

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

**48 CFR Part 1871**

**Midrange Procurement Procedures**

*CFR Correction*

In Title 48 of the Code of Federal Regulations, Chapters 15 to 28, revised as of Oct. 1, 1998, 1871.401-6 is corrected by revising paragraph (a)(2) and adding paragraph (a)(3) as follows:

**1871.401-6 Commercial items.**

(a) \* \* \*  
(2) MidRange procedures shall also be used, to the extent applicable, for commercial item acquisitions accomplished under FAR subpart 13.6, Text Program for Certain Commercial Items.

(3) Contract type shall be in accordance with FAR 12.207.

\* \* \* \* \*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 18**

**RIN 1018-AE26**

**Import of Polar Bear Trophies From  
Canada: Addition of Populations to the  
List of Areas Approved for Import**

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule announces findings on the import of polar bears (*Ursus maritimus*) taken in sport hunts in the areas formerly known as Parry Channel-Baffin Bay and Queen Elizabeth Islands, Northwest Territories (NWT), Canada, under the Marine Mammal Protection Act (MMPA). The U.S. Fish and Wildlife Service summarizes the new research data used by Canada to redefine these areas into five populations: Queen Elizabeth Islands, Norwegian Bay, Kane Basin, Lancaster Sound, and Baffin Bay, and provides a summary of the Nunavut Land Claim and the new Flexible Quota Option. The Service finds that Lancaster Sound and Norwegian Bay meet the requirements of the MMPA and adds them to the list of approved populations in the regulations. The Service defers the decision on Queen Elizabeth Islands, Baffin Bay, and Kane Basin.

**DATES:** This rule is effective February 10, 1999.

**FOR FURTHER INFORMATION CONTACT:**  
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Authority, telephone (703) 358-2093; fax (703) 358-2281.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 18, 1997, the Service published in the **Federal Register** (62 FR 7302) the final rule for the import of trophies of personal sport-hunted polar bears taken in Canada by U.S. hunters. The rule established the application requirements, permit procedures, issuance criteria, permit conditions, and issuance fee for such permits and made legal and scientific findings required by the MMPA. Before issuing a permit for the import of a polar bear trophy, we, the Service, must make a finding that the polar bear was legally taken by the applicant, and in consultation with the Marine Mammal Commission (MMC) and after opportunity for public comment, must make the findings listed in section 104(c)(5)(A) of the MMPA. We made these findings on an aggregate basis to be applicable for multiple harvest seasons as follows: (a) The Government of the Northwest Territories (GNWT) has a sport-hunting program that allows us to determine before import that each polar bear was legally taken; (b) the GNWT has a monitored and enforced program that is consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears (International Agreement); (c) the GNWT has a sport-hunting program that is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level for certain populations; and (d) the export of sport-hunted trophies from Canada and their subsequent import into the United States would be consistent with CITES and would not likely contribute to illegal trade of bear parts. In addition, we found that the prohibition on the import of pregnant and nursing marine mammals in section 102(b) of the MMPA would be met under the application requirements, issuance criteria, and permit conditions in the regulation.

We provided information in the final rule to show that the following polar bear populations met the criteria specified in the MMPA: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville, M'Clintock Channel, and Western Hudson Bay. We deferred making a decision for other populations: Parry Channel-Baffin Bay, Queen Elizabeth Islands, Foxe Basin, Gulf of Boothia, Southern Hudson Bay, and Davis Strait. At the same time, we announced that upon receipt of substantial new scientific and management data, we would publish a

proposal for public comment and consult with the MMC. Any population found to meet the criteria would be added to the list of approved populations in the regulation at § 18.30(i)(1).

When we proposed the polar bear rulemaking in July 1995 (60 FR 36382), the Department of Renewable Resources (DRR), GNWT, had begun an intensive population inventory of the Parry Channel-Baffin Bay area. We treated the Parry Channel-Baffin Bay area as a single population based on the best available scientific data at that time and current management practices by the GNWT. However, we recognized that forthcoming information would likely show the area to be composed of multiple populations. The final rule reflected our response to the numerous comments received on the treatment of the Parry Channel-Baffin Bay area as a single unit, rather than the new data resulting from Canada's ongoing research and management changes. To avoid further delay in completing the final rule, we chose to complete the rulemaking on the proposed rule and to publish the new data in a subsequent proposed rule. Thus, we deferred making a decision for the Parry Channel-Baffin Bay population in the final rule.

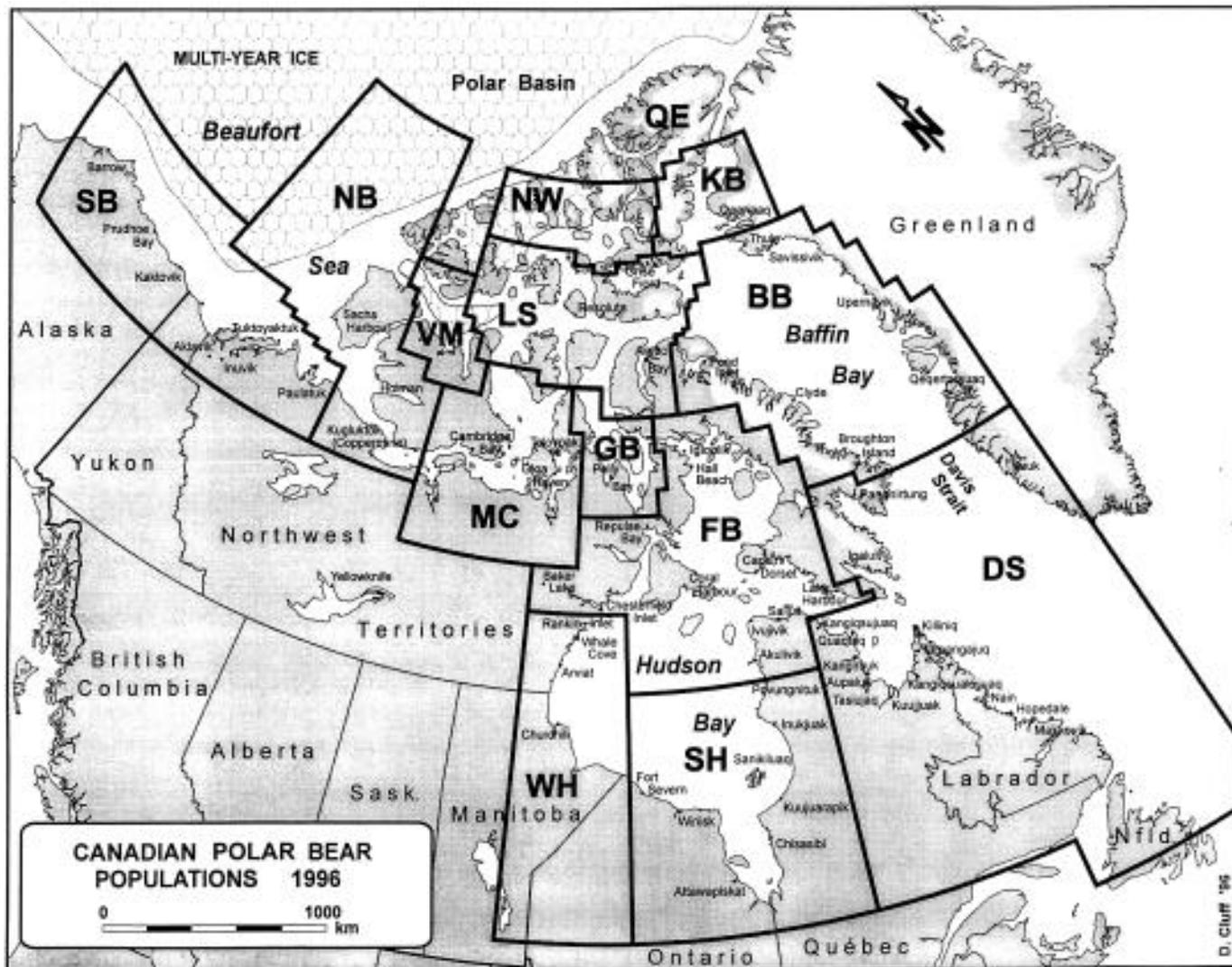
Canada provided information to the Service as their research in the Parry Channel-Baffin Bay areas progressed. In August 1995, Environment Canada stated in a letter to the Service that current status information on the Parry Channel and Baffin Bay areas "would disqualify these populations," but new additional information could be available for review in early 1996. At the 1996 Polar Bear Technical Committee (PBTC) meeting the GNWT presented preliminary information that four polar bear populations were identified within an area that included the former Parry Channel-Baffin Bay and portions of the Queen Elizabeth Islands polar bear populations. Based on the preliminary data, the GNWT recommended boundary changes and renaming of the Parry Channel population as Lancaster Sound, boundary changes for the Baffin Bay population, and identification of the new Norwegian Bay and Kane Basin populations out of areas of Queen Elizabeth Islands. In July 1996, we received additional information on these areas and were advised that research and inventory studies in the areas were ongoing. In January 1997 additional information on these areas was obtained at the PBTC meeting, including information on new

population boundaries (Map 1) and population estimates, implementation of the Flexible Quota Option, and management changes as a result of further implementation of the Nunavut Land Claim.

Map 1. Boundaries of polar bear populations in Canada. Southern Beaufort Sea (SB), Northern Beaufort Sea (NB), Viscount Melville (VM), Queen Elizabeth Islands (QE), Norwegian Bay (NW), Kane Basin (KB),

Lancaster Sound (LS), Baffin Bay (BB), Gulf of Boothia (GB), M'Clintock Channel (MC), Foxe Basin (FB), Davis Strait (DS), Western Hudson Bay (WH), and Southern Hudson Bay (SH).

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On June 12, 1997, Congress amended the MMPA to ease the criteria that need to be met before a permit can be issued to import polar bear trophies taken before April 30, 1994 (i.e., pre-Amendment bears). See Public Law No. 105-18, § 5004, 111 Stat. 187-88 (1997). Under the new language, we can issue an import permit for such trophies after: (a) the applicant has provided proof to show that the polar bear was legally hunted in Canada and (b) we have published a notice of the application in the **Federal Register** for a 30-day public comment period and collected the permit issuance fee, which has been set by regulation at \$1,000. These pre-

Amendment trophies are subject to the inspection, clearance, and tagging procedures previously described in the final rule published February 18, 1997 (62 FR 7302). Based on the June 12, 1997, amendment, we are currently accepting and processing applications for permits to import polar bear trophies sport hunted prior to April 30, 1994, and will propose separately a revision of the regulations to implement the provisions of the amendment.

## Scientific Findings and Summary of Information

### Findings

We find that the Norwegian Bay and Lancaster Sound populations have sport-hunting programs based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level. We continue to defer making a finding for the Kane Basin and Baffin Bay populations pending the outcome of ongoing management actions between Canada and Greenland for the cooperative management of these shared populations. We also continue to defer

making a finding on the Queen Elizabeth Islands population that now contains land only in the far northern part of the Canadian Arctic Archipelago.

#### *Summary of Information*

We considered the new available information in reassessing whether the five populations now meet the required finding that there be a sport-hunting program based on scientifically sound quotas that ensure the maintenance of the affected population stock at a sustainable level. We considered the overall sport-hunting program for each population, including such factors as whether the sport-hunting program includes: (a) Reasonable measures to ensure the population is managed for sustainability (i.e., monitoring to identify problems, ways of correcting problems, etc.); (b) harvest quotas calculated and based on scientific principles; (c) a management agreement between the representatives of communities that share the population; and (d) compliance with quotas and other aspects of the program as agreed to in the management agreements or other international agreements.

An independent review of these populations was conducted by Dr. J. Ward Testa on behalf of the MMC and the results were reported to the Service in April 1997. The purpose of Dr. Testa's report was to review and evaluate Canada's polar bear management program, particularly as it related to the current status and sustainability of the polar bear populations for which we had deferred final decisions in the February 18, 1997, final rule. Specifically, the report addressed: (1) Whether Canada's polar bear conservation program is based upon sound principles of resource management; (2) whether the procedure being used by Canadian scientists to estimate sustainable polar bear harvests is conceptually sound and reflects current knowledge about polar bears; (3) whether the judgments concerning the number, discreteness, and status of putative polar bear populations in Canada are based upon the best available data and appropriate analyses; and (4) the likelihood that the data and procedures being used to assess population status and manage harvests will allow polar bear populations in Canada to grow or be maintained at current levels (Testa, 1997). Dr. Testa's conclusions are discussed below in context with our findings on the Norwegian Bay, Lancaster Sound, Kane Basin, and Baffin Bay populations.

#### A. Population Management

The rationale of the GNWT polar bear management program is that the human-caused kill (e.g., harvest, defense, or incidental kill) must remain within the sustainable yield, with the anticipation of slow growth for any population. This program has several components including: (a) Use of scientific studies to determine and monitor changes in population size and establish population boundaries; (b) involvement of the resource users and incorporation of traditional knowledge to enrich and complement scientific studies; (c) harvest data collection and a license tracking system; and (d) enforcement measures through regulations and management agreements.

In Canada, management of polar bears has been delegated to the Provinces and Territories. However, the Federal Department of Environment Canada (Canadian Wildlife Service) maintains an active research program and is involved in management of populations that are shared between jurisdictions, particularly between Canada and other nations. In addition, Native Land Claims have resulted in Co-Management Boards for most of Canada's polar bear populations. The PBTC and Federal/Provincial Polar Bear Administrative Committee (PBAC) meet annually to ensure a coordinated management process between these parties (Government of the Northwest Territories (GNWT) unpublished documents are on file with the Service). Study of the Parry Channel-Baffin Bay area highlights the cooperative and shared management that has come to characterize Canada's polar bear program. The GNWT conducted the study of this area in cooperation with the Hunters and Trappers Associations of several communities, Parks Canada, the University of Saskatchewan, and the Greenland Fisheries Institute. Participation by the Institute is of relevance since polar bears of the Baffin Bay and Kane Basin populations are shared with Greenland and harvested by residents of both countries. The results of these studies have been shared among participants, representatives of the Wildlife Management Boards, and Provincial and Federal polar bear managers at the annual PBTC and PBAC meetings as well as at the World Conservation Union (IUCN) Polar Bear Specialist Group (PBSG) meetings which bring together specialists from all countries that have polar bears (GNWT). Additional information on the GNWT management program for polar bear, including the use of inventory studies, population modeling, and peer review,

is provided in the Service's February 18, 1997, final rule.

We noted in that final rule that Canada has established an effective management program for polar bear. Testa (1997) agreed in his report to the MMC with our appraisal of the GNWT polar bear management program. In particular, he noted that due thought has been given to the program and much has been accomplished, particularly with regard to broad scientific and political collaboration, community education about conservation principles, a high level of community involvement with management decisions, and implementation of adaptive, sustainable harvest quotas at the community level which resonate well with basic conservation principles.

#### B. Calculation of Harvest Quotas Based on Population Inventories

The DRR calculates harvest quotas based upon population boundaries delineated from inventories and mark-recapture studies (USFWS 1997; Bethke et al. 1996). Using satellite telemetry technology, researchers place collars on female polar bears and track the movements of the collared animals. The data collected is then used to define the population boundaries. Collars, either for satellite telemetry or radio tracking, cannot be reliably used for adult male polar bears since their necks are approximately the same size as the head and collars are easily lost. Polar bear researchers are still seeking alternative tracking technology suitable for male bears.

Inventory of the Parry Channel-Baffin Bay area and bordering islands of the Queen Elizabeth Islands area was begun in 1991 with the use of satellite collars. Additional collars were used in successive years through 1995. Considerable information on the mark-recapture studies of these areas, including the number of collars deployed, the areas in which they were used, the number of bears recaptured by age and sex class, and the methods of analyzing the data is provided in detail in the 1997 NWT submission to the PBTC (GNWT 1997).

Canadian polar bear managers have concluded, based on analysis of the data collected from this research, that there are five polar bear populations in these areas. These are the new Norwegian Bay and Kane Basin populations, the renamed Lancaster Sound population, the revised Queen Elizabeth Islands population, and the Baffin Bay population. Testa (1997) reported that the population boundaries are the result of extensive research with satellite and conventional telemetry and that the

reorganization of the Parry Channel-Baffin Bay and Queen Elizabeth Islands populations was conducted using procedures previously described by Bethke et al. (1996). Recognizing the inevitable uncertainties of science, Testa cautioned that the conclusions concerning polar bear stocks, their spatial boundaries, degree of separation, and sizes might not be completely correct. However, he asserted that the conclusions of Canadian polar bear researchers and managers are certainly based on the best available data and analyses.

The GNWT's use of data and management considerations to identify population boundaries is consistent with the definition of "population stock" as used in the MMPA (USFWS 1997). The GNWT recognizes that the boundaries of these stocks are partly determined by land mass, sea ice, and open water barriers that bar polar bear movement, and by management considerations. One such management consideration has led to a recent change to the Northwest Territory Big Game Hunting Regulations. In the past, the take of a bear was counted against the quota of the population from which it was removed. In recognition of the sometimes overlapping nature of populations which are not separated by some physical barrier, current regulations establish a 30-km zone on either side of a contiguous boundary between two polar bear populations. Practically speaking, what this means for hunters is that they can continue to track a polar bear across the population boundary and up to 30 km within the adjoining population. The take of that bear is then counted against the quota of the population from which the hunter's tag was provided. This regulation change reflects the description of population units as functional management units where immigration and emigration are negligible relative to the effects of harvest or defense kills (GNWT 1997).

A more recent investigative tool for defining population boundaries is the study of genetic variation among polar bears. Data obtained from such studies suggest that there is a genetic basis to the population boundaries (Paetkau et al. 1995). However, further work is needed to better understand how genetic variability should be interpreted and its relation to defining populations. Testa (1997) commented that genetic

studies generally provide less resolution for management purposes than satellite telemetry.

The second phase of each population inventory is to estimate population numbers using mark-recapture techniques. The DRR mark-recapture studies are based on the following: (a) Marking of 15 to 30 percent of the bears in the population; (b) sampling the entire range of the population to determine the fraction that are marked and the fraction that are unmarked; and (c) aiming for a target 15 percent coefficient of variation on the population estimates (GNWT 1997). For small populations, such as Kane Basin and Norwegian Bay, the DRR recognizes that it can be difficult to obtain a large enough sample size needed for the estimates. The alternative for these small populations would be to sample in areas where bears are known to concentrate. However, this would introduce bias. Instead, priority is given to reducing bias by using the same protocol in small as well as large areas which requires sampling throughout the entire range of the population. Since there are absolute limits to the precision of information from small populations that no sampling protocol can overcome, a full risk assessment will be done on these populations. A new computer program for this purpose has been developed and was presented at the 1998 Biennial Conference on the Biology of Marine Mammals (GNWT 1998). This is an international forum attended by marine mammal researchers from many countries.

Three key characteristics of the GNWT calculation of sustainable harvest from the population estimates are: (a) Assumption of no density effects; (b) emphasis on conservation of female bears through hunting at a ratio of two males to one female; and (c) use of pooled best estimates for vital rates (e.g., rates of birth and death) for all Canadian polar bear populations with the exception of Viscount Melville (USFWS 1997). In his review and evaluation of the procedures used by the GNWT to estimate sustainable harvests, Testa expressed some reservations about the modeling aspects but went on to test the polar bear parameters provided by Taylor et al. (1987) with a general population model. He concluded that a 3 percent harvest of the female segment of the polar bear population is sustainable and probably conservative,

and that the assumptions made for calculation of the sustainable harvest are reasonable. Additionally, he noted that these low rates of harvest, even if somewhat greater than 3 percent, are unlikely to result in irreversible reductions of bear numbers on the time scale of Canada's research and management actions. Harvests of 4 to 6 percent of the original population would take from 9 to 23 years to reduce the female population by 30 percent. In this context overharvest is possible, but reversible in the same or shorter time span by regulating or eliminating quotas, particularly if density dependent effects come into play (Testa 1997). Information on the allocation of the sustainable harvest as community quotas can be obtained from the Service's February 18, 1997, final rule.

The final year of mark-recapture work needed to estimate population numbers in the Norwegian Bay, Lancaster Sound, Kane Basin, and Baffin Bay populations was conducted in 1997. The last field season for the Norwegian Bay, Lancaster Sound, and Kane Basin populations was conducted in spring while the last Baffin Bay field season was completed in the fall during the open water season when polar bears are found onshore. Preliminary estimates for these populations have been calculated based on the data obtained by the GNWT through the Fall 1996 field season. Some data analysis had yet to be completed as of the 1998 Polar Bear Technical Committee Meeting but the final analysis was not anticipated to be qualitatively different than the preliminary analysis (GNWT 1998).

Table 1 provides information based on the GNWT reporting format for each of these populations including the population estimate, the total kill (excluding natural deaths), percentage of females killed, and the calculated sustainable harvest. Based on this information the status is expressed as increasing, stable or decreasing represented by the symbols "+", "0", and "-". The symbol "0\*" refers to the recent implementation of the Flexible Quota Option in the management program as described below.

Table 1. Draft status for the Norwegian Bay (NW), Lancaster Sound (LS), Kane Basin (KB), Baffin Bay (BB), and Queen Elizabeth Islands (QE) populations. Average kill and harvest figures over several seasons, and for the 1995/96 and 1996/97 seasons.

| Pop.     | Pop. est. | Reliability | 5-Year average 91/92-95/96 |                     | 3-Year average 93/94-95/96 |                     | Season 95/96 |                     | Season 96/97 |                     | Pop. <sup>1,2</sup> Trend |
|----------|-----------|-------------|----------------------------|---------------------|----------------------------|---------------------|--------------|---------------------|--------------|---------------------|---------------------------|
|          |           |             | Kill(% ♀)                  | Sustainable harvest | Kill(% ♀)                  | Sustainable harvest | Kill(% ♀)    | Sustainable harvest | Kill(% ♀)    | Sustainable harvest |                           |
| NW ..... | 100       | Fair .....  | 4.0(30.0)                  | 4.5                 | 4.7(42.9)                  | 3.5                 | 7(57.1)      | 2.6                 | 2(0.0)       | 4.5                 | 0/0/0*/+                  |
| LS ..... | 1700      | Good .....  | 81.2(24.9)                 | 76.5                | 81.7(26.0)                 | 76.5                | 80(26.9)     | 76.5                | 77(22.1)     | 76.5                | 0*/0*/0*/0                |
| KB ..... | 200       | Fair .....  | 6.2(37.1)                  | 8.1                 | 6.3(38.1)                  | 7.9                 | 6(35.0)      | 8.6                 | 5(60.0)      | 5.0                 | 0/0/0/0*                  |
| BB ..... | 2200      | Good .....  | 122.2(35.4)                | 93.2                | 120.3(35.0)                | 94.3                | 117(34.2)    | 96.5                | 57(35.7)     | 92.4                | -/-/-/0                   |
| QE ..... | 200       | None .....  | 0.0(-)                     | 0.0                 | 0.0(-)                     | 0.0                 | 0(-)         | 0.0                 | 0(-)         | 0.0                 | 0/0/0/0                   |

<sup>1</sup>—overharvest.  
<sup>2</sup>—Population Trend expressed for 5 yr. avg./95-96 season/96-97 season.

The Service considers the use of qualitative terms to report the reliability of population estimates within the present context to be valid since they were determined through research using scientific methodology and are a conservative approach (USFWS 1997). However, we also recognize that the use of quantitative references, such as the standard error, are more acceptable. The GNWT anticipates that qualitative terms for the Lancaster Sound, Norwegian Bay, Kane Basin, and Baffin Bay populations will be replaced with quantitative terms as final analysis of the latest research data is completed (GNWT).

C. Management Agreements and the Nunavut Land Claim

Polar bear management in Canada is a shared responsibility involving Federal, Territorial, Provincial, and land claim participants. Coordination of these parties is the result, in part, of PBTC and PBAC meetings as well as management agreements between the resource users and the GNWT. These management agreements are an intrinsic part of cooperative polar bear management in Canada. In § 18.30(i)(1)(iii) we recognized management agreements as an essential part of making the finding that there is a sport-hunting program to ensure the sustainability of the affected polar bear population.

The settlement of native land claims in Canada served as an impetus for the development of the management agreements. The Norwegian Bay, Lancaster Sound, Kane Basin, and Baffin Bay populations, among others, fall within the Nunavut Land Claim signed in 1993. Both this claim and the Inuvialuit Land Claim signed in 1984 establish co-management boards for cooperative management of wildlife resources, including polar bear (GNWT). The respective roles of the GNWT and the Nunavut Wildlife Management Board and the Inuvialuit Wildlife Management Advisory Council are

defined in law. The wildlife management advisory boards are regarded as the main instrument of wildlife management action in the NWT, although the Minister of the Department of Renewable Resources is the ultimate management authority (GNWT). The current approach to polar bear management begins with community meetings and concludes with Population Management Agreements that are signed by the communities that share a population and the Minister of Renewable Resources, reviewed by the Native Land Claim Boards, and finally transmitted to the Minister of the Department of Renewable Resources as recommendations for regulation changes to implement the agreements (GNWT).

One effect of the Nunavut Land Claim is the division in 1999 of the NWT into the Nunavut Territory and some presently unnamed western territory. The transition for this change has already begun with restructuring of departments including amalgamation of the DRR and others into the Department of Resources, Wildlife and Economic Development (M. Taylor, personal communication). The NWT polar bear project has been transferred from Yellowknife, NWT, to Iqaluit, the future capital of the Nunavut Territory. We view these changes as a continuation of a process begun with settlement of the Nunavut Land Claim in 1993. Management actions taken to date, including development of the management agreements, have been with an eye toward establishment of the Nunavut Territory and are a further example of Canada's commitment to a responsive management program for polar bear.

The success of the Canadian management agreements and others, such as the Inupiat-Inuvialuit Agreement for the Southern Beaufort Sea polar bear population, has led to the acceptance of such agreements as an important tool for interjurisdictional polar bear management. At the 1997

IUCN meeting for polar bear, the PBSG reiterated the need for cooperative management of shared populations both as a benefit to polar bears and as a requirement of the International Agreement. Specifically, the contribution of management agreements was recognized and the need for additional agreements was called for in a new resolution to the International Agreement that concluded that "the development of sound conservation practices for shared populations requires systematic cooperation, including use of jointly collected research and management information to develop cooperative management agreements" (PBSG 1997).

The Canadian Government is actively pursuing development of a management agreement for polar bear populations shared between Canada and Greenland. These shared populations include the Kane Basin, Baffin Bay, and Davis Strait polar bear populations. A meeting was held in January 1997 to identify management needs and to discuss the potential development of a management agreement for these shared populations. The following areas were identified as necessary elements of a co-management agreement: (a) agreement on the boundaries, population, and sustained yield of the three populations; (b) acceptable division of the sustained yield; (c) harvest monitoring; (d) a management system to ensure the sustained yield is not exceeded; and (e) agreement on other harvest practices, such as family groups, protection of dens, etc.

Representatives of Greenland have clarified that, unlike the Inuvialuit-Inupiat agreement for the Southern Beaufort Sea population, any management agreement for populations shared with that country would need to be government to government rather than user group to user group. At this point it is uncertain how Canada will be represented given the complex sharing of management responsibilities for polar bear within Canada. A committee was

formed to examine the options for Canadian representation. The options are expected to be discussed at future meetings on development of management agreements between Canada and Greenland (GNWT).

#### D. Compliance With Quotas and the Sport-Hunting Program

The community quotas are based on harvest of polar bears at a ratio of two males:one female (USFWS 1997). While this allows for the harvest to be 50 percent higher than if polar bears were harvested at a 1:1 ratio, implementation of the sex selective harvest has posed problems. For some communities where the sex ratio was set as a target of management agreements, there was ineffective enforcement when the harvest of females exceeded the target in some years. For those communities where the sex-selective harvest was implemented through regulation, difficulty distinguishing between male and female polar bears led to mistakes and inconsistent law enforcement action for those mistakes. To respond to these problems, the Flexible Quota Option was developed. All communities within the four populations of Norwegian Bay, Lancaster Sound, Kane Basin, and Baffin Bay have agreed to follow the Flexible Quota Option. This change has been incorporated into the respective management agreements and, subsequently, into the regulations which implement those agreements.

The premise behind the Flexible Quota Option is that it will allow for mistakes in sex identification and for community preferences in sex-selective harvesting while keeping the harvest within sustainable yield. There are two parts to this system. The first part is a harvest tracking system that monitors the number of males and females killed in the past 5 years. If the sustained yield was not taken in any one of the past 5 years, then the difference between the sustained yield and the actual kill is counted as a positive credit. These accrued credits can then be used to compensate for an overharvest in a future harvest season. If no credits are available (i.e., the full sustained yield was taken in each of the past seasons or any available credits have already been used), then an overharvest can be mitigated by quota reductions in future years. Once the overharvest has been corrected by a quota reduction, the quota returns to its original level. Since community quotas are a shared allocation of the overall population quota, a community without positive credits can receive credits from one of the other communities hunting from that same polar bear population. If there

are no credits available or if a community chooses not to provide credits to another, then the overharvest is mitigated by a quota reduction to the community which experienced the overharvest.

The second part of the Flexible Quota Option is the calculation of the quota based on sustainable sex-selective harvesting of one female bear for every two males. The GNWT summarizes the system as follows. The number of quota tags allocated to a community depends on the community's allocation of the sustainable yield of female bears (F) from any one population as established through a management agreement, the number of female bears killed in the previous year ( $K_{t-1}$ ), and the proportion of female bears in the previous year's harvest ( $P_{t-1}$ ). The quota for the current year ( $Q_t$ ) is then calculated as:

$$Q_t = (2F - K_{t-1}) / P_{t-1}$$

The value of  $(2F - K_{t-1})$  cannot exceed F, and the value of  $P_{t-1}$  cannot be less than 0.33. If the value of  $(2F - K_{t-1})$  is less than zero, the quota is zero and the subsequent year's quota is calculated by designating  $K_t$  as the value of  $-(2F - K_{t-1})$  (GNWT 1996). Testa (1997) concluded that this was simply a way to average the quota over two years when a village inadvertently exceeds its quota in a given year. In this way the average take of female bears cannot exceed the sustainable rate.

Because of the emphasis on conservation of female bears, the sex ratio of the overharvest must be taken into consideration when a quota reduction is necessary. As a result, the reduction is handled differently for male versus female bears. Reductions to the quota as a result of an overharvest of males occur only when the maximum number of females has also been taken or exceeded. The correction for such an overharvest is one male for each male overharvested. A correction is not made for an overharvest of male bears if the number of females taken is less than their sustained yield. The rationale for this decision is that although males were overharvested, females were not. As a result, those females not harvested will reproduce and compensate for the additional males removed from the population. In contrast, when an overharvest of females has occurred, the quota reduction is not simply one quota tag for each female overharvested. Instead, the sex ratio of the harvest must be considered in determining the necessary quota reduction for the following year or subsequent years, if necessary (GNWT 1996).

The management agreements identify the steps to be taken to implement the

flexible quota system. The DRR reviews the harvest data of the previous season and identifies any overharvest. Then the community HTO's, Regional Wildlife Boards, Wildlife Officers, and Regional Managers develop sustainable alternatives to quota reductions, if possible. These could include use of credits from that community that experienced the overharvest or the borrowing of credits from another community that hunts from the same polar bear population. By July 1 of each year, the DRR must report the harvest data and quota recommendations to the Nunavut Wildlife Management Board (NWMB). The NWMB can accept these recommendations or vary them depending on the input of the Board and consultation with the communities. They submit final recommendations to the Department Minister who must make a final decision, taking into consideration the DRR harvest report and NWMB recommendations, by August 1 (GNWT).

The 1996/97 polar bear harvest season was the first in which the communities used the Flexible Quota Option. In the first year of implementation, all populations were hunted within sustained yield for both males and females. Some corrections were made for communities that were unable to meet their harvest targets. These corrections included use of credits from another community and quota reductions. In developing the Flexible Quota Option, the GNWT believed that it would be able to accommodate differences in hunting preferences, differences in hunting opportunities as a result of weather effects, and would keep each population's harvest within sustainable yield (GNWT 1996). Although this system of regulating and monitoring the quota is considered somewhat less conservative than the previous method, in the first year of its use it has shown itself to be more effective at achieving a sustainable harvest for all populations.

As referred to above, there are some less conservative elements to the Flexible Quota Option. The first element is the manner in which the DRR assigned the initial credit balance. All communities that agreed to use the new system entered it with a zero balance of negative credits but were allowed to retain their positive credits. These positive credits can be used to offset future overharvests. The DRR recognizes the inconsistency of this approach but believes that it will not have a long term negative effect on the populations and that such an approach was necessary to win support for the system. The second element is the Flexible Quota Option

feature that allows unused quota tags to essentially be "rolled over" to the following year as a positive credit. In the past, unused quota tags were not retained into the following year. We recognize, as did Testa (1997), that this change could theoretically slow the growth of Canadian polar bear populations. However, it should be recalled that under the previous system the sex ratio of the harvest was set as a target for some populations, including the former Parry Channel-Baffin Bay, rather than into regulation (PBSG 1995). The flexible quota system does not provide this option. Sex ratios are set into regulations for all communities using the flexible quota system, thus providing an additional element to conserve female polar bears that was not present in the previous system. Given the results to date, we believe that the flexible quota system is a reasonable alternative for those communities that have had difficulty consistently hunting at a 2:1 ratio. In commenting upon the system, Testa (1997) recognized the experimental nature of the Flexible Quota Option, but concluded that it was conceptually sound and needed a chance to have its wrinkles worked out.

#### **Status of Populations the Service Approves**

The Service approves the Norwegian Bay and Lancaster Sound populations as meeting the required findings of section 104(c)(5)(A)(ii) of the MMPA based on currently available information and adds them to the list of approved populations in § 18.30(i).

##### *Norwegian Bay (NW)*

The preliminary population estimate for this new area is 100 with fair reliability based on the analysis of data collected from the inventory and mark-recapture studies. This population was identified as being separate from the Queen Elizabeth Islands population previously described in the Service's February 18, 1997, final rule. A harvest quota of four bears has been calculated for this population. The quota is allocated to the community of Grise Fiord.

Table 1 provides information on the 5- and 3-year average of the harvest in comparison to the sustainable level. These figures were calculated retrospectively for Norwegian Bay using harvest data from Grise Fiord once a new population estimate was obtained. As is shown in the table, the harvest conducted prior to identification of the Norwegian Bay population occurred in excess of the sustainable harvest level. The community residents of Grise Fiord have agreed to the terms of a revised

management agreement which includes use of the Flexible Quota Option to ensure that future harvests are sustainable and all family groups are protected. No females were taken in the 1996/97 season during the first year of the Flexible Quota Option, and the overall harvest was within sustained yield.

#### **Lancaster Sound (LS)**

The GNWT reports a preliminary population estimate of 1,700 with good reliability. Based on the new population estimate, a harvest quota of 76.5 has been calculated. Three communities, Grise Fiord, Resolute, and Arctic Bay, harvest bears from the Lancaster Sound area. All family groups are protected in this population. The Service pointed out in the February 18, 1997, final rule that the harvest of polar bears from the combined Parry Channel-Baffin Bay area had exceeded the quota by more than 70 percent over the 5- and 3-year average of harvest results from 1991 through 1996. This apparent lack of compliance was of concern to the Service and was one of the reasons for deferring a decision on the area, pending the results of ongoing research and management activities. The GNWT has now recalculated previous harvests in the Lancaster Sound population based on the separation of the data for the former Parry Channel-Baffin Bay area and the new population estimates for Lancaster Sound and Baffin Bay. As shown in Table 1, based on the most recent data, Lancaster Sound did experience some overharvest over a 5- and 3-year average of seasons from 1991 through 1996. However, female bears were conserved in that less than 30 percent of the harvest was composed of females. This accounts for the lack of change in the sustainable harvest over the same time period. These data show that the Lancaster Sound population was not overharvested and is being managed on a sustainable basis.

As mentioned above, we consider compliance with quotas as an essential part of any management program. The communities have signed a new management agreement which includes the use of the Flexible Quota Option to help ensure compliance with quotas and correct for overharvests if they do occur in the future.

As described above, under the Flexible Quota Option an overharvest of male bears results in a quota reduction only when the harvest of female bears has met or exceeded the maximum allowed. The 5-year harvest history for the Flexible Quota Option shows the Lancaster Sound area had 30 credits for female bears. In contrast, the harvest

history shows an accumulated debit of 38.5 male bears for the population. It is unclear whether the predominance of males in the harvest was due to hunter preference or to a greater availability of male bears in this area. This emphasis on harvesting male bears from this population by one community was relieved, however, to a limited extent by the predominance of harvesting females by another community.

#### **Status for Populations for which Scientific and Management Data are Not Presently Available for Making a Final Decision**

After reviewing the best available scientific and management data on the populations addressed below, the Service is not prepared to make a final decision on whether populations of Kane Basin, Baffin Bay, or Queen Elizabeth Islands satisfy the statutory criteria of section 104(c)(5)(A) of the MMPA. As future scientific and management data become available on these populations, we will evaluate such data to determine whether a proposed rule should be published that would add such populations to the approved list in § 18.30(i)(1).

The NWT shares the Kane Basin, Baffin Bay, and Davis Strait populations with Greenland. Greenland does not have an agreement with NWT or communities as to how they will manage their portion of the populations. The management of polar bears in Greenland rests with the Greenland Home Rule Government. There is no limit on the number of polar bears taken. Although females with cubs-of-the-year are protected, older family groups are harvested. In 1993 Greenland started to systematically collect harvest data. In 1994, a harvest questionnaire was developed for all species, including polar bears. Greenland has experienced difficulties in obtaining complete and accurate harvest records, but the collection of data is expected to improve as the harvest reporting system becomes better known (GNWT).

As mentioned above, Greenland and the GNWT have conducted cooperative population inventory studies for the past 4 years. The brief summary of the January 26, 1997, meeting for the co-management of polar bear stocks shared between Greenland and Canada reported that the status of polar bears in the shared populations is disturbing. "It appears that the Davis Strait and Baffin Bay populations are being depleted by over-harvesting. Additionally, Grise Fiord has identified a quota for the Canadian portion of Kane Basin which, if taken, will cause this population to decline as well" (GNWT).

The Queen Elizabeth Islands population now contains land only in the far northern part of the Canadian Arctic Archipelago. No hunting is allowed in this area and the population size is unknown. Canada's plans for this area are unclear at this time.

#### *Kane Basin (KB)*

Like Norwegian Bay this new population was identified as occupying an area formerly considered to be part of the Queen Elizabeth Islands population. Unlike the Norwegian Bay population, the Kane Basin population is shared with Greenland. The population estimate for this area is 200. Management agreements for the NWT portion of Kane Basin and Baffin Bay populations are in place that include protection of all family groups and use of the Flexible Quota Option. During the 1996/97 harvest season more than 50 percent of the quota was taken as female bears. As a result, under the Flexible Quota Option the quota for this population will be reduced to one for the 1997/98 harvest season. As long as the 1997/98 quota of one bear is not exceeded and no females are taken, the overharvest of females in the 1996/97 season will have been compensated for and the quota will return to five (M. Taylor, personal communication).

The Kane Basin population is currently considered stable but a single NWT community, Grise Fiord, has a quota for harvesting from the Kane Basin population. If this occurs, the population is expected to decline since Greenland hunters also harvest from this population. Discussions of a co-management agreement between Canada and Greenland are expected to be conducted concurrently for the Kane Basin, Baffin Bay, and Davis Strait populations.

#### *Baffin Bay (BB)*

The preliminary population estimate for this area is 2,200. The combined Parry Channel-Baffin Bay population estimate of 2,470 reported in the final rule was derived from the 2,000 estimated for Parry Channel (now Lancaster Sound) and 470 from northeastern Baffin Bay. In spring the polar bears in the Baffin Bay area are distributed throughout Baffin Bay and much of the population is unavailable for mark-recapture, leading to underestimates of the population size. For this reason the mark-recapture work of the most recent inventory study has been conducted in the fall, open water season when Baffin Bay polar bears are on shore in Canada (GNWT 1997). Fall 1997 is expected to be the last field season required to complete the

inventory study. The harvest data for this population is presented in Table 1 but should be considered preliminary pending harvest information from Greenland. The communities of Broughton Island, Clyde River, and Pond Inlet that harvest from this population have agreed to a revised management agreement which includes protection of all family groups and use of the Flexible Quota Option.

As explained above for the Lancaster Sound population, the GNWT has re-examined the population status of past years based on the new population estimate. Overharvesting is a problem for this shared population. Data from Canadian hunts conducted in the 1996/97 harvest season show a total kill substantially below the sustainable harvest level, and a harvest sex ratio of nearly 2:1. However, as previously described, there is currently no management agreement between Canada and Greenland for this shared population and there are concerns that the population may be declining.

#### *Queen Elizabeth Islands (QE)*

Recent research data led the GNWT to redefine the boundaries of this population. The area was divided into three populations: Kane Basin, Norwegian Bay, and Queen Elizabeth Islands. The revised Queen Elizabeth Islands population is comprised now of land only in the far northern part of the Canadian Arctic Archipelago. The population size is unknown but it is believed that there are few polar bears in this remote area. No hunting is allowed in the area.

#### **Background**

On February 2, 1998, the Service published a proposed rule in the **Federal Register** (63 FR 5340) to announce findings on the import of polar bears taken in sport hunts in the areas formerly known as Parry Channel-Baffin Bay and Queen Elizabeth Islands, Northwest Territories, Canada. Specifically, we reviewed new information and considered whether there was now a sport-hunting program in place that was based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level. This finding was previously deferred in the Service's February 18, 1997, final rule pending the outcome of ongoing management and research activities. The Service received 14 comments, including 5 form letters, comments from 7 individuals, and 1 humane organization. Comments were also provided by the MMC as part of the consultative process required by the MMPA.

#### **Summary of Comments and Information Received; General Comments**

*Issue 1:* Several respondents requested that the Service approve the Baffin Bay and Kane Basin populations now but postpone the issuance of import permits until there is a management agreement in place between Canada and Greenland for these shared populations.

*Response:* The Service believes management agreements need to be in place before we approve a population since they are an essential part of co-management of polar bear populations between the resource users and government wildlife managers. Although Canadian authorities are pursuing development of a joint management agreement with Greenland, the content, format, and parties to such an agreement have yet to be decided.

*Issue 2:* The MMC thought the Service should indicate how frequently hunters follow and take bears across population boundaries under the 30-km rule and re-examine the rationale for how population boundaries have been set if such movements are not rare.

*Response:* The Service does not agree. Harvest data and research, including marking and tagging data collected over several years, have shown that Canada's polar bear populations are relatively closed with a clear core area and minimal overlap. The use of the 30-km rule assists Canada in managing bears in areas where the likelihood of overlap is greatest. Canada monitors populations, analyzes the data on the movement of bears, and anticipates boundaries may change as new information on polar bear movements becomes available (USFWS 1997).

*Issue 3:* One commenter stated that the MMPA criteria require the findings to be made on the whole of Canada rather than on a population-by-population basis and that acceptance of qualitative terms to define the population estimates is unacceptable.

*Response:* These issues were discussed at length in the Service's February 18, 1997, final rule. We believe these issues were addressed in the development of the regulations and encourage those interested in these issues to read the previous final rule.

#### **Comments on the Flexible Quota Option**

*Issue 1:* The MMC recommended that the Service closely track the implementation of the new Flexible Quota Option to ensure that it works as expected and that the quotas continue to meet the statutory requirements.

*Response:* The Service continues to review new information on Canada's

polar bear management program, including implementation of the Flexible Quota Option. We participate in the PBTC meetings where Canada annually reviews its management program for polar bears, which provides us with up-to-date information. The regulations allow the Service to scientifically review the impact of permits issued on polar bear populations to ensure there is no significant adverse impact on the sustainability of the Canadian populations. The initial review is to occur by March 20, 1999.

*Issue 2:* One commenter expressed concern over the Flexible Quota Option, stating that it does not comply with the MMPA criteria, is not precautionary, maximizes opportunities to hunt, and was politically rather than biologically motivated.

*Response:* In making its findings under the MMPA, the Service considered whether Canada's polar bear management program will ensure the sustainability of the affected population stock. The Flexible Quota Option was developed in response to problems some communities experienced with the previous system. It allows for hunter preference in harvesting for a particular sex, and for mistakes in sex identification while still providing mechanisms for enforcement of the quotas and corrections to the quotas if overharvests occur. The Flexible Quota Option does not change how polar bear tags are distributed to communities. It does alleviate the need for having two separate types of tags (i.e., male only and either sex) that were used in the two-tag system. Hunters must still have a tag for each bear taken, and tags are distributed to communities based on the community quota as previously described in the Service's February 18, 1997, final rule (62 FR 7302).

Repeated harvests in excess of the quota appeared to be a problem for communities hunting from the Lancaster Sound and Baffin Bay populations under the previous system. In contrast, following its first year of use, not one population harvested under the Flexible Quota Option experienced an overharvest. Although we acknowledged two aspects of the system were less conservative than the previous system (see section D), the system can be viewed as being more conservative for some populations (e.g., Norwegian Bay, Lancaster Sound, Kane Basin, and Baffin Bay). Under the previous system, the sex ratio of the harvest was a target goal but was not set in regulation. This presented a problem when the overall harvest was within quota but the take of female bears exceeded the target ratio.

The Flexible Quota Option requires harvests to be within quota, and provides a means to ensure that the take of female bears remains within sustained yield. Communities which take too many females have to either take a quota reduction for the following season or compensate by using an accrued credit from a previous years underharvest of females. As a result, the ability to enforce harvest quotas and the sex ratio of the harvest, if needed, has been strengthened by the adoption of the Flexible Quota Option. We, along with other experts, recognize that this system is based on sound wildlife management practices.

*Issue 3:* One commenter claimed that under the Flexible Quota Option males could be harvested to the last bear without penalty.

*Response:* The Service disagrees. Under the Flexible Quota Option, all polar bear harvests and other human-caused kills (i.e., accidental deaths as the result of scientific research) must be within quota. There are penalties for taking bears in excess of the quota. However, unlike the harvest of female bears, hunters are not penalized for taking male bears in excess of a 2:1 sex ratio provided the overall harvest is still within quota. The reason for this is that for each male taken, a female bear is not taken and thus females bears are further conserved. The belief is that the take of male bears is offset by the conservation of female bears who will in turn produce male offspring. In addition, Canada's management program for polar bears protects all bears in family groups, including males up to 2 years old. The program also includes ways to monitor changes in the population age and sex structure (i.e., sample and data collection of the harvest, scientific research, and observational data from hunters and residents). Canadian wildlife managers and resource users have procedures to address population changes accordingly and have used them to seek solutions to management concerns in the past (e.g., for the Viscount Melville population).

*Issue 4:* One commenter disagreed with the Service's statement that the Flexible Quota Option had already shown itself to be an effective option, and argued that the Service could not judge whether the system is effective for a species, such as polar bear, which is long-lived and difficult to study.

*Response:* The Service agrees that rapid assessment of the long term effectiveness of a quota system is not possible for polar bear. The Service's comment was meant to recognize the new Flexible Quota Option as an effective alternative to the previous

system, not assess the effectiveness of the system long term. We have changed the text in this final rule to better reflect this.

*Issue 5:* The same commenter remarked that the Service's discussion of J. Ward Testa's report on the Flexible Quota Option ignored the caveats in the report, and criticized the Service for interpreting Testa's remarks as giving "blanket approval" to the Flexible Quota Option. The commenter also recommended that the Service postpone approval of Lancaster Sound and any population using the Flexible Quota Option until all the "wrinkles" are worked out.

*Response:* The Service believes Testa's report was accurately summarized in the proposed rule, but has added text to the final rule to clarify our summary. Although Testa recognized the experimental nature of the Flexible Quota Option, he concluded that it was conceptually sound and needed a chance to have its wrinkles worked out. The Service agrees with this assessment, believes that the system has a solid theoretical and biological basis—while being flexible and pragmatic—and therefore, approved populations that use the Flexible Quota Option.

#### **Comments Specific to Lancaster Sound and Norwegian Bay**

*Issue 1:* The MMC noted that data in Table 1 appears to indicate that the actual harvest levels in Lancaster Sound and Norwegian Bay may have exceeded the sustainable harvest in previous years. They believe the Service should not approve these populations retroactively unless the Service has determined that Canada's management program was based on scientifically sound quotas ensuring the maintenance of the affected population at a sustainable level at the time the bear was taken.

*Response:* As discussed by the Service in the February 18, 1997, final rule, the MMPA specifically uses the present tense in the findings—"Canada has a monitored and enforced sport-hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears." There is no other reference in the MMPA amendment that provides for the findings for trophies taken in the past to be based on the program at the time of taking. The Service has already indicated that bears may be imported from previously deferred populations once that population is approved as meeting all of the MMPA criteria for import.

*Issue 2:* The MMC recommended that the Service explain how we concluded

that past take levels have been sustainable and why we believe it is not indicative of possible management problems at least in past years.

*Response:* The Service did not state, nor does it believe, that harvests in excess of the quotas may not be indicative of a management problem. It was for this reason, in part, that the Service did not approve the former Parry Channel (now Lancaster Sound) and Baffin Bay populations in the February 18, 1997, rulemaking. As discussed in the previous response, the Service is making a finding on the current management program in accordance with the MMPA amendment, not on whether the past take levels have been sustainable.

*Issue 3:* One commenter criticized the Service for not providing convincing biological information in the rule to support the creation of the Lancaster Sound population.

*Response:* The Service's role is to review Canada's polar bear management program to make the findings outlined in the MMPA. Under Canada's current management program, Lancaster Sound and Norwegian Bay are identified as separate polar bear populations. We summarized information on the methods used by Canada to determine and review populations in the February 18, 1997, final rule and earlier in this rule, citing published and unpublished reports and papers. Detailed information, including the number of bears marked, the sex and age-class of marked bears, and descriptions of the methods used to analyze the data can be found in these references, which are available from the Service.

*Issue 4:* The same commenter criticized the Service's proposed decision to approve Lancaster Sound in that it "appears highly suspect because management stats indicate it has been sport-hunted heavily, boundary changes have eliminated any overlap with Greenland, and the dramatic over-harvest has been eliminated for Lancaster Sound by redrawing the boundaries".

*Response:* Canada has recognized the Lancaster Sound and Baffin Bay populations as separate for many years with the boundary of Lancaster Sound far removed from Greenland. The Service treated these populations as a single unit for the purpose of the Service's February 18, 1997, final rule because the exact boundary separating the two populations had not been defined pending ongoing research results. The results of the research (GNWT 1997) provided substantial new information which allowed Canada to delineate the new boundary and the

Service to approve Lancaster Sound population for the import of sport-hunted trophies under the MMPA.

#### Comments on the RISKMAN Program

*Issue 1:* The MMC recommended that the Service conduct its own evaluation of Canada's new risk assessment computer program—RISKMAN—and advise the MMC of the results.

*Response:* The RISKMAN program is one aspect of the Northwest Territories Management Program for polar bears. Under the MMPA, the Service is to determine whether Canada has an overall polar bear management program based on scientifically sound quotas to ensure the maintenance of affected population stock at a sustainable level. We believe the development of this program demonstrates Canada's pursuit of a management program based on the best available scientific data, and that Canada's presentation of this program in an international forum optimizes the opportunity for critical review and input from the scientific community. Therefore, we do not believe that an independent evaluation of RISKMAN by the Service is warranted.

*Issue 2:* One commenter stated that the Service must re-evaluate its decision to approve Lancaster Sound since the Canadian Wildlife Service (CWS) indicated during a presentation of the RISKMAN program that data must be more precise and more frequently collected to maintain high confidence in current harvest levels.

*Response:* The Service disagrees. RISKMAN models the effects of harvest and other removals on the subject population. It is an individual based model and operates most effectively with extensive, detailed population and harvest data. RISKMAN is a valuable tool for managers to help monitor the consequences of removals upon the population and to refocus management efforts, if needed. Its intended use is to assist Canada in improving its management programs for polar bears and other bear species. The conclusions made by the CWS based on RISKMAN do not indicate that the current management program does not meet the requirements of the MMPA.

#### Required Determinations

This final rule was not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866. A review under the Regulatory Flexibility Act of 1980, as amended (5 U.S.C. 601 *et seq.*) has revealed that this rulemaking would not have a significant economic effect on a substantial number of small entities, which include businesses, organizations, and

governmental jurisdictions. The proposal will affect a relatively small number of U.S. hunters who have hunted, or intend to hunt, polar bear in Canada. Allowing the import of legally taken sport trophies, while maintaining the restriction on the sale of trophies and related products, will provide direct benefits to individual sport hunters and a probable small beneficial effect for U.S. outfitters and transportation services as U.S. hunters travel to Canada. If each year an estimated 50 U.S. citizens hunted a polar bear in Canada at an approximate cost of \$21,000, then \$1,050,000 would be expected to be spent, mostly in Canada. It is expected that the majority of taxidermy services will be provided in Canada. Since the trophies are for personal use and may not be sold in the United States, there are no expected market, price, or competitive effects adverse to U.S. business interests. The \$1000.00 fee collected from each U.S. hunter upon issuance of a trophy import permit is used for the management of the shared U.S./Russian Federation polar bear population as required by the MMPA, and does not affect U.S. business interests.

This final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act, and will not negatively affect the economy, consumer costs, or U.S.-based enterprises. The groups most affected by this rule are a relatively small number of U.S. sport hunters who choose to hunt polar bear in Canada, and a comparatively small number of U.S. outfitters, taxidermists, and personnel who provide transportation services for travel from the United States to Canada.

The Service has determined and certified pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

The Service has determined that the rule has no potential takings of private property implications as defined in Executive Order 12630.

The rule will not have substantial direct effects on the States, in their relationship with the Federal Government or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, the Service has determined that the rule does not have significant Federalism implications to warrant the preparation of a Federalism Assessment.

In accordance with Executive Order 12988, the Department has determined

that the rule does not unduly burden the judicial system and meets the requirements of Sections 3(a) and 3(b)(2) of the Order.

The Office of Management and Budget has approved the collection of information contained in this final rule as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and has assigned clearance number 1018-0093 which expires on February 28, 2001. The Service will collect information through the use of the Service's form 3-200-45. The likely respondents will be sport hunters who wish to import trophies of polar bears taken while hunting in Canada. The Service will use the information to review permit applications and make decisions, according to criteria established in statutes and regulations, on the issuance or denial of permits. The applicant must respond to obtain a permit. A single response is required to obtain a benefit. The Service estimates the public reporting burden for this collection of information to vary from 15 minutes to 1.5 hours per response, with an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The estimated number of likely respondents is less than 150, yielding a total annual reporting burden of 75 hours or less.

The Service prepared an Environmental Assessment (EA) on the final rule published in the **Federal Register** (62 FR 7302) on February 18, 1997, in accordance with the National Environmental Policy Act (NEPA) and concluded in a Finding of No Significant Impact (FONSI) based on a review and evaluation of the information contained within the EA that there would be no significant impact on the human environment as a result of this regulatory action and that the preparation of an environmental impact statement on this action is not required by Section 102(2) of NEPA or its implementing regulations. Based on the review of current information and comments received on the February 2, 1998, proposed rule, the Service has determined that this EA is still current. The FONSI has been revised to reflect the regulatory actions taken by the Service to approve the Lancaster Sound and Norwegian Bay polar bear populations for issuance of permits to import personal sport-hunted polar bear trophies. The issuance of individual marine mammal permits is categorically excluded under 516 DM6, Appendix 1.

The Service has evaluated possible effects on Federally recognized Tribes

and determined that there will be no adverse effects to any Tribe.

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#### List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Alaska, Imports, Indians, Marine mammals, Oil and gas exploration, Reporting and recordkeeping requirements, Transportation.

#### Regulation Promulgation

Accordingly, the Service hereby amends Part 18 of chapter I of Title 50 of the Code of Federal Regulations to read as follows:

#### PART 18—MARINE MAMMALS

1. The authority citation for part 18 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*

2. Amend § 18.30 by revising paragraph (i)(1) introductory text to read as follows:

#### § 18.30 Polar Bear sport-hunted trophy import permits.

\* \* \* \* \*

(i) *Findings.* \* \* \*

(1) We have determined that the Northwest Territories, Canada, has a monitored and enforced sport-hunting program that meets issuance criteria of paragraphs (d) (4) and (5) of this section for the following populations: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville Sound (subject to the lifting of the moratorium in this population), Western Hudson Bay, M'Clintock Channel, Lancaster Sound, and Norwegian Bay, and that:

\* \* \* \* \*

Dated: December 16, 1998.

**Stephen C. Saunders,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 99-473 Filed 1-8-99; 8:45 am]

BILLING CODE 4310-55-P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 122898F]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Community Development Quota Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Approval of amendments to the 1998 through 2000 Multispecies Community Development Plans.

**SUMMARY:** NMFS announces the approval of recommendations made by the State of Alaska (State) for the amendments to the 1998 through 2000 Multispecies Community Development Plans (CDPs) under the Western Alaska Community Development Quota (CDQ) Program. This action is necessary to announce NMFS's decision to approve the State's recommendation and is intended to further the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act.

**DATES:** Approval of the amendments to the CDPs and the 1999 CDQ and prohibited species quota (PSQ) allocations are effective January 11, 1999.

**ADDRESSES:** Copies of the findings made by NMFS in approving the State's recommendations may be obtained from the Alaska Region, National Marine