



**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of nine new United States Geological Survey (USGS) reports produced for the Service to provide current data and modeling outputs relevant to the final determination of whether the polar bear (*Ursus maritimus*) qualifies for listing under the Endangered Species Act of 1973, as amended (Act). We intend to take these reports into consideration as we make our final listing determination on the polar bear. We also are reopening the public comment period on the January 9, 2007, proposed rule to list the polar bear as threatened throughout its range under the Act (72 FR 1064). We are reopening the comment period for an additional 15 days to allow interested parties to comment on the nine USGS reports listed below. The comment period is being limited to 15 days because of the statutory deadline, which requires a final listing determination within one year of publication of the proposed rule, unless an extension of up to six months is granted due to substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination.

Please note that comments previously submitted should not be resubmitted. This comment period is open only for comments on the nine USGS reports listed below. Comments submitted during the prior comment period have been incorporated into the public record and will be fully considered during preparation of our final determination.

**DATES:** We will accept public comments until October 5, 2007.

**ADDRESSES:** You may submit comments and materials to us by any one of the following methods:

(1) You may mail or hand-deliver written comments and information to the Supervisor, U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, AK 99503.

(2) You may send comments by electronic mail (e-mail) to: [Polar\\_Bear\\_Finding@fws.gov](mailto:Polar_Bear_Finding@fws.gov). For instructions on how to file comments electronically, see the "Public Comments Solicited" section below. In the event that our Internet connection is not functional, please submit your comments by one of the alternate methods listed in this section.

(3) You may submit your comments via the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments.

For information on obtaining copies of the nine USGS reports, see the

"Obtaining Copies of the Nine USGS reports" section below.

**FOR FURTHER INFORMATION CONTACT:** Rosa Meehan, Marine Mammals Management Office (see **ADDRESSES**) (telephone 907-786-3800). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** On January 9, 2007 (72 FR 1064), the Service published a 12-month petition finding and proposed rule to list the polar bear (*Ursus maritimus*) as threatened throughout its range under the Act. The document announced a 3-month public comment period on the proposed rule, which closed on April 9, 2007. We also held three public hearings during the proposed rule's comment period, as announced in the February 15, 2007, **Federal Register** (72 FR 7381).

On September 7, 2007, the Service received nine reports prepared by the USGS that provide new data and modeling outputs relevant to the final determination of whether the polar bear qualifies for listing as threatened or endangered under the Act. These reports are:

(1) Polar Bear Population Status in the Northern Beaufort Sea by Stirling *et al.*

(2) Polar Bear Population Status in Southern Hudson Bay Canada by Obbard *et al.*

(3) Polar Bears in the Southern Beaufort Sea I: Survival and Breeding in Relation to Sea Ice Conditions, 2001-2006 by Regehr *et al.*

(4) Polar Bears in the Southern Beaufort Sea II: Demography and Population Growth in Relation to Sea Ice Conditions by Hunter *et al.*

(5) Polar Bears in the Southern Beaufort Sea III: Stature, Mass, and Cub Recruitment in Relationship to Time and Sea Ice Extent Between 1982 and 2006 by Rode *et al.*

(6) Uncertainty in Climate Model Predictions of Arctic Sea Ice Decline: An Evaluation Relevant to Polar Bears by DeWeaver.

(7) Predicting the Future Distribution of Polar Bear Habitat in the Polar Basin from Resource Selection Functions Applied to 21st Century General Circulation Model Projections of Sea Ice by Durner *et al.*

(8) Predicting Movements of Female Polar Bears between Summer Sea Ice Foraging Habitats and Terrestrial Denning Habitats of Alaska in the 21st Century: Proposed Methodology and Pilot Assessment by Bergen *et al.*

(9) Forecasting the Range-wide Status of Polar Bears at Selected Times in the 21st Century by Amstrup *et al.*

We are notifying the public of the availability of these reports and our intent to consider them in making our final listing determination. We also are reopening the comment period for 15 days to provide the public the opportunity to provide comments or information on these reports. We are asking for public comments on these reports and a review of the extent to which they add to the knowledge base for making the final decision.

### Obtaining Copies of the Nine USGS Reports

You may obtain copies of any of the nine USGS reports:

- By mail from the U.S. Department of the Interior, United States Geological Survey, Office of Communication, 119 National Center, Reston, VA 20192;
- By calling USGS Public Affairs at (703) 648-4460;
- By visiting the USGS Web site at [http://www.usgs.gov/newsroom/special/polar\\_bears/](http://www.usgs.gov/newsroom/special/polar_bears/); or
- Via link to the USGS Web site from the Service's Web site: <http://www.fws.gov/>.

Copies of the reports are also available for public inspection, by appointment during normal business hours, at the U.S. Fish and Wildlife Service, Marine Mammals Management Office (see **ADDRESSES**).

### Public Comments Solicited

Comments and information submitted during the initial comment period on the January 9, 2007 (72 FR 1064), proposed rule should not be resubmitted, as this comment period is open only for comments on the nine USGS reports listed above. Our final determination of whether the polar bear qualifies as threatened or endangered under the Act will take into consideration all comments and information we receive during both comment periods.

You may submit your comments and any materials concerning the above reports by any one of several methods (see **ADDRESSES**). If you use e-mail to submit your comments, please include "Attn: Polar Bear Finding" in your e-mail subject header, preferably with your name and return address in the body of your message.

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public view your personal identifying information, we

cannot guarantee that we will be able to do so.

#### Author

The primary author of this notice is staff of the U.S. Fish and Wildlife Service.

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 13, 2007.

#### H. Dale Hall,

Director, U.S. Fish and Wildlife Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 070627217-7218-01]

RIN 0648-AV70

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Region Standardized Bycatch Reporting Methodology Omnibus Amendment

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** NMFS extends for 4 days the comment period on the proposed rule to implement the Standardized Bycatch Reporting Methodology (SBRM) Omnibus Amendment (SBRM Amendment) to the Fishery Management Plans (FMPs) of the Northeast Region, developed by the Mid-Atlantic and New England Fishery Management Councils (Councils).

**DATES:** The deadline for written comments on the August 21, 2007 (72 FR 46588), proposed rule is extended from September 20, 2007, to no later than 5 p.m. on September 24, 2007.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [SBRM.Amend.PR@noaa.gov](mailto:SBRM.Amend.PR@noaa.gov). Include in the subject line the following identifier: "Comments on the Proposed Rule to implement the SBRM Omnibus Amendment."
- Federal e-rulemaking portal: <http://www.regulations.gov>.
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on the Proposed Rule to implement the SBRM Omnibus Amendment."
- Fax: (978) 281-9135

Copies of the SBRM Amendment, and of the draft Environmental Assessment and preliminary Regulatory Impact Review (EA/RIR), are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901-6790; and from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. The EA/RIR is also accessible via the Internet at <http://www.nero.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Michael Pentony, Senior Fishery Policy Analyst, 978-281-9283.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 303(a)(11) of the Magnuson-Stevens Act requires that all FMPs "establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery." In 2004, several conservation organizations challenged the approval of two major amendments to Northeast Region FMPs. In ruling on these suits, the U.S. District Court for the District of Columbia found that the FMPs did not clearly establish an SBRM as required under the relevant section of the Magnuson-Stevens Act and remanded the amendments back to the agency to fully develop and establish the required SBRM. In particular, the Court found that the amendments (1) failed to fully evaluate reporting methodologies to assess bycatch, (2) did not mandate an SBRM, and (3) failed to respond to potentially important scientific evidence.

In response, the Councils, working closely with NMFS, undertook development of a remedy that would address all Northeast Region FMPs. The Councils took final action to adopt the SBRM Amendment at their meetings in June 2007, and submitted the amendment for review shortly thereafter. This amendment covers 13 FMPs, 39 managed species, and 14 types of fishing gear. The purpose of the amendment is to: Explain the methods and processes by which bycatch is currently monitored and assessed for Northeast Region fisheries; determine whether these methods and processes need to be modified and/or supplemented; establish standards of precision for bycatch estimation for all Northeast Region fisheries; and, thereby, document the SBRM established for all fisheries managed through the FMPs of the Northeast Region. The amendment also responds to the "potentially important scientific evidence" cited by the Court in the two decisions referenced above.

On July 26, 2007 (72 FR 41047), NMFS published a notice of availability that requested comments on the SBRM Amendment and draft Environmental Assessment. The comment period on the notice of availability closes on September 24, 2007. On August 21, 2007 (72 FR 46588), NMFS published a proposed rule that requested comments on the regulations to implement the SBRM Amendment. The comment period on the proposed rule was scheduled to close on September 20, 2007. In order to provide the maximum opportunity for the public to review and provide comments on the proposed rule to implement the SBRM Amendment, NMFS is extending the comment period on the proposed rule to 5 p.m. on September 24, 2007. With this extension, both comment periods will end at the same time.

Dated: September 17, 2007.

#### Samuel D. Rauch III,

Deputy Assistant Administrator For Regulatory Programs, National Marine Fisheries Service.

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