



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



APR 28 2009

In Reply Refer To:  
FWS/AIA/DMA/PRT-189430

Mr. Keith Atcheson  
3210 Ottawa Street  
Butte, Montana 59701

Dear Mr. Atcheson:

This letter responds to your March 18, 2009, request for reconsideration of the February 2, 2009, decision to deny your application for a permit under the Marine Mammal Protection Act (MMPA) to import one polar bear (*Ursus maritimus*) trophy from Canada, sport-hunted from the Gulf of Boothia polar bear population in Canada, for the purpose of enhancing the survival or recovery of a species or stock (enhancement). Your reconsideration request was submitted on your behalf by John J. Jackson, Conservation Force. After reviewing your original application, the information provided in your request for reconsideration, and recommendations of the Marine Mammal Commission (MMC) and U.S. Fish and Wildlife Service (Service) experts, I must uphold the original decision to deny your request.

As stated in the original denial letter of February 2, 2009, in order to issue a permit to import a marine mammal for the purpose of enhancement, the Service must take into consideration the requirements and criteria of the MMPA. Section 104(c)(4) of the MMPA stipulates that a permit for enhancement may be issued after consultation with the Marine Mammal Commission, after notice and opportunity for public comment, and if the Service has determined that the proposed importation: (1) "is likely to contribute significantly to maintaining or increasing distribution or numbers necessary to ensure the survival or recovery of the species or stock," and (2) is consistent with the factors that would be addressed in any conservation or recovery plan adopted for the species or stock [16 U.S.C. 1374(c)(4)].

In your request for reconsideration, you noted that sport hunting has been, and continues to be, an integral part of the management and conservation plans of Canada for polar bears. We agree that the participation of U.S. hunters in Canada's sport-hunting program has generated funds that have provided conservation benefits to polar bear populations and supplied an incentive to Inuit hunters to support sustainable harvest quotas. However, to meet enhancement as defined under section 104(c)(4) of the MMPA, the importation of the sport-hunted trophies must contribute directly and significantly to increasing or maintaining the distribution or numbers of the species or stock, and also must be necessary to ensure the species' or stock's survival or recovery. You failed to clarify how the trophy importations actually maintain or increase polar bear populations and how the imports ameliorate the

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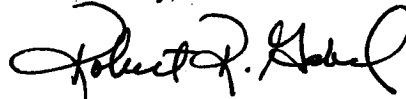
primary threat to polar bear populations – global warming and sea-ice melt. Further, you failed to explain how Canada's polar bear management plan constitutes a conservation plan, or is consistent with the factors that would be addressed in a conservation plan, as stipulated under the MMPA.

While sport hunting and the import of the resulting trophies into the United States may provide some conservation benefits, these activities in and of themselves do not meet the requirements of enhancement under the MMPA. Further, in your request for reconsideration, you did not provide a sufficient explanation or any compelling information or clarification of how our decision to deny your application was based on a misinterpretation of the information provided in your original application. As a result, the original basis for denial, as explained in our denial letter of February 2, 2009, remains unchanged.

As provided in 50 CFR 13.29(e) (copy enclosed), you may appeal this decision to the Director of the U.S. Fish and Wildlife Service, through this office: Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203. This appeal must be in writing with the original signature of the person requesting an appeal or of that person's legal representative, must contain a certification statement as provided at 50 CFR 13.12(a)(5) [copy enclosed], should refer to your file number, PRT-189430, and must be submitted to this office within 45 calendar days of the date of this letter. The appeal must state the reason(s) and issue(s) upon which the appeal is based. Your written appeal must address how the decision to deny the reconsideration of your original application was based upon a misinterpretation of the information provided in your request for reconsideration, or it must present a clarification of this information. **Should you supply new information that changes the content of your original request for reconsideration, you must submit a new application to this office before such information can be considered.**

If you have any questions, you may contact Timothy J. Van Norman, Chief, Branch of Permits, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203, (703-358-2104).

Sincerely,



Robert R. Gabel, Chief  
Division of Management Authority

Enclosures

cc: John Jackson, Conservation Force