

U.S. Fish and Wildlife Serv., Interior

§ 19.4

information, or any other available documentation must be provided to the Service.

(f) Operators must notify the Service upon project completion or end of the work season.

§ 18.152 Information collection requirements.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part and assigned OMB Control Number 1018-0070. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

PART 19—AIRBORNE HUNTING

Subpart A—Introduction

Sec.

- 19.1 Purpose of regulations.
- 19.2 Scope of regulations.
- 19.3 Relation to other laws.
- 19.4 Definitions.

Subpart B—Prohibitions

- 19.11 General prohibitions.
- 19.12 Exceptions to general prohibitions.

Subpart C—Federal Permits

- 19.21 Limitation on Federal permits.

Subpart D—State Permits and Annual Report Requirements

- 19.31 State permits.
- 19.32 Annual reporting requirements.

AUTHORITY: Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742a—j-1).

SOURCE: 39 FR 1177, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 19.1 Purpose of regulations.

The regulations contained in this part provide rules relative to the prohibition against shooting or harassing of wildlife from any aircraft, provide the

requirements for the contents and filing of annual reports by the States regarding permits issued for such shooting or harassing, and provide regulations necessary for effective enforcement of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742a—j-1).

§ 19.2 Scope of regulations.

The regulations contained in this part apply to all persons within the territorial jurisdiction of the United States, to all United States citizens whether within the territorial jurisdiction of the United States or on the high seas or on board aircraft in flight over the high seas, and to all persons on board aircraft belonging in whole or in part to any United States citizen, firm, or partnership, or corporation created by or under the laws of the United States, or any State, territory or possession thereof.

§ 19.3 Relation to other laws.

The exemptions to general prohibitions of the Fish and Wildlife Act of 1956, that permit airborne hunting in certain circumstances (See subpart B of this part) do not supersede, or authorize the violation of, other laws designed for the conservation or protection of wildlife, including those laws prohibiting the shooting or harassing of bald and golden eagles, polar bears and other marine mammals, migratory birds, and other wildlife, *except* to the extent that airborne hunting is authorized by regulations or permits issued under authority of those laws. (See e.g., § 21.100 of this subchapter.)

[39 FR 1177, Jan. 4, 1974, as amended at 87 FR 880, Jan. 7, 2022]

§ 19.4 Definitions.

In addition to definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this part 19:

Harass means to disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.

Subpart B—Prohibitions

§ 19.11 General prohibitions.

(a) Except as otherwise authorized by the Fish and Wildlife Act of 1956 as amended, no person shall:

- (1) While airborne in any aircraft shoot or attempt to shoot for the purpose of capturing or killing any wildlife;
- (2) Use an aircraft to harass any wildlife; or
- (3) Knowingly participate in using an aircraft whether in the aircraft or on the ground for any purpose referred to in paragraph (a) (1) or (2) of this section.

(b) The acts prohibited in this section include, but are not limited to, any person who:

- (1) Pilots or assists in the operation of an aircraft from which another person shoots or shoots at wildlife while airborne, or
- (2) While on the ground takes or attempts to take any wildlife by means, aid, or use of an aircraft.

§ 19.12 Exceptions to general prohibitions.

The prohibitions of the preceding section shall not apply to any person who:

- (1) Is acting within the scope of his official duties as an employee or authorized agent of a State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops; or
- (2) Is acting within the limitations of a permit referred to in § 19.21 or § 19.31 of this part.

Subpart C—Federal Permits

§ 19.21 Limitation on Federal permits.

No Federal permits will be issued to authorize any person to hunt, shoot, or harass any wildlife from an aircraft, except for Federal permits to scare or herd migratory birds referred to in § 21.100 of this subchapter.

[39 FR 1177, Jan. 4, 1974, as amended at 87 FR 880, Jan. 7, 2022]

Subpart D—State Permits and Annual Report Requirements

§ 19.31 State permits.

(a) Except as provided in § 19.3, States may issue permits to persons to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops. States may not issue permits for the purpose of sport hunting.

(b) Upon issuance of a permit by a State to a person pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having jurisdiction according to § 10.22.

§ 19.32 Annual reporting requirements.

(a) Any State issuing permits to persons to engage in airborne hunting or harassing of wildlife or any State whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops, shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.

(b) The annual report required by this section shall contain the following information as to each such permit issued:

- (1) The name and address of each person to whom a permit was issued.
- (2) Permit number and inclusive dates during which permit was valid.
- (3) The aircraft number of the aircraft used and the location where such aircraft was based.
- (4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.
- (5) The purpose for which the permit was issued, specifically identifying whether the permit was issued to protect land, water, wildlife, livestock, domestic animals, crops, or human life.
- (6) The common name and number of wildlife taken by permittees and State employees or agents.

(c) A compilation of all annual reports required by this section shall be

made by the Director and furnished to any State filing such annual report.

PART 20—MIGRATORY BIRD HUNTING

Subpart A—Introduction

- Sec.
- 20.1 Scope of regulations.
- 20.2 Relation to other provisions.

Subpart B—Definitions

- 20.11 What terms do I need to understand?

Subpart C—Taking

- 20.20 Migratory Bird Harvest Information Program.
- 20.21 What hunting methods are illegal?
- 20.22 Closed seasons.
- 20.23 Shooting hours.
- 20.24 Daily limit.
- 20.25 Wanton waste of migratory game birds.
- 20.26 Emergency closures.

Subpart D—Possession

- 20.31 Prohibited if taken in violation of subpart C.
- 20.32 During closed season.
- 20.33 Possession limit.
- 20.34 Opening day of a season.
- 20.35 Field possession limit.
- 20.36 Tagging requirement.
- 20.37 Custody of birds of another.
- 20.38 Possession of live birds.
- 20.39 Termination of possession.
- 20.40 Gift of migratory game birds.

Subpart E—Transportation Within the United States

- 20.41 Prohibited if taken in violation of subpart C.
- 20.42 Transportation of birds of another.
- 20.43 Species identification requirement.
- 20.44 Marking package or container.

Subpart F—Exportation

- 20.51 Prohibited if taken in violation of subpart C.
- 20.52 Species identification requirement.
- 20.53 Marking package or container.

Subpart G—Importations

- 20.61 Importation limits.
- 20.62 Importation of birds of another.
- 20.63 Species identification requirement.
- 20.64 Foreign export permits.
- 20.65 Processing requirement.
- 20.66 Marking of package or container.

Subpart H—Federal, State, and Foreign Law

- 20.71 Violation of Federal law.
- 20.72 Violation of State law.
- 20.73 Violation of foreign law.

Subpart I—Migratory Bird Preservation Facilities

- 20.81 Tagging requirement.
- 20.82 Records required.
- 20.83 Inspection of premises.

Subpart J—Feathers or Skins

- 20.91 Commercial use of feathers.
- 20.92 Personal use of feathers or skins.

Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules

- 20.100 General provisions.
- 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.
- 20.102 Seasons, limits, and shooting hours for Alaska.
- 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.
- 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.
- 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.
- 20.106 Seasons, limits, and shooting hours for sandhill cranes.
- 20.107 Seasons, limits, and shooting hours for tundra swans.
- 20.108 Nontoxic shot zones.
- 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.
- 20.110 Regulations for certain Federal Indian reservations and ceded lands.

Subpart L—Administrative and Miscellaneous Provisions

- 20.131 Extension of seasons.
- 20.132 Subsistence use in Alaska.
- 20.133 Hunting regulations for crows.
- 20.134 Approval of nontoxic shot types and shot coatings.

Subpart M [Reserved]

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

- 20.151 Purpose and scope.
- 20.152 Definitions.
- 20.153 Regulations committee.
- 20.154 Flyway Councils.
- 20.155 Public file.

AUTHORITY: 16 U.S.C. 703 *et seq.*, and 16 U.S.C. 742a-j.