

16. A new § 25.278 is added to subpart D to read as follows:

**§ 25.278 Additional Coordination Obligation for Non-Geostationary and Geostationary Satellite Systems in Frequencies Allocated to the Fixed-Satellite Service.**

Licensees of non-geostationary satellite systems that use frequency bands allocated to the fixed-satellite service for their feeder link operations shall coordinate their operations with licensees of geostationary fixed-satellite service systems licensed by the Commission for operation in the same frequency bands. Licensees of geostationary fixed-satellite service systems in the frequency bands that are licensed to non-geostationary satellite systems for feeder link operations shall coordinate their operations with the licensees of such non-geostationary satellite systems.

17. A new § 25.279 is added to subpart D to read as follows:

**§ 25.279 Inter-satellite service.**

(a) Any non-geostationary satellite communicating with other space stations may use frequencies in the inter-satellite service as indicated in § 2.106. This does not preclude the use of other frequencies for such purposes as provided for in several service definitions, e.g., FSS. The technical details of the proposed inter-satellite link shall be provided in accordance with § 25.114(c).

(b) *Operating conditions.* In order to ensure compatible operations with authorized users in the frequency bands to be utilized for operations in the inter-satellite service, these inter-satellite service systems must operate in accordance with the conditions specified in this section.

(1) *Coordination requirements with federal government users.* (i) In

frequency bands allocated for use by the inter-satellite service that are also authorized for use by agencies of the federal government, the federal use of frequencies in the inter-satellite service frequency bands is under the regulatory jurisdiction of the National Telecommunications and Information Administration (NTIA).

(ii) The Commission will use its existing procedures to reach agreement with NTIA to achieve compatible operations between federal government users under the jurisdiction of NTIA and inter-satellite service systems through frequency assignment and coordination practice established by NTIA and the Interdepartment Radio Advisory Committee (IRAC). In order to facilitate such frequency assignment and coordination, applicants shall provide the Commission with sufficient information to evaluate electromagnetic compatibility with the federal government users of the spectrum, and any additional information requested by the Commission. As part of the coordination process, applicants shall show that they will not cause interference to authorized federal government users, based upon existing system information provided by the government. The frequency assignment and coordination of the satellite system shall be completed prior to grant of construction authorization.

(2) *Coordination among inter-satellite service systems.* Applicants for authority to establish inter-satellite service are encouraged to coordinate their proposed frequency usage with existing permittees and licensees in the inter-satellite service whose facilities could be affected by the new proposal in terms of frequency interference or restricted system capacity. All affected applicants, permittees, and licensees, shall at the direction of the Commission, cooperate

fully and make every reasonable effort to resolve technical problems and conflicts that may inhibit effective and efficient use of the radio spectrum; however, the permittee or licensee being coordinated with is not obligated to suggest changes or re-engineer an applicant's proposal in cases involving conflicts.

**PART 94—[AMENDED]**

18. The authority citation for Part 94 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

19. The table in paragraph (b) of § 94.61 is amended by revising footnote 4 to read as follows:

**§ 94.61 Applicability.**

\* \* \* \* \*

(b) \* \* \*

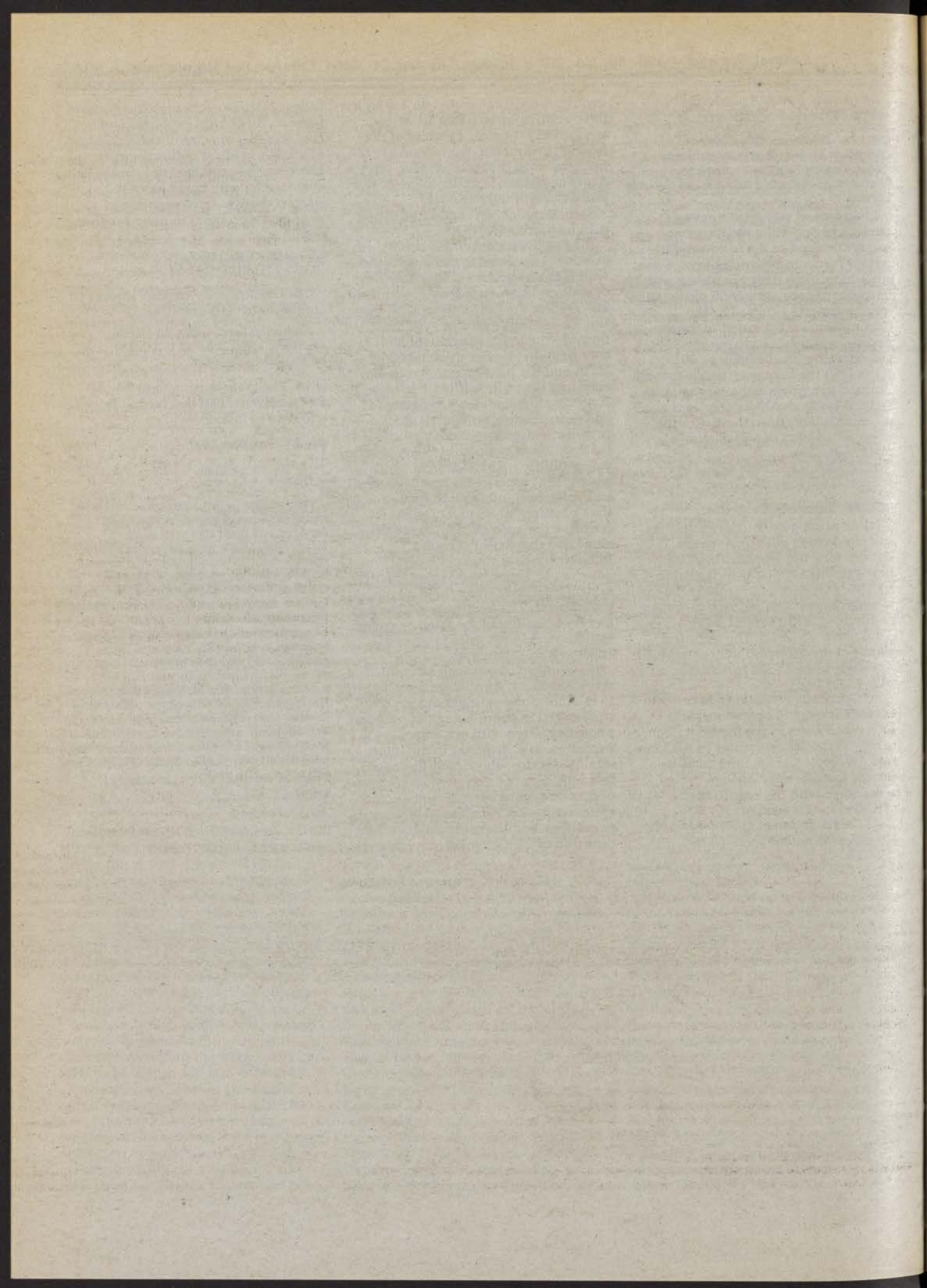
Frequencies in this band are shared with mobile and radiolocation stations in other services, and must accept harmful interference that may be experienced from operations of industrial, scientific, or medical (ISM) equipment operating at 2450 MHz. In the 2483.5–2500 MHz band, no applications for new stations or modifications to existing stations to increase the number of transmitters will be accepted. Existing licensees as of July 25, 1985, are grandfathered and their operation is co-primary with the Radiodetermination Satellite Service and Mobile-Satellite Service. However, all grandfathered temporary fixed licensees are required to notify directly each Radiodetermination Satellite Service and Mobile-Satellite Service licensees concerning present and proposed locations of operations. Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94-26090 Filed 10-19-94; 8:45 am]

BILLING CODE 6712-01-M



# Federal Register

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Friday  
October 21, 1994

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## Part VI

### Department of the Interior

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Fish and Wildlife Service

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50 CFR Part 20  
Migratory Bird Harvest Information  
Program; Final Rule

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

RIN 1018-AC37

## Migratory Bird Harvest Information Program

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) and State wildlife agencies (States) are cooperatively establishing a national Migratory Bird Harvest Information Program (Program) in which migratory game bird hunters will be required to participate by supplying their names, addresses, and other necessary information to the hunting licensing authority of the State in which they hunt. Hunters will be required to have evidence of current participation in the Program on their person while hunting migratory game birds. The quality and extent of information about harvests of migratory game birds must be improved in order to better manage these populations. Hunters' names and addresses will be used to provide a sampling frame for a voluntary survey which will improve harvest estimates for migratory game birds.

**EFFECTIVE DATE:** This rule takes effect on October 21, 1994.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Jessen, Migratory Bird Harvest Information Program Coordinator, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (301) 497-5980, FAX (301) 497-5981.

**SUPPLEMENTARY INFORMATION:** The purpose of this final rule is to facilitate the collection of needed information about the harvest of migratory game birds. A proposed rule was published on March 14, 1994 at 59 FR 11838. This final rule revises the migratory bird hunting regulations to require hunters, as a condition for hunting migratory game birds, to annually provide their names, addresses, and other necessary information to the licensing authority of the State in which they hunt. This information will provide a sampling frame for the national Migratory Bird Harvest Survey that the Service will conduct annually.

The Service and States are currently implementing this Program over a 5-year period, starting with the 1994-95 hunting season. During this implementation, the requirement to participate in the Program will not apply on Federal Indian Reservations or

to tribal members hunting on ceded lands. The participating States will provide the names, addresses, and other necessary information obtained from licensed hunters. During the implementation phase the Service will work with the States to investigate and develop alternative methods for obtaining information about unlicensed hunters to facilitate their inclusion in the sample frame upon full implementation. The Program will be evaluated to determine the adequacy and timeliness of the sample and the time burden, cost, and other impacts on hunters, State license agents, States, and the Service.

The names, addresses, and other information for an adequate sample of hunters are needed in time for hunting record forms to be distributed to selected hunters before they forget the details of their hunts. Because of this fundamental need, States have only a short time to provide hunter names and addresses. The approaches used by different States will be compared. Minimum survey standards will be developed during the next 2 years to ensure the quality of survey data. As each new State is phased into the Program, an agreement will be developed with each State in order to identify and resolve specific reporting or data-capture problems. This will ensure that each State will be providing reliable survey data and that no material biases are incorporated into the system.

A Program validation (e.g., "Migratory Bird Harvest Information Program Participant") will be printed on the annual State hunting license or supplementary permit for those hunters who participate in the Program. The State may charge these hunters a small handling fee to compensate agents and to cover the State's administrative costs associated with implementing the Program.

To reduce survey costs and to identify hunters who hunt less commonly hunted species, migratory bird hunters will be asked the following questions:

1. Will you hunt migratory game birds during [season]? [This screening question is needed only if a State asks all hunters to provide their names, addresses, and other information needed by the Program].

2. Please check the birds you hunted last season in the United States. [This list need only include migratory birds that are hunted in the State.]

☐ Ducks  
☐ Geese  
☐ Cranes  
☐ Coots  
☐ Snipe

☐ Mourning doves  
☐ White-winged doves  
☐ Band-tailed pigeons  
☐ Woodcock  
☐ Rails/Gallinules

3. How many of these birds did you bag last season?

|          | None  | 1-10  | 11-30 | 31+   |
|----------|-------|-------|-------|-------|
| Ducks    | ..... | ..... | ..... | ..... |
| Geese    | ..... | ..... | ..... | ..... |
| Doves    | ..... | ..... | ..... | ..... |
| Woodcock | ..... | ..... | ..... | ..... |

Question #3 will identify which success category (e.g., none, 1-10, etc.) a hunter was in during the previous year and will allow stratification of the sample. A stratified sample (multiplying the number of hunters in each category by the average seasonal bag per hunter in that category and then adding the results for each category) will provide a better estimate of total harvest and will not require as large a sample size as a standard sample (multiplying the total number of hunters by the average seasonal bag per hunter).

To protect hunters' privacy, it is the policy of the Service to use the names and addresses only for conducting hunter surveys and for no other purpose. All records of hunters' names and addresses will be deleted after the surveys, and no permanent record of names and addresses will be maintained by the Service. State uses of these names and addresses will be governed by State laws.

The provisions of 5 U.S.C. 553(d)(3) provides for a minimum of 30 days for a rule to become effective unless an agency, for good cause, has reason to make it sooner. The Service and the States are currently implementing this Program over a five year period at the request of the International Association of Fish and Wildlife Agencies. This rule will add Maryland to the list of States already participating. Maryland has implemented the requirements of this rule under State authority effective September 1. Therefore, the Service finds good cause to make this rule effective upon publication.

## Review of Comments and the Service's Response

Comments on the proposed rule were received from 12 States. None of the comments questioned the need for the Program or for improved migratory bird harvest estimates; almost all expressed support for the proposed changes to the Program. Two States requested delays in their implementation date and four States requested advances in theirs. The Program was supported by the States of

Arizona, Arkansas, Georgia, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Oklahoma, Texas and Vermont.

### 1. Impact of Procedures on State Wildlife Agencies

**Comments:** Arkansas pointed out that, overall, the Program will add burdens to their Agency, license vendors, and sportsmen. They recommended reducing the hunter questions.

**Service Response:** Changes as described in the Proposed Rule will reduce the number of questions. Enrolling hunters in the State of hunting eliminates questions concerning species not found in that State. For example, band-tailed pigeons are restricted to western States and this question will appear only in those States. This and some combining of species, such as duck/coot, will reduce the number of questions to roughly half of the original list.

### 2. Service Financial Support for the Program

**Comment:** Louisiana stated that the amount of financial support the Service will provide States during the Implementation Phase appears to be declining. They requested firm and substantial funding support from the Service.

**Service Response:** This Program has always been viewed in the context of a partnership with Federal and State funds being used to implement the effort. The Service's initial estimate of financial support for the Program was contingent upon approval of two funding sources. One was from Federal Aid Administrative Funds at \$500,000 annually for each of the first three years of the implementation phase. The second was from the Service's annual appropriation which, in turn, was contingent upon Congressional approval of the President's FY 1994 budget request of \$750,000. The Administrative Funds were approved in full, while the Congressional appropriation was reduced to \$500,000. The present schedule of payment for names and addresses is 30¢ per hunter the first 2 years in the Program and 10¢ per hunter thereafter.

### 3. Implementation Phase—Schedule of State Participation

**Comments:** Six States requested changes in their scheduled entry into the Program. Four requested to be advanced and two to be delayed. Maine requested to be moved ahead from 1998 to 1996. With the financial assistance provided by the Service, Maine will be able to adopt an automated system of

issuing licenses. Oklahoma requested to move ahead from 1996 to 1995. A change in State licensing procedures will complement this agenda change. Vermont would like to advance to 1996 from their scheduled entry in 1998. Oregon has implemented a basic system of electronic license sale and is prepared to enter the program in 1995. Texas requested to move back from 1994 to 1995. Texas is working on several license-system changes and would like to implement these changes and the Harvest Information Program at the same time. Georgia also requested to move back from 1995 to 1996. Georgia is working toward a State program to improve their hunting and fishing license procedures and would like to include implementation of the Harvest Information Program at the same time.

**Service Response:** The Service has consistently encouraged States to advance in the implementation schedule, while discouraging any delays. The Service is encouraged by the advances proposed by Maine, Oklahoma, Oregon, and Vermont, and will accommodate these changes in the schedule. The proposed delays by Texas and Georgia are viewed as setbacks to the Program. Both proposals, however, are premised on improved license procedures that will better accommodate the Harvest Information Program. The Service has made it clear that no schedule changes will be made that cause financial disadvantage to other States entering the Program. Therefore, a one-year delay will be granted for these States with the understanding that a portion of their original "start-up" monies will be used to assist those States that are now advancing in the schedule. The long-term ramification of delays in State Program entry are being reviewed with the International Association of Fish and Wildlife Agencies.

### 4. Limiting the Program Requirements to Licensed Hunters

**Comments:** Seven States specifically regarded this as a positive change that would aid them in the implementation. Three implied support by their broad agreement to changes. Two States had reservations. Missouri expressed concern that with each exemption the quality of the harvest estimate is reduced. They urged rigorous survey standards for exempt categories of hunters. Maryland strongly encouraged the Service to require that all migratory bird hunters participate in the Program. Their concern is that serious bias may be introduced and that Program credibility may, as a consequence, be in question.

**Service Response:** In general the Service agrees that under a State licensing (permitting) system, exempt hunters must be enrolled by an alternate survey procedure. The Service acknowledges that the migratory bird harvest from all hunters is desirable and that unlicensed hunter harvest must be addressed. The Service proposes to do this with individual States as they enter the Program. The Program changes that have evolved since its original design have replaced a Federal Permit with a State Permit. This change places many States in the incongruous role of requiring an action that under State law is specifically exempt from a license requirement (e.g., hunters under 16 years of age). This conflict is better addressed with individual States. Some States have the authority to require non-licensed hunters to acquire permits, but many do not. In response to the request for information on unlicensed hunters, only Maine responded. In Maine, only hunters who hunt exclusively on their own land are exempt from licensing. They estimate this to be 0.3 percent of the hunter population (600 individuals) and that their hunting is largely for deer. Migratory bird hunter harvest would be "negligible".

### 5. Hunters Will Now Acquire Permits for Each State in Which They Hunt

**Comments:** All State comments were supportive of this change. They varied from "support" to "a significant improvement".

**Service Response:** Program changes that evolved into issuance of a State permit negated the notion of a Federal permit that would be valid in all States. This change will also simplify questions by restricting them to the species available in the State of hunting and generally will be more cost-effective for the States.

### NEPA Consideration

The establishment of this Harvest Information Program and options have been considered in the "Environmental Assessment: Migratory Bird Harvest Information Program." Copies of this document are available from the Service at the address indicated under the caption FOR FURTHER INFORMATION CONTACT.

### Regulatory Flexibility Act, Executive Order 12866, and the Paperwork Reduction Act

This rule was not subject to Office of Management and Budget review under Executive Order 12866. This rule will not have a significant effect on a substantial number of small entities

under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

This rule may eventually affect about 5 million migratory game bird hunters when it is fully implemented. It will require migratory game bird hunters to supply their names, addresses, and other necessary information to the State licensing authority in the State hunted in order that they can be sampled for a voluntary national harvest survey. Hunters will be required to have evidence of current participation in the Program on their person while hunting migratory game birds.

The States may require a small handling fee to compensate their hunting-license vendors and to cover their administrative costs. Many of the State hunting-license vendors are small entities, but this rule should not economically impact those vendors. Only migratory game bird hunters (individuals) would be required to provide this information, so this rule should not adversely affect small entities.

The collection of information contained in this rule has been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0015. The information is required from hunters to obtain the benefit of hunting migratory game birds.

The public reporting burden for this collection of information is estimated to average 0.015 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding the burden estimate or any other aspect of these reporting requirements should be directed to the Service Information Collection Clearance Officer, MS-224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018-0015, Washington, DC 20503.

#### Executive Order (EO) 12612—Federalism

This regulation does not have significant federalism effects as provided in EO 12612. Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act of 1918. State harvest surveys presently cannot provide adequate national estimates of migratory game bird harvests for the following reasons: Some States do not now conduct annual

harvest surveys or maintain accessible lists of hunter names and addresses. Comparable information is not available from all States because States have different licensing laws regulating who must buy a hunting license and different survey procedures. The harvest of those hunters who can legally hunt without an annual State license is excluded from State estimates. Hunters might buy more than one type of license in a single State and might buy licenses from more than one State, introducing duplication problems. Currently, many State license lists are not available in time to permit distribution of hunter records early in the hunting season. Budget constraints often prevent States from conducting harvest surveys during certain years or could cause some States to eliminate them completely.

This rule does not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State Governments, or intrude on State policy or administration. Therefore, this regulation does not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. In fact, the Service would cooperate with States in providing surveys to meet special management needs, and increased cooperation between Federal and State Agencies would reduce duplication of survey efforts.

#### Executive Order 12630—Taking of Individual Property Rights

Executive Order 12630 discussed guidelines for the taking of individual property rights. This rule, authorized by the Migratory Bird Treaty Act, does not affect any constitutionally-protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property.

#### Authorship

The primary author of this proposed rule is Robert L. Jessen, working under the direction of Paul R. Schmidt, Chief, Office of Migratory Bird Management.

#### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

For the reasons set out in the preamble, 50 CFR part 20 is amended as set forth below.

#### PART 20—MIGRATORY BIRD HUNTING

1. The authority citation for part 20 continues to read as follows:

**Authority:** The Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703-711); the Fish and Wildlife Improvement Act (November 8, 1978), as amended, (16 U.S.C. 712); and the Fish and Wildlife Act of 1956 (August 8, 1956), as amended, (16 U.S.C. 742 a-d and e-j).

2. Section 20.20 is amended by revising paragraphs (b) and (c) and adding paragraphs (d) and (e) to read as follows:

#### § 20.20 Migratory Bird Harvest Information Program.

\* \* \* \* \*

(b) Each person hunting migratory game birds in California, Maryland, Missouri, and South Dakota shall have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the respective State hunting licensing authority and shall have on his or her person evidence, provided by that State, of compliance with this requirement.

(c) *Tribal exemptions.* Nothing in paragraph (b) of this section shall apply to tribal members on Federal Indian Reservations or to tribal members hunting on ceded lands.

(d) *State exemptions.* Nothing in paragraph (b) of this section shall apply to those hunters who are exempt from State-licensing requirements in the State in which they are hunting.

(e) *Implementation schedule.* The Service is implementing this Program over a 5-year period, 1994-1998, which will incorporate approximately one-half million additional migratory bird hunters each year. States must participate on or before the following schedule:

- 1995—Louisiana, Minnesota, Oklahoma, Oregon, Pennsylvania, and Texas
- 1996—Alabama, Georgia, Illinois, Maine, Michigan, Mississippi, North Carolina, Tennessee, and Vermont
- 1997—Arizona, Arkansas, Colorado, Florida, Kentucky, South Carolina, Virginia, and Wisconsin
- 1998—Alaska, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Rhode Island, Utah, Washington, West Virginia, and Wyoming.

Dated: September 27, 1994.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 94-26044 Filed 10-20-94; 8:45 am]

BILLING CODE 4310-55-P

# **Federal Register**

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Friday  
October 21, 1994

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## **Part VII**

### **Department of the Interior**

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**Fish and Wildlife Service**

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**50 CFR Part 32**

**Addition of Bayou Cocodrie National  
Wildlife Refuge to the List of Open Areas  
for Hunting in Louisiana; Proposed Rule**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 32

RIN 1018-AD00

## Addition of Bayou Cocodrie National Wildlife Refuge to the List of Open Areas for Hunting in Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to add Bayou Cocodrie National Wildlife Refuge to the list of areas open for upland game and big game hunting in Louisiana along with pertinent refuge-specific regulations for such activities. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities of a renewable natural resource.

**DATES:** Comments may be submitted on or before November 21, 1994.

**ADDRESSES:** Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 670 ARLSQ, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Duncan L. Brown, Esq., at the address above; Telephone: 703-358-1744.

**SUPPLEMENTARY INFORMATION:** National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established, and that funds are available for development, operation, and maintenance of a hunting or fishing program. The action must also be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound wildlife management, and must otherwise be in the public interest. This rulemaking proposes to open Bayou Cocodrie National Wildlife Refuge to upland game (squirrel, rabbit, raccoon, opossum and coyote) and big game (white-tailed deer) hunting.

## Request for Comments

Department of the Interior policy is, whenever practicable, to afford the

public a meaningful opportunity to participate in the rulemaking process. A 30-day comment period is specified in order to facilitate public input. Accordingly, interested persons may submit written comments concerning this proposed rule to the person listed above under the heading **ADDRESSES**. All substantive comments will be reviewed and considered.

## Statutory Authority

The National Wildlife Refuge System Administration Act of 1966, as amended (NWRSA) (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (RRA) (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary to permit the use of any areas within the National Wildlife Refuge System (Refuge System) for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when he determines that such uses are compatible with the purposes for which each refuge was established. The Service administers the Refuge System on behalf of the Secretary. The RRA gives the Secretary additional authority to administer refuge areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the refuges were established. In addition, prior to opening refuges to hunting or fishing under this Act, the Secretary is required to determine that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

## Opening Package

In preparation for this opening, the refuge unit has included in its "openings package" for Regional review and approval from the Washington Office the following documents: a hunting/fishing plan; an environmental assessment; a Finding of No Significant Impact (FONSI); a Section 7 evaluation or statement, pursuant to the Endangered Species Act, that these openings are not likely to adversely affect a listed species or critical habitat; a letter of concurrence from the affected States; and refuge-specific regulations to administer the hunts. From a review of the totality of these documents, the Secretary has determined that the opening of the Bayou Cocodrie National Wildlife Refuge to upland game and big game hunting is compatible with the principles of sound wildlife

management and will otherwise be in the public interest.

In accordance with the NWRSA and the RRA, the Secretary has also determined that this opening for upland game and big game hunting is compatible and consistent with the primary purposes for which the refuge was established, and that funds are available to administer the programs. A brief description of the hunting program is as follows:

## Bayou Cocodrie National Wildlife Refuge

Public Law 101-593, enacted by Congress on November 16, 1990, authorized the establishment of Bayou Cocodrie National Wildlife Refuge (NWR). The refuge is located in Concordia Parish in east central Louisiana. It was established to protect some of the last remaining, least disturbed bottomland hardwoods in the Mississippi River Delta. These forested wetlands represent one of the most valuable and productive wildlife habitats in the southeastern United States. The stated purposes found at 104 Stat. 2957 provide that the refuge purposes are (1) the conservation and enhancement of wetlands; (2) the general wildlife management as a unit of the National Wildlife Refuge System, including management for migratory birds; and (3) for fish and wildlife-oriented recreational activities.

Total refuge acreage is proposed at 17,269 acres, including an 11,230-acre core tract formerly owned by The Nature Conservancy. The remaining 6,039 acres are adjacent, privately-owned tracts. Acquisition to date totals 9,805 acres of the core tract. The area offers attractive shallow-water feeding habitat for pintails and other dabbling ducks such as mallards and blue-winged teal, and provides excellent habitat for resident game, including white-tailed deer, turkeys, woodcock, and grey and fox squirrels. The bottomland hardwoods also serve as both permanent homes and migration habitat for many species of passerine birds, including songbirds and neotropical migrants.

The area has historically been noted for its excellent hunting opportunities for white-tailed deer and small game such as rabbits and squirrels. Nearly all of the refuge area was leased by hunting clubs or commercial hunting enterprises prior to the government obtaining the property. Based on preliminary assessment of the refuge and the experience of the local Louisiana Department of Wildlife and Fisheries biologist and enforcement personnel, all indications support the fact that relevant wildlife populations are

sufficient for hunting and for other refuge objectives.

Because of the unpredictable refuge development timeframe, the location of future land purchases, and the limited amount of developed waterfowl habitat, the initial hunting program will involve only resident game including white-tailed deer, squirrels, and rabbits. A waterfowl hunting program is totally dependent on the capability of being able to have dependable water sources to maintain optimum water levels for waterfowl hunting. Seasons and bag limits for resident game seasons hunting will be within the guidelines established by the Louisiana Department of Wildlife and Fisheries, but will likely be more conservative. The hunting program will be reviewed on an annual basis and revisions will be made accordingly.

The sport hunting program will be monitored by refuge personnel. Currently, the refuge is operating at the "custodial level" with only one staff member—the refuge manager. Resources from other refuges (Tensas River, Catahoula, and Lake Ophelia) will be utilized to help administer the hunt programs.

To facilitate the distribution of news releases, the refuge will maintain a mailing list for newspapers, local radio and television stations. News releases will be developed announcing the hunting season dates, where regulations can be obtained, and other pertinent information.

Opening the refuge to upland game and big game hunting has been found to be compatible in a separate compatibility determination. This determination noted that time and zone restrictions would be implemented as land acquisition progressed to ensure continued compatibility. A Section 7 evaluation pursuant to the Endangered Species Act was conducted and it was determined that the proposed action is not likely to adversely affect any Federally listed or proposed for listing threatened or endangered species or their critical habitats. Pursuant to the National Environmental Policy Act (NEPA), an environmental assessment was made and a Finding of No Significant Impact (FONSI) was made regarding the hunt. Numerous contacts were made throughout the area of the refuge soliciting comments on the proposed hunting plan. The Louisiana Department of Wildlife and Fisheries concurs and fully supports the regulated recreational hunting program proposed at the refuge.

The Service has determined that there would be sufficient funds to administer the proposed hunt pursuant to the

requirements of the Refuge Recreation Act. The cost of the proposed hunt program is estimated to be approximately \$25,000 for the initial year and \$10,000 per year thereafter. Sufficient funds would be available within the refuge unit budget to operate such a hunt as proposed. It is estimated, further, that 10,000 hunter visits per year would take place.

#### Paperwork Reduction Act

The information collection requirements for part 32 are found in 50 CFR part 25 and have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form to the Service Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20503.

#### Economic Effect

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This proposed rule would have minimal effect on such entities.

#### Federalism

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared for this opening. Based upon the Environmental Assessments, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation was prepared pursuant to the Endangered Species Act with a finding that no adverse impact would occur to any identified threatened or endangered species.

#### Primary Author

Duncan L. Brown, Esq., Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

#### List of Subjects in 50 CFR Part 32

Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Accordingly, part 32 of chapter I of Title 50 of the *Code of Federal Regulations* is proposed to be amended as set forth below:

#### PART 32—[AMENDED]

1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

2. Section 32.7 *List of refuge units open to hunting and/or fishing* is amended by adding the alphabetical listing of "Bayou Cocodrie National Wildlife Refuge" under the state of Louisiana.

3. Section 32.37 *Louisiana* is amended by adding the alphabetical listing of Bayou Cocodrie National Wildlife Refuge to read as follows:

#### § 32.37 Louisiana.

\* \* \* \* \*

#### Bayou Cocodrie National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved.]

B. *Upland Game Hunting.* Hunting of squirrel, rabbit, raccoon, opossum and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. *Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. *Sport Fishing.* [Reserved.]

\* \* \* \* \*

Dated: September 9, 1994.

**George T. Frampton, Jr.,**

*Assistant Secretary for Fish and Wildlife and  
Parks.*

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