

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Establishing "Lead Free Fishing Areas" and the Prohibition of the Use of Certain Fishing Sinkers and Jigs Made With Lead on Specific Units of the National Wildlife Refuge System

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to file a proposed change in specific refuge regulations.

SUMMARY: We intend to promulgate regulations that would prohibit the use of fishing sinkers and jigs that are made of lead or lead alloys on units of the National Wildlife Refuge System where mortality of common loons from lead sinker ingestion has occurred or where concerns exist because habitat use by loons and significant fishing activities overlap. When refuges meet this criteria, we intend to establish "Lead Free Fishing Areas" and promulgate regulations on the use of lead sinkers and jigs. Each refuge we select will have specific regulations promulgated which will phase in over a two-year period, prohibit the use of lead sinkers and jigs, and establish a "Lead Free Fishing Area" in all refuge waters. This action will not close any refuge unit to sport fishing, but only prohibit the use of lead fishing sinkers and jigs.

DATES: Please provide your comments by May 13, 1999.

ADDRESSES: U.S. Fish and Wildlife Service, Division of Refuges, 1849 C Street, NW, MS-70 ARLSQ, Washington, DC 20240, Attention: Jon

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SUPPLEMENTARY INFORMATION: The mission of the National Wildlife Refuge System (System) is to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. We encourage recreational fishing that is compatible with this mission and with the purposes for which each individual refuge is established. Currently 307 of the 516 National Wildlife Refuges are open to fishing.

It is well documented that lead is toxic to both humans and wildlife. In areas where recreational angling and loon populations co-occur, lead poisoning from swallowing lead sinkers and jigs accounts for 10-50% of recorded loon mortality. In the New England states, the mortality from ingesting lead sinkers and jigs is the most significant, single factor for mortality in over 50% of adult breeding loons. Michigan's Rose Lake Wildlife Research Center collected similar evidence where 40% of loon carcasses examined had died from lead poisoning. The Minnesota Pollution Control Agency documented 17% of adult loons died from lead poisoning. A review of 15 years of bird data in Ontario has shown that 27% of the adult loons had fishing tackle in their gizzards and high lead levels in their blood.

The National Wildlife Refuge System Administration Act, which was recently

amended by the National Wildlife Refuge System Improvement Act of 1997, provides us with broad authority to offer and regulate recreational opportunities throughout the System, including the authority to regulate the use of lead fishing tackle. We intend to phase-in "Lead-Free Fishing Areas" on refuges where common loons are at risk of lead poisoning from swallowing lost or discarded fishing sinkers and jigs. During the first year of the phase-in, we will educate anglers about the benefits of non-toxic tackle for wildlife. During the first and second year of the phase-in, anglers will be able to trade-in their lead sinkers and jigs for non-toxic substitutes. After the two year phase-in, we will require anglers to fish with lead-free sinkers and jigs in all refuges designated "Lead Free Fishing Areas."

We will identify the affected refuges as part of our annual, June 1999, proposed rule which outlines refuge-specific public use regulations. The final rule, to be published in 50 CFR part 32, will be effective in the fall of 1999. This action will not close any refuge unit to sport fishing, but only prohibit the use of certain fishing sinkers and jig heads. In those areas where we do not have jurisdiction over navigable waters that flow through or border our lands, we will seek the cooperation of the affected State to reduce the risk of lead poisoning to common loons.

Dated: March 18, 1999.

Jamie Rappaport Clark,
Director.

[FR Doc. 99-8982 Filed 4-12-99; 8:45 am]

BILLING CODE 4310-55-P