



441 G St. N.W.
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B-336640

September 13, 2024

The Honorable Thomas R. Carper
Chairman
The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Bruce Westerman
Chairman
The Honorable Raúl Grijalva
Ranking Member
Committee on Natural Resources
House of Representatives

Subject: *Department of the Interior, Fish and Wildlife Service: Migratory Bird Hunting; Final 2024–25 Frameworks for Migratory Bird Hunting Regulations*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of the Interior, Fish and Wildlife Service (FWS) entitled “Migratory Bird Hunting; Final 2024–25 Frameworks for Migratory Bird Hunting Regulations” (RIN: 1018-BG63). We received the rule on August 29, 2024. It was published in the *Federal Register* on August 26, 2024. 89 Fed. Reg. 68500. The effective date of the rule is August 26, 2024.

According to FWS, this rule establishes the final frameworks from which states may select season dates, limits, and other options for the 2024–25 migratory game bird hunting season. FWS states that it annually prescribes outside limits (which FWS calls frameworks) within which states may select hunting seasons, and these frameworks specify the outside dates, season lengths, shooting hours, bag and possession limits, and areas where migratory game bird hunting may occur. FWS states that these frameworks are necessary to allow state selections of seasons and limits and to allow harvest at levels compatible with migratory game bird population status and habitat conditions, and that migratory game bird hunting seasons provide opportunities for recreation and sustenance, and aid federal, state, and tribal governments in the management of migratory game birds.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The 60-day delay in effective date does not apply, however, to rules that establish, modify, open, close, or conduct a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping. 5 U.S.C. § 808(1). FWS states that this rule establishes a regulatory program for activity related to hunting.

Enclosed is our assessment of FWS's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large initial 'S' and 'J'.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Eric L. Kershner
Chief of the Division of Bird Conservation, Permits, and Regulations
Fish and Wildlife Service

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE
ENTITLED
“MIGRATORY BIRD HUNTING;
FINAL 2024–25 FRAMEWORKS FOR MIGRATORY BIRD HUNTING REGULATIONS”
(RIN: 1018-BG63)

(i) Cost-benefit analysis

The Department of the Interior, Fish and Wildlife Service (FWS) prepared an analysis of the costs and benefits for this rule. See 89 Fed. Reg. 68500, 68507–08. FWS estimated the rule will result in consumer surplus of \$606 million to \$797 million for the 2024–25 season. *Id.*

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

FWS determined that the rule will have a significant economic impact on substantial numbers of small entities, such as restaurants, grocery stores, lodging, transportation, and sporting goods stores, and prepared a Final Regulatory Flexibility Analysis. See 89 Fed. Reg. 68500, 68508.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

FWS determined that this rule will not result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation, in any one year, and that the rule does not significantly or uniquely affect small governments. See 89 Fed. Reg. 68500, 68508.

(iv) Agency actions relevant to the Administrative Pay-As-You-Go-Act of 2023, Pub. L. No. 118-5, div. B, title III, 137 Stat 31 (June 3, 2023)

FWS did not discuss the Act in this rule or in its submission to us.

(v) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On February 8, 2024, and May 13, 2024, FWS published proposed rules. 89 Fed. Reg. 8631; 89 Fed. Reg. 41522. FWS also held open meetings with the Flyway Council Consultants on May 31, 2023, and October 10, 2023. See 89 Fed. Reg. 68500, 68500. FWS stated that they received comments from various interested parties. *Id.* at 68501. FWS responded to comments in the rule. *Id.* at 68501–02.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

FWS determined that this rule contains no new information collection requirements under the Act. See 89 Fed. Reg. 68500, 68508.

Statutory authorization for the rule

FWS promulgated this rule pursuant to sections 703–712 of title 16, United States Code

Executive Order No. 12866 (Regulatory Planning and Review)

FWS stated that this rule is significant under the Order. See 89 Fed. Reg. 68500, 68508.

Executive Order No. 13132 (Federalism)

FWS determined that this rule does not have federalism implications. See 89 Fed. Reg. 68500, 68509.