

Testimony of Madeline Demaske
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Good morning, Chair Hageman, Ranking Member Huffman, and Members of the Subcommittee. Thank you for having me here this morning.

My name is Madeline Demaske, and I serve as litigation associate for Safari Club International (“SCI”). I have been fortunate enough to travel to the Arctic three times, and it is safe to say it holds a special place in my heart. I appreciate the Subcommittee’s willingness to examine the narrow but longstanding inequity addressed by H.R. 6251. I am honored to testify on behalf of SCI, our members, and the conservation-minded communities with whom SCI works, whose livelihoods depend on sound wildlife management.

SCI is a non-profit organization exempt under Section 501(c)(4) of the Internal Revenue Code representing more than 100,000 members and advocates and 170 independent chapters across the country and around the world. SCI’s missions are to protect hunters’ rights, promote wildlife conservation, and educate the public about hunting and its role as a conservation and management tool. SCI advances its conservation mission in partnership with its sister organization, Safari Club International Foundation, a Section 501(c)(3) nonprofit organization which has invested more than \$100 million in conservation projects since 2000. In addition, SCI works alongside the SCI Center for Conservation law and Education, an independent Section 501(c)(3) organization.

SCI is unique among pro-hunting conservation organizations in having dedicated, in-house attorneys, like me, devoted to legal issues involving wildlife management, public lands access, and species conservation. For nearly three decades, our attorneys have litigated cases involving the Marine Mammal Protection Act of 1972, 16 U.S.C. §§ 1361 et seq. (“MMPA”), the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq. (“ESA”), Alaska National Interest Lands Conservation Act of 1980, Pub. L. No. 96-487 (“ANILCA”), and other federal and state statutes governing wildlife conservation and sustainable use. Through our legal work, advocacy mission, and engaged membership, SCI has developed extensive experience with the MMPA, in particular its application to polar bear conservation, hunting, and imports—the precise issue before the Subcommittee today.

SCI strongly supports H.R. 6251, which would amend the MMPA to allow importation of polar bear trophies taken in guided hunts in Canada before May 15, 2008, the effective date the polar bear was listed as a threatened species under the ESA. This bill would fix a longstanding problem with the MMPA’s implementation, affecting 41 U.S. hunters who lawfully hunted polar bears under approved Canadian conservation programs but who were prevented from completing

the import process due solely to the timing of the polar bear’s listing under the ESA. H.R. 6251 is consistent with the text and purpose of the MMPA and aligns with decades of successful polar bear management and conservation programs in Canada.

Legal Framework Governing Polar Bear Trophy Imports

The importation of hunted polar bear trophies is governed by the MMPA, ESA, and Convention on International Trade in Endangered Fauna and Flora (“CITES”), 27 U.S.T. 1087. Congress enacted the MMPA in response to concerns that certain marine mammal species and population stocks “are, or may be, in danger of extinction or depletion as a result of” human activities.¹ Polar bear have been listed under the MMPA since its enactment in 1972. The MMPA regulates and generally prohibits the taking and importation of marine mammals, regardless of the species’ conservation status.² Congress created certain statutory exceptions to this moratorium, including one authorizing the importation of sport-hunted polar bear trophies taken in Canada as well as other specific situations.³

Specifically, Section 104(c)(5) of the MMPA directs the Secretary of the Interior to issue permits for the importation of polar bear parts taken in guided hunts in Canada when certain criteria are satisfied.⁴ The U.S. Fish and Wildlife Service (“Service”) implemented this provision and approved import permit applications where the applicant demonstrated: (1) the bear was legally taken, (2) Canada maintains a monitored and enforced hunting program consistent with the 1973 Agreement on the Conservation of Polar Bears, 27 U.S.T. 3918, (3) harvest quotas are scientifically sound and ensure sustainability, and (4) the export and import comply with CITES.⁵ However, except in limited circumstances, the MMPA does not allow the issuance of permits for the taking or importation of any marine mammal, “which has been designated by the Secretary as depleted.”⁶

Congress reaffirmed this framework in 1997 amendments to the MMPA, which authorized the assessment of a permit fee of up to \$1,000 per hunting trophy, with proceeds dedicated to polar bear conservation efforts in the United States and Russia.⁷ Until May 15,

¹ 16 U.S.C. § 1361.

² See 16 U.S.C. § 1371(a).

³ 16 U.S.C. § 1371(a)(1).

⁴ 16 U.S.C. § 1374(c)(5)(A).

⁵ See 50 C.F.R. § 18.30(i)(1). CITES is an international treaty that governs legal trade in species listed on three Appendices through a series of permits. CITES is implemented through the ESA. Canada is also a party to the CITES treaty. Polar bear were listed on CITES Appendix II in 1975, requiring a CITES export permit to enter international trade. CITES export permits may only be issued upon a finding by the range country that the offtake and subsequent trade will “not be detrimental to the survival of the species.” In other words, Canada cannot export a polar bear to the United States unless the trade is sustainable.

⁶ 16 U.S.C. §§ 1371(a)(3)(B), 1372(b)(3).

⁷ 50 C.F.R. § 18.30(g)(2).

2008, this program functioned as Congress intended, facilitating importation from approved Canadian populations while supporting conservation and monitoring.

On May 15, 2008, the Service listed the polar bear as a threatened species under the ESA.⁸ The 2008 listing of the polar bear as threatened under the ESA did not reflect any contemporaneous decline in population abundance. Rather, the listing rested on projections that climate change could reduce sea ice habitat and potentially impact polar bears many decades into the future.⁹ Any marine mammal listed as threatened or endangered under the ESA is automatically considered “depleted” under the MMPA,¹⁰ triggering statutory provisions barring further trophy imports.¹¹ As a result, the Service administratively closed all pending permit applications, including 41 applications submitted by hunters who had lawfully harvested polar bears prior to the listing.¹²

SCI subsequently challenged the ESA listing and resulting ban on imports.¹³ The courts ultimately upheld the Service’s actions (based on a legal theory that has since been overturned by the Supreme Court), meaning that these 41 hunters who had fully complied with the law as it existed at the time of harvesting their polar bears were left without import permits and without further recourse. H.R. 6251 corrects the unjust application of the MMPA.

⁸ See Determination of Threatened Status for the Polar Bear (*Ursus maritimus*) Throughout Its Range, 73 Fed. Reg. 28,212 (May 15, 2008).

⁹ The Service relied on predictions that, by mid-century, polar bear populations would decline by 67%. Crockford, *State of the Polar Bear Report 2018*, p. ix (2018), available at <https://www.thegwpf.org/content/uploads/2019/02/State-of-the-polar-bear2018.pdf>.

¹⁰ 16 U.S.C. § 1362(1)(C).

¹¹ 16 U.S.C. §§ 1371(a)(3)(B), 1372(b)(3).

¹² On the day the polar bear was listed, 41 permit applications were awaiting final approval from the Service. The Service had already published notice of receipt of many of these applications in the *Federal Register*, but the required 30-day comment period was still open or had just recently closed. See 16 U.S.C. § 1374(c)(5)(A). Other applications had only recently been submitted, and the Service had not yet published *Federal Register* notices.

In addition to these 41 individuals, it is possible that other U.S. hunters had taken bears from an approved population prior to the listing date but had not yet applied to the Service for the required import permits; in the absence of applications, the Service could not state how many additional bears were taken by U.S. hunters prior to the effective date of the ESA listing.

¹³ *In re Polar Bear Endangered Species Act Listing & Section 4(d) Rule Litig.*—MDL No. 1993, 720 F.3d 354 (D.C. Cir. 2013).

H.R. 6251 Is Consistent with Science-Based Conservation of Polar Bears in Canada

1. Canada's Harvest Programs Are Sustainable

Polar bears today occupy most of their historic range and exist in historically high numbers, particularly within Canada, which is the sole focus of H.R. 6251.¹⁴ Current estimates place the global polar bear population at more than 26,000 animals,¹⁵ with approximately 17,000 within Canada.¹⁶ Polar bears occur across seven Canadian jurisdictions—Manitoba, Newfoundland and Labrador, Northwest Territories, Nunavut, Ontario, Quebec, and Yukon. Canada manages 13 of the world's 19 polar bear subpopulations, three of which are shared with Greenland and one with the United States. More than 90 percent of Canada's polar bears occur in Nunavut and the Northwest Territories,¹⁷ and approximately 75 percent of Canada's polar bear harvest occurs in Nunavut.¹⁸ The hunting program today is very similar to the program in 2008 and is implemented to ensure the sustainability of harvest and benefits to Indigenous Arctic communities.

Since the International Agreement on the Conservation of Polar Bears, Canada has successfully managed its polar bear populations through science-based and adaptive management frameworks.¹⁹ Over that roughly forty-year period, polar bear abundance has increased markedly, with current population levels estimated to be three to four times higher than those at the time of international treaty protection in the 1970s.²⁰ Despite fluctuations among individual subpopulations, overall polar bear numbers have remained broadly stable for the past three decades. At the time of listing, the Service acknowledged that polar bear populations were stable and widely distributed across their historic range. Subsequent data have borne this out, as

¹⁴ TRAFFIC, *Icon on Ice: International Trade and Management of Polar Bears*, p. 15 (2012) (“*TRAFFIC Report*”), available at https://www.traffic.org/site/assets/files/9579/icon_on_ice.pdf.

¹⁵ The most recent estimate of global abundance is 26,000 bears with a 95% confidence interval. This equates to 22,000 and 31,000 bears. International Union for Conservation of Nature (“IUCN”), Polar Bear Specialist Group, *Status Report on the World's Polar Bear Subpopulations*, p. 5 (2024), available at https://www.iucn-pbsg.org/wp-content/uploads/2024/11/PBSG-Status-Criteria-and-Report_Final_2024Oct7.pdf.

¹⁶ Government of Canada, *Polar Bear: Non-Detriment Finding Report* (2024), unpaginated (“*NDF*”), available at <https://www.canada.ca/en/environment-climate-change/services/convention-international-trade-endangered-species/non-detriment-findings/polar-bear.html>.

¹⁷ Government of Nunavut, *Management and International Trade of Polar Bear from Canada*, p. 7 (2022), available at <https://www.gov.nu.ca/sites/default/files/publications/2022-01/Facts%20on%20Trade%20and%20Management.pdf>.

¹⁸ *NDF* in “Summary” section.

¹⁹ *NDF* in “Harvest Management” section.

²⁰ Miltimore, *The Myth That the Polar Bear Population is Declining* (2019), available at <https://fee.org/articles/the-myth-that-the-polar-bear-population-is-declining/>.

predicted population declines did not occur and global polar bear numbers have remained stable or increased slightly even during periods of historically low summer sea ice.²¹

Scientific assessments in Canada consistently support this conclusion. A 2022 report by Canada’s Polar Bear Technical Committee (“PBTC”) found that, based on Western scientific assessments, the majority of Canadian polar bears occur in subpopulations that are increasing, stable, or likely stable. That same report concluded, based on Indigenous knowledge, that all Canadian subpopulations are increasing or stable.²²

Harvest is controlled through conservative, science-based quotas developed in collaboration with Indigenous communities, wildlife management boards established through land claims agreements, and provincial, territorial, and federal governments. Management frameworks emphasize protection of females, cubs, and denning bears, typically targeting a harvest sex ratio of approximately two males for every female harvested.²³ Where population uncertainty exists, wildlife managers reduce harvest levels and increase monitoring to protect the resource and ensure the sustainability of the harvest.²⁴ This is not only a requirement of Canadian law but also an obligation of CITES, which ensures that any harvest and subsequent export is not detrimental to the survival of the species.

Harvest monitoring programs require hunters to provide detailed measurements and physical samples, which supply crucial information for ongoing research relating to age structure, genetics, and contaminants—information that cannot always be obtained through handling live animals. All human-caused mortality, including subsistence harvest, guided sport hunts, defense-of-life kills,²⁵ and illegal takings is counted toward quota limits.²⁶ Compliance and quality of reporting of harvest are high, because provinces and territories and local Indigenous communities have a common interest in ensuring long-term, sustainable harvest. Confidence in the harvest management system is high because the adaptive management systems allow for strict controls of harvest and are reactive to changing conditions.²⁷

Total reported polar bear harvest in Canada has remained below allowable levels for decades, ranging between roughly 475 and 650 bears annually—approximately three to four

²¹ *State of the Polar Bear* at p. ix.

²² *NDF* in “Summary” section.

²³ *NDF* in “Harvest Management” and “Harvest Trend” sections.

²⁴ *Management and International Trade of Polar Bears from Canada* at p. 9.

²⁵ Over the past twenty years, most subpopulations have been managed to maintain the current population size. However, in as many as four subpopulations, management for population reduction has been considered to address growing public safety concerns. Polar bears are coming into northern communities more frequently, and human-polar bear conflict is increasing. *NDF* in “Summary” section.

²⁶ *TRAFFIC Report* at p. 34-35.

²⁷ *TRAFFIC Report* at p. 34-35.

percent of the estimated national population.²⁸ An annual removal level of up to 4.5 percent, when paired with a 2-to-1 male-to-female harvest ratio, has long served as a conservative guidepost for sustainable management.²⁹

The polar bears addressed by H.R. 6251 were all harvested under this framework, from populations previously approved by the Service as being managed under scientifically sound quotas ensuring sustainability. Allowing the importation of these trophies would not alter harvest levels, population trends, or Canada's management practices in any respect.

2. Canada's Harvest Programs Generate Conservation Outcomes and Community Benefits

Canada's polar bear conservation is inseparable from the well-being of northern and Indigenous communities that live with the species. Harvest supports both ecological sustainability and human safety, particularly as polar bears increasingly enter Arctic communities and human-bear conflicts rise.³⁰ Controlled harvest provides a critical tool for reducing conflict while maintaining viable polar bear populations.³¹

Harvest quotas encompass all known forms of human-caused mortality.³² Sport hunting in Canada operates entirely within Indigenous subsistence quotas and is not additive to total harvest.³³ Historically, guided sport hunts have represented a small portion of total harvest, generally no more than 20 percent, and many years substantially less.³⁴ If a tag allocated for a guided hunt is not used, it may be used for subsistence. As a result, total removals remain unchanged regardless of whether non-resident hunters participate. The 41 hunters affected by H.R. 6251 did not increase polar bear mortality, nor does issuance of import permits to these individuals, nor did listing polar bears under the ESA reduce mortality.

Economic benefits from guided hunts and regulated trade have a meaningful impact on sustaining conservation incentives at the community level. U.S. hunters historically contributed millions of dollars to northern communities through guided hunts, outfitting services, and employment. In 2009 alone, following the ESA listing of polar bears, the estimated value of

²⁸ NDF in "Harvest Trend" section.

²⁹ NDF in "Harvest Trend" section.

³⁰ One study found that human-bear conflicts are increasing at a steady rate and that human-polar bear conflicts are more likely to be fatal. Miller, *Human-Bear Conflict in North America (1880-2020): A Comprehensive Analysis of Patterns, Outcomes and Interactions*, (2024), available at <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=11603&context=etd>.

³¹ *State of the Polar Bear* at p. 36.

³² *Management and International Trade of Polar Bear from Canada* at p. 8.

³³ Government of Nunavut, *Polar Bears in Canada*, p. 5 (2022), available at https://www.gov.nu.ca/sites/default/files/publications/2022-01/polar_bears_in_canada.pdf.

³⁴ *Management and International Trade of Polar Bear from Canada* at p. 8.

polar bear hunting in Canada exceeded \$1 million,³⁵ with additional revenue generated through the lawful sale of skins.³⁶ These funds circulated locally supporting guides, assistants, equipment purchases, and household income in communities with limited economic alternatives.³⁷

Guided hunts also provide important non-economic benefits by supporting traditional skills, facilitating intergenerational knowledge transfer, and reinforcing cultural continuity within Arctic communities.³⁸ Guided polar bear hunts are conducted using traditional hunting methods and can last up to 14 days, often requiring travel of long distances in extreme conditions.³⁹ These hunts impose significant physical demands and require skills that are not typically exercised including reading and responding to weather conditions, controlling a dog team and sled, and assessing the sex and age of bears based on tracks. Meat from polar bear hunts, totaling approximately 450 pounds per bear, remains in the community and is frequently shared, improving food security.⁴⁰ These cultural, subsistence, and economic dimensions together contribute to long-term conservation incentives and help support sustainable wildlife populations.

Following the 2008 U.S. import ban, the number of American hunters participating in guided polar bear hunts in Canada declined sharply.⁴¹ This decline did not reduce overall polar bear harvests.⁴² Instead, subsistence harvest increased, resulting in no meaningful change in

³⁵ *TRAFFIC Report* at p. 3.

³⁶ The revenue brought to the local Indigenous community by a guided polar bear hunt is equivalent to the sale of at least five to seven polar bear hides collected through subsistence hunting. Weber et al., *Unexpected and Undesired Conservation Outcomes of Wildlife Trade Bans—An Emerging Problem for Stakeholders?*, p. 394 (2015), available at <https://www.sciencedirect.com/science/article/pii/S2351989415000074#a000005>.

³⁷ Depending on the community, the local outfitter will receive up to 60% of the sport hunt fee. The local outfitter uses this money to pay for equipment and supplies, as well as guides and assistants. Guides' salaries range from \$4,000 to \$8,000 per hunt with assistants' salaries ranging from \$3,300 to \$4,400 per hunt. For a ten-day hunt, a guide earns up to \$33 an hour and an assistant earns up to \$18 an hour. *TRAFFIC Report* at p. 111.

³⁸ *TRAFFIC Report* at p.108.

³⁹ Provincial and territorial regulations require that sport hunts be guided by local Indigenous communities using traditional methods. *TRAFFIC Report* at p. 34.

⁴⁰ *TRAFFIC Report* at p. 111.

⁴¹ Pearce et al., *Changes in the Composition of the Harvest in Three Polar Bear Subpopulations in the Western Canadian Arctic After the US Listing of the Polar Bear as a Threatened Species* (2023), p. 179 (“*Harvest Study*”), available at <https://eprints.whiterose.ac.uk/id/eprint/226606/1/Pearce%2B5%2BONLINE.pdf>.

⁴² In Nunavut, where most of Canada's polar bears are harvested, the resulting trade ban did not decrease total harvest after the ESA listing but reduced US hunter participation and the proportion of quotas taken by sport hunters from specific populations. Consequently, the import ban impacted livelihoods of Arctic indigenous communities with negative conservation—reduced tolerance for dangerous fauna and affected

total harvest levels or sex composition. Notably, in the 12 years of harvest data included in the study, Indigenous communities always stayed within their harvest quotes.⁴³ Overall harvest has not changed, but economic opportunity and cultural stability in affected communities have been diminished.⁴⁴

Taken together, Canada’s polar bear management system demonstrates that lawful harvest, guided sport hunting, and regulated trade have functioned not as threats to conservation, but as integral components of a successful, community-based stewardship model. These mechanisms support stable polar bear populations, enhance monitoring and compliance, reduce human–bear conflict, and provide tangible cultural and economic benefits to Indigenous communities that coexist with the species. The experience following the 2008 ESA listing confirms that restricting imports neither reduced harvest levels nor improved conservation outcomes but instead disrupted locally-grounded conservation incentives without advancing species protection. The 41 permit applicants generated these benefits and contributed to the system. They should not have been penalized by a strict law that failed to acknowledge the bears were already harvested. Although not the focus of H.R. 6251, restoring the ability to import polar bears lawfully taken under this framework now and into the future would reinforce—not undermine—the conservation outcomes Congress intended the MMPA to achieve.

Conservation Funding and Research Support

Congress recognized the link between lawful imports and conservation funding when it amended the MMPA in 1994 to authorize a permit fee of up to \$1,000 for imported polar bear trophies. Between 1997 and 2008, nearly 1,000 legally harvested polar bear trophies were imported into the United States, generating \$1 million for the United States–Russia Polar Bear Conservation Fund. These funds have supported research, monitoring, and management of shared polar bear populations.

H.R. 6251 would modestly restore this funding mechanism by allowing permits to be issued for the 41 pending applications involving bears harvested prior to the ESA listing. Doing so would generate \$41,000 in additional conservation funding without authorizing any new harvest or altering existing management regimes.

local participation in shared management initiatives. *Unexpected and Undesired Conservation Outcomes of Wildlife Trade Bans—An Emerging Problem for Stakeholders?* at p. 389.

⁴³ *Harvest Study* at p. 188.

⁴⁴ The study that “the results suggest that Inuit motivations for harvesting polar bears are driven by the cultural importance of the harvest, as well as the opportunity to earn income. A subsistence harvest is an important cultural activity for Inuit, but it does not bring with it a guaranteed income. Nor does it necessarily bring the same training opportunities or secondary cash inputs that a guided hunt can. Before the US listing, the polar bear harvest was a combination of guided and subsistence hunts, which afforded Inuit the benefits of both. The US listing and rapid decline in guided hunts did not affect the number of polar bears harvested, but it did disrupt the Inuit cultural economy.” *Harvest Study* at p. 188.

Conclusion

H.R. 6251 addresses a narrow but significant problem that arose not from unlawful conduct or conservation necessity, but from the timing of an administrative decision. The 41 hunters affected by the 2008 import ban fully complied with all applicable laws at the time of harvest. The relevant bears were taken from approved populations under a science-based management system that remains in place today. No additional polar bears will be killed as a result of this legislation, and no conservation safeguards will be weakened.

In other situations, such as the 2015 listing of African lion, the Service worked with permit applicants to ensure those who harvested lions from well-managed hunting programs were able to import their hunting trophies up until the listing date, even if they submitted applications at the time of the listing or after the listing. The MMPA lacks this flexibility. It creates an unnecessarily hard bar. H.R. 6251 would fix this.

At its core, H.R. 6251 restores the operation of a statutory framework Congress deliberately established and relied upon for more than a decade—one that successfully balanced conservation, international cooperation, Indigenous participation, and fairness to American hunters. Advancing this legislation would honor that balance while reaffirming Congress's role in correcting unintended consequences that administrative actions alone cannot remedy.

Thank you for the opportunity to submit this testimony for the record. I look forward to continuing to work with the Subcommittee on this issue and would be pleased to answer any questions.