must wear at least a fluorescent-orange hat or cap while hunting. If you stop and stand, you may replace the orange hat or cap with a camouflage one.

8. You may only carry one shotgun, 20 gauge or larger, in the field. We prohibit additional firearms.

9. We only allow the taking of Canada goose during the special September and late season for a resident Canada goose.

10. We prohibit hunting of goose, duck, or dove during the deer firearm seasons and the early deer muzzleloader seasons that occur in October.

11. We prohibit dove hunting during any deer muzzleloader or firearms seasons.

12. We require waterfowl hunters to use retrievers on any impounded waters. Retrievers must be of the traditional breeds, such as Chesapeake Bay, Golden, Labrador, etc.

13. We require dogs to be under the immediate control of their owner at all times. Law enforcement officers may seize dogs running loose or unattended (see §26.21(b) of this chapter).

*B. Upland Game Hunting.* We allow hunting of turkey, bobwhite quail, grey squirrel, eastern cottontail rabbit, and woodchuck on the North Tract and turkey on the Central Tract in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A6 apply.

2. You must wear a minimum of 400 square inches (2,600 cm<sup>2</sup>) of fluorescent orange on your head, chest, and back while hunting upland game except for turkey hunting. We encourage turkey hunters to wear fluorescent orange.

3. We prohibit hunting of upland game during the firearms and muzzleloader seasons.

4. We select turkey hunters by a computerized lottery for youth, disabled, mobility impaired, and general public hunts. We require documentation for disabled and mobility-impaired hunters.

5. We require each turkey hunter to attend a turkey clinic sponsored by the National Wild Turkey Federation.

6. We require turkey hunters to pattern their weapons prior to hunting.

*C. Big Game Hunting.* We allow hunting of white-tailed deer in accordance with State regulations subject to the following conditions:

1. We require you to pass a proficiency test with each weapon that you desire to use prior to issuing you a hunting permit.

2. Conditions A1 through A6 apply.

3. You must wear a minimum of 400 square inches (2,600 cm<sup>2</sup>) of fluorescent orange on your head, chest, and back while hunting. Bow hunters must follow this requirement when moving to and from the deer stand and while tracking. We do not require bow hunters to wear the fluorescent orange when positioning to hunt except during the deer muzzleloader season.

4. We will extract a jaw from each deer harvested before leaving the refuge.

5. We publish the Refuge Hunting Regulations, which include the daily and yearly bag limits and hunting dates for the North, Central, and South Tracts, in July. We give hunters a copy of the regulations with the fee permit, and they must know the specific hunt seasons and regulations.

6. You must use portable tree stands equipped with a safety belt. You must wear the safety belt while in the tree stand. The stand must be at least 10 feet (3 m) off the ground. You must remove tree stands daily from the refuge (see §27.93 of this chapter). Hunters must use deer stands to hunt the South and Central Tracts. (We will make limited accommodations for disabled hunters for Central Tract lottery hunts.)

7. We prohibit the firing of weapons after legal shooting hours, including the unloading of muzzleloaders.

8. We prohibit use of dogs to hunt or track wounded deer.

9. If you wish to track wounded deer beyond 1½ hours after legal sunset, you must report in person to the HCS. If you are hunting on the refuge's South or Central Tracts, you must call the HCS. The HCS manager will call a refuge law enforcement officer to gain consent to track. We prohibit tracking later than 2½ hours after legal sunset. We may revoke your hunting privileges if you wound a deer and do not make a reasonable effort to retrieve it. This may include next-day tracking.

10. North Tract: We allow shotgun, muzzleloader, and bow hunting in accordance with the following conditions:

i. Conditions C1 through C9 apply.

§ 32.40

50 CFR Ch. I (10-1-07 Edition)

11. Central Tract: We allow shotgun and bow hunting in accordance with the following conditions:

- i. Conditions C1 through C9 apply.
- ii. We only allow bow hunters to hunt on the Schafer Farm.
- iii. We select Central Tract shotgun and bow hunters by a computerized lottery. You will be assigned a specific hunting location.
- iv. You must carry a flashlight, whistle, and a compass while hunting.

12. South Tract: We allow shotgun, muzzle-loader, and bow hunting in accordance with the following regulations:

- i. Conditions C1 through C9 and C11iv apply.
- ii. You must access South Tract hunting areas A, B, and C off Springfield Road through the Old Beltsville Airport, and South Tract hunting area D off Maryland Route 197 through Gate #4 and park in designated parking areas.
- iii. We prohibit shooting into any open meadow or field area.
- iv. We prohibit parking along the National Wildlife Visitor Center road or in the visitor center parking lot.

*D. Sport Fishing.* We allow sport fishing in accordance with State regulations subject to the following conditions:

- 1. We require a free refuge fishing permit, which you must carry with you at all times while fishing. Organized groups may request a group permit. The group leader must carry a copy of the permit and stay with the group at all times while fishing.
- 2. You may take one additional licensed adult or two youths age 15 or under to fish under your permit and in your presence.
- 3. You may only use earthworms for live bait.
- 4. We prohibit harvesting bait on the refuge.
- 5. You must attend all fishing lines.
- 6. We prohibit fishing from all bridges except the south side of Bailey Bridge.
- 7. You may take the following species: Chain pickerel, catfish, golden shiner, eel, and sunfish (includes bluegill, black crappie, warmouth, and pumpkinseed).
- 8. You must catch and release all bass.

9. North Tract: We allow sport fishing in accordance with the following conditions:

- i. We allow sport fishing at Lake Allen, Rieve's Pond, New Marsh, Cattail Pond, Bailey Bridge Pond, Bailey Bridge (south side), and Little Patuxent River (downstream only from Bailey's Bridge).
- ii. Conditions D1 through D8 apply.
- iii. We require a free North Tract refuge access permit that you must possess and carry at all times. If you are age 17 or under, you must have a parent or guardian countersign to receive an access permit. A parent or legal guardian must accompany those anglers age 17 and under.

iv. You may fish year-round at Lake Allen, New Marsh, Cattail Pond, Bailey Bridge Pond, Bailey Bridge (south side), and the Little Patuxent River (downstream only from Bailey Bridge) except during the white-tailed deer muzzleloader and shotgun seasons and the waterfowl hunting season. We also reserve the right to close Lake Allen at any time.

v. You may fish at Rieve's Pond from February 1 to August 31 and on Sundays from September 1 to January 31.

vi. We allow wading, for fishing purposes only, downstream from Bailey Bridge on the Little Patuxent River. We prohibit wading in other bodies of water.

vii. We prohibit the use of any type of watercraft.

10. South Tract: We allow sport fishing in accordance with the following conditions:

- i. Conditions D1 through D8 apply.
- ii. You must park your vehicle in the parking lot located behind Refuge Gate #8 off Maryland Route 197.
- iii. You must display your fishing permit on your vehicle dashboard.
- iv. We allow sport fishing at the pier and designated shorelines at Cash Lake. See Refuge Fishing Regulations for areas opened to fishing. We post other areas with "No fishing beyond this point".
- v. You may fish from mid-June until mid-October.
- vi. You may fish between the hours of 6 a.m. until legal sunset. We open refuge trails from legal sunrise until 5:30 p.m. daily.
- vii. We prohibit boat trailers.
- viii. You may use watercraft for fishing in accordance with the State boating laws subject to the following conditions: You may use car-top boats 14 feet (4.2m) or less, canoes, kayaks, and inflatable boats. You may only use electric motors, 4hp or less. We prohibit sailboats.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6685, 6693, Feb. 11, 1994; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30784, May 12, 2000; 69 FR 54362, 54412, Sept. 8, 2004; 70 FR 54174, Sept. 13, 2005]

§ 32.40 Massachusetts.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ASSABET RIVER NATIONAL WILDLIFE REFUGE

*A. Migratory Game Bird Hunting.* We allow hunting of woodcock on designated portions of the refuge in accordance with State regulations subject to the following conditions:

- 1. We allow woodcock hunting within the portions of the refuge located north of Hudson Road, except those areas north of Hudson