Namibia, Tanzania, and Cameroon. During 1993 and 1994, permits were issued for over 400 sport-hunted African elephant trophies (1 for Cameroon, 28 for Namibia, 31 for South Africa, 109 for Tanzania and 254 for Zimbabwe).

On June 10, 1994, the Government of Namibia submitted a proposed amendment to paragraph c of CITES resolution Conf. 2.11 to remove the expectation that the importing country's Scientific Authority would consider whether the killing of the animals whose trophies are intended for import would enhance the survival of the species. The amendment also proposed that the "Scientific Authority of the importing country accept the finding of the Scientific Authority of the exporting country that the exportation of the hunting trophy is not detrimental to the survival of the species". In November 1994, at the ninth meeting of the Conference of the Parties to CITES, Namibia's proposal was revised by adding the phrase, "unless there are scientific or management data to indicate otherwise," in recognition of the requirement in Article III.3.a of CITES that the Scientific Authority of the importing country make an independent assessment. With this revision, the CITES Parties adopted the proposal to revise paragraph c of Conf. 2.11.

Because of the revision of paragraph c of CITES resolution Conf. 2.11 and the perception, not intended by the Service, that the proposed guidelines would preclude the importation of sporthunted African elephant trophies from properly managed populations, the Service is hereby withdrawing the proposed guidelines. In evaluating applications to import African elephant trophies, the Service will follow the guidance set forth in Conf. 2.11, as revised, as well as other appropriate authorities. A summary of relevant authorities is discussed later in this notice.

## **Comments on Proposed Guidelines**

The Service received 27 letters from wildlife professionals, safari operators, and national wildlife department representatives; 105 letters from private individuals, and petitions from safari and hunting clubs containing 956 signatures. In addition, the Service received a petition with 3,360 signatures representing rural Zimbabweans participating in Communal Areas Wildlife Management Programme for Indigenous Resources (CAMPFIRE). The majority of responses indicated that there was significant confusion on the scope and intent of the internal guidelines.

Although the Service is withdrawing the proposed guidelines a discussion of some of the issues raised in the comments on the proposed guidelines is useful.

Comment: Sport-hunting is beneficial to elephant conservation and local economies. It is small scale, taking less than 1 percent of the elephant population annually.

Response: The Service has always accepted the premise that sport-hunting of non-endangered, properly managed wildlife populations can be beneficial to the survival of the population.

Comment: In lieu of populations estimates, other measures such as weight limits for female and male tusks or surveys of trophy sizes and numbers would be sufficient to determine whether or not the level of harvest is sustainable.

Response: The Service agrees that other population indices or measures to ensure long-term population maintenance may be appropriate, and could be included in Scientific Authority findings by the exporting country.

Comment: Sport hunting provides needed revenue to local residents and governments.

Response: All such revenues may be used for purposes unrelated to the conservation of the African elephant, and monies may benefit an individual or group only for the immediate hunting season. The Service believes that when revenues are directed to management or enforcement activities or when there is long-term benefit to individuals or groups with proprietary interest in ensuring a viable elephant population, there is benefit to the survival of the elephant.

*Comment:* Some respondents felt that the guidelines should be a mechanism to allow dialogue with the exporting states.

Response: Although the guidelines are being withdrawn, the Service agrees that dialogue with the exporting states is important, and will endeavor to increase such dialogue when implementing the new CITES resolution Conf. 2.11 provisions.

Comment: The proposed guidelines are not stringent enough.

Response: Although the Service is withdrawing the proposed guidelines, the Service believes that its review of import permits for sport-hunted African elephant trophies is sufficient to ensure compliance with the Act and CITES.

Comment: Policies towards range states should be individually developed to support their strengths and "work against their weaknesses". Response: The Service agrees that there may be significant differences in management situations in the different countries which should be considered.

## **African Elephant Conservation Act and CITES Quotas**

Although the Service is withdrawing the proposed guidelines, the Service continues to be responsible for evaluating applications to import African elephant trophies based on applicable requirements of the African Elephant Conservation Act, the Endangered Species Act, and CITES, including Conf. 2.11, as revised.

The African Elephant Conservation Act authorizes individuals to import sport-hunted African elephant trophies "that have been legally taken in an ivory producing country that has submitted any ivory quota" to the CITES Secretariat. See 16 U.S.C. 4222(e). Before permit applications for sporthunted African elephant trophies will be reviewed by the Service, the country in which the specimens are harvested must have submitted an ivory export quota for the year of export to the CITES Secretariat, and confirmation of receipt of this quota must be received by the Service (see discussion of the **Endangered Species Act requirements** later in this notice). This has led to some misunderstanding, because some trophy import permit applications have been received by the U.S. Management Authority almost a year before a CITES quota has been received from the country of origin. This has meant that final action on the applications had to be delayed until the Service received confirmation that the quotas had been received by the CITES Secretariat.

Before an importation can occur the importer must, in addition to having an import permit, have a valid CITES export permit from the country of origin, and the ivory specimens being imported must be marked in accordance with the marking requirements contained in the revised African Elephant special rule discussed in the next paragraph.

## **Endangered Species Act**

The African elephant is listed as a threatened species under the U.S. Endangered Species Act (Act). Pursuant to section 4(d) of the Act, 16 U.S.C. 1533(d), the Service has promulgated a "special rule" for the African elephant (50 CFR 17.40(e)) that was most recently revised in 1992 (57 FR 35486, August 10, 1992). The special rule allows the import of sport-hunted elephant trophies into the United States subject to several provisos. First, the trophy must originate in a country for which