DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. §2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal-State Compact between the Eastern Band of Cherokee Indians and the State of North Carolina, which was executed on August 11, 1994.

DATES: This action is effective October 3, 1994.

FOR FURTHER INFORMATION CONTACT: Larry Scrivner, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240 (202) 219–4068.

Dated: September 22, 1994.

Ada E. Deer,

Assistant Secretary, Indian Affairs.

[FR Doc. 94–24337 Filed 9–30–94; 8:45 am]

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federal register

Monday
October 3, 1994

Part IX

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR PART 20

RIN 1018–AA24

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule will permit taking of designated species during the 1994–95 season.

EFFECTIVE DATE: September 30, 1994.

ADDRESSES: Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1994

On April 7, 1994, the Service published for public comment in the Federal Register (59 FR 16762) a proposal to amend 50 CFR part 20, with comment periods ending July 21 for early-season proposals and September 2 for late-season proposals. The deadline for late-season proposals was subsequently extended to September 9 in the September 7 **Federal Register** (58 FR 46320). These regulations would be proposed for certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons), Gruidae (cranes); Rallidae (rails, coots, moorhens, and gallinules); and Scolopacidae (woodcock and snipe). These species are designated as "migratory game birds" in conventions between the United States and several foreign nations for the protection and management of these birds. All other birds designated as migratory (under 10.13 of Subpart B of 50 CFR Part 10) in the aforementioned conventions may not be hunted. On June 8, 1994, the Service published for public comment a second document (59 FR 29700) which provided supplemental proposals for early- and late-season migratory bird hunting regulations frameworks. On June 23, 1994, a public hearing was held in Washington, DC, an announced in the April 7 and June 8 **Federal Register**, to review the status of migratory shore and upland game birds. Proposed hunting regulations were discussed for these species and for other early seasons. On July 12, 1993, the Service published in the **Federal Register** (59 FR 35566) a third document in the series of proposed, supplemental, and final rulemaking documents which dealt specifically with proposed early-season frameworks for the 1994–95 season. On August 4, 1994, a public hearing was held in Washington, DC, as announced in the April 7, June 8, and July 12 **Federal Register**, to review the status of waterfowl. Proposed hunting regulations were discussed for these late seasons. On August 17, 1994, the Service published a fourth document (59 FR 42474) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for 1994–95. The fifth document in the series, published August 24, 1994 (59 FR 43684), dealt specifically with proposed frameworks for the 1994–95 late-season migratory bird hunting regulations. On September 1, 1994, the Service published in the **Federal Register** a sixth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. On September 7, 1994, the Service published in the **Federal Register** a seventh document announcing an extension of the closing date for the comment period on late-season regulations from September 2 to September 9. On September 27, 1994, the Service published an eighth document in the **Federal Register** consisting of final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 1994–95. The final rule described here is the ninth in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending subpart K of CFR part 20 to set hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that were previously deferred.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14)," filed with EPA on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). However, this programmatic document does not prescribe year-specific regulations; those are developed annually. The annual regulations and options are being considered in the Environmental Assessment, "Waterfowl Hunting Regulations for 1994," which is available upon request.

Endangered Species Act Consideration

In August 1994, the Division of Endangered Species concluded that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats. Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. The Service's biological opinions resulting from its consultation under section 7 are considered public documents and are available for inspection in the Division of Endangered Species and the Office of Migratory Bird Management.

Regulatory Flexibility Act; Executive Order 12866; and the Paperwork Reduction Act

In the **Federal Register** dated April 7, 1994 (59 FR 16762), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing an Analysis of Regulatory Effects and an updated Final Regulatory Impact Analysis, under the Regulatory Flexibility Act (5 U.S.C. 601 et seq), and publication of a summary of the latter. This information is included in the present document by reference. This action was not subject to review by the Office of Management and Budget under E.O. 12866. This rule does not contain any information collection requiring approval by the Office of Management and Budget under 44 U.S.C. 3504.

Authorship

The primary author is Robert J. Blohm, Office of Migratory Bird Management.

List of Subjects in 50 CFR Part 20

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

Dated: September 26, 1994

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks

PART 20—[AMENDED]

For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K is amended as follows.

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

Authority: Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703–711); the Fish and Wildlife Improvement Act of 1978 (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).

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Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 17 and September 27 Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the September 1, 1994, Federal Register (59 FR 45588).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	5 (3)	8
Possession limit	25 (1)	30 (2)	10 (3)	16

ATLANTIC FLYWAY

* * * * *

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Massachusetts (4)	Sept. 1-Nov. 9	Closed	Oct. 15-Nov. 26	Sept. 1-Dec. 16

* * * * *

MISSISSIPPI FLYWAY

* * * * *

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Tennessee				
Reelfoot Zone	Nov. 12-Nov. 13 & Dec. 10-Jan. 16	Closed	Oct. 8-Dec. 11	Nov. 14-Feb. 28
State Zone	Dec. 3-Dec. 7 & Dec. 17-Jan. 20	Closed	Oct. 8-Dec. 11	Nov. 14-Feb. 28
Wisconsin				
North Zone	Oct. 1-Nov. 9	Closed	Sept. 27-Nov. 20	Oct. 1-Nov. 9
South Zone	Oct. 1-Oct. 9 & Oct. 17-Nov. 16	Closed	Sept. 27-Nov. 20	Oct. 1-Oct. 9 & Oct. 17-Nov. 16

CENTRAL FLYWAY

* * * * *

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
New Mexico (16)				
North Zone	Oct. 29-Nov. 18 & Dec. 10-Jan. 18	Closed	Closed	Oct. 29-Nov. 18 & Dec. 10-Jan. 18
South Zone	Nov. 19-Jan. 18	Closed	Closed	Nov. 19-Jan. 18

* * * * *

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Texas	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 28-Jan. 31	Oct. 22-Feb. 5

* * * * *

PACIFIC FLYWAY

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Arizona (17)				
North Zone	Closed	Closed	Closed	Oct. 7-Dec. 14
South Zone	Closed	Closed	Closed	Oct. 7-Oct. 16 & Nov. 18-Jan. 15
California	Closed	Closed	Closed	Oct. 1-Jan. 15

* * * * *

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Nevada				
Clark County	Closed	Closed	Closed	Nov. 12-Jan. 19
Rest of State	Closed	Closed	Closed	Oct. 1-Oct. 16 & Oct. 29-Dec. 20
New Mexico (16)	Oct. 15-Oct. 30 & Nov. 19-Jan. 10	Closed	Closed	Oct. 15-Oct. 30 & Nov. 19-Jan. 10
Oregon	Closed	Closed	Closed	Oct. 8-Jan. 1

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Utah				
Zone 1	Closed	Closed	Closed	Oct. 8-Jan. 8
Washington				
East Zone	Closed	Closed	Closed	Oct. 15-Oct. 23 & Nov. 5-Jan. 10
West Zone	Closed	Closed	Closed	Oct. 15-Oct. 23 & Nov. 12-Jan. 10

* * * * *

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.
(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States.
(3) In States of the Atlantic Flyway, the woodcock bag limit is 3 daily and 6 in possession.
(4) In Massachusetts, the sora bag limit is 5 daily and 10 in possession; the Virginia rail bag limit is 10 daily and 20 in possession.

* * * * *

(16) In New Mexico, the rail limits are 10 daily and 10 in possession.
(17) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. Section 20.105 paragraph (a) is amended, paragraph (b) is revised, and paragraph (e) is added to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 17 and September 27 Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the September 1, 1994, Federal Register (59 FR 45588). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season Dates	Limits Bag	Limits Possession
ATLANTIC FLYWAY			
* * * * *			
Georgia	Nov. 23-Nov. 27 &	15	30
	Dec. 17-Jan. 20	15	30
* * * * *			
Virginia	Oct. 5-Oct. 8 &	15	30
	Nov. 23-Nov. 26 &	15	30
	Dec. 20-Jan. 20	15	30
West Virginia			
Zone 1	Oct. 1-Oct. 8 &	15	30
	Dec. 24-Jan. 14	15	30
Zone 2	Oct. 1-Oct. 8 &	15	30
	Oct. 22-Nov. 12	15	30
MISSISSIPPI FLYWAY			
* * * * *			
Michigan			
North Zone	Oct. 1-Nov. 7 &	15	30
	Nov. 12-Nov. 13	15	30
Middle Zone	Oct. 1-Nov. 6 &	15	30
	Nov. 11-Nov. 13	15	30
South Zone	Oct. 8-Nov. 13 &	15	30
	Nov. 25-Nov. 27	15	30
Minnesota (2)	Oct. 1-Nov. 9	15	30
* * * * *			
Tennessee			
Reelfoot Zone	Nov. 12-Nov. 13 &	15	30
	Dec. 10-Jan. 16	15	30
State Zone	Dec. 3-Dec. 7 &	15	30
	Dec. 17-Jan. 20	15	30

	Season Dates	Limits Bag	Possession
Wisconsin			
North Zone	Oct. 1-Nov. 9	15	30
South Zone	Oct. 1-Oct. 9 &	15	30
	Oct. 17-Nov. 16	15	30
CENTRAL FLYWAY			
	* * * * *		
New Mexico (1)			
North Zone	Oct. 29-Nov. 18 &	1	2
	Dec. 10-Jan. 18	1	2
South Zone	Nov. 19-Jan. 18	1	2
	* * * * *		
PACIFIC FLYWAY			
All States	Seasons are in aggregate with coots and listed in paragraph (e)		

(1) The season applies to common moorhens only.
(2) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots, moorhens, and gallinules in the aggregate.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

Within the special sea duck areas, the daily bag limit is 7 scoter, eider, and oldsquaw ducks, singly or in the aggregate, of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates	Limits Bag	Possession
Connecticut	Oct. 1-Jan. 14	7	14
Delaware	Sept. 24-Jan. 7	7	14
Georgia	Nov. 23-Jan. 20	7	14
Maine	Oct. 3-Jan. 17	7	14
Maryland	Oct. 6-Jan. 20	5	10
Massachusetts	Oct. 6-Jan. 20	7	14
New Hampshire	Sept. 15-Dec. 30	7	14
New Jersey	Oct. 1-Jan. 15	7	14
New York	Oct. 6-Jan. 20	7	14
North Carolina	Oct. 6-Jan. 20	7	14
Rhode Island	Oct. 1-Jan. 15	7	14
South Carolina	Oct. 6-Jan. 20	7	14
Virginia	Oct. 6-Jan. 20	7	14

Note: Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules

Definitions

The Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Geese: Includes all geese (except brant in California, Oregon, Washington, and the entire Atlantic Flyway).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, and (except as noted above) brant

ATLANTIC FLYWAY

Flyway-wide Restrictions

Duck Limits: For 40-day seasons, the daily bag limit of 3 ducks may include no more than 1 female mallard, 1 pintail, 1 black duck, 1 canvasback, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. For 30-day seasons, the daily bag limit of 4 ducks may include no more than 3 mallards (no more than 1 of which may be female), and the same species restrictions as above. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits: Bag	Limits: Possession
Connecticut			
Ducks (1):			
North Zone	Oct. 15-Oct. 22 &	3	6
	Nov. 23-Dec. 24	3	6
South Zone	Oct. 15 only &	3	6
	Dec. 7-Jan. 14	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
North Zone	Oct. 15-Oct. 22 &	1	2
	Oct. 24-Oct. 29 &	2	4
	Nov. 23-Dec. 31 &	2	4
	Jan. 2-Jan. 16	3	6
South Zone	Oct. 15-Oct. 22 &	1	2
	Nov. 23-Dec. 31 &	2	4
	Jan. 2-Jan. 14	3	6
(special season)	Jan. 16-Feb. 15	State Permit Only	
Light Geese	Oct. 15-Jan. 28	5	10
Brant:			
North Zone	Nov. 23-Jan. 11	2	4
South Zone	Dec. 2-Jan. 20	2	4

	Season Dates	Limits: Bag	Limits: Possession
Delaware			
Ducks	Nov. 1-Nov. 5 &	3	6
	Nov. 21-Nov. 26 &	3	6
	Dec. 10-Jan. 7	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Nov. 21-Nov. 26 &	1	2
	Dec. 12-Dec. 31	1	2
Light Geese:			
Bombay Hook NWR	Nov. 11-Nov. 20	5	10
Statewide	Oct. 12-Nov. 10 &	5	10
	Nov. 21-Jan. 14 &	5	10
	Jan. 28-Feb. 8	5	10
Brant	Dec. 1-Jan. 20	2	4
Florida			
Ducks	Nov. 23-Nov. 27 &	4	8
	Dec. 22-Jan. 15	4	8
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese	Closed	--	--
Georgia			
Ducks	Nov. 23-Nov. 27 &	3	6
	Dec. 17-Jan. 20	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (special season) (2)	Jan. 5-Jan. 8 &	2	4
	Jan. 19-Jan. 22	2	4
Brant	Closed	--	--
Maine			
Ducks:			
North Zone	Oct. 3-Oct. 26 &	3	6
	Nov. 4-Nov. 19	3	6
South Zone	Oct. 3-Oct. 15 &	3	6
	Nov. 21-Dec. 17	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
North Zone	Oct. 1-Oct. 15 &	1	2
	Oct. 17-Dec. 10	2	4
South Zone	Oct. 1-Oct. 15 &	1	2
	Oct. 16-Nov. 12 &	2	4
	Nov. 21-Dec. 17	2	4
Light Geese	Oct. 1-Jan. 14	5	10
Brant	Oct. 1-Nov. 19	2	4

	Season Dates	Limits: Bag	Limits: Possession
Maryland			
Ducks (3)	Oct. 13-Oct. 15 &	3	6
	Nov. 22-Nov. 25 &	3	6
	Dec. 13-Jan. 14	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Nov. 23-Nov. 25 &	1	2
	Dec. 14-Dec. 30 &	1	2
	Dec. 31-Jan. 14	2	4
Light Geese	Oct. 22-Nov. 25 &	5	10
	Dec. 1-Feb. 10	5	10
Brant	Nov. 16-Nov. 25 &	2	4
	Dec. 12-Jan. 20	2	4
Massachusetts			
Ducks:			
Western Zone	Oct. 10-Nov. 12 &	3	6
	Nov. 21-Nov. 26	3	6
Central Zone	Oct. 13-Oct. 22 &	3	6
	Nov. 18-Dec. 17	3	6
Coastal Zone	Oct. 20-Oct. 29 &	3	6
	Nov. 25-Dec. 24	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Western Zone	Oct. 10-Oct. 29 &	1	2
	Oct. 30-Nov. 26 &	2	4
	Dec. 12-Jan. 2	2	4
Central Zone	Oct. 13-Oct. 22 &	1	2
	Nov. 18-Dec. 31 &	2	4
	Jan. 1-Jan. 16	3	6
(special season) (2)	Jan. 21-Feb. 4	5	10
Coastal Zone	Oct. 20-Oct. 29 &	1	2
	Nov. 22-Dec. 31 &	2	4
	Jan. 1-Jan. 20	3	6
(special season) (2)	Jan. 21-Feb. 4	5	10
Light Geese:			
Western Zone	Oct. 10-Nov. 26 &	5	10
	Dec. 12-Jan. 2	5	10
Central Zone	Oct. 13-Oct. 22 &	5	10
	Nov. 18-Jan. 16	5	10
Coastal Zone	Oct. 20-Oct. 29 &	5	10
	Nov. 22-Jan. 20	5	10
Brant:			
Berkshire & Central Zone	Closed	..	..
Coastal Zone	Nov. 22-Jan. 10	2	4

	Season Dates	Limits: Bag	Limits: Possession
New Hampshire			
Ducks:			
Inland Zone	Oct. 6-Oct. 29 &	3	6
	Nov. 19-Dec. 4	3	6
Coastal Zone	Oct. 7-Oct. 10 &	3	6
	Nov. 19-Dec. 24	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Inland Zone	Oct. 6-Oct. 15 &	1	2
	Oct. 16-Dec. 14	2	4
Coastal Zone	Oct. 15-Oct. 30 &	1	2
	Nov. 19-Dec. 31 &	2	4
	Jan. 1-Jan. 11	3	6
Light Geese:			
Inland Zone	Oct. 6-Dec. 14	5	10
Coastal Zone	Oct. 15-Oct. 30 &	5	10
	Nov. 19-Jan. 11	5	10
Brant:			
Inland Zone	Oct. 6-Nov. 24	2	4
Coastal Zone	Nov. 19-Jan. 7	2	4
New Jersey			
Ducks:			
North Zone	Oct. 15-Oct. 29 &	3	6
	Nov. 23-Dec. 17	3	6
South Zone	Oct. 22-Oct. 29 &	3	6
	Nov. 23-Dec. 24	3	6
Coastal Zone	Nov. 2-Nov. 12 &	3	6
	Dec. 10-Jan. 7	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
North Zone	Oct. 15-Oct. 22 &	1	2
	Nov. 23-Dec. 31 &	2	4
	Jan. 1-Jan. 23	3	6
South Zone	Oct. 22-Oct. 29 &	1	2
	Nov. 23-Dec. 31 &	2	4
	Jan. 1-Jan. 23	3	6
Coastal Zone	Nov. 2-Nov. 12 &	1	2
	Dec. 1-Dec. 31 &	2	4
	Jan. 1-Jan. 28	3	6
(special season) (2)	Jan. 28-Feb. 11	5	10
Light Geese:			
North Zone	Oct. 15-Jan. 23	5	10
South Zone	Oct. 22-Nov. 17 &	5	10
	Nov. 23-Feb. 10	5	10
Coastal Zone	Oct. 14-Jan. 28	5	10

	Season Dates	Limits Bag	Limits Possession
New Jersey (cont.)			
Brant:			
North Zone	Oct. 15-Nov. 8 &	2	4
	Nov. 23-Dec. 17	2	4
South Zone	Oct. 22-Nov. 8 &	2	4
	Nov. 23-Dec. 24	2	4
Coastal Zone	Nov. 2-Nov. 22 &	2	4
	Dec. 10-Jan. 7	2	4
New York			
Ducks:			
Long Island Zone	Nov. 23-Nov. 27 &	3	6
	Dec. 12-Jan. 15	3	6
Lake Champlain Zone	Oct. 15-Nov. 6 &	3	6
	Nov. 19-Dec. 5	3	6
Northeastern Zone	Oct. 1-Oct. 16 &	3	6
	Oct. 28-Nov. 20	3	6
Southeastern Zone	Oct. 8-Oct. 20 &	3	6
	Nov. 16-Dec. 12	3	6
Western Zone	Oct. 13-Nov. 13 &	3	6
	Dec. 26-Jan. 2	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Long Island Zone	Nov. 23-Nov. 30 &	1	2
	Dec. 1-Dec. 31 &	2	4
	Jan. 1-Jan. 31	3	6
Lake Champlain Zone	Oct. 8-Oct. 15 &	1	2
	Oct. 16-Dec. 16	2	4
Northeastern Zone	Oct. 1-Oct. 15 &	1	2
	Oct. 16-Dec. 9	2	4
Southeastern Zone	Oct. 16-Oct. 23 &	1	2
	Nov. 16-Dec. 31 &	2	4
	Jan. 1-Jan. 16	3	6
Western Zone	Nov. 1-Nov. 15 &	1	2
	Nov. 16-Nov. 19 &	2	4
	Dec. 3-Dec. 31 &	2	4
	Jan. 1-Jan. 22	3	6
Light Geese:			
Long Island Zone	Oct. 1-Oct. 24 &	5	10
	Nov. 23-Feb. 10	5	10
Lake Champlain Zone	Oct. 8-Jan. 22	5	10
Northeastern Zone	Oct. 1-Jan. 15	5	10
Southeastern Zone	Oct. 16-Jan. 30	5	10
Western Zone	Nov. 1-Feb. 10	5	10

	Season Dates	Limits Bag	Limits Possession
New York (cont.)			
Brant:			
Long Island Zone	Nov. 23-Nov. 27 &	2	4
	Dec. 2-Jan. 15	2	4
Lake Champlain Zone	Oct. 8-Nov. 26	2	4
Northeastern Zone	Oct. 1-Nov. 19	2	4
Southeastern Zone	Oct. 16-Dec. 4	2	4
Western Zone	Oct. 13-Dec. 1	2	4
North Carolina			
Ducks	Oct. 6-Oct. 8 &	3	6
	Nov. 23-Nov. 26 &	3	6
	Dec. 19-Jan. 20	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Closed	--	--
Light Geese	Oct. 27-Feb. 10	5	10
Brant	Nov. 23-Nov. 26 &	2	4
	Dec. 6-Jan. 20	2	4
Pennsylvania			
Ducks:			
North Zone	Oct. 8-Oct. 22 &	3	6
	Nov. 5-Nov. 29	3	6
South Zone	Oct. 17-Oct. 22 &	3	6
	Nov. 21-Dec. 24	3	6
Northwest Zone	Oct. 10-Oct. 15 &	3	6
	Nov. 5-Dec. 8	3	6
Lake Erie Zone	Nov. 7-Nov. 26 &	3	6
	Dec. 12-Dec. 31	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
North Zone	Oct. 8-Oct. 15 &	1	2
	Oct. 17-Dec. 17	2	4
South Zone	Oct. 17-Oct. 24 &	1	2
	Nov. 19-Dec. 31 &	2	4
	Jan. 1-Jan. 19	3	6
(special season) (4)	Jan. 20-Feb. 4	5	10
Erie, Mercer, and Butler Counties	Oct. 8-Oct. 15 &	1	2
	Nov. 14-Jan. 14	2	4
Crawford County	Oct. 8-Oct. 15 &	1	2
	Nov. 5-Dec. 1	1	2
Light Geese	Oct. 17-Jan. 31	5	10
Brant	Oct. 17-Dec. 5	2	4

	Season Dates	Limits Bag	Possession
Rhode Island			
Ducks	Oct. 7-Oct. 10 &	3	6
	Nov. 23-Nov. 27 &	3	6
	Dec. 17-Jan. 16	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Oct. 7-Oct. 9 &	1	2
	Nov. 26-Nov. 30 &	1	2
	Dec. 1-Dec. 31 &	2	4
	Jan. 1-Jan. 31	3	6
Light Geese	Oct. 7-Oct. 9 &	5	10
	Nov. 26-Jan. 31	5	10
Brant	Nov. 28-Jan. 16	2	4
South Carolina			
Ducks (5)	Nov. 23-Nov. 26 &	3	6
	Dec. 16-Jan. 20	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (special season) (2) (6)	Dec. 7-Dec. 10 &	2	6
	Jan. 25-Jan. 28	2	6
Light Geese	Nov. 23-Nov. 26 &	5	10
	Dec. 16-Jan. 20	5	10
Brant	Nov. 23-Nov. 26 &	2	4
	Dec. 16-Jan. 20	2	4
Vermont			
Ducks:			
Lake Champlain Zone	Oct. 15-Nov. 6 &	3	6
	Nov. 19-Dec. 5	3	6
Interior Zone	Oct. 8-Nov. 9 &	3	6
	Nov. 21-Nov. 27	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (7)	Oct. 8-Oct. 15 &	1	2
	Oct. 16-Dec. 16	2	4
Light Geese	Oct. 8-Jan. 22	5	10
Brant	Oct. 8-Nov. 26	2	4
Virginia			
Ducks	Oct. 5-Oct. 8 &	3	6
	Nov. 23-Nov. 26 &	3	6
	Dec. 20-Jan. 20	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Back Bay Area	Closed	..	..
Remainder of State	Nov. 21-Dec. 10 &	1	2
	Dec. 12-Jan. 20	2	4
Light Geese	Oct. 26-Oct. 29 &	5	10
	Oct. 31-Feb. 10	5	10
Virginia (cont.)			
Brant	Dec. 1-Dec. 10 &	2	4
	Dec. 12-Jan. 20	2	4
West Virginia			
Ducks:			
Zone 1	Oct. 1-Oct. 8 &	4	8
	Dec. 24-Jan. 14	4	8
Zone 2	Oct. 1-Oct. 8 &	4	8
	Oct. 22-Nov. 12	4	8
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Zone 1	Oct. 1-Oct. 8 &	3	6
	Nov. 14-Jan. 14	3	6
Zone 2	Oct. 1-Nov. 12 &	3	6
	Dec. 19-Jan. 14	3	6
Light Geese:			
Zone 1	Oct. 1-Oct. 8 &	5	10
	Nov. 14-Jan. 14	5	10
Zone 2	Oct. 1-Nov. 12 &	5	10
	Dec. 19-Jan. 14	5	10
Brant	Nov. 26-Jan. 14	2	4

(1) In Connecticut, the season is closed for black ducks during October 15 through October 22 in the North Zone and on October 15 in the South Zone.
(2) State permit required.
(3) Maryland, the daily bag limit may include no more than 1 redhead; the black duck season is closed October 13 through October 15; and the canvasback season is open only January 7 through January 14.
(4) In Pennsylvania, the special season will only be held in the Susquehanna/Juniata Zone.
(5) In South Carolina, the bag limit may not exceed 1 black duck, mottled duck, or female mallard; in the aggregate.
(6) In South Carolina, the bag limits during the special season are 2 per day and 6 per season.
(7) In Vermont, a permit is required for the Dead Creek Goose Management Area in the town of Addison, and the daily bag limit is 4 geese of any species, not to exceed 1 Canada goose daily, October 8 through October 15, or 2 Canada geese daily October 16 through November 30.

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: For 40-day seasons, the daily bag limit of 3 ducks may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 1 pintail, 1 canvasback, 1 redhead, and 2 wood ducks. For 30-day seasons, the daily bag limit of 4 ducks may include no more than 3 mallards (no more than 1 of which may be a female), 3 mottled ducks, 1 black duck, 1 pintail, 1 canvasback, 1 redhead, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits Bag	Limits Possession
Alabama			
Ducks:			
North Zone	Dec. 7-Jan. 1 &	3	6
	Jan. 7-Jan. 20	3	6
South Zone	Nov. 17-Nov. 20 &	3	6
	Dec. 16-Jan. 20	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		5	5
Dark Geese:			
North Zone:			
SJBP Zone	Dec. 12-Jan. 1 &	2	4
	Jan. 7-Jan. 20	2	4
Rest of North Zone	Oct. 1-Oct. 14 &	2	4
	Dec. 7-Jan. 1 &	2	4
	Jan. 7-Jan. 31		
South Zone	Nov. 17-Nov. 20 &	2	4
	Dec. 16-Jan. 31	2	4
Light Geese	Same as for dark geese	5	5
Arkansas			
Ducks	Nov. 25-Dec. 4 &	3	6
	Dec. 10-Dec. 18 &	3	6
	Dec. 26-Jan. 15	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Canada:			
East Zone	Jan. 14-Feb. 5	2	4
West Zone	Jan. 14-Jan. 27	1	2
White-fronted	Nov. 25-Jan. 31	2	4
Brant	Closed	–	–
Light Geese	Oct. 29-Nov. 13 &	7	14
	Nov 25-Feb. 14	7	14
Illinois			
Ducks:			
North Zone	Oct. 20-Nov. 28	3	6
Central Zone	Oct. 27-Dec. 5	3	6
South Zone	Nov. 3-Dec. 12	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Illinois (cont.)			
Geese:		7	14
Canada (1):			
North Goose Zone:			
Northern Illinois Quota Zone	Oct. 20-Nov. 13 &	2	4
	Nov. 23-Dec. 18	2	4
Rest of North Goose Zone	Oct. 20-Nov. 13 &	2	4
	Nov. 23-Dec. 18	2	4
Central Goose Zone:			
Central Illinois Quota Zone	Oct. 27-Oct. 30 &	2	4
	Nov. 23-Jan. 8	2	4
Rest of Central Goose Zone	Oct. 27-Oct. 30 &	2	4
	Nov. 23-Jan. 8	2	4
South Goose Zone:			
Southern Illinois Quota Zone (1)(2)	Dec. 3-Jan. 22	2	10
Rend Lake Quota Zone (1)(2)	Dec. 3-Jan. 22	2	10
Rest of South Goose Zone	Dec. 3-Jan. 22	2	4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	7	14
Indiana			
Ducks:			
North Zone	Oct. 22-Oct. 30 &	3	6
	Nov. 4-Dec. 4	3	6
South Zone	Oct. 29-Oct. 30 &	3	6
	Nov. 25-Jan. 1	3	6
Ohio River Zone	Nov. 25-Nov. 27 &	3	6
	Dec. 10-Jan. 15	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Canada (1):			
North Zone:			
SJBP Area	Oct. 22-Oct. 24 &	2	4
	Nov. 24-Dec. 25	2	4
Rest of North Zone	Oct. 22-Oct. 24 &	2	4
	Nov. 4-Jan. 9	2	4
South Zone:			
Posey County (1)	Dec. 10-Jan. 31	2	4
Rest of South Zone	Oct. 29-Oct. 30 &	2	4
	Nov. 25-Jan. 31	2	4
Ohio River Zone:			
Posey County (1)	Dec. 10-Jan. 31	2	4
Rest of Ohio River Zone	Nov. 23-Jan. 31	2	4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	7	14

	Season Dates	Limits Bag	Limits Possession
Louisiana			
Ducks:			
West Zone	Nov. 12-Nov. 27 &	3	6
	Dec. 17-Jan. 9	3	6
East Zone:			
Catahoula Lake Area	Nov. 19-Nov. 27 &	3	6
	Dec. 10-Jan. 9	3	6
Rest of East Zone	Nov. 19-Nov. 27 &	3	6
	Dec. 17-Jan. 16	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Canada:			
Southwest Zone (3)	Jan. 18-Jan. 26	1	2
Rest of State	Closed	--	--
White-fronted and Brant (3)	Nov. 12-Dec. 4 &	2	4
	Dec. 17-Feb. 1	2	4
Light Geese	Nov. 12-Dec. 4 &	7	14
	Dec. 17-Feb. 14	7	14
Michigan			
Ducks:			
North Zone	Oct. 1-Nov. 7 &	3	6
	Nov. 12-Nov. 13	3	6
Middle Zone	Oct. 1-Nov. 6 &	3	6
	Nov. 11-Nov. 13	3	6
South Zone	Oct. 8-Nov. 13 &	3	6
	Nov. 25-Nov. 27	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Canada (1):			
North Zone	Sept. 24-Oct. 16	2	4
Middle Zone	Oct. 1-Oct. 23	2	4
South Zone:			
Muskegon Wastewater Goose Management Unit (GMU) (1)	Oct. 15-Nov. 14 &	2	4
	Dec. 1-Dec. 22	2	4
Allegan County GMU (1)	Oct. 15-Dec. 4	1	2
Saginaw County GMU (1)	Oct. 1-Nov. 6 &	1	2
	Nov. 25-Nov. 27	1	2
Tuscola/Huron GMU (1)	Oct. 1-Nov. 6 &	1	2
	Nov. 25-Nov. 27	1	2
Southern Michigan GMU	Oct. 8-Nov. 6	1	2
(special season)	Jan. 7-Feb. 5	2	4
Rest of South Zone	Oct. 8-Nov. 6	1	2
White-fronted and Brant	See Footnote 4	2	4
Light Geese	See Footnote 5	7	14

	Season Dates	Limits Bag	Limits Possession
Iowa			
Ducks:			
North Zone	Sept. 17-Sept. 19 &	3	6
	Oct. 15-Nov. 20	3	6
South Zone	Oct. 1-Oct. 3 &	3	6
	Oct. 22-Nov. 27	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Dark Geese:			
North Zone	Oct. 8-Dec. 1	2	4
South Zone	Oct. 22-Dec. 15	2	4
Light Geese	Oct. 1-Jan. 10	7	14
Kentucky			
Ducks:			
West Zone	Nov. 24-Nov. 27 &	3	6
	Dec. 10-Jan. 14	3	6
East Zone	Nov. 24-Nov. 27 &	3	6
	Dec. 16-Jan. 20	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Canada (1):			
Western Goose Zone (1):			
Fulton County	Dec. 10-Feb. 13	2	4
Rest of Western Goose Zone	Dec. 10-Jan. 31	2	4
Pennyroyal/Coalfield Zone	Dec. 17-Jan. 20	2	4
Rest of State	Dec. 13-Jan. 31	2	4
White-fronted:			
Western Goose Zone	Dec. 10-Jan. 31	2	4
Pennyroyal/Coalfield Zone	Dec. 17-Jan. 20	2	4
Rest of State	Dec. 13-Jan. 31	2	4
Brant	Nov. 24-Jan. 31	2	4
Light Geese	Same as for Brant	7	14

	Season Dates	Limits Bag	Limits Possession
Minnesota			
Ducks (6)	Oct. 1-Nov. 9	3	6
Mergansers	Same as for ducks	5	10
Coots (7)	Same as for ducks	15	30
Geese:		7	14
Canada (1):			
West Zone:			
West Central Zone:			
Lac qui Parle Zone (1)	Oct. 1-Oct. 9 &	1	2
	Oct. 15-Nov. 4	1	2
Rest of West Central Zone	Oct. 1-Oct. 9 &	1	2
	Oct. 15-Nov. 4	1	2
Rest of West Zone	Oct. 1-Nov. 9	1	2
Northwest Zone	Oct. 1-Nov. 9	1	2
Fergus Falls/Alexandria Zone:			
West Zone	Oct. 1-Nov. 9	1	2
(special season)	Dec. 10-Dec. 19	2	4
Rest of Fergus Falls/ Alexandria Zone	Oct. 1-Nov. 19	2	4
(special season)	Dec. 10-Dec. 19	2	4
Southeast Zone:			
Twin Cities Metro Zone and Olmsted County	Oct. 1-Dec. 9 &	2	4
	Dec. 15-Dec. 24	2	4
Rest of Southeast Zone	Oct. 1-Dec. 9	2	4
Rest of State	Oct. 1-Nov. 19	2	4
White-fronted and Brant:			
West Zone	Oct. 1-Nov. 9	2	4
Northwest Zone	Oct. 1-Nov. 9	2	4
Southeast Zone	Oct. 1-Dec. 9	2	4
Rest of State	Oct. 1-Nov. 19	2	4
Light Geese	Oct. 1-Dec. 19	7	14
Mississippi			
Ducks	Dec. 17-Dec. 20 &	4	8
	Dec. 26-Jan. 20	4	8
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Dark Geese	Nov. 26-Jan. 31	2	4
Light Geese	Nov. 1-Feb. 14	7	14

	Season Dates	Limits Bag	Limits Possession
Missouri			
Ducks and Mergansers:			
North Zone	Oct. 29-Dec. 7	3	6
Middle Zone	Nov. 5-Dec. 14	3	6
South Zone	Nov. 25-Jan. 3	3	6
Coots	Same as for ducks	15	30
Geese:		7	14
Canada (1):			
North Zone:			
Swan Lake Zone (1)	Oct. 29-Nov. 6 &	2	4
	Nov. 25-Dec. 25	2	4
Central Missouri Zone	Oct. 29-Nov. 6 &	2	4
	Nov. 25-Jan. 4	2	4
(special season)	Oct. 1-Oct. 10	3	6
Rest of North Zone	Oct. 29-Nov. 6 &	2	4
	Nov. 25-Jan. 4	2	4
Middle Zone:			
Schell-Osage Zone	Nov. 25-Jan. 3	2	4
Rest of Middle Zone	Nov. 25-Dec. 4 &	2	4
	Dec. 23-Jan. 31	2	4
South Zone	Nov. 25-Dec. 4 &	2	4
	Dec. 23-Jan. 31	2	4
White-fronted and Brant:			
North Zone	Oct. 29-Jan. 6	2	4
Middle Zone	Nov. 5-Jan. 13	2	4
South Zone	Nov. 25-Jan. 31	2	4
Light Geese:			
North Zone	Oct. 29-Feb. 12	7	14
Middle Zone	Nov. 5-Feb. 14	7	14
South Zone	Nov. 25-Feb. 14	7	14
Ohio			
Pymatuning Area:			
Ducks (8)	Oct. 10-Oct. 15 &	3	6
	Nov. 5-Dec. 8	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Oct. 8-Oct. 15 &	1	2
	Nov. 5-Dec. 1	1	2
Light Geese	Oct. 17-Jan. 31	5	10
Brant	Oct. 17-Dec. 5	2	4
Rest of State:			
Ducks:			
North Zone	Oct. 15-Oct. 23 &	3	6
	Nov. 5-Dec. 5	3	6
South Zone	Oct. 15-Oct. 23 &	3	6
	Dec. 9-Jan. 8	3	6
Ohio River Zone	Oct. 15-Oct. 23 &	3	6
	Dec. 16-Jan. 15	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Ohio (cont.)			
Geese:		7	14
Canada:			
North Zone:			
Lake Erie SJBP Zone	Nov. 15-Dec. 5 &	1	2
	Dec. 24-Jan. 1	1	2
Rest of North Zone	Oct. 15-Dec. 5 &	2	4
	Dec. 24-Jan. 10	2	4
South Zone	Oct. 15-Oct. 23 &	2	4
	Nov. 19-Jan. 18	2	4
Ohio River Zone	Oct. 15-Oct. 23 &	2	4
	Nov. 19-Jan. 18	2	4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	7	14
Tennessee			
Ducks:			
Reelfoot Zone	Nov. 12-Nov. 13 &	3	6
	Dec. 10-Jan. 16	3	6
State Zone	Dec. 3-Dec. 7 &	3	6
	Dec. 17-Jan. 20	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:		7	14
Canada (1)(9):			
Northwest Zone (1)	Dec. 3-Feb. 15	2	4
Southwest Zone	Dec. 3-Jan. 31	2	4
Kentucky/Barkley Lakes Zone (1)	Dec. 10-Jan. 28	2	4
Rest of State (9)	Oct. 1-Oct. 16 &	2	4
	Dec. 3-Jan. 25	2	4
White-fronted and Brant	Nov. 23-Jan. 31	2	4
Light Geese	Nov. 23-Jan. 31	7	14
Wisconsin			
Ducks (10):			
North Zone	Oct. 1-Nov. 9	3	6
South Zone	Oct. 1-Oct. 9 &	3	6
	Oct. 17-Nov. 16	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	5	10
Geese:		7	14
Canada (1):			
Horicon Zone	Sept. 24-Dec. 12	Tag System--See State Regulations	
Collins Zone	Sept. 24-Nov. 18 &	Tag System--See State Regulations	
	Nov. 28-Dec. 2	Tag System--See State Regulations	
Exterior Zone:			
Rock Prairie Subzone	Oct. 1-Dec. 2	1	2
Mississippi River Subzone:			
North Duck Zone	Oct. 1-Dec. 9	1	2
South Duck Zone	Oct. 1-Oct. 9 &	1	2
	Oct. 17-Dec. 16	1	2

	Season Dates	Limits Bag	Limits Possession
Wisconsin (cont.)			
Rest of Exterior Zone	Oct. 1-Dec. 9	1	2
White-fronted and Brant:			
Horicon Zone	Sept. 24-Dec. 2	2	4
Collins Zone	Sept. 24-Nov. 18 &	2	4
	Nov. 28-Dec. 2	2	4
Exterior Zone:			
Rock Prairie Subzone	Oct. 1-Dec. 2	2	4
Mississippi River Subzone:			
North Duck Zone	Oct. 1-Dec. 9	2	4
South Duck Zone	Oct. 1-Oct. 9 &	2	4
	Oct. 17-Dec. 16	2	4
Rest of Exterior Zone	Oct. 1-Dec. 9	2	4
Light Geese:			
Horicon Zone	Sept. 24-Dec. 9	7	14
Collins Zone	Sept. 24-Nov. 18 &	7	14
	Nov. 28-Dec. 2	7	14
Exterior Zone:			
Rock Prairie Subzone	Oct. 1-Dec. 2	7	14
Mississippi River Subzone:			
North Duck Zone	Oct. 1-Dec. 9	7	14
South Duck Zone	Oct. 1-Oct. 9 &	7	14
	Oct. 17-Dec. 16	7	14
Rest of Exterior Zone	Oct. 1-Dec. 9	7	14

(1) Harvests of Canada geese will be limited by quotas established in the September 27, 1994, Federal Register. When it has been determined that the quota of Canada geese allotted to the Northern Illinois, Central Illinois, Southern Illinois and Rend Lake Quota Zones in Illinois, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, the Swan Lake Zone in Missouri, and the northwest and Kentucky/Barkley Lakes Zones in Tennessee will have been filled, the season for taking Canada geese in the respective area will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

(2) In Illinois, except during the last 3 days of the season, shooting hours for geese in the Southern Illinois Quota Zone and Rend Lake Quota Zone shall close at 3 p.m.

(3) In Louisiana, in the Southwest Zone, during the Canada goose season, the daily bag limit is 2 Canada and white-fronted geese in the aggregate, no more than 1 of which may be a Canada goose. The possession limit is twice the daily bag limit. A special permit is required by the State.

(4) In Michigan, the seasons for white-fronted geese and brant are concurrent with the seasons for Canada geese, except in the Southern Michigan Goose Management Unit, where the January 7 through February 5 special season is for Canada geese only.

(5) In Michigan, the seasons for light geese begin with Canada goose seasons in the respective zones and goose management units and run continuously through December 22, except in the Southern Michigan Goose Management Unit, where the January 7 through February 5 special season is for Canada geese only.

(6) In Minnesota, Lake Christina in Douglas and Grant Counties and North Heron Lake, South Heron Lake, North Marsh, and Duck Lake in Jackson County are closed to the taking of canvasbacks.

(7) In Minnesota, the daily bag limit is 15 and the possession limit is 30, coots, moorhens, and gallinules in the aggregate.
(8) In Ohio, in the Pymatuning Area, the restrictions of the duck bag limit for Pennsylvania apply.
(9) In Tennessee, see State regulations for permit requirements and additional restrictions.
(10) In Wisconsin, the season dates for canvasbacks in the north are Oct. 1-Nov. 9 and in the south are Oct. 22-Nov. 16.

CENTRAL FLYWAY

Flyway-wide Restrictions

Duck Limits: For a 49-day season (61 days in the High Plains Mallard Management Unit), the daily bag limit of 3 ducks may include no more than 3 mallards, no more than 1 of which may be a female, 1 mottled duck, 1 pintail, 1 redhead, 1 canvasback, and 2 wood ducks. For a 39-day season (51 days in the High Plains Mallard Management Unit), the daily bag limit of 4 ducks may include no more than 4 mallards (no more than 1 of which may be a female) and the same species restrictions as above. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits Bag	Limits Possession
Colorado			
Ducks	Oct. 2-Oct. 15 &	3	6
	Oct. 29-Nov. 27 &		
	Dec. 17-Jan. 1		
Coots	Same as for ducks	15	30
Mergansers	Same as for ducks	5	10
Dark Geese:			
Northern Front Range Unit	Oct. 1-Oct. 14 &	3	6
	Oct. 29-Jan. 29	3	6
South Park Unit (1)	Oct. 1-Oct. 14 &	2	4
	Oct. 29-Jan. 1	2	4
San Luis Valley Unit (1)	Oct. 29-Jan. 1	2	4
North Park Unit (1)	Oct. 1-Oct. 14 &	2	4
	Oct. 29-Jan. 1	2	4
Arkansas Valley Unit	Nov. 9-Jan. 29	3	6
Rest of State in Central Flyway	Oct. 29-Jan. 29	3	6
Light Geese:			
Northern Front Range Unit	Oct. 29-Jan. 29	5	10
South Park Unit (1)	Oct. 29-Jan. 1	2	4
San Luis Valley Unit (1)	Oct. 29-Jan. 1	2	4
North Park Unit (1)	Oct. 29-Jan. 1	2	4
Arkansas Valley Unit	Nov. 9-Feb. 12	5	10
Rest of State in Central Flyway	Oct. 29-Jan. 29	5	10

	Season Dates	Limits Bag	Limits Possession
Kansas			
Ducks and Mergansers:			
High Plains	Oct. 15-Oct. 31 &	3	6
	Nov. 11-Dec. 11 &	3	6
	Dec. 21-Jan. 2	3	6
Low Plains	Oct. 22-Oct. 31 &	3	6
	Nov. 11-Dec. 11 &	3	6
	Dec. 26-Jan. 2	3	6
Coots	Same as for ducks	15	30
Dark Geese (2):		2	4
Canada	Nov. 5-Nov. 18 &	1	2
	Nov. 19-Jan. 29	2	4
White-fronted	Nov. 5-Jan. 29	1	2
Light Geese:			
Unit 1	Nov. 11-Feb. 25	10	20
Unit 2	Oct. 22-Feb. 5	10	20
Montana			
Ducks and Mergansers:			
Zone 1	Oct. 1-Nov. 13 &	3	6
	Dec. 10-Dec. 26	3	6
Zone 2	Oct. 1-Oct. 9 &	3	6
	Nov. 11-Jan. 1	3	6
Coots	Same as for ducks	15	30
Geese:			
Sheridan County:			
Dark Geese	Oct. 1-Jan. 15	2	4
Light Geese	Oct. 1-Jan. 15	5	10
Rest of State in Central Flyway:			
Dark Geese	Oct. 1-Jan. 15	4	8
Light Geese	Oct. 1-Jan. 15	5	10
Nebraska (3)			
Ducks and Mergansers:			
High Plains	Oct. 15-Nov. 27 &	3	6
	Dec. 17-Jan. 2	3	6
Low Plains:			
Zones 1 and 2	Oct. 22-Oct. 23 &	3	6
	Oct. 29-Dec. 14	3	6
Zones 3 and 4	Oct. 8-Oct. 10 &	3	6
	Oct. 15-Nov. 29	3	6
Coots	Same as for ducks	15	30
Dark Geese:		2	4
North Unit:			
Canada	Oct. 29-Nov. 11 &	1	2
	Nov. 12-Jan. 22	2	4
White-fronted	Oct. 29-Jan. 22	1	2

	Season Dates	Limits Bag	Limits Possession
Nebraska (cont.)			
East Unit:			
Canada	Oct. 8-Nov. 11 &	1	2
	Nov. 12-Dec. 25 &	2	4
	Dec. 26-Jan. 1	1	2
White-fronted	Oct. 8-Jan. 1	1	2
West Unit:			
Canada	Oct. 8-Oct. 16 &	1	2
	Oct. 24-Nov. 11 &	1	2
	Nov. 12-Dec. 25 &	2	4
	Dec. 26-Jan. 8	1	2
White-fronted	Oct. 8-Oct. 16 &	1	2
	Oct. 24-Jan. 8	1	2
Light Geese	Oct. 1-Dec. 30 &	10	20
	Jan. 28-Feb. 12	10	20
New Mexico			
Ducks and Mergansers:			
North Zone	Oct. 29-Nov. 18 &	3	6
	Dec. 10-Jan. 18	3	6
South Zone	Nov. 19-Jan. 18	3	6
Coots	Same as for ducks	15	30
Dark Geese (4)	Oct. 15-Jan. 29	3	6
Light Geese:			
Middle Rio Grande Valley Unit	Nov. 12-Feb. 26	10	20
Rest of State	Nov. 12-Feb. 26	5	10
North Dakota			
Ducks:			
Statewide	Oct. 1-Nov. 6 &	4	8
	Nov. 12-Nov. 13	4	8
High Plains (male mallards only)	Dec. 10-Dec. 21	4	8
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Dark Geese:		2	4
Statewide:			
Canada	Oct. 1-Nov. 13	2	4
White-fronted	Oct. 1-Nov. 13	2	4
Missouri River Zone	Nov. 14-Dec. 18	2	4
Light Geese	Oct. 1-Dec. 11	10	20

	Season Dates	Limits Bag	Limits Possession
Oklahoma			
Ducks and Mergansers:			
High Plains	Oct. 15-Dec. 2 &	3	6
	Dec. 10-Dec. 21	3	6
Low Plains:			
Zone 1	Oct. 22-Nov. 20 &	3	6
	Dec. 10-Dec. 28	3	6
Zone 2	Nov. 12-Nov. 30 &	3	6
	Dec. 10-Jan. 8	3	6
Coots	Same as for ducks	15	30
Dark Geese:		2	4
Canada	Nov. 5-Jan. 29	2	4
White-fronted	Nov. 5-Jan. 29	1	2
Light Geese	Nov. 5-Feb. 19	10	20
South Dakota			
Ducks and Mergansers:			
High Plains	Oct. 1-Nov. 8 &	4	8
	Dec. 10-Dec. 21	4	8
Low Plains:			
North Zone	Oct. 1-Nov. 8	4	8
Middle Zone	Oct. 8-Nov. 15	4	8
South Zone	Oct. 29-Dec. 6	4	8
Coots	Same as for ducks	15	30
Dark Geese:		2	4
Missouri River Unit:			
Canada	Oct. 1-Dec. 23	2	4
White-fronted	Oct. 1-Dec. 23	1	2
Rest of State:			
Canada	Oct. 1-Oct. 31	2	4
	Nov. 1-Dec. 23	1	2
White-fronted	Oct. 1-Dec. 23	1	2
Light Geese	Oct. 1-Dec. 23	10	20
Texas			
Ducks:			
High Plains	Nov. 19-Jan. 8	4	8
Low Plains	Nov. 19-Nov. 27	4	8
	Dec. 17-Jan. 15	4	8
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
East Tier:			
Dark Geese:			
Canada	Nov. 5-Jan. 15 &	1	2
	Jan. 16-Jan. 29	2	4
White-fronted	Nov. 5-Jan. 15	1	2
Light Geese	Nov. 5-Feb. 19	10	20
West Tier:			
Dark Geese	Oct. 15-Jan. 29	3	6
Light Geese	Nov. 12-Feb. 26	5	10

	Season Dates	Limits Bag	Limits Possession
Wyoming			
Ducks	Oct. 1-Oct. 23 &	3	6
	Nov. 8-Nov. 28 &	3	6
	Dec. 10-Dec. 26	3	6
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Dark Geese:			
Area 1	Oct. 1-Jan. 2	3	6
Areas 2, 3, & 5	Oct. 1-Jan. 15	3	6
Area 4	Nov. 12-Jan. 15	3	6
Light Geese	Oct. 1-Dec. 30	5	10

(1) In Colorado, in the North Park, South Park, and San Luis Valley Units, the bag limit for the October 29-January 1 period is 2 geese. The possession limit is twice the daily bag limit.

(2) In Kansas, exceptions to the dark goose season are as follows: (a) Marais des Cygnes Valley Unit, South Flint Hills Unit, Central Flint Hills Unit, and Southeast Unit - season dates are December 17, 1994, through January 15, 1995. Dark goose permits issued by the Kansas Department of Wildlife and Parks are required. Unlimited permits are available in all four units with 2 geese allowed per permit. In the Marais des Cygnes Valley and South Flint Hills Units, there is maximum of two permits per individual. In the Central Flint Hills and Southeast Unit, there is a maximum of one permit per individual. Shooting hours in the Marais des Cygnes Unit shall be one-half hour before sunrise to 1:00 p.m. Shooting hours in all other units shall be one-half hour before sunrise to sunset.

(3) In Nebraska, see State regulations for additional information on daily bag limits.

(4) In New Mexico, the season for dark geese is closed in Bernalillo, Sandoval, Sierra, Sorocco, and Valencia Counties.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: For a 69-day season, the daily bag limit of 4 ducks (including mergansers) may include no more than 3 mallards but only 1 female mallard, 1 pintail, 2 redheads and 1 canvasback. For a 59-day season, the daily bag limit of 5 ducks (including mergansers) may include no more than 4 mallards, only one of which may be a female mallard, with the other species restrictions shown above. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

Goose Limits: Daily bag limits for geese may not exceed 2 white-fronted geese and 3 light geese. The possession limit is twice the daily bag limit.

Aleutian Canada Geese: The season is closed throughout the Flyway.

	Season Dates	Limits Bag	Limits Possession
Arizona			
Ducks (1):			
North Zone	Oct. 7-Dec. 14	4	8
South Zone	Oct. 7-Oct. 16 &	4	8
	Nov. 18-Jan. 15	4	8
Coots and moorhens	Same as for ducks	25	25
Geese:		5	5
Dark (2):			
GMU 22 & 23	Nov. 15-Jan. 22	2	2
Balance of State	Oct. 22-Jan. 22	2	2
Light (2):			
GMU 22 & 23	Nov. 15-Jan. 22	3	3
Rest of State	Oct. 22-Jan. 22	3	3
California			
Ducks:			
Northeastern Zone	Oct. 8-Dec. 5	5	10
Colorado River Zone	Oct. 7-Oct. 16 &	4	8
	Nov. 18-Jan. 15	4	8
Southern Zone	Oct. 22-Nov. 5 &	5	10
	Dec. 3-Jan. 15	5	10
Southern San Joaquin Valley Zone	Nov. 19-Jan. 15	5	10
Balance-of-State Zone	Oct. 22-Nov. 5 &	5	10
	Dec. 3-Jan. 15	5	10
Coots and moorhens:			
Northeastern Zone	Same as for ducks	25	25
Colorado River Zone	Same as for ducks	25	25
Southern Zone	Oct. 22-Jan. 15	25	25
Southern San Joaquin Valley Zone	Same as for ducks	25	25
Balance-of-State Zone	Oct. 22-Jan. 15	25	25
Geese:			
Northeastern Zone:		3	6
Canada Geese	Oct. 8-Jan. 8	2	4
Cackling Geese	Oct. 8-Oct. 30	1	2
White-fronted Geese	Oct. 8-Oct. 30	2	4
Light Geese	Oct. 8-Jan. 8	3	6
Colorado River Zone:		5	10
Canada Geese	Oct. 22-Jan. 22	2	4
White-fronted Geese	Oct. 22-Jan. 22	2	4
Light Geese	Oct. 22-Jan. 22	3	6
Southern Zone:		5	5
Dark Geese:		2	2
Canada	Oct. 22-Jan. 22	2	2
Cackling Geese	Oct. 22-Jan. 22	1	1
White-fronted Geese	Oct. 22-Jan. 22	2	2
Light Geese	Oct. 22-Jan. 22	3	3

	Season Dates	Limits Bag	Limits Possession
California (cont.)			
Balance-of-State Zone:		3	3
Dark Geese (3):		2	2
Canada:			
Del Norte & Humboldt	Closed	--	--
Sacramento Valley Closure	Closed	--	--
San Joaquin Valley Closure	Oct. 29-Nov. 22	2	2
Cackling Geese	Oct. 29-Nov. 22	1	1
Rest of Zone	Oct. 29-Jan. 15	2	2
Cackling Geese	Oct. 29-Jan. 1	1	1
White-fronted:			
Sacramento Valley Closure	Oct. 29-Nov. 30	1	1
Rest of Zone	Oct. 29-Jan. 1	1	1
Light Geese	Oct. 29-Jan. 15	3	3
Brant	Nov. 1-Nov. 30	2	4
Colorado			
Ducks	Oct. 1-Oct. 16 &	4	8
	Oct. 29-Nov. 27 &	4	8
	Dec. 17-Jan. 8	4	8
Coots	Same as for ducks	25	25
Geese:			
LaPlata County (4)	Nov. 5-Jan. 13	2 per season	
Delta/Montrose Area	Nov. 5-Jan. 13	2	4
Gunnison/Saguache Area (4)	Oct. 22-Jan. 13	1 per season	
Dolores/Montezuma Area (4)	Nov. 5-Jan. 13	2 per season	
Rest of State	Oct. 1-Oct. 16 &	2	4
	Oct. 22-Jan. 13	2	4
Idaho			
Ducks:			
Zone 1	Oct. 22-Dec. 19	4	8
Zone 2	Oct. 8-Dec. 4 &	4	8
	Dec. 22-Jan. 1	4	8
Zone 3	Oct. 8-Oct. 16 &	4	8
	Nov. 12-Jan. 10	4	8
Coots	Same as for ducks	25	25
Geese:			
Zone 1:		4	8
Dark (5)	Oct. 1-Jan. 8	4	8
Light	Oct. 1-Jan. 8	3	6
Zone 2 (6):		3	6
Dark	Oct. 1-Jan. 8	2	4
Light	Oct. 1-Jan. 8	3	6
Zone 3:		3	6
Dark	Oct. 1-Oct. 8	1	2
Light	Oct. 1-Jan. 8	3	6
Zone 4 (5)	Oct. 1-Jan. 8	3	6
Zone 5 (5)	Oct. 8-Jan. 8	3	6

	Season Dates	Limits Bag	Limits Possession
Montana			
Ducks	Oct. 1-Oct. 16 &	4	8
	Oct. 22-Nov. 27 &	4	8
	Dec. 7-Jan. 1	4	8
Coots	Same as for ducks	25	25
Geese (7):			
Dark	Oct. 1-Jan. 8	3	6
Light	Oct. 1-Jan. 8	3	6
Nevada			
Ducks:			
Clark County	Nov. 12-Jan. 19	4	8
Rest of State	Oct. 1-Oct. 16 &	4	8
	Oct. 29-Dec. 20	4	8
Coots and moorhens	Same as for ducks	25	25
Dark Geese:			
Clark County	Nov. 19-Jan. 22	2	4
Rest of State	Oct. 15-Jan. 22	3	6
Light Geese:			
Clark County	Nov. 15-Jan. 22	3	6
Rest of State (7)	Oct. 15-Jan. 22	3	6
New Mexico			
Ducks	Oct. 15-Oct. 30 &	4	8
	Nov. 19-Jan. 10	4	8
Coots	Same as for ducks	15	30
Moorhens (9)	Same as for ducks	1	2
Geese:			
North Zone:			
Dark	Dec. 24-Jan. 22	2	4
Light	Dec. 24-Jan. 22	1	2
South Zone:			
Dark	Oct. 29-Jan. 22	2	4
Light	Oct. 29-Jan. 22	1	2
Oregon			
Ducks:			
Zone 1:			
Columbia Basin Unit	Oct. 15-Oct. 22 &	4	8
	Nov. 9-Jan. 15	4	8
Rest of Zone 1	Oct. 15-Oct. 22 &	4	8
	Nov. 9-Jan. 8	4	8
Zone 2	Oct. 8-Dec. 4 &	4	8
	Dec. 21-Dec. 31	4	8
Coots	Same as for ducks	25	25
Geese:			
Western Zone (10) (outside of NW permit zone):			
Dark Geese	Oct. 15-Jan. 15	4	8
Light Geese	Oct. 15-Jan. 15	3	6

	Season Dates	Limits: Bag	Limits: Possession
Oregon (cont.)			
(Coos, Curry, Josephine, and Jackson):			
Dark Geese	Oct. 15-Jan. 22	4	8
Light Geese	Oct. 15-Jan. 22	3	6
Eastern Zone:			
Columbia Basin:			
Dark Geese	Oct. 15-Jan. 22	4	8
Light Geese	Oct. 15-Jan. 22	3	6
Klamath, Harney, Lake and Malheur Counties (11):			
Dark Geese	Oct. 8-Jan. 15	4	8
Light Geese	Oct. 8-Jan. 15	3	6
Rest of Eastern Zone:			
Dark Geese	Oct. 15-Jan. 22	4	8
Light Geese	Oct. 15-Jan. 22	3	6
Brant (4)	Jan. 7-Jan. 22	2	4
Utah			
Ducks:			
Zone 1	Oct. 8-Dec. 5 &	4	8
	Dec. 23-Jan. 1	4	8
Zone 2	Oct. 15-Nov. 27 &	4	8
	Dec. 17-Jan. 10		
Coots	Same as for ducks	25	25
Geese:		5	6
Light	Oct. 8-Jan. 8	3	6
Dark:			
Washington County (12)	Oct. 22-Jan. 22	2	4
Rest of State	Oct. 8-Jan. 8	2	4
Washington			
Ducks:			
East Zone	Oct. 15-Oct. 23 &	4	8
	Nov. 5-Jan. 10	4	8
West Zone	Oct. 15-Oct. 23 &	4	8
	Nov. 12-Jan. 10	4	8
Coots	Same as for ducks	25	25
Geese (13):			
East Zone (14):			
Columbia Basin	Oct. 15-Jan. 22	4	8
Rest of East Zone	Oct. 15-Jan. 22	4	8
West Zone:			
Lower Columbia River Area (15)	Nov. 27-Jan. 22	3	6
Skagit Area	Oct. 15-Jan. 1	3	6
Rest of West Zone	Oct. 15-Jan. 22	4	8
Brant (16)	Dec. 10-Dec. 23	2	4

	Season Dates	Limits: Bag	Limits: Possession
Wyoming			
Ducks	Oct. 1-Nov. 27	5	10
Coots	Same as for ducks	25	25
Dark Geese	Oct. 1-Jan. 5	3	6

(1) In Arizona, the daily limit may include no more than either 1 female mallard or 1 Mexican-like duck, but not both; and not more than 2 female mallards, 2 Mexican-like ducks, or 1 of each, may be in possession.
(2) In Arizona, in Yuma County, La Paz County, Game Management Units (Units) 13B, 15, and that portion of Unit 16 lying within Mohave County, the bag and possession limit is 2 and 4 for Canada geese and 3 and 6 for light geese, respectively.
(3) In California, the dark goose limits may be expanded to 2 per day and 4 in possession provided they are Canada geese other than cackling geese for which the daily limit is 1. Aleutian geese may not be taken.
(4) State permit is required.
(5) In Idaho, Zones 1, 4, and 5 have a daily limit of 2 whitefronted geese and a possession limit of 4.
(6) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
(7) In Montana, check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.
(8) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties, White River Valley of Nye County, and Pahranagat Valley of Lincoln County.
(9) In New Mexico, the bag limit is 1 common moorhen daily and 2 in possession; there is no open season on the purple gallinule.
(10) In Oregon, the Northwest Area is closed to all goose hunting, except for the special permit goose season on designated portions of the special permit goose area from November 16 to January 22. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
(11) In Oregon, in Klamath, Lake, and Harney Counties, the white-fronted goose season does not open until October 17.
(12) In Utah, the Washington County season is for Canada geese only.
(13) In Washington, daily bag and possession limits may include no more than 3 and 6 light geese, respectively.
(14) In Washington, in State Goose Area 1, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Area 2, hunting is only on Saturdays, Sundays, Tuesdays, Wednesdays, and certain holidays. See State regulations for details.
(15) In Washington, in the Lower Columbia River Area, bag limits are 4 geese per day and 8 in possession. See State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
(16) In Washington, brant may be hunted in Skagit, Pacific, and Whatcom Counties only; and only on December 10, 11, 12, 14, 16, 17, 18, 21, and 23.

4. Section 20.106 is amended as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 17, 1994, Federal Register (59 FR 42474).

Note: The following seasons are in addition to the seasons published previously in the September 1, 1994, Federal Register (59 FR 45588).

	Season Dates	Limits: Bag	Limits: Possession
CENTRAL FLYWAY			
	* * * * *		
Kansas (6)	Nov. 5-Jan. 1	2	4
	* * * * *		
Texas (1)			
Zone A	Nov. 12-Feb. 12	3	6
Zone B	Dec. 3-Feb. 12	3	6
Zone C	Jan. 7-Feb. 12	3	6
	* * * * *		

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

* * * * *

(6) In Kansas, the season is only open in the portions of southcentral and southwest Kansas bounded by Highways K-4 to K-14, K-14 to K-61, K-61 to US-54, US-54 to US-160, US-160 to US-83, US-83 to K-156, K-156 to US-183, US-183 to K-4. Shooting hours are sunrise to 2:00 p.m. Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit which must be displayed to any authorized law enforcement official upon request. In addition, the Federal sandhill crane hunting permit must be validated by the State of Kansas. No person while hunting cranes shall use or possess shot other than steel or such shot approved as nontoxic shot.

5. Section 20.107 is revised to read as follows:

§20.107 Seasons, limits, and shooting hours for tundra swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season Dates	Limits: Bag	Limits: Possession
ATLANTIC FLYWAY			
North Carolina	Nov. 3-Jan. 31	1 per season	
Virginia	Dec. 3-Jan. 31	1 per season	
CENTRAL FLYWAY (1)			
Montana	Oct. 1-Jan. 1	1 per season	
North Dakota	Oct. 1-Nov. 27	1 per season	
South Dakota	Oct. 1-Nov. 27	1 per season	
PACIFIC FLYWAY (1)			
Montana	Oct. 15-Jan. 1	1 per season	
Nevada	Oct. 15-Jan. 22	1 per season	
Utah	Oct. 8-Dec. 15	1 per season	

(1) See State regulations for description of area open to swan hunting.

8. Section 20.109 is revised to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 17 and September 27 Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons -- unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas.

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

	Extended Falconry Dates
ATLANTIC FLYWAY	
Florida	
Ducks and coots	Nov. 1-Nov. 19 & Dec. 1-Dec. 14 & Jan. 21-Feb. 28
Georgia	
Sea Ducks	Nov. 15-Nov. 22 & Jan. 21-Feb. 28
Ducks, mergansers, gallinules, and coots	Nov. 15-Nov. 22 & Nov. 28-Dec. 16 & Jan. 21-Feb. 28
Maine	
Ducks, mergansers, and coots:	
North Zone	Oct. 27-Nov. 3 & Nov. 21-Jan. 18
South Zone	Dec. 22-Dec. 31 & Jan. 2-Jan. 28 & Jan. 30-Feb. 28

	Extended Falconry Dates
Maryland	
Mourning doves	Oct. 23-Nov. 20 & Dec. 18-Dec. 25 &
Rails	Nov. 10-Dec. 16
Woodcock	Oct. 5-Oct. 23 & Nov. 26-Dec. 11 & Dec. 24-Jan. 19
Ducks	Dec. 1-Dec. 12 & Jan. 15-Mar. 10
Canada Geese	Jan. 15-Mar. 10
Brant	Jan. 21-Mar. 10
Massachusetts	
Ducks, mergansers, and coots:	
Central Zone	Oct. 6-Oct. 12 & Oct. 23-Nov. 17 & Dec. 23-Jan. 20
Coastal Zone	Oct. 6-Oct. 19 & Oct. 30-Nov. 24 & Dec. 25-Jan. 20
Berkshire Zone	Oct. 6-Oct. 9 & Nov. 13-Nov. 20 & Nov. 27-Jan. 20
New Hampshire	
Ducks, mergansers, and coots:	
Inland Zone	Oct. 30-Nov. 18 & Dec. 5-Jan. 20
Coastal Zone	Oct. 6 only & Oct. 11-Nov. 18 & Dec. 25-Jan. 20

	Extended Falconry Dates
New Jersey	
Woodcock	
North Zone	Oct. 1-Oct. 14 & Nov. 19-Jan. 15
South Zone	Oct. 1-Nov. 6 & Dec. 4-Dec. 16 & Dec. 25-Jan. 15
Ducks:	
North Zone	Oct. 1-Oct. 14 & Oct. 30-Nov. 22 & Dec. 18-Jan. 15
South Zone	Oct. 1-Oct. 21 & Oct. 30-Nov. 22 & Dec. 25-Jan. 15
Coastal Zone	Oct. 1-Nov. 1 & Nov. 13-Dec. 9 & Jan. 8-Jan. 15
New York	
Ducks and coots:	
Long Island Zone	Nov. 1-Nov. 22 & Nov. 28-Nov. 30
Northeastern Zone	Oct. 17-Oct. 27
Southeastern Zon	Oct. 1-Oct. 7 & Oct. 21-Oct. 31
Western Zone	Oct. 1-Oct. 12
Pennsylvania	
Mourning doves	Oct. 9-Oct. 28 & Nov 27-Dec. 13
Ducks:	
North Zone	Oct. 23-Nov. 4 & Nov. 30-Jan. 22
South Zone	Oct. 23-Nov. 20 & Dec. 25-Jan. 31

	Extended Falconry Dates
Pennsylvania (cont.)	
Northwest Zone	Oct. 16-Nov. 4 & Dec. 9-Jan. 24
Lake Erie Zone	Nov. 27-Dec. 11 & Jan. 1-Feb. 21
Canada Geese:	
North Zone	Dec. 18-Jan. 23
South Zone	Oct. 25-Oct. 30
Erie, Mercer, and Butler	Oct. 16-Nov. 11
Crawford	Oct. 16-Nov. 4 & Dec. 2-Jan. 12
Brant	Dec. 6-Jan. 31
South Carolina	
Ducks, mergansers, and coots	Oct. 6-Nov. 22 & Nov. 27-Dec. 15
Virginia	
Ducks, mergansers, coots, moorhens, and gallinules	Nov. 18-Nov. 22 & Nov. 27-Dec. 19 & Jan. 21-Feb. 28
Canada Geese	Nov. 16-Nov. 20 & Dec. 11 only & Jan. 21-Feb. 20
Brant	Nov. 16-Nov. 30 & Dec. 11 only & Jan. 21-Feb. 20
Swan	Nov. 16-Dec. 2 & Feb. 1-Feb. 20

	Extended Falconry Dates
MISSISSIPPI FLYWAY	
Arkansas	
Mourning doves	Oct. 22-Dec. 4 & Dec. 31-Jan. 2
Ducks, mergansers, and coots	Nov. 12-Nov. 23 & Dec. 19-Dec 25 & Jan. 19-Feb 26
Illinois	
Mourning doves	Oct. 31-Dec. 16
Rails	Nov. 19-Dec. 25
Woodcock	Sept. 1-Sept. 30 & Dec. 5-Dec. 16
Ducks, mergansers, and coots:	
North Zone	Oct. 15-Oct. 19 & Nov. 29-Dec. 13 & Feb. 1-Mar. 10
Central Zone	Oct. 15-Oct. 26 & Dec. 6-Dec. 13 & Feb. 1-Mar. 10
South Zone	Oct. 15-Nov. 2 & Dec. 13 & Feb. 1-Mar. 10
Geese:	
North Goose Zone	Oct. 15-Oct. 19 & Nov. 14-Nov. 22 & Feb. 1-Mar. 10
Central Goose Zone	Nov. 5-Nov. 22 & Feb. 1-Mar. 10
South Goose Zone	Nov. 24-Dec. 2 & Jan. 23-Mar. 10

	Extended Falconry Dates
Indiana	
Mourning doves	Oct. 17-Nov. 3 & Jan. 1-Jan. 29
Woodcock	Sept. 1-Sept. 23 & Nov. 28-Dec. 16
Ducks, mergansers, and coots:	
North Zone	Sept. 25-Oct. 21 & Oct. 31-Nov. 3 & Dec. 5-Dec. 31
South Zone	Oct. 1-Oct. 28 & Oct. 31-Nov. 24 & Jan. 2-Jan. 6
Ohio River Zone	Oct. 8-Nov. 24 & Nov. 28-Dec. 7
Iowa	
Ducks, mergansers, and coots:	
North Zone	Sept. 20-Oct. 14 & Nov. 21-Jan. 1
South Zone	Sept. 20-Sept. 30 & Oct. 4-Oct. 21 & Nov. 28-Jan. 1
Dark Geese:	
North Zone	Dec. 2-Jan. 22
South Zone	Dec. 16-Feb. 5
Light Geese	Jan. 11-Jan. 15

	Extended Falconry Dates
Kentucky	
Ducks, mergansers, and coots:	
West Zone	Nov. 5-Nov. 23 & Nov. 28-Dec. 9 & Jan. 15-Jan. 31
East Zone	Nov. 5-Nov. 23 & Nov. 28-Dec. 15 & Jan. 21-Jan. 31
Canada and White-fronted Geese:	
Western Goose Zone	Nov. 5-Dec. 9
Pennyroyal/Coalfield Zone	Nov. 5-Dec. 16 & Jan. 21-Jan. 31
Rest of State	Nov. 5-Dec. 12
Light Geese and Brant	Nov. 5-Nov. 23
Michigan	
Rails, snipe, and woodcock	Sept. 7-Sept. 14 & Nov. 15-Dec. 22
Ducks, mergansers, coots, and moorhens:	
North Zone	Sept. 7-Sept. 30 & Nov. 8-Nov. 11 & Nov. 14-Dec. 22
Middle Zone	Sept. 7-Sept. 30 & Nov. 7-Nov. 10 & Nov. 14-Dec. 22
South Zone	Sept. 7-Oct. 7 & Nov. 14-Nov. 24 & Nov. 28-Dec. 22

	Extended Falconry Dates
Minnesota	
Rails, snipe, and woodcock	Nov. 5-Dec. 16
Ducks, mergansers, coots, and moorhens	Sept. 1-Sept. 30 & Nov. 10-Dec. 16
Canada Geese:	
West Zone:	
West Central Zone	Oct. 10-Oct. 14 & Nov. 5-Dec. 16
Rest of West Zone	Nov. 10-Dec. 16
Northwest Zone	Nov. 10-Dec. 16
Fergus Falls/Alexandria Zone:	
West Zone	Nov. 10-Dec. 9
Rest of Fergus Falls/Alexandria Zone	Nov. 20-Dec. 9
Southeast Zone:	
Twin Cities Metro Zone and Olmstead County	Dec. 10-Dec. 14
Rest of Southeast Zone	Dec. 10-Dec. 16
Rest of State	Nov. 20-Dec. 16
White-fronted Geese	
West Zone	Nov. 10-Dec. 16
Northwest Zone	Nov. 10-Dec. 16
Southeast Zone	Dec. 10-Dec. 16
Rest of State	Nov. 20-Dec. 16
Mississippi	
Mourning doves	Nov. 14-Nov. 18 & Jan. 18-Feb. 28
Ducks, mergansers, and coots	Nov. 26-Dec. 16 & Jan. 21-Mar. 8

	Extended Falconry Dates
Wisconsin	
Rails, snipe, moorhens, and gallinules:	
North Zone	Sept. 1-Sept. 30 & Nov. 10-Dec. 16
South Zone	Sept. 15-Sept. 30 & Oct. 10-Oct. 16 & Jan. 26-Mar. 10
Woodcock	Sept. 1-Sept. 16 & Nov. 21-Dec. 16
Ducks, mergansers, and coots:	
North Zone	Sept. 1-Sept. 30 & Nov. 10-Dec. 16
South Zone	Sept. 15-Sept. 30 & Oct. 10-Oct. 16 & Jan. 26-Mar. 10
CENTRAL FLYWAY	
Colorado	
Ducks, mergansers, and coots	Sept. 1-Sept. 2 & Sept. 12-Sept. 30 & Oct. 16-Oct. 28
Montana (1)	
Ducks, mergansers, and coots:	
Zone 1	Sept. 17-Sept. 30 & Nov. 14-Dec. 9 & Dec. 27-Jan. 1
Zone 2	Sept. 17-Sept. 30 & Oct. 10-Nov. 10

	Extended Falconry Dates
Missouri	
Mourning doves	Oct. 31-Dec. 16
Ducks, mergansers, and coots:	
North Zone	Sept. 10-Sept. 18 & Oct. 1-Oct. 28 & Dec. 8-Jan. 6
Middle Zone	Sept. 10-Sept. 18 & Oct. 1-Nov. 4 & Dec. 15-Jan. 6
South Zone	Sept. 10-Sept. 18 & Oct. 1-Nov. 24 & Jan. 4-Jan. 6
Ohio	
Ducks, mergansers, and coots:	
Pymatuning Area	Oct. 16-Nov. 4 & Dec. 9-Jan. 15
Rest of State: North Zone	Oct. 24-Nov. 4 & Dec. 6-Jan. 15
South Zone	Oct. 24-Dec. 8 & Jan. 9-Jan. 15
Ohio River Zone	Oct. 24-Dec. 15
Tennessee	
Ducks, mergansers, and coots:	
Reelfoot Zone	Nov. 6-Nov. 11 & Nov. 14-Dec. 9 & Jan. 17-Feb. 15
State Zone	Nov. 6-Dec. 2 & Dec. 8-Dec. 16 & Jan. 21-Feb. 15

	Extended Falconry Dates
Nebraska (2)	
Ducks, mergansers, and coots:	
High Plains	Sept. 28-Oct. 14 & Nov. 28-Dec. 16 & Jan. 3-Jan. 12
Low Plains: Zones 1 and 2	Sept. 28-Oct. 21 & Oct. 24-Oct. 28 & Dec. 15-Jan. 12
Zones 3 & 4	Sept. 28-Oct. 7 & Oct. 11-Oct. 14 & Nov. 30-Jan. 12
New Mexico (1)	
Ducks, coots, moorhens, snipe, sora and Virginia rail:	
North Zone	Oct. 13-Oct. 28 & Nov. 19-Dec. 9
South Zone	Oct. 25-Nov. 18 & Jan. 19-Jan. 30
Oklahoma	
Ducks, mergansers, and coots	
High Plains	Sept. 19-Oct. 14 & Dec. 3-Dec. 9 & Dec. 22-Dec. 25
Low Plains: Zone 1	Nov. 21-Dec. 9 & Dec. 29-Jan. 27
Zone 2	Dec. 1-Dec. 9 & Jan. 9-Feb. 17
South Dakota	
Ducks, mergansers, and coots	
High Plains	Sept. 4-Sept. 30 & Nov. 9-Dec. 7
Low Plains: North Zone	Sept. 4-Sept. 30 & Nov. 9-Dec. 19

	Extended Falconry Dates
South Dakota (cont.)	
Middle Zone	Sept. 4-Oct. 7 & Nov. 16-Dec. 19
South Zone	Sept. 4-Oct. 28 & Dec. 7-Dec. 19
Texas	
Mourning and white-winged doves	Nov. 14-Dec. 20
Rails and gallinules	Nov. 14-Dec. 20
Ducks, mergansers, and coots:	
High Plains	Jan. 9-Feb. 24
Low Plains	Nov. 28-Dec. 16 & Jan. 16-Feb. 24
Woodcock	Feb. 1-Feb. 26
Wyoming	
Rails	Sept. 1-Sept. 14
Ducks, mergansers, and coots	Sept. 1-Sept. 30 & Oct. 24-Nov. 7
PACIFIC FLYWAY	
Arizona	
Doves	Sept. 12-Oct. 28
Ducks and mergansers:	
North Zone	Sept. 1-Oct. 6
South Zone	Jan. 16-Feb. 22

	Extended Falconry Dates
California	
Ducks and mergansers:	
Northeastern Zone	Dec. 6-Jan. 22
Colorado River Zone	Jan. 16-Feb. 22
Southern Zone	Nov. 6-Dec. 2 & Jan. 16-Feb. 5
Balance-of-State Zone	Nov. 6-Dec. 2 & Jan. 16-Feb. 5
Southern San Joaquin Zone	Oct. 22-Nov. 18 & Jan. 16-Feb. 5
Coots:	
Northeastern Zone	Dec. 6-Jan. 22
Southern Zone	Jan. 16-Feb. 5
Balance-of-State Zone	Jan. 16-Feb. 5
Colorado River Zone	Jan. 16-Feb. 22
Southern San Joaquin Zone	Jan. 16-Feb. 5
Canada Geese:	
Northeastern Zone	Jan. 9-Jan. 22
Southern Zone	Jan. 23-Feb. 5
Colorado River Zone	Jan. 23-Feb. 5
Balance-of-State Zone (3)	Jan. 16-Feb. 5
Southern San Joaquin Zone	Jan. 16-Feb. 5
White-fronted Geese:	
Northeastern Zone	Oct. 31-Jan. 22
Southern Zone	Jan. 23-Feb. 5

	Extended Falconry Dates
California (cont.)	
Balance-of-State Zone:	
Sacramento Valley	Oct. 22-Oct. 28 & Dec. 1-Feb. 5
Rest of Zone	Oct. 22-Oct. 28 & Jan. 2-Feb. 5
Colorado River Zone	Oct. 7-Oct. 16 & Jan. 23-Jan. 26
Southern San Joaquin Zone	Oct. 22-Oct. 28 & Jan. 2-Feb. 5
Brant:	
Northeastern Zone	Oct. 8-Oct. 31 & Dec. 1-Jan. 22
Southern Zone	Oct. 22-Oct. 31 & Dec. 1-Feb. 5
Balance-of-State Zone	Oct. 22-Oct. 31 & Dec. 1-Feb. 5
Southern San Joaquin Zone	Oct. 22-Oct. 31 & Dec. 1-Feb. 5
Light Geese:	
Northeastern Zone	Jan. 9-Jan. 22
Southern Zone	Jan. 23-Feb. 5
Balance-of-State Zone	Oct. 22-Oct. 28 & Jan. 16-Feb. 5
Southern San Joaquin Zone	Oct. 22-Oct. 28 & Jan. 16-Feb. 5
Colorado River Zone	Oct. 7-Oct. 16 & Jan. 23-Jan. 26

	Extended Falconry Dates
Colorado	
Ducks, mergansers, and coots	Sept. 17-Sept. 30 & Oct. 17-Oct. 28 & Nov. 28-Dec. 9
Idaho	
Mourning doves	Oct. 1-Nov. 30 & Feb. 23-Mar. 10
Ducks, mergansers, and coots:	
Zone 1	Sept. 1-Oct. 2 & Feb. 23-Mar. 10
Zones 2 and 3	Sept. 1-Oct. 2 & Mar. 5-Mar. 10
Geese:	
Zones 1 through 4	Sept. 1-Sept. 7
Zone 5	Sept. 1-Sept. 14
Montana (1)	
Ducks and coots	Oct. 17-Oct. 21 & Nov. 28-Dec. 15 & Feb. 25-Mar. 10
Geese	Jan. 9-Jan. 15
Nevada (4)	
Ducks, mergansers, coots, moorhens, and snipe:	
Clark County	Jan. 20-Feb. 26
Rest of State	Dec. 21-Jan. 22
New Mexico (1)	
Ducks, coots, moorhens, snipe, sora and Virginia rail	Jan. 11-Feb. 17

	Extended Falconry Dates
New Mexico (cont.)	
Geese:	
North Zone	Oct. 15-Dec. 23 & Jan. 23-Jan. 29
South Zone	Oct. 15-Oct. 28 & Jan. 23-Jan. 29
Oregon	
Mourning doves	Oct. 1-Dec. 16
Band-tailed pigeons (5)	Sept. 1-Sept. 14 & Sept. 24-Dec. 16
Ducks, mergansers, and coots:	
Zone 1:	
Columbia Basin	Oct. 1-Oct. 14 & Jan. 16-Feb. 1
Rest of Zone 1	Oct. 1-Oct. 14 & Jan. 9-Feb. 1
Zone 2	Oct. 1-Oct. 7 & Jan. 1-Jan. 7
Snipe	Oct. 1-Oct. 7
Utah	
Mourning doves and band-tailed pigeons	Oct. 1-Dec. 16
Ducks, mergansers, and coots:	
Zone 1	Oct. 1-Oct. 7 & Dec. 17-Dec. 22 & Jan. 2-Jan. 26
Zone 2	Jan. 13-Feb. 19
Light Geese	Jan. 9-Jan. 22
Dark Geese:	
Washington County	Oct. 8-Oct. 21
Rest	Jan. 9-Jan. 22

	Extended Falconry Dates
Washington	
Mourning doves	Sept. 1-Sept. 15 & Oct. 1-Dec. 31
Ducks, mergansers, coots, and snipe:	
West Zone	Jan. 11-Feb. 17
East Zone	Feb. 8-Mar. 10
Geese	Jan. 23-Jan. 29
Snipe:	
West Zone	Oct. 1-Oct. 14 & Oct. 24-Nov. 11 & Jan. 11-Jan. 15
East Zone	Oct. 1-Oct. 14 & Oct. 24-Nov. 11 & Jan. 11-Jan. 15
Wyoming	
Rails and snipe	Sept. 1-Sept. 14
Ducks, mergansers, and coots	Sept. 1-Oct. 4 & Oct. 22-Nov. 8

(1) The daily bag limit is 2 and the possession limit is 6.
(2) In Nebraska, the bag limit is 3, see State regulations for additional information on daily bag limits.
(3) In California, the falconry season for Canada geese is closed in Del Norte and Humbolt Area, the Sacramento Valley Area, and in the San Joaquin Valley Area.
(4) In Nevada, the bag limit is 2 and the possession limit is 4.
(5) In Oregon, no more than 1 pigeon daily in bag or possession.

[FR Doc. 94-24261 Filed 9-30-94; 8:45 am]

BILLING CODE 4310-55-C

federal register

Monday
October 3, 1994

Part X

Department of Commerce

National Telecommunications and Information Administration

Advisory Council on the National Information Infrastructure; Open Meeting; Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Advisory Council on the National Information Infrastructure; Open Meeting

AGENCY: National Telecommunications and Information Administration (NTIA).

ACTION: Notice is hereby given of a meeting of the United States Advisory Council on the National Information Infrastructure, created pursuant to Executive Order 12864, as amended.

SUMMARY: The President established the Advisory Council on the National Information Infrastructure (NII) to advise the Secretary of Commerce on matters related to the development of the NII. In addition, the Council shall advise the Secretary on a national strategy for promoting the development of the NII. The NII will result from the integration of hardware, software, and skills that will make it easy and affordable to connect people, through the use of communication and information technology, with each other and with a vast array of services and information resources. Within the Department of Commerce, the National Telecommunications and Information Administration has been designated to provide secretariat services to the Council.

Authority: Executive Order 12864, signed by President Clinton on September 15, 1993, and amended on December 30, 1993 and June 13, 1994.

DATES: The NII Advisory Council meeting will be held on Wednesday, October 19, 1994 from 8:30 a.m. until 4:30 p.m.

ADDRESSES: The NII Advisory Council meeting will take place at the Mountain View Center for the Performing Arts, City of Mountain View, Post Office Box 7540, Mountain View, California 94039 (corner of Castro and Mercy Streets).

FOR FURTHER INFORMATION CONTACT: Ms. Celia Nogales (or Ms. Meggan Griggs, alternate), Designated Federal Officer for the Advisory Council on the National Information Infrastructure, National Telecommunications and Information Administration (NTIA); U.S. Department of Commerce, Room 4892; 14th Street and Constitution Avenue, N.W.; Washington, D.C. 20230. Telephone: 202–482–1835; Fax: 202–482–0979; E-mail: nii@ntia.doc.gov.

Agenda

1. *Opening Remarks by the Co-Chairs (Delano Lewis, Ed McCracken)*
2. *Review of Progress on Mega-Projects*
3. *Education and the NII Principles*
4. *Intellectual Property Principles*
5. *Remarks by the Deputy Secretary of Commerce*
6. *Discussion of Critical Issues*
   Personal Privacy
   Rules and Responsibilities of NII Use
   Ensuring Access to the NII
   Global Uses of the NII
7. *Public Discussion, Questions and Answers*
8. *Next Meeting Date and Agenda Items*

PUBLIC PARTICIPATION: The meeting will be open to the public, with limited seating available on a first-come, first-served basis. Any member of the public requiring special services, such as sign language interpretation, should contact Meggan Griggs at 202–482–1835.

Any member of the public may submit written comments concerning the Council's affairs at any time before or after the meetings. Comments should be submitted through electronic mail to nii@ntia.doc.gov or to the Designated Federal Officer at the address listed above.

Within thirty (30) days following the meeting, copies of the minutes of the Advisory Council meeting may be obtained through Bulletin Board Services at 202–501–1920, 202–482–1199, over the Internet at iitf.doc.gov, or from the U.S. Department of Commerce, National Telecommunications and Information Administration, Room 4892, 14th Street and Constitution Avenue, N.W.; Washington, D.C. 20230, Telephone 202–482–1835.

Larry Irving,

Assistant Secretary for Communications and Information.

[FR Doc. 94–24336 Filed 9–30–94; 8:45 am]

BILLING CODE 3510–60–P

federal register

Monday
October 3, 1994

Part XI

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 Part 200 et al.

Appraisals and Property Valuation; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 204, 206 and 267

[Docket No. R–94–1626; FR–3027–F–02]

RIN 2502–AF25

Appraisals and Property Valuation

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule establishes minimum standards for real estate appraisals made by staff, fee panel and contract appraisers in determining the maximum insurable mortgage amount in most HUD/FHA single family (one-to-four family) and multifamily transactions; and establishes criteria for the selection of appraisers by mortgagees. The rule also distinguishes those appraisals that may be performed by state licensed appraisers from those that must be performed by state certified appraisers.

DATES: Effective Date: December 2, 1994.

Applicability date: Section 267.10 is applicable to HUD employees who qualify as certified general appraisers not later than December 31, 1996, unless the Assistant Secretary-Commissioner specifies otherwise in a specific case.

FOR FURTHER INFORMATION CONTACT: For single family programs: Morris Carter, Director of the Single Family Development Division, Room 9270, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–8000, telephone, voice: (202) 708–2720; (TDD) (202) 708–4594. (These are not toll-free numbers.) For multifamily programs: Linda Cheatham, Director, Office of Insured Multifamily Development, Room 6134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–8000, telephone, voice: (202) 708–3000; (TDD) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Information Collection

The information collection requirements contained in this final rule have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1980. No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**. See the "Other Matters" section of this preamble for further information on the information collection requirements.

II. Publication of the Proposed Rule

On September 16, 1993, the Department published in the above Docket, at 58 FR 48556, a proposed rule entitled "Appraisals and Property Valuation". The proposal, among other things, would promulgate a new part 267 to title 24 of the Code of Federal Regulations containing minimum standards for HUD real estate appraisals and criteria for the selection of appraisers by mortgagees. The preamble to the proposed rule describes, in greater detail than below, the legislative background for this rulemaking and set the rulemaking in the context of certain administrative changes that the Department had been considering on its own initiative. The preamble also explains the significant provisions of proposed part 267 as well as certain conforming amendments to other parts of HUD regulations.

Interested persons were invited to submit comments in Docket No. FR–3027 on or before Nov. 15, 1993.

III. Description of this Final Rule

Background

This rule implements two statutory provisions. Section 142 of the Department of Housing and Urban Development Reform Act of 1989 (Reform Act) requires that the appraisal of all property securing an FHA-insured mortgage be performed in accordance with generally approved appraisal standards.[1] Section 322 of the Cranston-Gonzalez National Affordable Housing Act (Cranston-Gonzalez) provides that single family Direct Endorsement (DE) mortgagees may choose the appraisers who evaluate properties securing FHA-insured mortgages and states that those appraisers may be legal entities as well as natural persons.[2] Furthermore, as explained in the proposed rule, HUD, on its own initiative, has been revising its procedures for qualifying appraisers and for requiring their use in various FHA programs. The objective is to identify under each program the particular method of determining who is qualified to perform the appraisal, consultancy or other type of evaluation, based on differences inherent in the broad range of insurance programs that comprise Titles I and II of the National Housing Act (Act, NHA).

As a consequence of the Congressional mandates and its own initiatives, the Department published the proposed rule which elicited 384 written public comments. Some of these comments raised a single issue, while others expressed multiple questions or concerns. Many were repetitive. In this rule, a number of changes are the direct consequence of, or are easily traceable to, public comments, as explained below. Also being adopted are changes originated by the Department as a result of having further considered its proposal. Mainly, these modifications are designed to simplify the rule in its final form and to address comments which objected to the burdensomeness of several proposed requirements. In addition, there are a number of editorial revisions that were needed to correct errors and improve readability; they are self-explanatory and are not discussed.

Differences Between the Proposed and Final Rules

This rule differs from the proposal in two general respects. The first difference is in response to a view expressed by several commenters that the proposed rule was difficult to follow and should be split into separate rules covering single family and multifamily programs, respectively. HUD does not believe that such radical restructuring is necessary but does recognize that FHA's single and multifamily programs differ enough that a division of the proposed rule's content along those lines would be helpful. Consequently, the final rule has reorganized the new part 267 into three subparts. Subpart A includes material common to both single and multifamily programs, subpart B relates exclusively to single family programs and subpart C relates only to multifamily programs. This revision has necessitated a technical, non-substantive redrafting of various proposed sections, e.g., the definition of "appraisal" has been tailored to fit subparts B and C, but these changes do not affect meaning.

Not as obvious is a shift in the final rule toward a less incursive regulatory posture that gives greater recognition to accepted industry standards and practices. Several HUD standards contained in the proposal are being deleted and the Departure Provision of the Uniform Standards of Professional Appraisal Practice (USPAP) is being acknowledged with respect to single family programs. Regarding this latter change, FHA currently requires that all

[1] Section 142 of the Reform Act added section 202(e) to the National Housing Act (NHA, Act), 12 U.S.C. 1708(e).

[2] Section 322 of Cranston-Gonzalez amended section 202(e).

single family appraisals be "complete appraisals", as that term is defined under Standard 1 of USPAP, but instances may arise when the Departure Provision will be invoked to authorize "limited appraisals" under specific circumstances and on a case-by-case basis. In general, we are increasingly convinced that, with legislative prompting, the appraisal profession is moving in the direction of effective self-regulation and that HUD should limit its role to adapting industry requirements and practices to particular FHA needs rather than competing with broader ongoing efforts to improve the reliability of residential appraisals and the overall performance of the appraisal industry.

Set forth below is a discussion of significant changes from the proposed rule contained in each of the three subparts of new part 267.

Subpart A—General

In § 267.1 (applicability), paragraph (b)(2) has been changed to add a reference to § 201.23(b)(3) regarding the "trade-in" of a borrower's equity in a manufactured home. As a result, part 267 now excludes appraisals used in determining the borrower's equity in an existing manufactured home traded for a new manufactured home to be purchased with a Title I loan. This reference was inadvertently omitted from the proposed rule. Also, in paragraph (b)(3) of § 267.1, the exception for property improvement loans has been broadened by changing the phrase "one- to-four family dwellings" to "property" since the exception should cover Title I commercial and multifamily property improvement loans as well as one-to-four family dwellings. The paragraph has also been revised to reflect a recent decision by the Department to enhance the Title I program.[3] Specifically, the $15,000 threshold of borrower equity in the property undergoing improvement, below which no mortgage is required, has been eliminated.

"FIRREA" (Title XI of the Financial Institutions Reform, Recovery and Enforcement Act 1989) has been included as definition (d) under § 267.2 to aid the reader.

A broad description of "Single family program" has been included as definition (j) under § 267.2.

"USPAP" has been included as definition (l) under § 267.2 and to it has been added the provision of former § 267.4(c)(4). That provision states the Department's policy of recognizing any changes or additions to USPAP which the Appraisal Standards Board may from time to time adopt, unless HUD publishes in the **Federal Register** its decision not to recognize a change or addition.

In § 267.3, paragraph (b)(1) [formerly § 267.6(b)(1)] prohibits certain discriminatory acts. It has been extensively revised in response to numerous comments about the burdensomeness for mortgagees of reporting on the relative frequency with which they use women and minority status appraisers. At the same time, we have been careful to ensure the public availability of the data which would have been provided by those reports and which for single family programs the Department will now obtain elsewhere in accordance with paragraph (b)(2) of § 267.3. The Department will be scrutinizing that data carefully. We will not countenance discrimination by lenders against female and minority status appraisers.

For single family programs, HUD will compile an annual report directly from information which the Department will maintain for each appraiser listed on the Roster. Information with respect to gender and minority status will be furnished by the appraiser at the time he or she applies for listing. This is permitted by the newly-added reference to "such further information as HUD may require" in § 267.8(d)(2). When the mortgagee accesses the Computerized Homes Underwriting Management System (CHUMS), giving the appraiser's certification or license number, the information on the appraiser will be recorded from the Roster data bank. For fee panel appraisers, HUD will record the information from the Roster data at the time the panelist is assigned. The Department will be able to prepare the annual report directly from this information and will make it available to members of the public upon request. See § 267.3(c).

With respect to multifamily programs, there do not exist systems analogous to CHUMS and the Roster, and consequently the data must be furnished by Delegated Processors, contract appraisers and consultants, and each housing finance agency (HFA) participating in the Department's HFA Risk-Sharing Program. Since the number of multifamily cases processed is considerably less than single family activity during a given time span, this burden should not be unreasonable. Details of this reporting requirement will be specified in one of the terms of the contract/agreements which HUD executes with its Delegated Processors, contract appraisers and consultants and HFAs. Because reporting under multifamily programs is being implemented by contractual obligation, and because that obligation is not set forth under existing contracts, the data will not become immediately available when this rule takes effect. As of the effective date provided at the beginning of this preamble, however, all new contractural agreements and all renewals or renegotiations of existing agreements will provide for the data to be furnished thereafter. See § 267.3(c)(5).

Proposed § 267.6(c) relating to competency is now paragraph § 267.3(d).

A new § 267.4, entitled " waiver", has been added at the end of subpart A. The section authorizes the Assistant Secretary-Commissioner to waive any requirement in part 267 not mandated by statute when enforcement of that requirement would adversely affect the purposes of the NHA. It is unlikely that this waiver authority would be invoked often under part 267. However, HUD has been including a similar waiver provision in many recently adopted rules because it does permit administrative flexibility in unusual circumstances when invariable application of a rule would be unfair or contrary to program objectives.

Subpart B—Single Family Programs

In § 267.5, entitled "Definitions applicable to single family programs", paragraph (a), defining "Appraisal", no longer includes the phrase "as estimated by HUD staff or an appraiser under contract with HUD" which appeared in proposed § 267.2(b)(2). The effect of this change is that the DE lender, not HUD, will be responsible for estimating replacement cost under the section 220 single family program.

In customary usage, the term "single family" is well established. However, there are FHA programs that do not fit the usual concept of one-to-four family dwellings, yet are governed by one-to-four family appraisal standards and procedures, specifically, Title I multifamily and non-residential property improvement loans. The revised definition (c) under § 267.5, "one-to-four family residential property", covers this anomaly. Note that there is no parallel definition of multifamily programs, which simply include all other FHA mortgage origination transactions.

Section 267.6 follows proposed § 267.3, but with minor editing to improve readability and clarity.

Section 267.7, Appraisal standards, represents an extensive revision of

[3] See News Release issued by the Department on June 28, 1994.

proposed § 267.4 on this subject. Specifically:

(1) The proposed rule stated that the USPAP Departure Provision would not apply to FHA single family appraisals. The preamble to the proposed rule stated a concern that the Provision might be used to dispense with important information gathering. (See 58 FR 48560). After considering the matter more fully, we have decided that this concern is unjustified. Each of the appraisal forms permitted by HUD makes clear what information is required and any deficiency should be readily noticed by the review appraiser or underwriter. Also, the Provision will only be invoked under unusual circumstances, subject to mutual agreement of the mortgagee and appraiser, after obtaining consent from the local HUD office. Should appropriate circumstances arise and a complete appraisal not be required, the Provision gives HUD the administrative flexibility to save the parties needless expense. The Department expects that eventually, as experience is gained, a handbook addition or other directive will be issued with respect to Departure situations in single family programs. In view of the foregoing, the Provision is being given recognition for single family programs and reference to it (as being inapplicable) has been dropped from former § 267.4(a)(1), now § 267.7(a)(1).

(2) Section 267.4(a)(3) of the proposed rule is being deleted as unnecessary and somewhat redundant since § 267.7(a)(8) of the final rule covers the question of property valuation methods in greater detail.

(3) Section 267.4(a)(4)(i) of the proposed rule described the appraisal report forms. That section has been revised in § 267.7(a) of the final rule to extract the language pertinent to single family programs. Two Federal National Mortgage Association forms are also being added as acceptable for FHA single family purposes; these are somewhat more detailed than the Uniform Residential Appraisal Report and offer an alternative means of presenting the data. In addition, former § 267.4(a)(4)(iii) required sufficient "depth of analysis" to reflect the complexity of the property. HUD has concluded that the data necessary for an appraisal which satisfies the other FHA standards will necessarily reveal whether the property is complex so as to require a certified rather than a licensed appraiser. Therefore, the need for this separate and rather vague standard is avoided and the language of proposed § 267.4(a)(4)(iii) has been dropped from this final rule.

(4) Proposed § 267.4(a)(7) is being deleted as not really pertinent for single family programs.

(5) Proposed § 267.4(a)(11) is being deleted to simplify the appraiser's responsibilities. We agree with several commenters that the added burden of requiring the appraiser to check the property's legal description is not justified by the remote likelihood of a mistake in the address.

(6) Section 267.7(a)(8) still requires the appraiser to certify that the racial/ethnic composition of the neighborhood has in no way affected the appraisal determination. However, the phrase "or socioeconomic" has been dropped as part of this certification. The term was not susceptible to a clear understanding. It was, in fact, misleading, since the economic composition of the surrounding neighborhood, e.g., level of property maintenance, is a valid consideration in determining value, whereas any consideration of the social mix and demographics is precluded by the rule's explicit warning that the appraiser must not give weight to racial and ethnic aspects of the neighborhood[4]. A similar change has been made with respect to the certification for multifamily programs in § 267.11(a)(9).

(7) Proposed § 267.4(a)(12), now § 267.7(a)(9), describing valuation methods, has been revised to extract the relevant single family provisions.

Section 267.8(a)(1)(i)(A) of the rule contains a parenthetical phrase to make clear that a mortgagee selecting an appraisal organization may also select a particular employee within that organization to perform the appraisal.

Section 267.8(c)(1) embodies the prohibitions of proposed § 267.5(c), but has been simplified in one respect. Proposed § 267.5(c)(1) addressed contracts between the mortgagee and the appraiser if the two were affiliated. While this relationship is still prohibited in multifamily cases, in single family programs, where DE mortgagees may employ staff appraisers, it is inconsistent with much of the lending industry's practice. The prohibition has therefore been dropped from § 267.8(c).

In § 267.8(d)(1), the list of legal entities which, together with natural persons, comprise eligible types of appraisers has been expanded from the list in § 267.5(d)(1) of the proposed rule to include joint ventures, limited liability companies and other organizations. In addition, § 267.8(d)(1) has been redrafted to explain the options available to a DE mortgagee in need of an appraiser, i.e., an independent contractor, a staff employee or a fee panelist. Section 267.5(d)(1) of the proposed rule did not cover these options; paragraphs (d)(1)(i), (d)(1)(ii) and (d)(1)(iii) focused instead on appraiser qualifications, which made them somewhat redundant since appraiser qualifications were also set forth in § 267.5(d)(2), now § 267.8(d)(2), describing the Roster.

Proposed § 267.5(d)(1)(iv) has been incorporated into § 267.8 (d)(1) of this rule and revised to make it clear that the mortgagee and appraiser share not only concurrent but also equal responsibility for the accuracy and thoroughness of an appraisal.

In § 267.8(d)(2), the appraiser, rather than providing evidence of compliance with the items listed in proposed § 267.5(d) (2)(i)–(vi), may now certify that he or she satisfies the requirements of that paragraph. Also, two of the proposed requirements have been dropped: there is no obligation to obtain errors and omissions insurance unless the mortgagee requires it and there is no fee for being listed on the Roster.

Section 267.8(f)(1) [proposed § 267.5(h)] no longer requires as a condition to transferring an appraisal that the accepting mortgagee have "adopted appraisal review procedures in accordance with this part". Inclusion of this condition in the proposed rule was an error. There is no appraisal review procedure contained in the rule.

Section 267.5(f) of the proposed rule, regarding the extent to which others may assist the appraiser, has been deleted. As explained above, the thrust of many changes which distinguish this rule from the proposal is to place a greater reliance on USPAP and, wherever possible, to achieve compatibility with generally accepted practices of the appraisal industry. Consistent with this approach, the Department looks to USPAP to set criteria for the "assistance of others".

Finally, mention should be made of the conforming amendment under 24 CFR part 204, Coinsurance, contained in the proposed rule (58 FR 48566). On March 30, 1994 (59 FR 14809, Docket No. R–94–1717), the Department proposed termination of its single family coinsurance program but the proceeding in Docket No. R–94–1717 is still open. Until final action is taken, part 204 remains in effect and is being amended by this rule.

[4] In addition to the certification requirement of § 267.7(a)(8) it should also be noted that the Uniform Residential Appraisal Report Form states in bold type that "[r]ace and the racial composition of the neighborhood are not appraisal factors."

Subpart C—Multifamily Programs

Section 267.9, Definitions applicable to multifamily programs, extracts from § 267.2 of the proposed rule those definitions pertinent to multifamily programs. As with § 267.5, some editorial changes have been required to accommodate this separation of the definitions from the format in which they were proposed.

Section 267.10, Qualified appraisers and appraisals, derives from § 267.3 of the proposal. It has been redrafted to fit exclusively multifamily programs. Note also that paragraph (a) provides for HUD employees performing multifamily appraisals to be qualified as certified general appraisers not later than December 31, 1996, unless the Assistant Secretary-Commissioner specifies otherwise in an individual case. It is FHA's goal to qualify its staff appraisers in accordance with the standards of a state as soon as possible. However, the Department is currently undertaking an extensive reorganization and restructuring of its field office functions and jurisdictions. Very likely, a number of HUD Multifamily appraisers, including some who have already attained certified general status, will be retiring in the near future. Time is required to recoup such losses and our current estimate is that we will not be able to achieve comprehensive certification of multifamily appraisers until the end of 1996. Some currently certified employees will remain, of course, and others will become certified before that time, but we cannot set a precise schedule because available training funds for the 1995 and 1996 fiscal years are not known nor is the retirement rate predictable with much accuracy. Moreover, the dispatch with which HUD can accomplish conprehensive certification of its staff appraisers will be directly proportional to the extent of training and experience required by different states so progress will undoubtedly vary from one field office to another. We have set a date of December 31, 1996 for achieving full staff certification in multifamily programs; however, in the event funding and attrition rates differ appreciably from our projections, we will adjust the effective date to make it earlier if possible, later if necessary.

As is the case with § 267.7, which sets standards for single family appraisals, § 267.11 has been extensively revised both to reduce requirements and to extract specific—in this case multifamily—appraisal standards. In most respects, §§ 267.7 and 267.11 are alike, except that in § 267.11: 1) the prescribed appraisal forms are different; 2) the review of historical sales prices covers a three-year (or more), rather than a one-year, time span; 3) proposed rule paragraphs 267.4(a)(7) and (a)(8), concerning marketing period and factors that affect income and the absorption period, are relevant for multifamily sales and are included; and 4) the reference to valuation methods focuses on the greater concern with replacement cost in multifamily programs.

For the reasons cited above in the description of § 267.8, the provision regarding the assistance of others, § 267.5(f) of the proposed rule, has been deleted. However, § 267.12 contains a new paragraph (b)(2), inadvertently omitted from the proposed rule, that outlines the relationship between an appraiser and a Delegated Processor. Paragraph (b)(2) explains that HUD must review and approve each appraiser who works for a Delegated Processor, either as an employee or as an independent contractor. We also review and approve each appraiser employed under a Technical Discipline Contract (TDC).

Discussion of the Comments Received

The Two Main Issues

Most of the comments addressed one or both of the principal objectives of the rule: to require the certification or licensing of appraisers for FHA-insured mortgages and to enable DE mortgagees to use appraisers of their own choosing for FHA transactions.[5]

The Certification/Licensure Issue

As was pointed out in the proposed rule, the requirement that FHA appraisers must be certified or licensed, depending upon the nature of the transaction, is based on section 142 of the Reform Act, and parallels a similar Congressional mandate in FIRREA that only certified general, certified residential or licensed persons may perform appraisals involving federally related transactions. Thus, when section 142 was enacted, a system of state certification and licensing was already under development. This was beneficial in two respects. First, it obviated the need for HUD to develop its own regulatory structure with a resultant drain on staff and budgetary resources. Second, by drawing upon the FIRREA system as an established resource, HUD could fulfill its regulatory responsibility with a minimum of added expense to homebuyers. We believe that most appraisers will soon be certified and/or licensed in order to participate in the broad range of federally related transactions and also to enhance their own professional stature. The cost of added training and membership will then be distributed over a wide base of consumers. Moreover, there will probably be a dwindling pool of unlicensed and uncertified appraisers upon which mortgagees can draw so that, quite apart from the mandate of section 142, debate over the need for such accreditation in FHA programs will become academic. In any event, HUD retains its control over appraisal fees permitted for single family programs to make sure that they do not rise disproportionately.

The Appraiser Selection Issue

With respect to the DE mortgagee's right to choose appraisers, we specifically requested comment from the public. It is not possible for HUD to preclude that choice by rulemaking, since the mortgagee's right to choose has been mandated by Congress and is therefore beyond the scope of agency policy. However, we wanted to assess the extent and weight of public opinion in order to ascertain if there were a good case HUD might present to Congress for repealing the provision. We found that public opinion was fairly well balanced between support and opposition. Some commenters argued that lender choice would lead to abuse and distorted valuation; others that it would do no more than serve to simplify and speed the appraisal process. We turned, therefore, to an analogy with experience already gained, inferring that use of the staff appraisers employed by many major lending firms should have the same potential for abuse and the same tendency to encourage lender-dictated property values. Yet increasing experience with this practice has not indicated that the accuracy or thoroughness of lender staff appraisals has been compromised by pressure on the employee. We have concluded that serious concern about the integrity of lender-selected appraisers is not supported by current evidence and we do not plan to pursue the matter legislatively at this time.

Specific comments. Some of the public comments raised specific issues that should be addressed.

Comment on review appraisers: The Department has not adequately addressed the need for qualifying review appraisers. Furthermore, there is no recognition of the difference between a technical review and an administrative review as those terms are

[5] Several commenters used the rulemaking as an occasion to raise matters outside the scope of this proceeding. It would be inappropriate to dispose of those matters at this time, but to the extent HUD deems appropriate, they may be the subject of subsequent administrative action.

understood within the appraisal industry.

Response: HUD has given considerable thought to the general question of appraisal reviews and who performs them. For FHA purposes, reviews are essentially of two types. First are those incidental to the duties of the DE underwriter. In these instances, the appraisal is accepted on its face, while certain factors are weighed into the decision of whether or not to underwrite, and if so, whether to change the loan amount on the basis of an adjustment to value. This is not an appraisal action; it is an underwriting judgment as we explained in the proposed rule. Along with these judgments, the underwriter exercises administrative review responsibilities, checking to see if the appraiser has properly completed the form, noting the comparables used, etc. We see no element of technical review in this role of the underwriter, who is not certified or licensed in most cases.

The second type of review is technical, as compared to administrative. With respect to multifamily transactions, technical reviews are conducted by HUD staff or by a contractor and may result in a revision of the appraisal report. In the case of single family transactions, they are conducted by HUD staff and may provide a basis for administrative sanctions, but they do not materially affect the appraisal report. Whether a technical review is performed by a contractor or by HUD staff, the reviewer must be certified in the case of multifamily programs and either certified or licensed, as is necessary, for single family programs. In order to make HUD's own internal practices consistent with the standard that we apply to private sector appraisers, the Department intends that over the next several years, every FHA multifamily and single family staff appraiser who performs reviews will become either certified or licensed, whichever is appropriate for the nature of the reviews that he or she performs.

Comment on loan correspondents choosing appraisers: The proposed rule does not clarify whether loan correspondents or their sponsors should choose the appraiser.

Response: The Department expects sponsors to be responsible for underwriting single family loans submitted by their loan correspondents. Consistent with this approach, the sponsor must select the appraiser.

Comment on limiting market value with replacement cost: It is ill-advised and inconsistent with USPAP for HUD to stipulate that market value shall not exceed replacement cost.

Response: The Department agrees with several of the commenters that there are instances when replacement cost does not keep step with market value, and this is precisely why a limitation is needed. We do not agree that a property can adequately secure a debt for any sum greater than is sufficient to replace the property. For purposes of mortgage financing, value must be ascertained prudently. It is not the same, for example, as the value assigned to property when setting a market price. For FHA purposes, it is fair and sensible to limit market value by replacement cost, particularly since it will be supported by an actual construction contract.

We are puzzled by the assertion of one commenter that HUD's policy is inconsistent with USPAP. Standards Rule 1–5 of USPAP states that the appraiser must consider and reconcile the quality and quantity of data available and analyzed within the approaches used and the applicability or suitability of those approaches which are set forth in Standards Rule 1–4. For FHA, the acceptable approach is market value, although replacement cost is recognized as a limit to data acquired from the sales of comparable properties. We see no conflict with USPAP in this regard.

Comment on reporting market conditions and trends: Why require the appraiser to analyze and report on current market conditions and trends if, as stated in the preamble to the proposed rule, such conditions and trends should not be factored into the estimate of value?

Response: In the preamble to the proposed rule, we stated that:

> * * * while the appraiser should indicate observed market trends as a part of the appraisal report, a trend should not be factored into the estimate of value.

This statement failed to make a basic distinction between what is meant by "trend" in multifamily compared with single family programs, and caused several commenters to question the usefulness of trending in single family appraisal work.

A multifamily appraiser must give consideration to long-term projections of market changes in order to estimate, for example, project income from rents over the life of the mortgage. Trends are therefore of twofold significance in multifamily cases: they address projected changes in both the intrinsic value of the property and in its earning ability. Hence, they are essentially forward-looking.

By comparison, the existence of rapidly rising or declining prices for single family properties can be ascertained by analysis of recent sales data. Looking at sale prices within the preceding six months, the appraiser can estimate the rate of increase or decrease in an area. These rates of change will have an effect on the value of the subject property and must be taken into consideration.[6]

For both single family and multifamily transactions, however, it should be borne in mind that conditions and trends are ephemeral elements in any economy whether viewed from a local or national perspective and they reflect assumptions which may or may not be vindicated by subsequent events.

Comment on reporting the use of minority appraisers: Reporting on the use of minority and female appraisers is burdensome, unnecessary and if nevertheless adopted, should be HUD's responsibility.

Response: This is an important initiative. It is intended to address two matters of concern. One is the perceived underutilization of minority and female appraisers in general. Second is a perceived underutilization of minority appraisers in communities where they might be more knowledgeable about trends and conditions and more sensitive to community problems. However, the Department recognizes the burden this reporting requirement places on mortgagees, especially in FHA's high volume single family programs. We have therefore revised the requirement so that HUD will accept virtually all responsibility for compiling and reporting the information for those programs.

Comment on differing appraiser classifications: Why does the proposed rule not distinguish between the different levels of certification, such as a Certified General Appraiser compared with a Certified Residential Appraiser?

Response: We do distinguish between certified general and certified residential appraisers in those instances where the distinction must be made. Thus, when the reference is to multifamily programs, "certified general" is intended and the rule will usually so state. When we are referring to single family programs that require the services of a certified appraiser, as described in § 267.5(b), the rule makes no distinction because either a certified

[6] The URAR provides for the appraiser's perception of "Market conditions in the subject neighborhood (including support for the above conclusions [regarding marketability] *related to the trend of market values* * * *)" (Emphasis added.)

general or a certified residential appraiser would be appropriate for the assignment. Some jurisdictions have provided for other variant classifications which this rule does not seek to distinguish. We rely instead on the state accreditation agencies—prompted by the benefits of reciprocity and guided by the Appraiser Qualifications Board—to maintain comparable standards within the different classifications for use by FHA, the Federal Financial Institutions Examination Council members and other interested agencies such as the Department of Veterans Affairs (DVA) and the Farmers Home Administration.

Comment on continuing the use of DVA certificates of reasonable value (CRVs) and HUD conditional commitments: According to HUD's Direct Endorsement regulations, in particular 24 CFR 203.5(e): "In lieu of appraising the property, the mortgagee may utilize a HUD conditional commitment (for proposed construction only), or a Department of Veterans Affairs certificate of reasonable value." Will this continue to be the practice under the Roster system?

Response: Lenders may continue to rely on conditional commitments and CRVs. Part 267 will not affect this interchangeability. For some time now, both HUD and DVA, by administrative instructions, have required certified or licensed appraisers for single family appraisals. Moreover, appraisals for veteran housing programs must comply with USPAP. Thus, DVA and FHA requirements are comparable in key respects and are mutually acceptable. Of course this interchangeability could end if either agency were to lessen its standards for appraisers or appraisals. We point out also that HUD requires virtually all applications for mortgage insurance to be processed under the DE program, so very little use is made of HUD conditional commitments. This fact tends to discourage the mutual recognition of CRVs and conditional commitments (or at least DVA's recognition of HUD commitments) since 38 U.S.C. 1831 requires that CRV appraisers be assigned on a rotational basis from a fee panel selected and maintained by DVA—a requirement incompatible with the DE lenders' freedom to select their appraisers.

Comment on the integrity of DE staff appraisers: It is naive and pointless to require that DE lenders separate the appraisal function from their underwriting operations in order to protect the autonomy and integrity of staff appraisers. Policy and decisionmaking for every corporate component coalesce at the top of the business structure and filter downward; a staff appraiser cannot avoid being influenced.

Response: We are aware of the potential for pressure on staff appraisers, but short of prohibiting the practice altogether, there is no completely satisfactory solution. We believe that by removing the appraiser from the direct supervision of the loan production department, two advantages accrue.

First, the appraiser is at least free from the everyday case-by-case control of loan officers. An appraiser may sense that too many unfavorable appraisals can impede on his or her career track (of course, a self-employed appraiser under contract with a lender can feel similar pressures), but there will at least not be instances where one's immediate supervisor looks for a specific value in every case assigned.

Second, when the nexus of decisionmaking shifts upward, if undue influence is manifest, it is usually easier to fix accountability. If there is a consistent problem, it will very likely have originated at upper corporate levels. Top management of a maleficent lending institution will find it more difficult to avoid culpability by claiming that fraudulent or misleading appraisals are the result of nothing more than faulty supervision or insensitivity to potential trouble at the loan officer level. Of course none of our precautions, including appraiser independence, can guarantee that a staff (or contract) appraiser will escape undue pressure. Ultimately, we look to the integrity and long-range business judgment of the mortgagees themselves to counter serious abuse and destructive practices. As we have observed previously, there has been a very good overall record on the part of mortgagees and staff appraisers in this regard.

Comment on the advisability of the Roster system: The idea of establishing a Roster for single family appraisers appears to be an offshoot of the fee panel system and is therefore a repudiation of the mortgagee's right to select the appraiser.

Response: The Roster and the fee panel are in fact totally different in concept and purpose. The fee panel was initiated as a means of controlling the quality of appraisers in terms of training, diligence, judgment and professionalism. It functioned mainly at a time when there was little other assurance in these respects. It afforded a means of training appraisers in FHA requirements and procedures and it also served to limit the pool of appraisers so that panelists could be kept active in FHA programs and their experience level would benefit accordingly.

Circumstances have now changed completely. First and most importantly, FIRREA has raised and standardized the level of appraiser competence nationwide so that it is no longer a major concern. Second, the law now permits DE mortgagees to select appraisers. This means that a system of assigning panelists, unless the mortgagee requests the assignment or is not DE approved (and most now are) would be illegal—a fact which is overlooked by those commenters who urge HUD to retain the strict panel assignment system. In a practical sense, it also means that there are far more potential FHA single family appraisers than this agency, with its increased budget constraints, could hope to train in the manner that it once did. We must now rely on FIRREA and State accreditation boards to do much of what HUD has done in the past. The fee panel will continue in a diminished role, and only for those lenders who wish to continue using it. This does not mean that HUD will abdicate its responsibility for guarding against poor appraisal work. We are instituting the Roster as a means of monitoring and quickly remedying problems. However, unlike the fee panel system, the Roster will list any applicant who holds current credentials under state certification/licensing law, who has acquainted himself or herself with FHA program requirements, and who has a good professional record, including competency in performing FHA assignments. The Roster will thus provide a rapid means of confirming that the appraiser is in good standing at the time the mortgagee requests an FHA case number and identifies the appraiser selected. That is its purpose—it is a monitoring control, not a system for training and qualifying FHA appraisers.

Comment on the need to list fee panelists on the Roster: The proposed rule does not clarify whether fee panelists must be listed on the Roster.

Response: Section 267.8(d)(1) now clarifies that fee panelists must be listed on the HUD Appraiser Roster. Otherwise, minority and female panelists could not be tracked for the report compiled by HUD pursuant to § 267.3(b)(2).

Comments on the scope of the Roster: Must an appraiser apply for listing on the Roster in every state where the appraiser may do business? Also, if an institutional appraiser applies, must the individual employees of that firm apply for listing as well?

Response: The appraiser must apply to the HUD Office (or to any one of the state's HUD Offices if there are several) in each state where he or she intends to perform an appraisal. The reason is that every state has its own numbering system and the only practical means of correlating the Roster data and the record of state accreditation is to maintain a list of all the various certification and/or license numbers pertaining to that appraiser. Individual employees as well as the employing institution must be listed since the performance of both will be monitored.

Comment on removal from the Roster: If HUD needs to remove an appraiser from the Roster for any reason, it should report that fact to the state licensing board. Two commenters, in fact, suggested that HUD "punish" a disqualified appraiser.

Response: It is HUD's intention to report cases of fraudulent or incompetent appraisals and other serious violations of appraisal professional conduct to state accrediting boards. However, the commenters who favor "punishment" mistake the purpose of the Roster. As we said previously, it is not a device for applying sanctions; it is simply a quality control measure to assure that appraisers who have not maintained their credentials, or who for some reason have not met FHA standards, are removed from the system where they can cause a problem. Congress did not make HUD a watchdog or enforcer for the appraisal industry when it enacted section 142 of the Reform Act, and it would be inappropriate to base a punitive process on the Roster system. When we discussed the Roster in the Proposed Rule, we explained that 24 CFR part 24 relating to Government debarment and suspension procedures does not apply to the removal of an appraiser from the listing, but we also cautioned that the Department will invoke part 24 whenever circumstances call for remedial action and § 267.8(d)(3) so states.

Comment on training for special HUD programs: How will HUD train non-panelists with regard to special FHA requirements such as lead based paint detection and abatement?

Response: This is a matter that has not been resolved. The Department is exploring several means of helping appraisers who have not been through fee panel training to become knowledgeable about specific program requirements. We are expediting this matter and will advise interested members of the public as soon as there is further information. In the meantime, appraisers should bear in mind that it would be a violation of USPAP's Competency Provision to undertake an assignment for which the appraiser has not been adequately trained and is not qualified.

Comment on membership in professional organizations: Even though the Department may not wish to predicate an individual appraiser's competence solely on the basis of his or her membership in a professional organization, such membership should be given weight.

Response: We disagree. There is simply no correlation in our view between an appraiser's competence and which professional organizations, or the number of professional organizations, that an appraiser may choose to join. Our conclusion in the proposed rule on this point remains unchanged.

Comment on appraising Secretary-held properties: It is short-sighted and ill-advised for HUD to exempt the sale of Secretary-held properties from part 267.

HUD disposition properties are indeed exempted from the requirements of part 267, but they are nonetheless subject to a valuation process in determining what would be an acceptable return on the disposition sale. Moreover, if FHA mortgage insurance is used to finance that sale, the maximum allowable mortgage is based on the bid amount capped by the FHA mortgage limit applicable to the area. No appraisal is required, and should the mortgagee on its own initiative call for one, this part 267 would not apply.

IV. Other Matters

A Rule Recently Adopted by the Federal Financial Agencies

On June 7, 1994 (59 FR 29482) the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation and the Office of Thrift Supervision (the Agencies), after publishing a proposed rule for public comment, amended their respective parts of title 12 of the Code of Federal Regulations regarding the appraisal of real property pursuant to FIRREA. These amendments increase from $100,000 to $250,000 the minimum threshold for residential real estate appraisals as provided by that statute and also broaden existing exemptions from various other appraisal requirements. In addition, the amendments revise existing provisions with respect to appraisal content and appraiser independence.

In developing this final rule, HUD took the Agencies' amendments into consideration. However, we do not believe it would be appropriate for the Department to adopt a threshold mortgage amount that triggers the need for an appraisal. HUD is charged with a specific Congressional mandate under section 202(e) of the NHA to assure the quality of each appraisal used in determining the value of the security for an FHA insured mortgage. The Secretary's accountability in this regard is more immediate and direct than that of the Agencies in establishing a system of state accreditation under FIRREA. Moreover, protection of the FHA insurance funds is a duty of the greatest importance to HUD. We do not believe that we could fulfill these responsibilities by accepting as security for FHA insured mortgages properties that have not been thoroughly appraised.

The Department will therefore require appraisals for single family and multifamily programs as set forth in § 267.1, without exception. Various considerations that underlie the Agencies' other amendments with respect to appraisal standards, appraiser independence and miscellaneous related matters are, we believe, comprehensively addressed in this rule. Therefore, specific changes to the Agencies' regulations need not be discussed or included in this rulemaking which alone governs requirements for FHA mortgage insurance transactions.

Executive Order 12866

This rule was reviewed by the Office of Management and Budget under Executive Order 12866, Regulatory Planning and Review. Any changes made to the rule as a result of that review are clearly identified in the docket file which is available for public inspection in the office of the Department's Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, DC 20410.

Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The eligibility and performance requirements contained in this rule are consistent with requirements already established by other government agencies for lender eligibility. Accordingly, the economic impact of this rule would be minimal, and would affect small and large entities equally.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection and copying Monday through Friday, 7:30 a.m. until 5:30 p.m. in the office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

HUD's Semiannual Agenda. This rule was listed under Office of Housing as sequence number 1589 in the Department's Semiannual Agenda of Regulations published on April 25, 1994 (59 FR 20424, 20448) under Executive Order 12866 and the Regulatory Flexibility Act.

Executive Order 12612, Federalism. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule do not have federalism implications and thus are not subject to review under the Order. The rule is limited to imposing additional eligibility and performance requirements on private lenders. The only point of policy contained in part 267 with even an indirect implication for federal-state relationships is the decision that a HUD appraiser should be subject to the certification requirements of any one state, but not necessarily other states in which he or she is assigned to perform appraisals. As explained previously, the standards of various jurisdictions developed pursuant to FIRREA should result in a reasonably uniform level of competence, and qualifying HUD employees in every jurisdiction would involve many dollars and staff hours spent on a largely duplicative effort. For purposes of section 142 of the Reform Act, certification by any one state should therefore be sufficient. In reaching this conclusion, HUD parallels OMB's decision with regard to FIRREA that:

> Federal employees who choose to become state-licensed or certified real estate appraisers need only be licensed or certified in one state or territory to perform real estate appraisal duties as Federal employees in all states and territories.[7]

The Department is working toward assuring that its employees who perform appraisals or consultations on multifamily projects become qualified as certified general appraisers as soon as possible.

Executive Order 12606, the Family. The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule does not have a potential significant impact on family formation, maintenance and general well-being, and, thus is not subject to review under the Order. No significant change in existing HUD policies or programs, as those policies relate to family concerns, will result from promulgation of this rule.

Paperwork Reduction Act Statement. The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). The form shown in the matrix below has been determined by the Department to contain collection of information requirements:

Form	Number of Respondents	Number of Responses per Respondents	Hours per Respondents	Total hours
Form HUD 92563	50,000	1	.5	25,000
Total Annual Burden				25,000

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 204

Mortgage insurance.

24 CFR Part 206

Aged, Condominiums, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 267

Appraisals, Mortgage insurance, Property valuation, Reporting and recordkeeping requirements.

Accordingly, the Department amends CFR parts 200, 203, 204, and 206, and adds a new part 267, consisting of subparts A through C, as follows:

PART 200—INTRODUCTION

1. The authority citation for 24 CFR part 200 is revised to read as follows:

Authority: 12 U.S.C. 1701s, 1701–1715z–18a, 1715z–11; 42 U.S.C. 3535(d), 3543, and 3544.

2. Section 200.810 is amended by revising paragraph (b), to read as follows:

§ 200.810 Single family insurance and coinsurance.

* * * * *

(b) *Appraisal.* The appraiser, who shall be listed on the HUD Appraiser Roster under § 267.8(d)(2) of this chapter, shall, when appraising a dwelling constructed prior to 1978, inspect the dwelling for defective paint surfaces.

* * * * *

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

3. The authority citation for 24 CFR part 203 is revised to read as follows:

Authority: 12 U.S.C. 1709, 1715b; 42 U.S.C. 3535(d).

4. Section 203.5(e) is revised to read as follows:

§ 203.5 Direct endorsement process.

* * * * *

(e) *Appraisal.* A mortgagee shall have the property appraised in accordance with the requirements of part 267 of this chapter.

[7] OMB Bulletin 92–06, March 16, 1992.

PART 204—COINSURANCE

5. The authority citation for 24 CFR part 204 is revised to read as follows:

Authority: 12 U.S.C. 1715z–9; 42 U.S.C. 3535(d).

6. Section 204.3(b) is revised to read as follows:

§ 204.3 Authority to determine eligibility.

* * * * *

(b) In making the determination set forth in this section the mortgagee shall utilize an appraiser who meets the requirements of part 267 of this chapter and mortgage credit examiners and inspectors approved by the Commissioner.

PART 206—HOME EQUITY CONVERSION MORTGAGE INSURANCE

7. The authority citation for 24 CFR part 206 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715z–20; 42 U.S.C. 3535(d).

8. Section 206.3 is amended by adding at the end of the definition of "Maximum claim amount" the following sentence:

§ 206.3 Definitions.

* * * * *

Maximum claim amount * * * Appraised value shall be determined by an appraisal performed in accordance with part 267 of this chapter.

* * * * *

9. A new part 267, consisting of subparts A through C, is added to read as follows:

PART 267—APPRAISAL AND PROPERTY VALUATION

Authority: 12 U.S.C. 1708(e), 1715b; 42 U.S.C. 3535 (d).

Subpart A—General

§ 267.1 Applicability.

(a) *General rule.* If the maximum insurable amount for a mortgage insured under any National Housing Act program covered by this subchapter is based in whole or in part upon the value of security as determined by an appraisal, the appraisal must comply with this part 267.

(b) *Exceptions.* This part does not apply:

(1) If title to the property is held by the Secretary and a determination of value is needed for disposition of the property or for an insured mortgage to finance the property;

(2) To appraisals of manufactured homes under § 201.10 (b) or (d) of this chapter or § 201.23(b)(3) of this chapter where the manufactured home is classified as personal property;

(3) To appraisals of property for purposes of property improvement loans under Title I of the National Housing Act if the principal balance of the loan is not required to be based on the borrower's equity in the property; or

(4) If the insured mortgage is secured by a hospital.

§ 267.2 Definitions applicable to both single family and multifamily programs.

The following definitions apply to subparts A, B and C of this part:

Appraisal Foundation means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

Appraisal Subcommittee means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

FIRREA means Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989;

Market analysis means a study of real estate market conditions for a specific type of property.

Market value means: (1) The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, provided that the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

(i) Buyer and seller are typically motivated;

(ii) Both parties are well informed or well advised, and acting in what they consider their own best interests;

(iii) A reasonable time is allowed for sales exposure in the open market;

(iv) Payment is made in terms of cash in U.S. dollars or in terms of comparable financial arrangements; and

(v) The price represents the normal consideration for the property sold unaffected by special or creative financing or by a sales concession from anyone associated with the sale.

(2) For purposes of this definition, market value cannot exceed replacement cost, i.e., the reasonable estimated cost of replacing the property.

Mortgage means a mortgage as defined in this chapter, or a loan authorized for insurance under the National Housing Act.

Mortgagee means the holder of a mortgage and includes a lender holding a Title I contract of insurance and a Title I loan correspondent.

Replacement cost means the Secretary's estimate of the construction cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Secretary. For substantial rehabilitation proposals, the replacement cost estimate includes the "as is" value of the property before rehabilitation, plus the cost of rehabilitation and appropriate carrying and financing charges.

Single family program means a mortgage or loan insurance program authorized by the National Housing Act for one-to-four family residential property as defined in § 267.5(c).

State means any state of the United States, any territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

USPAP means that edition of the Uniform Standards of Professional Appraisal Practice most recently promulgated by the Appraisal Standards Board of the Appraisal Foundation at the time the Standards are applied. The term also includes such changes and additions to USPAP as the Department shall recognize. In general, HUD will recognize a change or addition to USPAP. If, after opportunity to consider the applicability and consequences of the change for HUD programs, HUD should decide that it will no longer recognize the change or addition, that decision will be published in the Federal Register.

§ 267.3 Professional association membership; nondiscrimination; lender reporting and competency.

(a) *Membership in appraisal organizations.* A state certified general or certified residential appraiser or a state licensed appraiser may not be excluded from consideration for an assignment solely because of membership or lack of membership in a particular appraisal organization.

(b) *Discrimination prohibited.* In the selection of an appraiser, there shall be no discrimination on the basis of race, color, religion, national origin, sex, age or disability.

(c) *Single family report and multifamily information; public availability.* (1) Based upon data compiled pursuant to paragraphs (c)(3) and (c)(4) of this section, HUD will develop gender and minority status information and will publish a report summarizing with respect to each mortgagee the total number of appraisals performed within the applicable reporting period and of that total the number of appraisals performed by female appraisers and the number of appraisals performed by minority status appraisers as defined in paragraph (c)(3)(iii) of this section.

(2) Based on data compiled pursuant to paragraphs (c)(3) and (c)(5) of this section, HUD will develop gender and minority status information with respect to each housing finance agency participating in the Risk-Sharing Program, each Delegated Processor, and each appraisal company and individual appraiser contracting directly with the Department. The information will disclose for each of the parties described above the total number of appraisals performed within the applicable reporting period and of that total the number of appraisals performed by female appraisers and the number of appraisals performed by minority status appraisers as defined in paragraph (c)(3)(iii) of this section.

(3) Each institution or individual who conducts or contracts for appraisals covered by this part will be monitored by HUD with respect to the number of appraisals which it has performed or contracted for during the reporting year by:

(i) Staff appraisers;

(ii) Appraisers assigned from a fee panel;

(iii) Appraisers whose services it has contracted for; in order to determine the number of appraisals conducted for the mortgagee by female and minority persons within the reporting period. A minority appraiser is one who is: Hispanic, Hispanic black, Non-Hispanic black, Asian/Pacific Islander, Asian Indian American, or American Indian/ Alaskan Native.

(4) With respect to single family programs, the information contained in the report will be extracted by HUD from data kept on record with respect to each appraiser listed on the HUD Appraiser Roster described in § 267.8(d)(2). The data will be maintained so as to record the identity of the appraiser when the mortgagee requests an appraisal assignment.

(5) With respect to multifamily programs, information will be extracted by HUD from data kept on record for each Review Appraiser and Field Appraiser performing appraisals or consulting for housing finance agencies (HFAs), Delegated Processors, and the Department on a contract basis. The information will be submitted within the following time limits:

(i) HFAs participating in the Risk-Sharing Program will be required to submit data early in the process (generally at the time of the request for HUD-Retained Reviews);

(ii) Delegated Processors will be required to submit data within three business days from receipt of the Task-Delivery Order;

(iii) Contract appraisers (Technical Discipline and Purchase Orders) will be required to submit data within three days from receipt of the Task/Delivery/ Purchase Order. Institutions or individuals who are currently under contract to HUD will be required to furnish this additional information when exercising an option to renew or at any other time which involves a change in a negotiated price. HFAs will be required to submit the additional data as soon as possible after the final rule in the Risk-Sharing Program becomes effective.

(6) The single family report and the multifamily information will be available for public inspection during regular business hours at the Office of Insured Single Family Housing, Single Family Development Division, U.S. Department of Housing and Urban Development, 451 7th St., S.W., Washington, D.C. 20410.

(d) *Competency.* Although appraisers performing appraisals covered by this part must be either state licensed or certified, as appropriate, an appraiser shall not be considered competent or suitable solely by reason of having been licensed or certified by a state. Every determination of competency shall be based upon the appraiser's individual qualifications and character and upon his or her experience and educational background as they relate to a particular appraisal assignment.

§ 267.4 Waiver.

The Assistant Secretary for Housing-Federal Housing Commissioner, or an official designated to act on behalf of the Assistant Secretary-Commissioner, may waive any requirement of this part not mandated by statute upon a finding that application of such requirement would adversely affect the purposes of the National Housing Act. Each waiver pursuant to this section shall be in writing and shall be supported by a statement of the facts and reasons that are the basis for the waiver. The authority conferred under this section may not be redelegated.

Subpart B—Single Family Programs

§ 267.5 Definitions applicable to single family programs.

In addition to the definitions in § 267.2, the following definitions apply to single family programs:

Appraisal means a written report independently and impartially prepared by a qualified appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date(s), which statement is supported by the presentation and analysis of relevant market information; *except that,* in the case of a property which is not valued on the basis of economic soundness, the appraisal shall be based on replacement cost.

Complex one-to-four family residential property appraisal means an appraisal in which the nature of the property, the form of ownership, or the market conditions are atypical.

One-to-four family residential property means a manufactured home lot or real property upon which is located a structure containing not less than one, nor more than four, dwelling units (or 11 units for a mortgage to be insured under subpart A of part 220(h) of this chapter), including, for purposes of a mortgage to be insured under § 203.50 of this chapter, a structure that will contain such units after rehabilitation and for purposes of a mortgage to be insured under part 201 of this chapter, any property regardless of size or nature. The term includes a manufactured home and lot classified as real property, or a manufactured home lot which meets the requirements of § 201.2(v) of this chapter.

State certified appraiser means any individual who satisfies the requirements for certification in a state which has adopted criteria that currently meet or exceed the minimum certification criteria issued by the

Appraiser Qualifications Board of the Appraisal Foundation. The state criteria must include a requirement that the individual have achieved a satisfactory grade upon a state-administered examination that is consistent with and equivalent to the Uniform State Certification Examination issued or endorsed by the Appraiser Qualifications Board of the Appraisal Foundation. Furthermore, if the Appraisal Subcommittee has issued a finding that the policies, practices, or procedures of the state are inconsistent with FIRREA, an individual must comply with any additional standards for state certified appraisers imposed by HUD under § 267.7(c)(2).

State licensed appraiser means any individual who satisfies the requirements for licensing in a state which has adopted criteria that currently meet or exceed the minimum licensing criteria issued by the Appraiser Qualifications Board of the Appraisal Foundation. The state criteria must include a requirement that the individual have achieved a satisfactory grade on a state-administered examination that is consistent with, and equivalent to, the Uniform State Licensing Examination issued or endorsed by the Appraiser Qualifications Board of the Appraisal Foundation. Furthermore, if the Appraisal Subcommittee has issued a finding that the policies, practices, or procedures of the State are inconsistent with Title XI of FIRREA, an individual must comply with any additional standards for state licensed appraisers imposed by HUD under § 267.7(c)(2).

§ 267.6 Transactions requiring a state certified or state licensed appraiser.

(a) *Appraisal by either a state certified or state licensed appraiser.* Every appraisal shall be performed by either a state certified appraiser or a state licensed appraiser, except as provided in paragraph (b) of this section. With respect to appraisals performed by HUD employees, this requirement is satisfied whether or not the property is located in the certifying or licensing state.

(b) *Appraisal by a state certified appraiser only.* An appraisal shall be prepared by a state certified appraiser if it is:

(1) Required in connection with a mortgage of $1,000,000 or more; or

(2) A complex one-to-four family residential property appraisal.

(c) *Recognition of appraisals not governed by this part.* An appraisal of a one-to-four family residential property prepared in accordance with standards prescribed under FIRREA, and in response to the requirements of any Federal Financial Institution Regulatory Agency, viz., the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Association or the Office of Thrift Supervision, or with standards of the Resolution Trust Corporation will comply with this section.

§ 267.7 Appraisal standards.

(a) *Minimum standards.* Each appraisal shall follow the requirements of this § 267.7. The appraisal shall, at a minimum:

(1) Conform to USPAP, except to the extent that such compliance may conflict with the provisions of this part 267.

(2) Disclose any steps taken that were necessary or appropriate to comply with the Competency Provision of USPAP.

(3) Be written and presented on the Uniform Residential Appraisal Report form, the Federal National Mortgage Association (FNMA) Small Residential Income Property Appraisal Report form, the FNMA Individual Condominium Unit Appraisal Report form or any other format that is acceptable to the Secretary.

(4) Analyze and report in reasonable detail all prior sales of the property being appraised that occurred within one year preceding the date when the appraisal is prepared.

(5) Analyze and report data on current revenues, expenses, and vacancies for the property if it currently is, and will continue to be, income-producing.

(6) Analyze and report on current market conditions and trends that will affect income or the absorption period, to the extent they affect the value of the property.

(7) Contain sufficient supporting documentation with all pertinent information reported so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a conclusion indicate to the reader the reasonableness of the value reported.

(8) Include in the certification required by USPAP a statement that the appraisal is not based on a requested minimum valuation, a specific valuation or range of values, or the approval of the loan. The certification shall also include a statement that the racial/ethnic composition of the neighborhood surrounding the property in no way affected the appraisal determination.

(9) Follow a reasonable valuation method that, except for an appraisal with respect to a mortgage to be insured under part 220 of this chapter, addresses the direct sales comparison, income, and cost approaches to market value required by the Secretary, reconciles or explains any differences those approaches yield in determining the value of the property in question, and gives the reason(s) for rejecting each approach that was not used.

(b) *Unavailable information.* If information required by this section is not available, that fact shall be disclosed and explained in the appraisal report.

(c) *Additional standards.* In addition to the minimum standards set forth in paragraph (a) of this section:

(1) A Direct Endorsement mortgagee may adopt generally, or may impose in specific cases, such supplementary standards as are reasonable, appropriate, and consistent with this part 267.

(2) HUD may, in instances where the Appraisal Subcommittee has determined that the policies, practices, and procedures of a certifying or licensing state are inconsistent with FIRREA, impose such supplementary requirements as may be appropriate.

(3) HUD may, in instances where the Appraisal Subcommittee has determined that the requirements of FIRREA may be waived in accordance with 12 U.S.C. 3348(b), impose such supplementary requirements as may be appropriate.

§ 267.8 Selection of appraisers by mortgagees; HUD Appraiser Roster; appraiser independence.

(a) *Selection method.* (1) The method of selecting the appraiser depends upon the program involved.

(i) For a mortgage insured under Title II of the National Housing Act, the appraiser may be:

(A) Employed on the staff of the Direct Endorsement mortgagee or selected by the Direct Endorsement mortgagee (which includes being selected as an individual from the staff of a selected appraisal organization), provided the appraiser is listed on the Appraiser Roster provided under this § 267.8; or

(B) Assigned by HUD from membership on one of its fee panels.

(ii) Reserved.

(2) The criteria in paragraph (d) of this section govern the selection of the appraiser.

(3) For the appraisal of a manufactured home which is to be insured under Title I of the National Housing Act and is classified as personal property, the appraisal shall be carried out under the terms and conditions of a contract between HUD and a contractor selected to perform such appraisals.

(b) *Direct Endorsement staff appraisers.* An appraiser who is a staff employee of a Direct Endorsement mortgagee shall be independent of the loan officers and the loan production operations of the mortgagee.

(c) *Mortgagees, staff and fee appraisers: conflicts of interests.* (1) A mortgagee must avoid conflicts of interest and other relationships which affect, either in reality or in appearance, the credibility of the appraisal. Accordingly, a mortgagee may not contract with an appraiser or appraisal organization to perform an appraisal of a property if the builder or seller of the property owns, is owned by, is affiliated with, or has a financial interest in the appraiser or appraisal organization.

(2) An appraiser must avoid conflicts of interest and other relationships which affect, either in reality or in appearance, the credibility of the appraisal. Accordingly, a fee appraiser may not have any interest, direct or indirect, in the property being appraised. A staff appraiser of a Direct Endorsement mortgagee may not have any direct interest, financial or otherwise, in the property being appraised, and is permitted an indirect interest only by reason of his or her employment by a mortgagee that has its appraisal operations isolated from its other activities in accordance with paragraph (b) of this section.

(d) *Eligible fee appraisers.* (1) *General rule for Direct Endorsement cases.* If a mortgage is to be processed by Direct Endorsement, the mortgagee may:

(i) Contract with a fee appraiser to perform appraisal services. The contract may be with an individual, a corporation, a partnership, a sole proprietorship, a joint venture, a limited liability company, or any other legal entity recognized for the purpose by the state, which the mortgagee has chosen at its sole discretion, provided that the individual appraiser selected to perform the appraisal is listed on the current HUD Appraiser Roster set forth in paragraph (d)(2) of this section. The mortgagee, concurrently and equally with the appraiser whom it has chosen, accepts full responsibility for the accuracy, integrity and thoroughness of the appraisal.

(ii) Use an appraiser employed on its staff, provided that the appraiser is listed on the current HUD Appraiser Roster.

(iii) Request HUD to assign an appraiser from one of its fee panels. Fee panelists must be listed on the HUD Appraiser Roster.

(2) *HUD Appraiser Roster.* (i) HUD will maintain a nationwide listing on an Appraiser Roster of appraisers who are permitted to perform appraisals in connection with HUD's single family programs. Being listed on the Roster does not indicate a warranty or endorsement by HUD of any appraiser or appraisal, and § 200.145(c) of this chapter applies to each appraisal performed in accordance with this part. Each applicant for listing or periodic relisting must certify that he or she:

(A) Holds a current certification or license from a state whose qualification standards are in compliance with FIRREA, as determined by the Appraisal Subcommittee (and must include his or her current certificate or license number);

(B) Has read HUD Handbook 4150.1 and related Mortgagee Letters;

(C) Is not listed on HUD's Credit Alert Interactive Voice Response System; and

(D) Is not debarred, suspended or in any way disqualified from participating in HUD programs.

(ii) In addition, the applicant must submit such additional information as HUD may require. Application to be listed on the Roster must be made at any HUD Office in each state where the applicant will perform appraisals.

(3) *Removal from the Roster.* HUD may at any time remove the appraiser from the Roster for cause. Cause includes, but is not limited to, significant deficiencies in appraisals, failure to maintain standing as a state certified or state licensed appraiser and prosecution for committing or attempting to commit fraud, misrepresentation or other offence that may reflect on the appraiser's character and integrity. Such removal shall not be governed by the procedures of part 24 of this Title. The appraiser shall, however, be subject to other sanctions in accordance with part 24 of this title.

(4) *Fee panels.* If a mortgage is not processed by the Direct Endorsement procedure, the appraiser will be assigned from a fee panel or otherwise designated by HUD. A mortgagee using the Direct Endorsement procedure may also request HUD to assign an appraiser from a fee panel.

(e) *Appraisal fees and charges.* The appraisal fee charged to the borrower or other party shall be reasonable. The fee may be prescribed by rule or other HUD issuance.

(f) *Transfer of appraisals between mortgagees.* A Direct Endorsement lender may accept an appraisal that was prepared by an appraiser engaged directly by another mortgagee, provided that the appraisal was performed in accordance with this part and that the mortgagee accepting the appraisal has:

(1) Reviewed the appraisal report under its review procedures; and

(2) Found the appraisal to be acceptable.

Subpart C—Multifamily Programs

§ 267.9 Definitions applicable to multifamily programs.

In addition to the definitions in § 267.2, the following definitions apply to multifamily programs:

Acceptable risk refers to a program in which the project's net operating income covers the mortgage debt service requirement and provides an appropriate return to the owner's equity. The term assumes that the mortgage does not exceed the appropriate percentage of estimated replacement cost and any other supplemental standards concerning particular programs contained in handbooks and other directives.

Appraisal means a written report independently and impartially prepared by a qualified appraiser setting forth an opinion:

(1) In the case of a project requiring economic soundness, as to the market value of an adequately described property as of a specific date(s), which statement is supported by the presentation and analysis of relevant market information, and is in accordance with the supplemental standards as set forth in HUD's appraisal instructions; or

(2) In the case of a project which does not require a determination of economic soundness, that is based on replacement cost, as estimated by HUD staff or by an appraiser who has contracted with HUD to perform a real estate consultation pursuant to § 267.12(b).

Consultant, which refers to an appraiser performing a real property consultation for HUD, means the person who provides such information, analysis, recommendations or conclusions.

Consultation or *consultancy* means the act or process of providing information, analysis of real estate data, and recommendations or conclusions on diversified problems in real estate, other than estimating value.

Economic soundness refers to a program under which a project has had its underwriting risk analyzed on the basis of three approaches to value.

Multifamily project or *multifamily property* means a project containing five or more family units (or in the case of a mortgage to be insured under section 220(h) of the National Housing Act, two or more rental units), a nursing home, an intermediate care facility, a board and care home or a project insured under section 232 of the NHA.

State certified appraiser means any individual who satisfies the requirements for certification as a certified general appraiser in a state which has adopted criteria that currently meet or exceed the minimum certification criteria issued by the Appraiser Qualifications Board of the Appraisal Foundation. The state criteria must include a requirement that the individual have achieved a satisfactory grade upon a state-administered examination that is consistent with and equivalent to the Uniform State Certification Examination issued or endorsed by the Appraiser Qualifications Board of the Appraisal Foundation. Furthermore, if the Appraisal Foundation has issued a finding that the policies, practices, or procedures of the state are inconsistent with FIRREA, an individual must comply with any additional standards for state certified appraisers imposed by HUD under § 267.11(c)(1).

§ 267.10 Qualified appraisers and appraisals.

(a) *Appraisal by a state certified general appraiser.* Every appraisal shall be performed by a state certified general appraiser. With respect to appraisals performed by HUD employees, this requirement is satisfied whether or not the property being appraised is located in the state which certified the HUD employee. Each HUD employee who performs appraisals or consultations or who reviews appraisals or consultations will be qualified as a certified general appraiser under the laws of one or more states not later than December 31, 1996, unless, in an individual case, the Assistant Secretary for Housing-Federal Housing Commissioner decides that a different date is appropriate. All appraisers shall comply with HUD policies and procedures as set forth in HUD handbooks and other issuances.

(b) *Only appraisals and consultations complying with this part are recognized.* Appraisals or consultations performed in accordance with the requirements of other agencies will not be recognized for HUD multifamily transactions that require appraisals or consultations complying with this part 267 unless those appraisals or consultations so comply.

§ 267.11 Appraisal standards.

(a) *Minimum standards.* Each appraisal or real estate consultation shall follow the requirements of this § 267.11 as supplemented from time to time by HUD processing instructions which comprise supplemental standards authorized in accordance with USPAP. The appraisal shall, at a minimum:

(1) Conform to USPAP, except to the extent that such compliance may conflict with the provisions of this part 267

(2) Disclose any steps taken that were necessary or appropriate to comply with the Competency Provision of the USPAP.

(3) Apply USPAP Standard 2, Real Property Appraisal Reporting; except that under the Supplemental Standards Provision of USPAP, reports by appraisers or consultants shall be in writing using the following forms:

(i) HUD–92264, HUD–92264(RCF) or HUD–92264B, with attachments as required;

(ii) Trial form HUD–92264A.

(4) Analyze and report in reasonable detail all prior sales of the property being appraised within three years preceding the date when the appraisal is prepared, or beyond three years if necessary to include the last arms-length transaction.

(5) Analyze and report data on current revenues, expenses, and vacancies for the property if it currently is, and will continue to be, income-producing.

(6) Analyze and report a reasonable marketing period for the subject property.

(7) Analyze and report on current market conditions and trends that will affect income or the absorption period, to the extent they affect the value of the property.

(8) Contain sufficient supporting documentation with all pertinent information reported so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a conclusion indicate to the reader the reasonableness of the value reported or of the consulting recommendations or conclusions provided.

(9) Include in the certification required by USPAP a statement that the appraisal is not based on a requested minimum valuation, a specific valuation or range of values, or the approval of the loan. The certification shall also include a statement that the racial/ethnic composition of the neighborhood surrounding the property in no way affected the appraisal determination.

(10) Follow a reasonable valuation method that:

(i) With respect to a program based on market value, addresses the direct sales comparison, income, and cost approaches to market value, reconciles or explains any differences those approaches yield in determining the value of the property in question, and gives the reason(s) for rejecting each approach that was not used;

(ii) With respect to a program based on replacement cost, determines the acceptable risk using estimated replacement cost together with supplemental standards set forth in HUD handbooks and other program directives.

(b) *Unavailable information.* If information required by this section is not available, that fact shall be disclosed and explained in the appraisal report.

(c) *Additional standards.* In addition to the minimum standards set forth in paragraph (a) of this section:

(1) HUD may, in instances where the Appraisal Subcommittee has determined that the policies, practices, and procedures of a certifying or licensing state are inconsistent with FIRREA, impose such supplementary requirements as may be appropriate.

(2) HUD may, in instances where the Appraisal Subcommittee has determined that the requirements of FIRREA may be waived in accordance with 12 U.S.C. 3348(b), impose such supplementary requirements as may be appropriate.

§ 267.12 Selection of appraisers; appraiser independence.

(a) *Basis for selection.* The appraiser or consultant may be:

(1) A member of HUD's staff;

(2) Selected by the Delegated Processor in accordance with terms and conditions agreed to in writing by HUD and the Delegated Processor;

(3) Selected to perform appraisals in accordance with the terms and conditions of a formal contract between HUD and an institution or individual performing the services, or in accordance with the terms and conditions of a Purchase Order; or

(4) Selected by an HFA which has been approved to participate in the Department's Risk-Sharing Program.

(b) *Qualifications.* HUD exercises contractual control over the qualifications of those individuals and organizations that perform appraisal and consultation services in FHA multifamily programs.

(1) Appraisers and consultants performing services under HUD contracts for Delegated Processing and Technical Discipline assignments will be selected on the basis of criteria and procedures set forth in the solicitation, pursuant to the Federal Acquisition Regulations, 48 CFR Chapter I.

(2) Under the Delegated Processing Program HUD contracts with a HUD-approved processing company to perform mortgage insurance underwriting processing and to make a recommendation to HUD. HUD makes the final underwriting determination. The Delegated Processor must identify the staff or contract review appraiser(s) and consultant(s) and must submit their qualifications, based upon requirements as set forth in the contract between HUD

and the Delegated Processor, for review and approval. The Delegated Processor may subcontract appraiser and consulting functions, but must identify, prior to performing the appraisal or consultation, the appraiser or consultant selected under the subcontract and must provide a resume or qualifications for review and approval by the HUD field office concerned.

(3) Under the Housing Finance Agency Risk-Sharing Program, HUD delegates to state and local housing finance agencies the authority to originate and service loans that are fully insured by FHA. Under this program, participating agencies share in the risk associated with monetary losses that may be incurred as a result of loan defaults. An HFA may use either in-house or contract appraisers who meet certification requirements. The Risk-Sharing Program requires compliance with USPAP and therefore requires that appraisals be performed by certified general appraisers accredited by the state in which the project is located.

(c) *Delegated Processor appraisers: conflicts of interests.* A Delegated Processor or Consultant must avoid conflicts of interest and other relationships which affect, either in reality or in appearance, the credibility of the appraisal. The Delegated Processor or Consultant may not:

(1) Contract with an appraiser or appraisal organization to perform appraisals, if the Delegated Processor or Consultant owns, is owned by, is affiliated with, or has a financial interest in the appraiser or appraisal organization; or

(2) Contract with an appraiser or appraisal organization to perform an appraisal of a property if the builder or seller of the property owns or is owned by, is affiliated with, or has a financial interest in the appraiser or appraisal organization.

(d) *Appraiser independence.* An appraiser may not have any interest, direct or indirect, in the property being appraised.

(e) *Non-transferability of appraisal.* Appraisal materials and reports may not be transferred between mortgagees with respect to a property involved in a multifamily transaction.

Dated: September 16, 1994.

Jeanne K. Engel,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

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