

SUPPORTING STATEMENT  
MARKING, TAGGING AND REPORTING REGULATIONS  
FOR POLAR BEAR, SEA OTTER AND PACIFIC WALRUS

A. Justification-The following information is provided as part of a request to renew the Office of Management and Budget's approval for information collection pursuant to regulations at 50 CFR 18.23(f) that establish the U.S. Fish and Wildlife Service's Marking, Tagging, and Reporting Program for polar bear, Pacific walrus, and northern sea otter taken by Alaska Natives. The regulations implement section 109(i) of the Marine Mammal Protection Act. These information collection requirements are contained in reporting certificates (i.e., forms) on which information concerning the harvest of these marine mammals by Alaska Natives is recorded. The forms for this activity were assigned numbers R7-50 (walrus), R7-51 (polar bear), and R7-52 (northern sea otter).

1. As authorized by Section 109(i) of the Marine Mammal Protection Act of 1972 (Act) (16 U.S.C. 1361-1407), as amended, the U.S. Fish and Wildlife Service (Service) in October 1988 implemented Marking, Tagging, and Reporting Regulations in 50 CFR 18.23(f) (copy attached) for Alaska Natives harvesting polar bear (*Ursus maritimus*), sea otter (*Enhydra lutris*), and Pacific walrus (*Odobenus rosmarus divergens*). Under Section 101(b) of the Act, Alaska Natives residing in Alaska and dwelling on the coast of the North Pacific or Arctic Oceans may harvest these species for subsistence or handicraft purposes.

In 1981, Congress amended the Act by adding Section 109(i) that authorized the Secretary of the Interior (Secretary) to prescribe marking, tagging and reporting regulations applicable to this Native subsistence and handicraft take.

On June 28, 1988, the Service published, under authority of Section 109(i), a final rule in the FEDERAL REGISTER that added paragraph (f) to regulations at 50 CFR 18.23. These regulations enable the Service, acting on behalf of the Secretary, to gather data on the Native subsistence and handicraft harvest; and on the biology of polar bear, sea otter, and Pacific walrus in order to determine what effect such take is having on these populations. They also provide the Service with a means of monitoring the disposition of this harvest, to ensure that any commercial use of products created from these species meets the criteria set forth in Section 101(b) of the Act.

2. The information collected from Alaskan Natives is used by the Service to improve its decision-making ability by substantially expanding the quality and quantity of harvest and biological data upon which future management decisions can be based. It provides the Service with the ability to make inferences about the condition and general health of the marine mammal populations and to consider the importance and impacts to these populations from such processes as development activities and habitat degradation.

Without authority to collect this harvest information, the Service's ability to measure the take of polar bear, sea otter, and walrus is inadequate. Mandatory marking, tagging, and reporting is considered essential to improve the quality and quantity of harvest and biological data upon which future management decisions will be based. It allows the Service to make rational,

knowledgeable decisions regarding the Native harvest and habitat degradation.

Approval is requested to collect information from Alaskan Natives in answer to the following questions. The information to be collected is exactly the same as information currently collected by the Service under OMB Clearance Number 1018-0066, which expires on October 31, 2001.

- A. What was the date of the kill? The date of kill provides information on chronology of the harvest that will be used in population modeling and in determining which cohorts are being killed.
- B. What was the sex of the animal? The sex of the animal provides information used in population modeling, determining the status of populations, and predicting population trends.
- C. What was the kill location? This question provides information on the distribution and relative abundance of the three species, the level and intensity of the harvest, and the impact on the species and their subpopulations.
- D. What form of transportation was used to make the kill of polar bears? This provides information on the level of use of available transportation methods. Such data is useful in determining trends toward the use of more modern and efficient means of transportation, thereby increasing the mobility of Alaska Natives and possibly increasing the level of harvest (e.g., the use of aircraft to assist in locating polar bears).
- E. How much time (i.e., hours/days hunted) was spent hunting each sea otter or polar bear? The amount of effort exerted to harvest these animals will vary with the availability of animals, individual hunter skills, weather conditions, etc. With other factors being constant, the amount of time necessary to take these species is an indicator of density and/or availability. The use of unit effort is well established as a requirement of effective wildlife management.
- F. What was the type of take (i.e., LK = live killed, BF = beach found) for walrus? This information increases the accuracy of the known mortality and harvest data. Without this information, Natives would only be required to provide (for marking, tagging, and reporting purposes) those walrus that were actually known to be killed by them. Consequently, the accuracy of the known mortality, harvest and biological data would be significantly diminished. Likewise, a component of the ivory entering the marketplace would be unmarked, making it difficult to determine if such ivory was illegally obtained. Requiring all ivory that has been taken or collected (pursuant to the Alaska Native exemption) to be marked, tagged, and reported simplifies enforcement efforts of the Service.

- G. What is the name of the hunter or possessor of the specified parts at the time of marking, tagging, and reporting? Tagging officials located in the individual villages are paid based on the number of animals tagged. The name and signature of the hunter or possessor of the specified parts are intended for purposes of internal control, and to reduce the chance of false reporting for the tagging official's economic gain.

The answers to all other questions included on the three attached reporting forms will be ascertained by Service personnel or authorized Service representatives without input from Alaska Natives, and no additional reporting burden is placed on them.

3. The Service considered the possibility of using improved information technology, and any technical or legal obstacles to reducing burden, but was unable to identify any such technology or obstacles. The requested information is unique to each individual Alaska Native hunter, and no other sources of this information are available. The information changes with each location and each animal killed, and it is necessary for the individual hunter(s) to provide the required parts of each animal killed and the information associated with those kills.

The Service has attempted to minimize the burden on Alaska Natives by establishing a network of individuals in this program at logical and strategic locations around the State. These individuals are in place to receive reports from Native hunters so that time necessary for complying with these marking, tagging, and reporting stipulations are minimized. However, it is still necessary for each individual kill to be reported in person by the hunter(s) so that marks and tags can be attached to the marine mammal parts by Service representatives included in the network, and so that those representatives can collect information important for wildlife management purposes from the parts provided (e.g., measurements of polar bear and sea otter skulls and walrus tusks). Much of the improved information collection and reporting technology (that might be useful to reduce burden on Alaska Native hunters) that is commonplace in the contiguous 48 States does not exist in coastal Alaska due to the remoteness of villages situated along thousands of miles of coastline, marked differences in life styles, and social and economic conditions in these villages.

4. No similar information exists.

5. The collection of information by the Service's Marking, Tagging and Reporting Program does not affect small businesses. Approximately 2,000 Native hunters of polar bear, sea otter and walrus will report on the kills they make.

Since the Service expects to have personnel (or representatives) in most coastal villages to do the marking and tagging, and to complete the reports, travel costs for Alaska Natives are not expected to be significant, and, in the majority of cases will not occur.

6. Circumstances vary with individual hunters and with each individual animal

killed. There is no information otherwise available that can be used in lieu of the information to be provided on the reporting forms. If the collection is not conducted, or is conducted less frequently, the Service will lose its ability to conduct its Marking, Tagging, and Reporting Program; to collect important data essential to properly manage polar bears, Pacific walrus, and sea otters in Alaska; and to carry out the requirements of the Act.

7. The Service's Marking, Tagging and Reporting Program is intended to gather reports of all kills made, and to tag or mark, as appropriate, skins, skulls and tusks of marine mammals killed to reduce illegal trading in walrus ivory, and polar bear and sea otter skins. The data set resulting from the reports will be used for management of polar bears, sea otters, and Pacific walrus. If these reports were submitted quarterly rather than as now required (i.e., within 30 days of take), the accuracy of the data would be seriously compromised, thereby reducing the Service's ability to make sound management decisions, and increased illegal traffic of marine mammal parts could ensue.

8. A notice of intent to collect information was originally published for comments on December 3, 1985, in the FEDERAL REGISTER (50 FR 49577). The original Final Rule, with the Service's response to comments, was published on June 28, 1988, in the FEDERAL REGISTER (53 FR 24277).

At that time, the Alaska Department of Fish and Game (ADF&G) (i.e. John Burns, Marine Mammal Specialist (retired), telephone 907/452-1531, and former ADF&G Commissioner Don Collinsworth) were consulted about this program. The ADF&G had management authority for the three species in question until 1972 when the Act made this a Federal responsibility. Provision was made in the Act for resumption of management by the State of Alaska, and that occurred from 1976 through 1979 for walrus, after which management was returned to the Federal Government. Because the ADF&G could request return of, and might ultimately be responsible for management of marine mammals, their personnel had an opportunity to review the Service's Marking, Tagging, and Reporting regulations, reporting forms, etc. The Service also conducted numerous meetings with Native leaders, taggers, and prospective taggers where the regulations were discussed in detail. Input from these individuals helped to create the forms as they now exist. Consultations with Native hunters will continue as the program progresses. Key Native organizations or individuals contacted regarding these regulations and the program included:

- Eskimo Walrus Commission - Executive Director;
- North Slope Borough Fish and Game Committee - Nolan Solomon, Chairman;
- Tribal Council Chairman and/or mayors and city council members and others in the following Alaska coastal villages - Barrow, Wainwright, Point Lay, Point Hope, Shishmaref, Nome, Gambell, Savoonga, Kiana, Bethel, Little Diomedes, Cold Bay, Nelson Lagoon, Port Lions, Kodiak, Cordova, Juneau, Sitka, and Ketchikan.

Most recently, the Service on March 6, 2001, published a 60-day FEDERAL REGISTER Notice (66 FR 13564) informing the public of its intent to request information collecting authority from the Office of Management and Budget (OMB). No comments were received on this FEDERAL REGISTER Notice which closed on May 7, 2001.

9. No extra payments are made to respondents.

10. Previously (i.e., 1989 to 1991), this question was not applicable inasmuch as no confidential information was requested from the Native hunters. However, because of experience gained in conducting the Program since its inception, we now believe that substantial benefits are derived by requiring that hunter's names be placed on the reporting forms and added to the data base. This provides for individual accountability and assists managers and enforcement agents in conducting their duties. The confidentiality of this information is protected by provisions of the Privacy Act of 1974.

11. Not applicable. No sensitive questions are asked.

12. The only foreseeable economic impact is travel expenses incurred by the Native hunters to comply with the rule. From experience, since the Service has personnel or authorized representatives in individual villages or in nearby villages to do the actual marking and tagging, costs to Alaska Natives are not significant, and in the majority of instances do not occur.

While the Service is unable to identify any specific costs to the respondents because of this Program, we have determined that the "generalized" annual cost to the respondents, estimated to be \$15 per hour per respondent, is \$10,110. This figure was derived based on an estimated annual total time of 674 hours for Alaska Natives to comply with the regulations, computed as follows.

It will take an average of 15 minutes for hunters to report information about each kill and to have the particular animal parts marked or tagged. Since the Service's 1998 request for OMB approval for this program, experience indicates that an estimated 1,918 walruses, 61 polar bears and 716 sea otters are killed each year. From this the Service has determined that the total time required for Natives to complete the Program's requirements is 674 hours per year, an increase of 192 hours from the 1998 request.

**Burden Estimates Associated With Marking, Tagging, and Reporting Regulations for Take by Alaskan Natives of Polar Bear, Pacific Walrus, and Sea Otter in Alaska.**

Type of action	Annual number	Average burden hours per action	Annual burden hours	Annual burden @ \$15 per hour
Reporting takes	2,695	.25	674	\$10,110

13. There is no non-hour cost to respondents.

14. Additional annual management costs to the Service to implement this mandatory program should not exceed \$125,000. It is estimated that the Service's annual law enforcement costs will be \$125,000 to enforce the Program. Therefore, total annual costs to the Service to implement and

enforce the Program are estimated to be \$250,000.

15. The 192 hour increase in estimated burden is a result of actual recent annual harvest levels in Alaska that show more animals have been killed yearly by Native hunters than estimated when our last application was submitted.

16. This is an ongoing information collection with no ending date. Results are tabulated, and along with census data, a determination is made if a population is depleted as defined in the Act. Pursuant to Section 103(f) of the Act, an annual report to Congress on the Service's marine mammal activities is required.

17. Not applicable.

18. Not applicable.

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