

proper steps are taken to reverse the situation. A review of the bear-management practices of Department of the Interior facilities (Yosemite, Kings Canyon, and Sequoia National Parks) and the U.S. Forest Service with similar bear/human management problems, and consultation with the California Department of Fish and Game indicates that the consistent use of hard-sided bear-proof food storage canisters is the most reliable method to keep bears from associating humans and their equipment as a source of food. Field experience at other sites has demonstrated that a key feature of an effective bear management program is the mandatory backcountry use of bear-proof food storage canisters, with as close to 100 percent compliance as possible. Implementation of the supplementary rules will require mandatory use of hard-sided bear-proof food storage canisters in all backcountry locations within the KRNCA.

II. Discussion of the Emergency Final Supplementary Rules

The canisters required by the supplementary rules must be of sufficient size to permit storage of all food, toiletries, sunscreen, surfboard wax, insect repellent and other scented items for the duration of the trip. Each person must possess a minimum of one canister, and must use the canister to store the above types of items, plus any food scraps and scented trash items such as empty cans, energy/candy wrappers, surf wax wrappers, etc. For the purposes of this rule, a "backcountry" location is defined as any place outside of a developed campground where food and other scented items cannot be stored inside a locked vehicle. Also, "hard sided" means the container is made of rigid material and is of a size and shape that bears cannot grasp by the mouth or paws, or otherwise carry for any significant distance. The container must also have a closing and latching lid that is tested and proven effective against bears. Stock users must use either portable bear canisters or bear-proof panniers of sufficient size to store materials for all party members for the duration of the trip. These emergency final supplementary rules do not apply to overnight use within designated campgrounds or camping near vehicles where food can be stored and locked inside vehicles.

The requirement for one canister per person minimum is based on experience and observations that show the sharing of canisters by multiple visitors does not provide enough storage space for food, toiletries, and all other items with odors. Consequently, some items are left

out of the canisters and the program becomes ineffective. Public compliance with this rule will break the association of humans with an easy food source by black bears. Strict compliance with this requirement is essential, as each successful food acquisition by bears from human sources is a strong positive reinforcement of undesirable black bear behavior.

With the implementation of the emergency final supplementary rules, BLM will take actions to make compliance for visitors as easy as possible. For visitors who do not want to purchase their own canisters (canisters are widely available for sale at outdoor stores in California), an existing canister rental program through local merchants in Petrolia and Shelter Cove will be expanded to include new locations at the BLM King Range Project Office, and the Arcata Field Office. Implementation will also include an extensive public education component to encourage compliance, utilizing a variety of local and regional media. The emergency final supplementary rules do not apply to camping within designated campgrounds or camping near vehicles where food can be stored inside locked vehicles.

III. Procedural matters

Executive Order 12866, Regulatory Planning and Review

These emergency final supplementary rules do not constitute a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. These supplementary rules will not have an effect of \$100 million or more on the economy. They will not affect commercial activity, except to the extent that they promote the sale or rental of bear-proof canisters, but contain rules of conduct for overnight public use of backcountry recreational areas within the KRNCA. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These emergency final supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The emergency final supplementary rules do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues.

National Environmental Policy Act

BLM has prepared an environmental assessment (EA) and has found that the emergency final supplementary rules do not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The supplementary rules merely contain rules of conduct for certain recreational lands in California. These rules are designed to protect public health and safety as well as the health and welfare of endemic wildlife. A detailed statement under NEPA is not required. BLM has placed the EA and the Finding of No Significant Impact on file in the BLM Administrative Record at the address specified in the **ADDRESSES** section. BLM invites the public to review these documents.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The emergency final supplementary rules do not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific public lands, although the rules will tend to promote sales of certain equipment to campers and backpackers, including sales from small business entities. Therefore, BLM has determined under the RFA that this emergency final supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These emergency final supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). Again, the emergency final supplementary rules merely contain rules of conduct for recreational use of certain public lands. The emergency final supplementary rules have negligible effect on business commercial or industrial use of the public lands. Commercial recreation outfitters, operating under Special Recreation Permit stipulations, are required to provide (or rent currently for \$5/canister/trip) bear-proof canisters for commercial backcountry trips to the King Range. BLM currently provides