

# TITLE 31. NATURAL RESOURCES AND CONSERVATION

## PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

### CHAPTER 65. WILDLIFE

#### SUBCHAPTER N. MIGRATORY GAME BIRD PROCLAMATION

The Texas Parks and Wildlife Department (the department) proposes the repeal of §65.310, amendments to §§65.309, 65.312, 65.313, 65.315, 65.318 - 65.321, and new §65.301 and §65.310, concerning the Migratory Game Bird Proclamation.

New §65.301, concerning Applicability, would clearly establish that the subchapter governs all migratory bird hunting in the state. The proposed new section also would clarify that nothing in the subchapter is to be construed to supersede the requirements of Title 50, Part 20, of the United States Code of Federal Regulations (50 CFR Part 20). Under the Migratory Bird Treaty Act of 1918, the U.S. Fish and Wildlife Service (Service) is responsible for establishing the basic regulatory frameworks for the management of migratory birds in the United States, including provisions governing the hunting of migratory birds, such as season lengths, bag and possession limits, means and methods, and documentation requirements. Each state may adopt rules to implement the federal regulations, but may not adopt rules that are inconsistent with the federal rules.

The proposed amendment to §65.309, concerning Definitions, would add definitions that are currently contained either in §65.3, concerning the Statewide Hunting and Fishing Proclamation, or 50 CFR Part 20. The provisions are being moved in order to create a consolidated body of regulations in a single subchapter. Each of the definitions is currently in effect as part of state or federal law, so the effect of the proposed amendment is non-substantive.

For many years, current §65.310 has contained what is essentially a summary or abstract of the federal regulations. Proposed new §65.310 would replace the current rule with the exact language from the federal regulation concerning illegal means and methods, with slight conforming changes where necessary to accommodate terminological variations or to provide clarification. For instance, the federal regulation specifies that no pistol or rifle may be used to take migratory game birds. Proposed new §65.310(1) would add language to clarify that the prohibition includes airguns. The department notes that the proposed action is nonsubstantive; it neither creates new or additional provisions nor materially alters provisions of the federal or state laws currently in effect.

The proposed amendment to §65.312, concerning Possession of Migratory Game Birds, would clarify that a properly completed wildlife resource document (WRD) satisfies the tagging requirements of 50 CFR Part 20. The amendment is necessary to ensure that the regulations are clear as to the legal requirements concerning the possession and documentation of migratory game birds.

The proposed amendment to §65.313, concerning General Rules, would add a new subsection (d) to clarify a federal provision and a new subsection (e) to adopt certain federal provisions by reference.

Under Parks and Wildlife Code, §64.007, no person may possess a live game bird except as authorized by the code. Under Parks and Wildlife Code, §62.011, it is an offense for any person who wounds a game bird not to make a reasonable effort to retrieve the bird and include it in the daily bag limit. Proposed new §65.313(d) would clearly state that wounded birds must be immediately killed and be made part of the daily bag limit.

The proposed amendment would also create a new subsection (e) to adopt certain federal regulations by reference. The department has determined that 50 CFR Part 20 Subparts E (Transportation within the United States), F (Exportation), G (Importation), and H (Federal, State, and Foreign Law) do not offer any conflict of interpretation or pose a possibility for confusion as written and thus do not need to be reproduced verbatim in state regulations. Therefore, the department proposes to adopt them by reference.

The proposed amendment to §65.315, concerning Open Seasons and Bag and Possession Limits--Early Season Species, would adjust the season dates for early-season species of migratory game birds to account for calendar-shift (i.e., to ensure that seasons open on the desired day of the week, since dates from a previous year do not fall on the same days in following years). The proposed amendment would implement a 16-day teal season to run from September 15 - 30, 2007, which must be approved by the Service before it can be implemented. If the Service does not approve a 16-day season, the department will adopt a 9-day season to run September 22 - 30, 2007.

The proposed amendment to §65.318, concerning Open Seasons and Bag and Possession Limits--Late Season Species, adjusts the season dates for late-season species of migratory game birds to account for calendar-shift. The proposed amendment also would allow for the take of geese during the special youth-only season. By federal law, the special youth-only season is limited to ducks; however, there is the possibility that the Service might authorize the take of geese during the youth-only season. The amendment is necessary to provide the greatest opportunity possible, particularly to youth.

The proposed amendment to §65.319, concerning Extended Falconry Season--Early Season Species, adjusts season dates for the take of early-season species of migratory game birds by means of falconry to reflect calendar shift. The proposed amendment to §65.320, concerning Extended Falconry Season--Late Season Species, adjusts season dates for the take of late-season species of migratory game birds by means of falconry, also to reflect calendar shift.

The proposed amendment to §65.321, concerning Special Management Provisions, would adjust the dates for the conservation season on light geese to account for calendar shift and insert language to prevent conflicts with §65.310. The Service has provided that the use of amplified or electronic calls and unplugged shotguns is lawful during the light goose conservation season.

The proposed amendments are generally necessary to implement commission policy to provide the greatest hunter opportunity possible, consistent with hunter preference for season starting dates and segment lengths, under frameworks issued by the Service. The Service has not issued regulatory frameworks for the 2007 - 2008 hunting seasons for migratory game birds; thus, the department cautions that the proposed regulations are tentative and may change significantly, depending on federal actions. However, it is the policy of the commission to adopt the most liberal provisions possible, consistent with hunter preference, un-

der the frameworks in order to provide maximum hunter opportunity.

Robert Macdonald, regulations coordinator, has determined that for the first five years that the amendments as proposed are in effect, there will be no additional fiscal implications to state or local governments of enforcing or administering the rules as proposed.

Mr. Macdonald also has determined that for each of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing the rules as proposed will be the department's discharge of its statutory obligation to manage and conserve the state's populations of migratory game birds, as well as the implementation of commission policy to maximize recreational opportunity for the citizens of the state.

There will be no adverse economic effect on small businesses, microbusinesses, or persons required to comply with the rules as proposed. Since the major factors that could negatively affect participation and/or economic activity associated with migratory bird hunting, such as reductions in bag and possession limits, season lengths, and zone boundary changes are established by the Service and cannot be negated or altered by state action, the department would have no choice but to implement them. However, it is the policy of the Texas Parks and Wildlife Commission policy to provide the maximum opportunity possible under the federal frameworks.

The department has not filed a local impact statement with the Texas Workforce Commission as required by Government Code, §2001.022, as the department has determined that the rules as proposed will not impact local economies.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

Comments on the proposed rules may be submitted to Vernon Bevill, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4578 or 1-800-792-1112.

**31 TAC §§65.301, 65.309, 65.310, 65.312, 65.313, 65.315, 65.318 - 65.321**

The amendments and new sections are proposed under Parks and Wildlife Code, Chapter 64, which authorizes the Commission and the Executive Director to provide the open season and means, methods, and devices for the hunting and possessing of migratory game birds.

The amendments and new sections affect Parks and Wildlife Code, Chapter 64.

§65.301. Applicability.

(a) No person shall at any time, by any means, or in any manner hunt, possess, transport, or transfer any migratory game bird except as provided in this subchapter.

(b) No provision of this subchapter shall be construed to relieve a person from the restrictions, conditions, and requirements of federal regulations contained in 50 Code of Federal Regulations (CFR) Part 20.

§65.309. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. All other words and terms shall have the meanings assigned in Subchapter A of this chapter (relating to Statewide Hunting and Fishing Proclamation).

(1) Baited area--Any area where salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed.

(2) Baiting--The direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them.

(3) Daily bag limit--The quantity of a species of migratory game bird that may be lawfully taken in one day.

(4) Day--A 24-hour period of time that begins at midnight and ends at midnight.

(5) [~~(3)~~] Dark geese--Canada, white-fronted, and all other geese except light geese.

(6) [~~(4)~~] Harvest Information Program (HIP)--A mandatory certification process for all persons who hunt or intend to hunt migratory game birds. To be certified, a person must answer a series of questions about their migratory game-bird hunting habits.

(7) [~~(5)~~] Legal shotgun--A shotgun not larger than 10 gauge, fired from the shoulder, and incapable of holding more than three shells. (Guns capable of holding more than three shells must be plugged with a one-piece filler which is incapable of removal without disassembling the gun, so the gun's total capacity does not exceed three shells.)

(8) [~~(6)~~] Light geese--Snow, blue, and Ross' geese.

(9) [~~(7)~~] Livestock--Cattle, horses, mules, sheep, goats, and hogs.

(10) [~~(8)~~] Manipulation--The alteration of natural vegetation or agricultural crops, including but not limited to mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, and herbicide treatments. Manipulation does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

(11) Migratory bird preservation facility--A stationary facility designed and constructed to store or process game animals and game birds.

(12) [~~(9)~~] Natural vegetation--Any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or propagule. Natural vegetation does not include planted millet. However, planted millet that grows on its own in subsequent years after the planting is considered natural vegetation.

(13) [~~(10)~~] Nontoxic shot--Any shot approved by the director, U.S. Fish and Wildlife Service.

(14) [~~(11)~~] Normal agricultural practice--A normal agricultural planting, harvesting, or post-harvest manipulation, or livestock feeding conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

(15) [~~(12)~~] Normal soil stabilization practice--a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

(16) Paraplegic--An individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

(17) Possession limit--The maximum number of a species of migratory game bird that may be lawfully possessed at one time.

(18) [(13)] Personal residence (personal abode)--One's principal or ordinary home or dwelling place. The term does not include a temporary or transient place of residence or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

(19) [(14)] Sinkbox--Any type of low floating device having a depression which affords the hunter a means of concealing himself below the surface of water.

(20) [(15)] Waterfowl--ducks (including teal), geese, mergansers, and coots.

[(16) Wildlife resource--For the purposes of this subchapter, wildlife resource includes all migratory birds.]

#### §65.310. Means and Methods.

Migratory birds may be taken by any method except those prohibited in this section. Except as provided in this subchapter, no person shall take migratory game birds:

(1) with a trap, snare, net, any type of rifle or pistol (including airguns), swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;

(2) with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(3) from or by means, aid, or use of a sinkbox or any other type of low-floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(4) from or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(5) from or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased. A craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;

(6) by the use or aid of live birds as decoys;

(7) where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

(8) by the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(9) by means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird;

(10) by the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has

been baited. No person may place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area. However, provided a land or area is not otherwise baited, nothing in this paragraph prohibits:

(A) the taking of any migratory game bird, including waterfowl, coots, and cranes on or over:

(i) standing crops or flooded standing crops (including aquatics);

(ii) standing, flooded, or manipulated natural vegetation;

(iii) flooded harvested croplands; or

(iv) lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;

(v) from a blind or other place of concealment camouflaged with natural vegetation;

(vi) from a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(vii) on or over standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds; or

(B) the taking of any migratory game bird, except waterfowl, coots and cranes, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation; or

(11) while possessing loose shot that is not non-toxic shot or shotshells containing any shot other than non-toxic shot.

#### §65.312. Possession of Migratory Game Birds.

(a) For all migratory birds taken for which there is a possession limit, the possession limit shall apply until the birds have reached the personal residence of the possessor and are finally processed.

(b) A person may give, leave, receive, or possess any species of legally taken migratory game birds, or parts of birds, that are protected by a bag or possession limit, if the birds are accompanied by a wildlife resource document (WRD) from the person who killed the birds. For example, a WRD [wildlife resource document] is required if the birds are being transported by another person for the hunter, or if the birds have been left for cleaning, storage (including temporary storage), shipment, or taxidermy services. The WRD [wildlife resource document] is not required of a person who lawfully killed the birds to possess the birds, or if the birds are transferred at the personal residence of the donor or donee. If the birds have been finally processed at a cold storage or processing facility and a person transports more than a legal possession limit, then a WRD [wildlife resource document] must accompany the birds in excess of the possession limit until they reach the permanent residence of the possessor. A properly executed WRD satisfies the tagging requirements of 50 CFR Part 20. Except as provided in this subsection, a WRD [wildlife resource document] shall accompany the birds until the birds reach their final destination and must contain the following information:

(1) the name, signature, address, and hunting license number of the person who killed the birds;

- (2) the name of the person receiving the birds;
- (3) the number and species of birds or parts;
- (4) the date the birds were killed; and
- (5) the location where the birds were killed (e.g., name of ranch; area; lake, bay, or stream; county).

(c) No person may:

- (1) take or have in possession more than the bag and possession limits of each species of migratory game birds except as provided in this section;
- (2) possess migratory game birds on the opening day of the season in excess of the applicable daily bag limit;
- (3) possess more than one daily bag limit of freshly killed migratory game birds while in the field or while returning from the field to one's hunting camp, automobile or other motor driven land conveyance, aircraft, temporary lodging facility, personal residence, or cold storage or processing facility; or
- (4) possess freshly killed migratory game birds during the closed season.

*§65.313. General Rules.*

- (a) No person shall hunt migratory game birds except during the open season as provided herein, or at any time except during the hours as provided herein. All dates are inclusive.
- (b) Shooting hours for migratory game birds are from one-half hour before sunrise to sunset, except during the special white-winged dove season. In the special white-winged dove zone during the special white-winged dove season, shooting hours are from noon to sunset.
- (c) No person shall hunt migratory game birds in this state unless that person is certified in the Harvest Information Program.
- (d) Every migratory game bird wounded by hunting and reduced to possession by a hunter shall be immediately killed and become a part of the daily bag limit.
- (e) The provisions of 50 CFR Part 20, Subparts E, F, G, and H in effect on September 1, 2007 are adopted by reference.
- (f) [(d)] The executive director may, after notifying the Chairman of the Commission, authorize any rulemaking necessary to modify the provisions of this subchapter.

*§65.315. Open Seasons and Bag and Possession Limits--Early Season.*

(a) Rails.

- (1) Dates: September 15 - 30, 2007 and November 3 - December 26, 2007 [~~September 16 - 24, 2006 and November 4, 2006 - January 3, 2007~~].
- (2) Daily bag and possession limits:
  - (A) king and clapper rails: 15 in the aggregate per day; 30 in the aggregate in possession.
  - (B) sora and Virginia rails: 25 in the aggregate per day; 25 in the aggregate in possession.
- (b) Dove seasons.
  - (1) North Zone.
    - (A) Dates: September 1 - October 30, 2007 [~~September 1 - October 30, 2006~~].

(B) Daily bag limit: 15 mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-tipped doves per day;

(C) Possession limit: 30 mourning doves, white-winged doves, and white-tipped doves in the aggregate, including no more than four white-tipped doves in possession.

(2) Central Zone.

(A) Dates: September 1 - October 30, 2007 and December 26, 2007 - January 4, 2008 [~~September 1 - October 30, 2006 and December 26, 2006 - January 4, 2007~~].

(B) Daily bag limit: 12 mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-tipped doves per day;

(C) Possession limit: 24 mourning doves, white-winged doves, and white-tipped doves in the aggregate, including no more than four white-tipped doves in possession.

(3) South Zone.

(A) Dates: Except in the special white-winged dove area as defined in §65.314 of this title (relating to Zones and Boundaries for Early Season Species), September 21 - November 11, 2007 and December 26, 2007 - January 12, 2008 [~~September 22 - November 12, 2006 and December 26, 2006 - January 12, 2007~~].

(B) Daily bag limit: 12 mourning doves, white-winged doves, and white-tipped (white-fronted) doves in the aggregate, including no more than two white-tipped doves per day;

(C) Possession limit: 24 mourning doves, white-winged doves, and white-tipped doves in the aggregate, including no more than four white-tipped doves in possession.

(4) Special white-winged dove area.

(A) Dates: September 1, 2, 8, and 9, 2007 [~~September 2, 3, 9, and 10, 2006~~].

(i) Daily bag limit: 12 white-winged doves, mourning doves, and white-tipped (white-fronted) doves, in the aggregate to include no more than four mourning doves and two white-tipped doves per day;

(ii) Possession limit: 24 white-winged doves, mourning doves, and white-tipped doves in the aggregate to include no more than eight mourning doves and four white-tipped doves in possession.

(B) Dates: September 21 - November 11, 2007 and December 26, 2007 - January 8, 2008 [~~September 22 - November 12, 2006 and December 26, 2006 - January 8, 2007~~].

(i) Daily bag limit: 12 white-winged doves, mourning doves, and white-tipped (white-fronted) doves, in the aggregate to include no more than two white-tipped doves per day;

(ii) Possession limit: 24 white-winged doves, mourning doves, and white-tipped doves in the aggregate to include no more than four white-tipped doves in possession.

(c) Gallinules.

(1) Dates: September 15 - 30, 2007 and November 3 - December 26, 2007 [~~September 16 - 24, 2006 and November 4, 2006 - January 3, 2007~~].

(2) Daily bag and possession limits: 15 in the aggregate per day; 30 in the aggregate in possession.

(d) September teal-only season.

(1) Dates: September 15 - 30, 2007 [~~September 9 - 24, 2006~~].

(2) Daily bag and possession limits: four in the aggregate per day; eight in the aggregate in possession.

(e) Red-billed pigeons, and band-tailed pigeons. No open season.

(f) Shorebirds. No open season.

(g) Woodcock: December 18, 2007 - January 31, 2008 [~~December 18, 2006 - January 31, 2007~~]. The daily bag limit is three. The possession limit is six.

(h) Wilson's snipe (Common snipe): November 3, 2007 - February 17, 2008 [~~November 4, 2006 - February 18, 2007~~]. The daily bag limit is eight. The possession limit is 16.

*§65.318. Open Seasons and Bag and Possession Limits--Late Season.*

Except as specifically provided in this section, the possession limit for all species listed in this section shall be twice the daily bag limit.

(1) Ducks, mergansers, and coots. The daily bag limit for ducks is five, which may include no more than two scaup, two red-heads, two wood ducks, and no more than one (in the aggregate) of the following: mallard hen, pintail, canvasback, or dusky duck (mottled duck, black duck, Mexican duck, or hybrid of those species). The daily bag limit for coots is 15. The daily bag limit for mergansers is five, which may include no more than two hooded mergansers.

(A) High Plains Mallard Management Unit: October 27 - 28, 2007, and November 2, 2007 - January 27, 2008 [~~October 28 - 29, 2006, and November 3, 2006 - January 28, 2007~~].

(B) North Zone: November 3 - 25, 2007 and December 8, 2007 - January 27, 2008 [~~November 4 - 26, 2006 and December 9, 2006 - January 28, 2007~~].

(C) South Zone: November 3 - 25, 2007 and December 8, 2007 - January 27, 2008 [~~November 4 - 26, 2006 and December 9, 2006 - January 28, 2007~~].

(2) Geese.

(A) Western Zone.

(i) Light geese: November 3, 2007 - February 5, 2008 [~~November 4, 2006 - February 6, 2007~~]. The daily bag limit for light geese is 20, and there is no possession limit.

(ii) Dark geese: November 3, 2007 - February 5, 2008 [~~November 4, 2006 - February 6, 2007~~]. The daily bag limit for dark geese is four, which may not include more than three Canada geese or more than one white-fronted goose.

(B) Eastern Zone.

(i) Light geese: November 3, 2007 - January 27, 2008 [~~November 4, 2006 - January 28, 2007~~]. The daily bag limit for light geese is 20, and there is no possession limit.

(ii) Dark geese:

(I) white-fronted geese: November 3, 2007 - January 13, 2008 [~~November 4, 2006 - January 14, 2007~~]. The daily bag limit for white-fronted geese is two.

(II) Canada geese: November 3, 2007 - January 27, 2008 [~~November 4, 2006 - January 28, 2007~~]. The daily bag limit for Canada geese is three.

(3) Sandhill cranes. A free permit is required of any person to hunt sandhill cranes in areas where an open season is provided under this proclamation. Permits will be issued on an impartial basis with no limitation on the number of permits that may be issued.

(A) Zone A: November 3, 2007 - February 3, 2008 [~~November 4, 2006 - February 4, 2007~~]. The daily bag limit is three. The possession limit is six.

(B) Zone B: November 23, 2007 - February 3, 2008 [~~November 24, 2006 - February 4, 2007~~]. The daily bag limit is three. The possession limit is six.

(C) Zone C: December 22, 2007 - January 27, 2008 [~~December 23, 2006 - January 28, 2007~~]. The daily bag limit is two. The possession limit is four.

(4) Special Youth-Only Season. There shall be a special youth-only waterfowl [~~duck~~] season during which the hunting, taking, and possession of geese, ducks, mergansers, and coots is restricted to licensed hunters 15 years of age and younger accompanied by a person 18 years of age or older, except for persons hunting by means of falconry under the provisions of §65.320 of this chapter (relating to Extended Falconry Season--Late Season Species). Bag and possession limits in any given zone during the season established by this paragraph shall be as provided for that zone by paragraph (1) of this section. Season dates are as follows:

(A) High Plains Mallard Management Unit: October 20 - 21, 2007 [~~October 21 - 22, 2006~~];

(B) North Zone: October 27 - 28, 2007 [~~October 28 - 29, 2006~~]; and

(C) South Zone: October 27 - 28, 2007 [~~October 28 - 29, 2006~~].

*§65.319. Extended Falconry Season--Early Season Species.*

(a) It is lawful to take the species of migratory birds listed in this section by means of falconry during the following Extended Falconry Seasons:

(1) mourning doves and white-winged doves: November 19 - December 25, 2007 [~~November 19 - December 25, 2006~~].

(2) rails and gallinules: December 27, 2007 - February 1, 2008 [~~January 4 - February 9, 2007~~].

(3) woodcock: November 24 - December 17, 2007 [~~November 24 - December 17, 2006~~].

(b) The daily bag and possession limits for migratory game birds under this section shall not exceed three and six birds respectively, singly or in the aggregate.

*§65.320. Extended Falconry Season--Late Season Species.*

It is lawful to take the species of migratory birds listed in this section by means of falconry during the following Extended Falconry Seasons.

(1) Ducks, coots, and mergansers:

(A) High Plains Mallard Management Unit: no extended season;

(B) North Duck Zone: January 28 - February 11, 2008 [~~January 29 - February 12, 2007~~];

(C) South Duck Zone: January 28 - February 11, 2008 [~~January 29 - February 12, 2007~~].

(2) The daily bag and possession limits for migratory game birds under this section shall not exceed three and six birds, respectively, singly or in the aggregate.

§65.321. *Special Management Provisions.*

The provisions of paragraphs (1) - (3) of this section apply only to the hunting of light geese. All provisions of this subchapter continue in effect unless specifically provided otherwise in this section; however, where this section conflicts with the provisions of this subchapter, this section prevails.

(1) Means and methods. ~~The [In addition to the means and methods authorized in §65.310(a) of this title (relating to Means, Methods, and Special Requirements), the]~~ following means and methods are lawful during the time periods set forth in paragraph (4) of this section:

(A) shotguns capable of holding more than three shells; and

(B) electronic calling devices.

(2) Possession. During the time periods set forth in paragraph (4) of this section:

(A) there shall be no bag or possession limits; and

(B) the provisions of §65.312 of this title (relating to Possession of Migratory Game Birds) do not apply; and

(C) a person may give, leave, receive, or possess legally taken light geese or their parts, provided the birds are accompanied by a wildlife resource document (WRD) from the person who killed the birds. A properly executed WRD satisfies the tagging requirements of 50 CFR Part 20. The WRD [wildlife resource document] is not required if the possessor lawfully killed the birds; the birds are transferred at the personal residence of the donor or donee; or the possessor also possesses a valid hunting license, a valid waterfowl stamp, and is HIP certified. The WRD [wildlife resource document] shall accompany the birds until the birds reach their final destination, and must contain the following information:

(i) the name, signature, address, and hunting license number of the person who killed the birds;

(ii) the name of the person receiving the birds;

(iii) the number and species of birds or parts;

(iv) the date the birds were killed; and

(v) the location where the birds were killed (e.g., name of ranch; area; lake, bay, or stream; county).

(3) Shooting hours. During the time periods set forth in paragraph (4) of this section, shooting hours are from one half-hour before sunrise until one half-hour after sunset.

(4) Special Light Goose Conservation Period.

(A) From ~~January 28 - March 30, 2008 [January 29 - March 25, 2007]~~, the take of light geese is lawful in Eastern Zone as

defined in §65.317 of this title (relating to Zones and Boundaries for Late Season Species).

(B) From ~~February 6 - March 30, 2008 [February 7 - March 25, 2007]~~, the take of light geese is lawful in the Western Zone as defined in §65.317 of this title (relating to Zones and Boundaries for Late Season Species).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 11, 2007.

TRD-200701841

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Texas Parks and Wildlife Department

Earliest possible date of adoption: June 24, 2007

For further information, please call: (512) 389-4775



**31 TAC §65.310**

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Parks and Wildlife Department or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeal is proposed under Parks and Wildlife Code, Chapter 64, which authorizes the Commission and the Executive Director to provide the open season and means, methods, and devices for the hunting and possessing of migratory game birds.

The repeal affects Parks and Wildlife Code, Chapter 64.

§65.310. *Means, Methods, and Special Requirements.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 11, 2007.

TRD-200701840

Ann Bright

General Counsel

Texas Parks and Wildlife Department

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