

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

**§ 92.21**

the FEDERAL REGISTER in the preceding Fall.

§§ 92.13–92.19 [Reserved]

**Subpart C—General Regulations  
Governing Subsistence Harvest**

**§ 92.20 Methods and means.**

You may not use the following devices and methods to harvest migratory birds:

- (a) Swivel guns, shotguns larger than 10 gauge, punt guns, battery guns, machine guns, fish hooks, poisons, drugs, explosives, or stupefying substances;
- (b) Shooting from a sinkbox or any other type of low-floating device that affords the hunter a means of concealment beneath the surface of the water;
- (c) Hunting from any type of aircraft;
- (d) Taking waterfowl and other species using live birds as decoys, except for auklets on Diomedes and St. Lawrence islands (Use of live birds as decoys is a customary and traditional means of harvesting auklets on Diomedes and St. Lawrence islands.);
- (e) Hunting with the aid of recorded bird calls;
- (f) Using any type of vehicle, aircraft, or boat for the purpose of concentrating, driving, rallying, or stirring up of any migratory bird, except boats may be used to position a hunter;
- (g) Having in possession or using lead or other toxic shot while hunting (Approved nontoxic shot types are listed in § 20.21(j) of subchapter B.);
- (h) Shooting while on or across any road or highway;
- (i) Using an air boat (Interior and Bristol Bay Regions only) or jet ski (Interior Region only) for hunting or transporting hunters;
- (j) Using private or chartered aircraft for hunting or transporting hunters, except for transportation between community airstrips (Unit 18, Yukon/Kuskokwim Delta Region only); or
- (k) 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 pro-

vided at 50 CFR 20.21(i) and 16 U.S.C. 704(b).

[68 FR 43028, July 21, 2003, as amended at 69 FR 17327, Apr. 2, 2004; 70 FR 18248, Apr. 8, 2005; 71 FR 10408, Feb. 28, 2006; 72 FR 18323, Apr. 11, 2007]

**§ 92.21 Emergency closures.**

(a) The Regional Director, after consultation with the Co-management Council, may close or temporarily suspend any regulation established under subparts C or D of this part:

(1) Upon finding that a continuation of the regulation would pose an imminent threat to the conservation of any endangered or threatened species or other migratory bird population; and

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on the internet and local radio and television.

(b) The Service will also announce any such closure or temporary suspension by publication of a notice in the FEDERAL REGISTER simultaneously with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that publishing a FEDERAL REGISTER notice simultaneously with the local public notice is impractical, we will publish in the FEDERAL REGISTER as soon as possible after the steps outlined in paragraph (a) of this section are taken.

(c) Any closure or temporary suspension under this section will be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously with the notification methods described in paragraph (a) of this section, then on the date and at the time specified in the local notification to the public given under paragraph (a)(2) of this section. Every notice of closure or temporary suspension will include the date and time of the closing, the area or areas affected, and the species affected. In the case of a temporary suspension, the date and time when the harvest may be resumed will also be provided by local notification to the public and

**§§ 92.22–92.29**

by publication in the FEDERAL REGISTER as provided for in paragraphs (a) and (b) of this section.

[68 FR 43028, July 21, 2003]

**§§ 92.22–92.29 [Reserved]**

**Subpart D—Annual Regulations Governing Subsistence Harvest**

**§ 92.30 General overview of regulations.**

These regulations establish a spring/summer migratory bird subsistence harvest in Alaska. The regulations list migratory bird species that are authorized for harvest, species that are not authorized for harvest, season dates, and dates for a 30-day closure to protect nesting birds. The Co-management Council will review and, if necessary, recommend modifications to these harvest regulations on an annual basis, working within the schedule of the Federal late-season regulations for migratory game bird hunting.

(a) The taking, possession, transportation, and other uses of migratory birds are generally prohibited unless specifically authorized by regulation developed in accordance with the Migratory Bird Treaty Act. Therefore, harvesting migratory birds is prohibited unless regulations are established ensuring the protection of the various populations of migratory birds. Migra-

**50 CFR Ch. I (10–1–07 Edition)**

tory bird population levels, production, and habitat conditions vary annually. These conditions differ within Alaska and throughout North America. Therefore, the regulations governing migratory bird hunting may include annual adjustments to keep harvests within acceptable levels.

(b) The development of the regulations in this part, like the development of the annual migratory game bird hunting regulations in part 20 of this chapter, involves annual data gathering programs to determine migratory bird population status and trends, evaluate habitat conditions, determine harvests, and consider other factors having an impact on the anticipated size of annual populations.

(c) The Service proposes annual migratory game bird hunting regulations in the FEDERAL REGISTER in the spring for seasons beginning September 1 of that year. Following consideration of additional biological information and public comment, the Service publishes supplemental proposals throughout the summer. These are also open to public comment.

(d) Sections 92.31 through 92.39 provide for the annual harvest of migratory birds and their eggs during spring and summer for subsistence users in Alaska.

[67 FR 53517, Aug. 16, 2002, as amended at 68 FR 43028, July 21, 2003]