

to growing rice crops on the premises owned or occupied by such persons: *Provided:*

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided*, That the Director or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: *Provided further*, That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the Director.

§21.46 Depredation order for depredating scrub jays and Steller's jays in Washington and Oregon.

Landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of nut crops in Washington and Oregon may, with-

out a permit, take scrub jays (*Aphelocoma coerulescens*) and Steller's jays (*Cyanocitta stelleri*) when found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons: *Provided:*

(a) That scrub jays and Steller's jays may only be taken pursuant to this section between August 1 and December 1 in any year, in the Washington counties of Clark, Cowlitz, and Lewis; and the Oregon counties of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill.

(b) That scrub jays and Steller's jays taken pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided*, That the Director of the State agricultural department, college, or other public institution may requisition such scrub jays and Steller's jays killed as may be needed for scientific investigations.

(c) That such birds may be taken only by trapping or shooting and on areas where serious depredations are being or are about to be committed.

(d) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(e) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the States of Washington and Oregon.

(f) That any person authorized by this section to exercise the privileges granted therein shall maintain records

of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the appropriate Special Agent in Charge (see §10.22 of this subchapter).

[39 FR 31326, Aug. 28, 1974]

§21.47 Depredation order for double-crested cormorants at aquaculture facilities.

The Service examined the rule under the Paperwork Reduction Act of 1995 and found that it does contain information collection requirements. OMB has issued the following emergency information collection number, 1018-0097, which expires on August 31, 1998. Information collection is required to better enable the Service to assess the benefits of the depredation order on aquaculturists and to assess impacts to the double-crested cormorant population. Burden hours to aquaculturists are calculated as follows: an average of 41 birds may be taken by each of some 2,200 aquaculturists per season. An estimated total of 800 hours will be required to keep and maintain the monthly logs, and produce the logs for inspection, yielding an average of 22 minutes per aquaculturists per year. Landowners, operators, and tenants actually engaged in the production of commercial freshwater aquaculture stocks (or their employees or agents) in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas may, without a Federal permit, take double-crested cormorants (*Phalacrocorax auritus*) when found committing or about to commit depredations to aquaculture stocks on the premises used for the production of such stocks: Provided that:

(a) Double-crested cormorants may be taken by shooting during daylight hours only, and only when necessary to protect freshwater commercial aquaculture and State-operated hatchery stocks from depredation; none of the birds so taken may be sold; and all dead birds must be buried or incinerated, except that any specimens needed for scientific purposes as determined by the Director must not be destroyed, and information on birds carrying

metal leg bands may be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1-800-327-BAND (or 2263).

(b) Double-crested cormorants may be shot at freshwater commercial aquaculture facilities or State-operated hatcheries only in conjunction with an established non-lethal harassment program as certified by officials of the Wildlife Services' program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service.

(c) Double-crested cormorants may be taken with firearms only within the boundaries of freshwater commercial aquaculture facilities or State-operated hatcheries, and persons using shotguns are required to use nontoxic shot.

(d) Persons operating under the provisions of this section may use decoys, taped calls, or other devices to lure birds committing or about to commit depredations within gun range.

(e) Any person exercising the privileges of this section must keep and maintain a log recording the date and number of all birds killed each month under this authorization, that the log must be maintained for a period of three years (and that three previous years of takings must be maintained at all times thereafter), that the log and any related records be made available to Federal or State wildlife enforcement officers upon request during normal business hours.

(f) Nothing in this section authorizes the killing of double-crested cormorants contrary to the laws or regulations of any State, and none of the privileges of this section may be exercised unless the person possesses the appropriate State permits, when required; nor the killing of any migratory bird species other than double-crested cormorants when committing or about to commit depredations to aquaculture stocks.

(g) The authority granted in this section will automatically expire on April 30, 2005, unless revoked or specifically extended prior to that date.

[63 FR 10560, Mar. 4, 1998]