

under Section 104(c)(5)(C) of the MMPA. This proposed rule is a supplement to the Service's previous proposed rule published on January 3, 1995.

**DATES:** The Service will consider comments and information received August 31, 1995 in formulating its decision on this notice and proposed rule.

**ADDRESSES:** Comments and information should be sent to: Director, Fish and Wildlife Service, c/o Office of Management Authority, 4401 N. Fairfax Drive, Room 420C, Arlington, VA 22203. Materials received will be available for public inspection by appointment from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of Management Authority, Room 434. The Service has prepared a draft Environmental Assessment (EA) for this proposal. A copy of the draft EA may be obtained by writing to this address or by telephoning the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Stansell, Office of Management Authority, at the above address, telephone (703) 358-2903; fax (703) 358-2281.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On January 3, 1995, the Service published in the **Federal Register** (60 FR 70) a proposed rule to establish application requirements, permit procedures, issuance criteria, permit conditions, and a special permit issuance fee. At that time, the Service was gathering information for this second proposed rule. This rule proposes the legal and scientific findings required by the 1994 Amendments that need to be made prior to the Service issuing permits to allow for the importation of sport-hunted trophies of polar bears legally taken by the applicant while hunting in Canada. Based on information on polar bear populations in Canada and Canada's management program, the Service believes these proposed findings are consistent with section 104(c)(5)(A) of the MMPA. The Service invites comment on three proposed options to

meet the requirements of Section 102(b) of the MMPA that polar bears may not be imported if the bear at the time of taking was pregnant or a nursing cub. The rule also proposes to amend the proposed permit regulations announced in the January 3, 1995, notice by adding regulations on certification of legal take by the NWT for polar bears taken prior to the effective date of any final rule; disposition of the gall bladder; tagging of trophies; and import procedures needed to monitor legal import and to ensure the import will not contribute to illegal trade in bear parts.

In accordance with section 104(c)(5)(A) of the MMPA, prior to issuing a permit for the importation of a polar bear trophy, 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 following findings: (A) Canada has a monitored and enforced sport-hunting program that is consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears (International Agreement); (B) Canada has a sport-hunting program that is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level; (C) the export from Canada and subsequent import into the United States are consistent with the provisions of CITES and other international agreements and conventions; and (D) the export and subsequent import are not likely to contribute to illegal trade in bear parts. According to the Committee Report (H.R. Rep. No. 439, 103d Cong., 2d Sess. (1994)) these provisions were placed in the law partly to ensure that the importation of polar bear trophies into the United States would not increase hunting demand in Canada that would result in unsustainable harvest levels. It was felt that if Canada's polar bear management program regulates harvest through a quota system based on principles of sustainable yield, any increase in the harvest quota would be based on scientific data showing the population had increased to such an

extent as to support an increase in the quota.

The proposed rule provides information on polar bear biology and Canada's management program for this species. It discusses each of the legal and scientific findings for the Northwest Territories (NWT), the only area in Canada where polar bears can be harvested currently by non-residents through a regulated sport-hunting program.

The Service is to make the findings in consultation with the MMC, an independent Federal agency with statutory authority to make recommendations pursuant to Title II of the MMPA. Copies of the information received from Canada have been provided to the MMC for this purpose. The Service intends to announce its decision on these proposed findings after consultation with the MMC and the opportunity for public comment.

##### **Population Status and Distribution**

Although polar bears occur in most ice-covered areas of the Arctic Ocean and adjacent coastal land areas, their distribution is not continuous. They are most abundant along the perimeter of the polar basin for 120 to 180 miles (200 to 300 kilometers) offshore. The primary prey of polar bears is the ringed seal (*Phoca hispida*), followed by the bearded seal (*Erignathus barbatus*). The abundance of seals affects the distribution of polar bears. The long-term distribution of polar bears and seals depends on the availability of habitat which is influenced by seasonal and annual changes in ice position and conditions (U.S. Fish and Wildlife Service (USFWS) 1995).

It is estimated that there are 21,000 to 28,000 polar bears worldwide (Polar Bear Specialist Group (PBSG) 1995). The number of polar bears in Canada is estimated at 13,120 in 12 relatively discrete populations, referred to as management units or subpopulations in some documents (Government of the Northwest Territories (GNWT), unpublished documents on file with the Service) (Map 1).

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