

accommodate the public hearing. In response to the new information received on the distribution of the taxon and public requests, the Service reopens the public comment period.

The San Diego fairy shrimp a member of the Branchinectidae, a freshwater crustacean family in the Order Anostraca (fairy shrimp). It is a small and delicate animal with large stalked compound eyes, no carapace, and 11 pairs of swimming legs. The San Diego fairy shrimp is restricted to vernal pools in San Diego County from San Marcos and Ramona south to Otay Mesa and at Valle de Palmas in northwestern Baja California, Mexico. This species is threatened by one or more of the following factors: grazing, habitat destruction and fragmentation from agricultural and urban development, alteration of wetlands, recreational activities, human disturbances, and the inadequacy of existing regulatory mechanisms.

The Service reopens the comment period to allow all interested parties to submit additional written comments on the proposal. All comments received on the San Diego fairy shrimp will be summarized in the final decision document and will be included in the administrative record of the final decision.

Authority

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

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: December 20, 1994.

Thomas Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

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50 CFR Part 18

RIN 1018-AD04

Importation of Polar Bear Trophies From Canada; Proposed Rule to Implement Section 104(c)(5)(A) of the 1994 Amendments to the Marine Mammal Protection Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: On April 30, 1994, the Marine Mammal Protection Act (Act) was amended to allow for the issuance of

permits to import sport-hunted trophies of polar bears (*Ursus maritimus*) (excluding internal organs) legally taken by the applicant while hunting in Canada. These permits may also authorize the importation of trophies of polar bears taken, but not imported, prior to the enactment of the Amendments. Prior to issuing a permit, the Fish and Wildlife Service (Service) must make legal and scientific findings required under section 104(c)(5)(A) of the Act in consultation with the Marine Mammal Commission and after notice and opportunity for public comment. This proposed rule would establish application requirements, permit procedures, issuance criteria and permit conditions. This notice also proposes a special issuance fee for each permit as required by law. Such fees will be used in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia.

This proposed rule does not discuss the legal and scientific findings required by the 1994 Amendments that need to be made prior to issuing an import permit. The Service is currently working with the Canadian wildlife authorities to obtain the needed information to make these findings. A separate **Federal Register** notice will be published in early 1995 to review the findings.

DATES: The Service will consider comments and information received by March 6, 1995 in formulating its decision on this 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.

FOR FURTHER INFORMATION CONTACT: Margaret Tieger, Office of Management Authority, at the above address, telephone (703) 358-2104, extension 5507.

SUPPLEMENTARY INFORMATION: This rule proposes regulations implementing provisions of the 1994 Amendments to the Act that allow for the issuance of permits to import sport-hunted trophies of polar bears legally taken by the applicant while hunting in Canada. At this time, Canada is the only country that allows polar bears to be harvested by non-residents through a regulated sport-hunting program. These amendments were signed into law on April 30, 1994. Prior to that time, those seeking authority to import polar bear trophies from Canada were required to first obtain a waiver of the Act's moratorium on importing marine mammals.

The 1994 Amendments include a streamlined procedure for authorizing the importation of these sport-hunted trophies by permit. This proposed rule would establish the application requirements, permit procedures, issuance criteria, permit conditions and issuance fee for this type of permit. The notice discusses each paragraph of the proposed rule in the section below titled, "Section Analysis by Paragraph".

Prior to issuing a permit for the importation of a polar bear trophy, the Service must make findings consistent with section 104(c)(5)(A) of the Act, in consultation with the Marine Mammal Commission, after publishing notice in the **Federal Register** for public comment. These findings are to ensure that the trophy was legally taken; that Canada has a monitored and enforced hunting program that is consistent with the 1973 International Agreement on the Conservation of Polar Bears and is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level; and that the export and subsequent import meet the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other international agreements and conventions and are not likely to contribute to illegal trade in bear parts.

This proposed rule does not discuss the legal and scientific findings required by the 1994 Amendments that need to be made prior to issuing an import permit as the Service does not presently have all the information it needs to make such findings. A group of biologists from the Service and the National Biological Survey are consulting with the Canadian wildlife authorities in December 1994 to gather information and discuss Canada's program. The Service will also be addressing several questions that have been raised. A contract report prepared for the Marine Mammal Commission in 1993 has raised questions about Canada's sport-hunting program and its consistency with the 1973 International Agreement on the Conservation of Polar Bears. In addition, the 1994 Amendments require the Service to determine whether for a particular population stock, Canada manages its hunting program through scientifically-based quotas that ensure the maintenance of a sustainable population. Canada manages polar bears at the subpopulation level, that appears to be consistent with this amendment and the discussion in the legislative history on Canada's management program in the Northwest Territories (140 Cong. Rec. H2725, April 26, 1994).