

The Service is gathering the specific information needed to resolve these and other related questions concerning the required findings. In early 1995, the Service anticipates publishing a summary of information on polar bear subpopulations in Canada, Canada's management program, and the legal and scientific findings in the **Federal Register** for public comment. At the same time, the Service will need to evaluate its actions under the National Environmental Policy Act, as appropriate. Once the questions have been resolved and the Service has made the findings outlined above, it will be able to act on specific permit applications.

Section Analysis by Paragraph

Section 18.30 Polar bear sport-hunted trophy import permits

This section would establish application requirements, permit procedures, issuance criteria, permit conditions and fees to allow for the importation of trophies of polar bears legally taken by the applicant while sport hunting in Canada. The requirements in 50 CFR parts 13 (General permit procedures), 14 (Importation, exportation, and transportation of wildlife) and 23 (species listed in the Appendices to CITES) must also be met. Thus, for example, the polar bear is listed in Appendix II of CITES, and the export requires a permit issued by the Canadian Wildlife Service under CITES in addition to the import permit under the Act.

Paragraph (a) Application Procedure

Persons desiring to import trophies of polar bear taken during a sport hunt in Canada must submit an application to the Service's Office of Management Authority. In addition to completing the basic information on the official application form, the applicant must provide information as prescribed in this section, including: the purpose of the taking and proposed use upon import; names and addresses of the persons exporting and importing the polar bear trophy; if the applicant is not the person who took the specimen proposed for import, documentation that the importer is the heir to the estate of a hunter who died prior to importation of the trophy; proof that the polar bear was legally harvested in Canada by the applicant or by a decedent from whom the applicant inherited the trophy, including the tag number and date, location and manner of taking; and a description of the polar bear parts to be imported, including the

number of specimens or parts and the age, size and sex of the polar bear. This information is necessary to allow the Service to determine that the polar bear trophy in question meets the new provisions of the law and provides the specific details the Service needs to evaluate the application.

Paragraph (b) Definitions

The term "sport-hunted trophy" has been defined to clarify what parts of the polar bear are included in the term and that the item has to be for personal, noncommercial use. There was concern that internal organs, such as the gall bladder, might enter into trade and possibly contribute to illegal trade in bear parts. The Committee Report (H.R. Rep. No. 439, 103d Cong., 2d Sess. (1994)) states that "Trophies normally constitute the hide, hair, skull, teeth, and claws of the animal, which can be used by a taxidermist to create a mount of the animal for display or tanned for use as a rug. This provision does not allow the importation of any internal organ of the animal, including the gall bladder." The definitions in Parts 10, 18 and 23 of 50 CFR also apply.

Paragraph (c) Review by the Marine Mammal Commission

The law requires that the Service consult with the Marine Mammal Commission in making the specific findings required in section 104(c)(5)(A). The Marine Mammal Commission is an independent Federal agency with statutory authority to make recommendations pursuant to Title II of the Act. Since this procedure for polar bear trophy import applications is substantially similar to that required for other applications considered under the Act, the proposed regulations refer the reader to the current provisions in section 18.31(c).

Paragraph (d) Procedures for issuance of permits and modification, suspension or revocation thereof

Again, since general procedures to be followed for issuance of permits and modification, suspension or revocation of permits are currently in the regulations, the reader is referred to the current provisions in section 18.33. These regulations are based on the application procedures outlined in section 104(d) of the Act, which was not changed during the recent amendments. When Congress added section 104(c)(5) to the Act to allow for issuance of permits to import polar bear trophies, polar bear import applications were not exempted from these procedures that include the requirement that the Service will publish a notice of each permit

application in the **Federal Register** for a 30-day public comment period.

Paragraph (e) Issuance Criteria

Before a permit can be issued, the Service proposes to consider the issuance criteria in this section in addition to the general criteria in 50 CFR 13.21. The floor debate in the House of Representatives (140 Cong. Rec. H2725, April 26, 1994) emphasized that the intent of Congress was to limit importation of polar bear trophies to the hunter who actually took the polar bear and who desires to import the trophy. If an individual who has legally taken a polar bear dies prior to the importation, however, the heirs of that person's estate could apply for an import permit. The import permit requests for polar bear trophies can also be made for animals taken prior to enactment of the 1994 Amendments (April 30, 1994) if the issuance criteria are met. However, this does not apply to polar bear parts that have been seized by the Federal government or have already been imported into the United States. The first three issuance criteria address these concerns, as follows: the trophy has not already been imported, it meets the definition of a sport-hunted trophy and it was legally harvested in Canada by the applicant (or by a decedent from whom the applicant inherited the trophy). The next issuance criteria are directly taken from the language of the law at section 104(c)(5)(A)(i)-(iv). Findings to be made include determinations that (1) Canada has a monitored and enforced hunting program consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears; (2) Canada has a sport-hunting program based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level; and (3) and (4) the export and subsequent import are consistent with the provisions of CITES and other international agreements and conventions and are not likely to contribute to illegal trade in bear parts. These factors will be addressed in greater detail when the Service publishes its proposed findings in early 1995.

Paragraph (f) Additional Permit Conditions

Every permit issued under this section would be subject to the conditions currently in the regulations for marine mammal permits at section 18.31(d). This paragraph would require all permits to be subject to the general permit conditions set forth in Part 13 of this subchapter and to certain specific conditions. These specific conditions