ATTACHMENT

Request for Reconsideration

April 6, 2017

Chief Tim Van Norman
Branch of Permits, Division of Management Authority
U.S. Fish and Wildlife Service, MS: IA
5275 Leesburg Pike
Falls Church, Virginia 22041

BY EMAIL AND FEDERAL EXPRESS

Re: Request for Reconsideration of Denial of Permit Applications PRT-04846C and PRT-04205C

Dear Chief Van Norman:

We request reconsideration of the denials of two applications for permits to import hunting trophies of elephant taken in Zimbabwe in 2015 ("Denials"). The first application was submitted by Richard Bonander, PRT-04846C, for a bull elephant taken in the Ngamo/Sikumi Forest Block in Zimbabwe on March 21, 2015. The second was submitted by Michael Jines, PRT-04205C, for a bull elephant taken in the Mbire CAMPFIRE District in Zimbabwe on February 25, 2015. Conservation Force represents both Applicants.

The Denials should be reconsidered and reversed for eight primary reasons. First, they rely upon the *Enhancement Finding for African Elephant Taken as Sport-Hunted Trophies in Zimbabwe on or after January 1, 2015*, dated March 26, 2015 ("Finding"). But the Finding fails to consider significant information submitted by Conservation Force, Zimbabwe's Parks and Wildlife Management Authority ("ZPWMA"), and others. If considered, the negative conclusion would have to be reversed. The information provided:

- Establishes that Zimbabwe has the most up-to-date management plan for African elephant in the world, with adaptive and regionally-specific action items, clear assignment of responsibilities, and means of verifying its implementation successes;
- Establishes that Zimbabwe has a relatively stable elephant population, as determined by a recent countrywide survey;
- Demonstrates that Zimbabwe has been effectively enforcing laws and policies to protect elephant and other species, and has implemented new measures and ramped-up national and local efforts to combat poaching;
- Demonstrates that hunting offtakes are sustainable and based on the consideration of all causes of elephant mortality, biological and critical social factors, and scientific recommendations;
- Reflects the full cooperation of ZPWMA in responding to the FWS' information demands, including production of sensitive budget information that underscores the essential role hunting, especially elephant hunting, plays in supporting wildlife conservation, management, and protection, both in the Parks estate and community areas;
- Evidences how the government's grant of Appropriate Authority to local landholders has created a public-private-community partnership that obligates all stakeholders to invest in protection and conservation of wildlife on their lands; and

- Proves that licensed, regulated hunting enhances the survival of elephant and other species in the country by securing habitat, generating management funding, underwriting and supporting anti-poaching, and incentivizing greater tolerance of elephant by rural community members.

In sum, because the information provided demonstrates that the enhancement standard is met, and this information was not relied upon in denying the applications, we respectfully request reconsideration and reversal of the Denials and issuance of the requested import permits.

Reason for Reconsideration 1: Failure to Consider Best-Available Information

In the Finding, the FWS repeatedly stated it would review its negative conclusion if additional information was provided.[1] But the FWS has not done so. It has not considered hundreds of pages of information in the Denials, which rely upon the Finding.

The Finding was made on March 26, 2015. Information has been provided to the FWS from April 17, 2014 through as recently as February 2017 by Conservation Force, ZPWMA, the IUCN African Elephant Specialist Group ("AfESG"), the Safari Operators Association of Zimbabwe ("SOAZ"), Safari Club International ("SCI"), individual hunting operators, and others.[2] Most of this data has ***not*** been discussed in the Finding or in an updated finding, in the two-plus years since the Finding was made.

Rather, entire paragraphs in the Finding are identical to the July 22, 2014 negative enhancement finding.[3] Because they are not updated from July 2014, they fail to address points made by Conservation Force and ZPWMA to correct errors in that July finding. Moreover, the Finding states in several places that the FWS was not provided with specific information. However, Conservation Force previously cited to where the information was provided,[4] and ZPWMA submitted additional data in its prompt and thorough July 2015 response ("ZPWMA July 2015 Response") to the FWS' third questionnaire, dated May 12, 2015 (***after*** the Finding). The ZPWMA July 2015 Response was not considered in the Denials, which rely upon the Finding. However, the July 2015 Response provides substantial information the FWS asserts is missing.[5]

This up-to-date information cannot be ignored. It demonstrates that Zimbabwe's hunting program is well-managed and sustainable. It shows how hunting in Zimbabwe enhances the survival of the elephant. The FWS' failure to consider this information requires reconsideration of the Denials. The Finding is based on outdated information, and its reservations have been resolved. Once the new information is considered

[1] E.g., *Finding*, p. 1, 3, 6, 11.

[2] An index of the information previously submitted to the FWS is attached.

[3] *Enhancement Finding for African Elephants Taken as Sport-Hunted Trophies in Zimbabwe During 2014*, dated July 22, 2014, p. 2 ¶ 6; p. 3 ¶¶ 1-3; p. 4 ¶¶ 1-2; p. 5 ¶¶ 2-3; p. 7 ¶¶ 3-4; p. 8 ¶ 4; p. 9 ¶ 1 (changed "2002 Panel of Experts" to "1997"); p. 9 ¶ 4; p. 10 ¶¶ 1-4; p. 11 ¶¶ 3-5; p. 12 ¶¶ 1-2, 5; p. 13 ¶ 1-2; p. 17 ¶ 3; p. 18 ¶¶ 2, 4; see also paragraphs in which several sentences are identical or nearly so: p. 4 ¶¶ 3-4; p. 5 ¶ 1; p. 6 ¶ 3-4; p. 7 ¶ 2; p. 8 ¶ 3; p. 9 ¶ 3; p. 14 ¶ 4 (changed numbers of RDCs); p. 16 ¶ 4; p. 17 ¶ 5; p. 18 ¶ 3.

[4] Conservation Force also provided an Appendix that cross-referenced statements claiming not to have information against the FWS' April 4, 2014 questionnaire to ZPWMA, which did not ask for much of this information. Conservation Force, *Comment Opposing the Negative Enhancement Finding for African Elephant Taken as Sport-Hunted Trophies in Zimbabwe in 2014*, dated Oct. 16, 2014 ("*CF Oct. Comment*"), passim, & Appendix 1.

[5] E.g., Compare *Finding*, p. 9, 11 (seeking revenue information), p. 11 (seeking offtake information) with ZPWMA July 2015 Response, p. 36-43 (providing revenue and offtake tables).

by the FWS, the "enhancement" generated by elephant hunting is clear, and the requested permits should issue.

The urgency of issuing these permits has not changed since the suspension was imposed in April 2014. As the Finding recognizes, elephant hunting generates operating budget revenue for ZPWMA, incentives for Zimbabwe's community-based natural resources management program (CAMPFIRE), anti-poaching, and more. The information provided, including two CAMPFIRE reports, a SOAZ report, the ZPWMA July 2015 Response and more, makes clear that American elephant hunters are the largest source of these benefits.[6] Continued refusal to issue import permits jeopardizes this enhancement and the survival of the species.

The failure to consider the best-available information is made worse because ZPWMA responded promptly to the FWS' requests. ZPWMA responded to the first questionnaire within two weeks. Its Director-General and high-level representatives immediately traveled to DC to reinforce their response. ZPWMA responded to the second questionnaire in under six weeks; responded to third—not considered in the Finding—in five weeks; responded to the fourth—not considered in the Finding—in two weeks; and responded to the fifth —not considered in the Finding—within several weeks, with the final plan prioritization completed within six months. ZPWMA has repeatedly redirected its resources to provide information to the FWS. But the FWS has repeatedly moved the target to create an unreachable standard and demanded additional, more intensive information. The bar has been raised beyond "enhancement." The FWS has acknowledged that elephant benefit from well-managed hunting.[7] But the Finding seems to require more than well-managed —it seeks management perfection. That is simply not possible, either in Zimbabwe or in this country (even the FWS is constrained by limited resources).

The information submitted shows that licensed, regulated hunting increases habitat security, generates law enforcement funding and support, and incentivizes tolerance for elephant. It shows a sustainable use of elephant at a level far too low to be detrimental. It shows that the enhancement standard, as originally defined[8] has been met. Thus, the Denials should be reconsidered and reversed.

---

[6] E.g., *ZPWMA July 2015 Response*, p. 40-41 ("The US hunting market constitutes 51% and 54% of elephant trophy hunting in Zimbabwe for the years 2013 and 2014 respectively."); CAMPFIRE Association, *Trophy Imports Suspension and the CAMPFIRE Program*) (2014), p. 4 ("*CAMPFIRE Association Report*") (U.S. hunters represent two-thirds or more of CAMPFIRE clients); E. Gandiwa, *Proceedings of the CAMPFIRE Stakeholders' Workshop: Towards the Development of a New Elephant Management Plan and Policy* (Nov. 2014) ("*CAMPFIRE Workshop Proceedings*"), p. 6-21; CAMPFIRE Association, *CAMPFIRE Hunting Income & Distribution* (Dec. 1, 2015) ("*CAMPFIRE Income Analysis*"), p. 6; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 19; SOAZ, *Status of Elephant Populations, Hunting, and Anti-Poaching Effort in Safari Areas in Zimbabwe* (2014), p. 3-4 ("*SOAZ Report*")

[7] E.g., FWS, *Suspension of Import of Elephant Hunting Trophies Taken in Tanzania and Zimbabwe in 2015 and Beyond, Questions & Answers* (2014).

[8] In denying import permits for elephant from Tanzania, the FWS defined enhancement as: "activities that provide a direct benefit to the specie being hunted. Such benefits could include the use of revenue generated by the hunt to support conservation projects or to manage the species. Other benefits that could result from activities that enhance the survival of the species include improving human-wildlife conflicts, anti-poaching efforts, or habitat conservation." According to this standard and definition, and not the one created in the Finding, there is no doubt the importation of sport-hunted elephant into the U.S. enhances the species.

Reason for Reconsideration 2:
The Denials Fail to Consider Zimbabwe's State-of-the-Art Elephant Management Plans

ZPWMA has recently adopted and is implementing the most cutting-edge elephant management regime among range nations, the *Zimbabwe Elephant Management Plan (2015-2020)* ("Plan"). This effort attests to ZPWMA's commitment to elephant management and conservation. The new Plan further exemplifies the importance of sport-hunting in this system. The Denials fail to consider this essential new Plan, which the FWS has had for over one year.

Instead, the outdated Finding errs by considering *Elephant Management in Zimbabwe* to be the country's management plan, despite being told it was not.[9] The FWS' concerns about a claimed lack of measurable outcomes in Zimbabwe's actual former management plan, the *Policy and Plan for Elephant Management in Zimbabwe*, have been resolved. As the FWS was repeatedly told, a new management plan was adopted, with specific action items, deliverables, and deadlines (as suggested was necessary by the April and July negative enhancement findings).[10] The FWS knew of the new Plan's details because the FWS received the *Plan Workshop Proceedings* in December 2014, before the Finding was made.[11] The FWS was also informed that Zimbabwe would manage each main range area adaptively pursuant to a regional plan. The FWS was sent the proceeding of regional workshops, and the final regional plans as part of the final national Plan.[12] And in November 2016, the FWS was provided with information on the implementation and prioritization of these plans at the request of the Chief of Permits.[13] In short, throughout the Plan's drafting, ZPWMA and Conservation Force kept the FWS fully apprised of the status and what the Plan would entail. However, little of this information was considered in the Finding or the Denials.

Had the new Plan been considered, these permits would have to be approved. The Plan incorporates an adaptive management framework with higher-level Targets, Key Components, Strategic Objectives, and Outputs. It breaks each Key Component into specific management actions, the achievement of which will be measured and verified through Key Performance Indicators ("KPIs") and Means of Verification of KPIs. The Plan sets deadlines and assigns specific responsibility for achieving each Action. It focuses on five key components: 1. Protection and Law Enforcement, 2. Biological Monitoring and Management, 3. Social,

---

[9] *CF Oct. 2014 Comment*, p. 8 ("Elephant Management in Zimbabwe 'is not a management plan,' and FWS should not expect 'specific measurable or management actions' to be in that particular document") & related attachments.

[10] *CF June 2014 Comment*, p. 13 & related attachments; *CF Oct. 2014 Comment*, p. 9 & related attachments; *CF Dec. 2014 Comment*, p. 3 & related attachments; CF Email to T. Van Norman forwarding invitation to national workshop (Nov. 13, 2014); CF Email to T. Van Norman forwarding Workshop agenda (Dec. 1, 2014); CF Email to T. Van Norman forwarding summary of Plan Workshop (Dec. 5, 2014); *ZPWMA Dec. 2014 Response*, p. 18; *ZPWMA July 2015 Response*, p. 9-14, 18-19.

[11] CF Email to T. Van Norman forwarding Proceedings of the National Elephant Management Plan Workshop (Dec. 23, 2014) ("*Plan Workshop Proceedings*").

[12] CF Email to T. Van Norman forwarding preparatory documents for Sebungwe workshop (May 4, 2015); CF Email to T. Van Norman forwarding Mana Pools Workshop Proceedings (May 5 2015); CF Email to T. Van Norman forwarding Sebungwe workshop agenda (May 8, 2015); CF Email to T. Van Norman forwarding Sebungwe workshop fact sheet (May 14, 2015); CF Email to T. Van Norman forwarding South East Lowveld Workshop Proceedings (Sept. 30, 2015); CF Email to T. Van Norman forwarding final print of Plan (Feb. 29, 2016); *ZPWMA July 2015 Response*, Attachments.

[13] L. Nyaguse (ZPWMA) Email to T. Van Norman forwarding Zimbabwe National Elephant Supplementary Management Plan (2015-2010) (Nov. 9, 2016) ("*Plan Supplement*").

Economic, and Cultural Framework, 4. Building Conservation Capacity, and 5. Coordination, Collaboration, and Program Management.[14]

The Plan breaks down elephant management by range, as their challenges differ. For example, authorities must manage overpopulated elephant and provision of water in North West Matabeleland compared to a reduced population targeted to recover in Sebungwe. These differences are addressed in the actions and indicators of each regional plan.[15]

The Plan provides for accountability, transparency, and effective implementation in the terms of reference for an Elephant Manager tasked with directing elephant management in Zimbabwe. The Plan also created a National Elephant Management Committee and four range-specific committees to review progress and oversee implementation.[16]

Examples of "Protection" activities include establishing a rapid-response anti-poaching unit in conjunction with the Zimbabwe Republic Police, expanding ZPWMA's informer networks, and connecting national law enforcement databases. Monitoring activities include periodic surveys and setting Thresholds of Potential Concern as early-warning indicators in key habitats. An example KPI for "Building Conservation Capacity" is to channel most income from elephant hunting back into elephant management, with ongoing oversight through reports on funds available and utilized.[17] As these examples show, the Plan incorporates ***specific*** actions and KPIs, and specific oversight mechanisms.

The Plan addresses human-elephant conflict in the Social, Economic, and Cultural Framework component. The Plan recognizes there is no single solution to conflict, and commits to "undertake additional research on problem animal control and minimizing conflict." It emphasizes the importance of local communities' tolerance towards elephants through a system of benefits-sharing as a long-term solution to conflict.[18]

The Plan also specifically integrates licensed, regulated elephant hunting as a management tool:

> To have a future, elephant must have a value. Value to the governing authorities and to the local people. The greater the value, the greater the tolerance of them is likely to be … Regulated sport hunting converts wildlife into assets for the benefit of local people and the country as a whole… elephant and other wildlife populations will be negatively affected though reduced conservation efforts arising from low funding and reduced goodwill from the communities, when… the elephant has the economic potential to raise adequate funds to support itself and other species. For these reasons, Zimbabwe confirms its commitment to the sustainable use of elephant and other wildlife in this Action Plan.[19]

[14] *Plan*, p. 16-17.

[15] *Plan*, p. 38-80 (Annexes 9.4-9.7).

[16] *Plan*, p. 13-14, 35-37.

[17] E.g., *Plan*, p. 19-27.

[18] *Plan*, p. 15.

[19] *Plan*, p. 12.

The Plan addresses the Finding's concerns on every level. It implements an effective management system, with the necessary "specific goals and measures with specific actions to be taken."[20] Moreover, ZPWMA provided to FWS a 2016 report on its progress in implementing the Plan and prioritizing implementation, including of the regional plans. The Plan Supplement emphasizes law enforcement and training to combat poaching and ivory trafficking.[21] The FWS requested the prioritization, and ZPWMA again demonstrated its good faith in preparing and providing the document, which was not considered in the Finding or the Denials. Because the Finding's concerns are resolved and new information reveals an effective, adaptive management plan and implementation thereof in Zimbabwe, the Denials should be reconsidered and reversed.[22]

Reason for Reconsideration 3:
Zimbabwe has Current Elephant Population Information that Guides its Sustainable Use

The AfESG recently estimated Zimbabwe's elephant population at 82,630 ± 8,589 across a range of 81,228 km^2.[23] Zimbabwe maintains the second-largest elephant population in Africa, at a level nearly double its estimated carrying capacity.[24] The population is most concentrated in the North West Matabeleland and South East Lowveld ranges. The current national estimate is approximately 6,000 lower than the 2001 countrywide estimate, a percentage calculated as "not statistically significant" by the survey's authors.[25] Zimbabwe's current elephant population is 20% larger than its population in 1997 (66,000), when the FWS made a positive enhancement finding. The Finding does not explain why a 20% increase is insufficient.[26]

---

[20] *Finding*, p. 6. The Plan applies a multi-tiered approach, using tailored goals leading to achievement of the "Long-Term Vision," which is: "To conserve elephants at levels that will enable them to contribute to the conservation of biodiversity, national development and Zimbabwe's cultural heritage." The Plan establishes intermediate "Targets" to achieving these goals, which are in line with the 1997 *Policy and Plan*: "1. To maintain at least four demographically and genetically viable elephant populations in Zimbabwe[;] 2. To maintain or increase core protected range of elephant in Zimbabwe[;] 3. To maintain numbers/density of elephant at levels that do not adversely impact on biodiversity conservation goals while contributing to economically viable and sustainable wildlife-based land uses in Zimbabwe." As in the draft provided to the FWS in December 2014, the final Plan is organized by "Key Components," and then "Strategic Objectives" that explain the "Key Components." "Outputs" describe the desired outcomes, and are to be achieved through implementation of "Key Activities/Actions." That implementation is monitored by the KPIs and Means of Verification of the KPIs.

[21] *Plan Supplement*, p. 6.

[22] As ZPWMA explained, Zimbabwe conserves and manages elephant on every level. Zimbabwe and bordering range states have formed Trans-Frontier Conservation Areas ("TFCAs") to address the elephant's migratory nature and cross border populations. Further, through the Plan Zimbabwe implements the action plans adopted by the Southern African Development Community ("SADC"), and the SADC Regional Elephant Management Strategy of 2007. E.g., *ZPWMA April 2014 Response*, p. 12; *ZPWMA July 2015 Response*, p. 15; *CF June 2014 Comment*, p. 12 & related attachments; *CF Oct. 2014 Comment*, p. 9 & related attachments.

[23] IUCN/AfESG, African Elephant Status Report 2016 (Sept. 2016), publicly available at https://www.dropbox.com/s/7a8w3kk6r9hzm0r/AfESG%20African%20Elephant%20Status%20Report%202016.pdf?dl=1.

[24] *Plan*, p. 3.

[25] *Plan*, p. 3. As explained above, the Management Plan incorporates regional plans to address challenges unique to each range and manage elephant within regional targets.

[26] The Finding suggests an increase to over 100,000 elephant would be acceptable. P. 8. As ZPWMA, Conservation Force, Rowan Martin, and others pointed out, a population of that size would be a catastrophe for the country's bio-diversity. The Finding does not account for the expansion in Zimbabwe's elephant since 1997, or the management measures implemented since then. Zimbabwe's elephant population has rebounded incredibly, from a low of 4,000

Worse, the Finding does not rely on this up-to-date estimate, although the FWS received the preliminary survey results in December 2014.[27] Nor does the Finding rely on the best-available information in the FWS' possession as of March 2015, which included comments from the AfESG and numerous survey results.[28] The Denials should be reconsidered because the Finding relies upon outdated data that was proven to be inaccurate by Conservation Force, ZPWMA, and the AfESG.

For example, the Finding reuses language that cites a statistic from *Elephant Management in Zimbabwe*. The statement was disavowed by its author, and Conservation Force explained how the percent limitation was being taken out of context.[29] The Finding's failure to consider information that undercuts a "fact" on which its negative conclusion was based is clear grounds for reconsideration. Similarly, the Finding admits the April finding erroneously interpreted the AfESG's Elephant Database by misconstruing its data quality categories. This error was pointed out in CF's June 2014 Comment and in a May 30, 2014 email from Dr. Holly Dublin, AfESG Chair.[30] It was corrected in the July enhancement finding.

However, the July finding continued to ignore pertinent information in the database, prompting Dr. Dublin to send a November 3, 2014 comment in which she corrected several critical points of information. First, the addition of a 2007 survey resulted in the addition of 30,000 "Definite" elephant in Zimbabwe. Second, the results of four recent surveys did not show a "substantial decline," as the July finding stated, but largely reflected stable or increasing populations. The Finding apparently accepted these comments, and edited the prior statements to incorporate Dr. Dublin's corrections.[31]

However, Dr. Dublin offered three more corrections not discussed in the Finding. Instead, the challenged language was copied and pasted from the July document into the Finding.

- Dr. Dublin criticized the July finding's dismissal of a 2013 survey in Save Valley Conservancy for so-called "double counting," stating that, even if double-counting occurred, the count still reflected an increase in the elephant population;

---

in 1900. *ZPWMA July 2015 Response*, p. 3; *CF June 2014 Comment*, p. 7-8 & related attachments; *CF Oct. 2014 Comment*, p. 7, 10 & related attachments. Compare FWS, *Enhancement Finding for African Elephants Taken as Sport-Hunted Trophies in Zimbabwe* (July 2, 1992), p. 1.

[27] CF Email to T. Van Norman forwarding preliminary survey results (Dec. 5, 2014).

[28] H. Dublin Email to T. Van Norman attaching AfESG Letter/Comment on July finding (Nov. 3, 2014), p. 2-9 ("*AfESG Letter*"); Aerial Survey of Elephants and Other Large Herbivores in the Mid-Zambezi Valley; 2007 Aerial Survey of Elephants and Other Large Herbivores in North-West Matabeleland; 2010 Aerial Survey of Elephants and Other Large Herbivores in Chewore Safari Area; 2013 Aerial Survey of Elephants and Other Large Herbivores in the Save Valley Conservancy; and 2013 Aerial Survey of Elephants and Other Large Herbivores in Gonarezhou National Park.

[29] *CF Oct. 2014 Comment*, p. 9, 15 & related attachments.

[30] Compare *Finding*, p. 7; with *CF June 2014 Comment*, p. 9 & related attachments; H. Dublin Email to T. Van Norman commenting on the April finding's misinterpretation of the AfESG Database (May 30, 2014).

[31] Compare *AfESG Letter*, p. 2 ("The AED shows, however, that three surveys carried out in this period … estimated higher totals than their respective previous, comparable surveys, although the differences were not significant. A fourth survey, Chewore (2010), resulted in an estimate lower than its previous, comparable survey, but the difference was also not statistically significant. Furthermore, the 2010 survey for Chewore did not cover the entire Zambezi Valley ecosystem, and therefore it is possible that the apparent decline, however slight, may be due to elephant movements within the ecosystem rather than to an actual decline.") with July finding, p. 6; *March Finding*, p. 7.

- Dr. Dublin concluded that a 4% carcass ratio in a 2013 survey of Gonarezhou National Park was a "reasonable figure," and the July finding erroneously "conflat[ed] … carcass ratios … and mortality rates, and its conclusion is unwarranted";
- Dr. Dublin noted that updated PIKE data was publicly available months before the July finding was made, yet "the finding stated that 2012 and 2013 data were not available," and pointed out that the two PIKE sites in Zimbabwe "have relatively small elephant populations and are by no means intended to be representative of the situation in the country as a whole."[32]

Given that Dr. Dublin is one of the world's foremost experts in elephant, due deference should have been given to her comments and suggestions. Conservation Force made similar points in our June and October comments as well, and provided comments from the authors of the Save Valley survey report responding to the FWS' statements.[33] We provided fice surveys pending the AfESG's review and not included in the AfESG's or FWS' estimates, and submitted updated PIKE information showing the Proportion of Illegally Killed Elephant had declined at the Zimbabwe sites[34]—contrary to the July finding's statements, copied-and-pasted into the Finding. The Denials' failure to review this best-available information, and reliance upon out-of-date or misinterpreted information, requires reconsideration.

Reason for Reconsideration 4: The Best-Available Information Demonstrates that Zimbabwe has been Enforcing its National Regulations as Effectively as Possible

ZPWMA is succeeding in managing and conserving its elephant. The most compelling evidence is the historic increase in its population, to become Africa's second-largest. ZPWMA achieved these results by largely curbing poaching and successfully prosecuting poachers as a result of adaptive and pro-active law enforcement measures. ZPWMA has also implemented a system of sharing responsibility with the private sector and communal landholders so as to share the financial burden of its management and enforcement obligations. The Finding fails to acknowledge these achievements and responsibility-sharing.[35] Its failure to do so requires reconsideration, and reversal of the Denials.

Evidence of ZPWMA's enforcement success was provided in their April 2014 and July 2015 Responses, and in Conservation Forces' June 2014 and October 2014 Comments. For instance, ZPWMA rapidly responded to the 2013 Hwange poisoning incident. Working with the hunting operator's team to track the poachers,

[32] *AfESG Letter*, p. 4-5.

[33] CF Email to T. Van Norman forwarding response from authors of the Save Valley Conservancy survey (Jan. 6, 2015); *CF Oct. 2014 Comment*, p. 13 & related attachments.

[34] E.g., 2005 Aerial Survey of Elephants and Other Large Herbivores in the Mid-Zambezi Valley; 2007 Aerial Survey of Elephants and Other Large Herbivores in North-West Matabeleland; 2010 Aerial Survey of Elephants and Other Large Herbivores in Chewore Safari Area; 2013 Aerial Survey of Elephants and Other Large Herbivores in the Save Valley Conservancy; and 2013 Aerial Survey of Elephants and Other Large Herbivores in Gonarezhou National Park; *see CF June 2014 Comment*, p. 4-7 & related attachments; *CF Oct. 2014 Comment*, p. 11 & related attachments.

[35] The FWS recognizes "there may be limited resources available for elephant management." *Finding*, p. 2. However, the FWS does not account for this in evaluating ZPWMA's efforts and results. "Enhancement" does not call for unlimited resources and perfect implementation, it seeks benefits. The benefits provided through the sport-hunting of elephant are clear and convincing, and the Denials should be reversed.

ZPWMA successfully arrested all 35 members of the team. ZPWMA's investigation and prosecution efforts led to the deterrent sentencing of each poacher to terms of 9 to 16 years in prison.[36]

ZPWMA specifically responded to the threat of poaching in Hwange by improving radio communications, adding aerial surveillance, and holding 35 public awareness meetings in the area.[37] ZPWMA then stepped-up its anti-poaching nationally by adopting a number of "Urgent Measures." ZPWMA acted to increase poaching penalties, criminalize the use of cyanide in poaching, increase air surveillance of protected areas, collaborate with national law enforcement and military agencies to raise elephant poaching to "a level of National Security in Zimbabwe," improve intelligence-sharing across international borders, and other important undertakings.[38] ZPWMA also held a judiciary awareness program to ensure full implementation of relevant poaching laws and penalties throughout prosecution and sentencing.[39]

ZPWMA directs most of its financial resources to anti-poaching and enforcement. As shown in the July 2015 Response, most of ZPWMA's budget (77%) is allocated for staff costs and patrol provisions.[40] These expenditures fund anti-poaching throughout the elephant range. Despite financial constraints, ZPWMA has been able to continuously hire to expand the number of patrol days in the field. ZPWMA has a staff of 1,504 active field rangers, with the intent to add more.[41] ZPWMA has shown that it can mobilize when called upon: after the Hwange poisoning, a new station with 15 field rangers was established in the area.[42]

Over 80% of spending under the new elephant management Plan has been on law enforcement (anti-poaching) and trainings, with law enforcement identified as the number one priority going forward.[43] The budget and operational data provided in the ZPWMA July 2015 Response and Plan Supplement addresses the FWS' asserted lack of information in the Finding. And although financial constraints exist in Zimbabwe (as in most range states), ZPWMA has effectively and efficiently maximized the impact of every dollar spent on anti-poaching. ZPWMA's results in curbing poaching speak for themselves.

The Finding continues to rely on outdated, unfounded criticisms from the July finding that were corrected by Conservation Force and ZPWMA. First, though the Finding claims not to have received information on Zimbabwe's poaching arrests and prosecutions, that information was not requested until May 2015, yet was provided in ZPWMA's April 2014 Response. It would be unfair to base a negative finding on data that had not been requested. But the data ***was*** provided, and should have been reviewed.[44]

Further, the Denials mistaken rely on the Finding's comments and interpretation of outdated ETIS reports. Conservation Force objected to these reports being taken out of context in our October 2014 Comment,

---

[36] *ZPWMA July 2015 Response*, p. 35; *CF Oct. 2014 Comment*, p. 18 & related attachments.

[37] *ZPWMA July 2015 Response*, p. 35; *ZPWMA April 2014 Response*, p. 13; *ZPWMA Dec. 2014 Response*, p. 16-20; *CF Oct. 2014 Comment*, p. 18 & related attachments.

[38] *ZPWMA July 2015 Response*, p. 27-31; *ZPWMA Dec. 2014 Response*, p. 16-18.

[39] *ZPWMA July 2015 Response*, p. 34.

[40] *ZPWMA July 2015 Response*, p. 36-41.

[41] ZPWMA hired 100 rangers in 2014. *ZPWMA July 2015 Response*, p. 32-33.

[42] *ZPWMA July 2015 Response*, p. 27; *ZPWMA April 2014 Response*, p. 13.

[43] *Plan Supplement*, p. 3-4.

[44] *ZPWMA April 2014 Response*, p. 12, 14.

and provided evidence of improvements since 2010.[45] The Finding's reuse of these paragraphs, whose validity and applicability were challenged, merits reconsideration.

Finally, as discussed further under "Local Conservation Efforts," the Parks and Wildlife Act Chapter 20:14 devolved authority to manage and benefit from wildlife on communal and private lands to the landholders. In Safari Areas, ZPWMA leases concessions to pre-qualified hunting operators, which gives them authority to manage and benefit from approved wildlife in those areas.[46] "ZPWMA is engaging private players in co-management in some areas … this will help in resource mobilization and management for law enforcement. Long-term lease agreements (10-25 years) are being entered into to manage some protected areas."[47] In certain areas, ZPWMA partners with safari operators[48]; in others, they partner with non-profits, such as the Tashinga Initiative in the Zambezi Valley and WWF in the Hwange-Sanyati Biological Corridor.[49] In these ways, ZPWMA is sharing responsibility for enforcement of national regulations. This allows ZPWMA to do more with less, and has been especially crucial since receipts from hunting have fallen since the FWS suspension on ivory imports.

Reason for Reconsideration 5: Elephant Hunting in Zimbabwe is a Sustainable, Beneficial Use

ZPWMA's elephant hunting program is sustainable. Information submitted to the FWS demonstrates that quotas and offtakes are responsibly set in a participatory process, considering a range of inputs including all causes of elephant mortality; ZPWMA allocates quotas by region and locality; and recent poaching has remained fairly low, especially in comparison to other range states. This information has been submitted to the FWS on multiple occasions, including but not limited to:

- April 2014: poaching statistics; poacher arrest and prosecution statistics; four-page description of ZPWMA's quota-setting process;
- June 2014: poaching statistics in CAMPFIRE areas;
- December 2014: poaching and PAC statistics; offtake percentages from management, hunting, and trade in skins; two-page supplemental explanation of ZPWMA's quota-setting process;
- December 2014: hunting and PAC offtakes; quota utilization in CAMPFIRE areas;
- December 2014: carcass observance and estimates from the 2014 aerial survey;
- March 2015: updated MIKE/PIKE statistics;
- May 2015: poaching statistics from Mana Pools workshop;
- May 2015: poaching and offtake statistics in the Sebungwe;
- July 2015: carcass observance and estimates from the 2014 aerial survey; PIKE data; offtakes from six categories requested by the FWS; poaching and poacher investigation, arrest, and prosecution statistics; five-page supplemental explanation of ZPWMA's quota-setting process; quota allocation by range;
- September 2015: poaching and hunting offtakes from the South East Low Veld workshop;
- December 2015: hunting off-takes and quota utilization in CAMPFIRE areas;

[45] *CF Oct. 2014 Comment*, p. 22 (pointing out that the ETIS report was known to "confound" legal and illegal trade in small ivory products) & related attachments.

[46] *ZPWMA April 2014 Response*, p. 23-25.

[47] *ZPWMA Dec. 2014 Response*, p. 19.

[48] *ZPWMA July 2015 Response*, p. 34.

[49] *ZPWMA July 2015 Response*, p. 33.

- December 2016: two-page supplemental explanation of ZPWMA's quota-setting process;
- And more.[50]

This long list of information provided refutes the Finding's complaint that the FWS did not have "adequate information" about elephant offtakes, poaching, or quota-setting. The information was available. But the Denials do not consider it. If it had been considered, the FWS would have had to make a positive finding.

This best-available information demonstrates that ZPWMA's quotas are "scientifically determined" not to "compromise[e] [the species'] biological proliferation… In Zimbabwe, determination and implementation of hunting quotas goes through a rigorous quota-setting methodology" that accounts for all mortalities, including from hunting, poaching, PAC, natural causes and disease. In setting quotas, ZPWMA considers population sizes, trends, and densities; property sizes and habitat quality; environmental changes; human-wildlife conflict, national policies, and management targets; poaching trends; land tenure; trophy quality; hunt success; ranger monitoring; species sensitivity and research on the species; and more.[51] Quotas are set in participatory workshops for each range area. While stakeholders may propose an initial quota, their proposals are reviewed and revised as needed by ZPWMA ecologists to ensure the quotas are assessed at a sustainable level, having negligible impact on the population.[52] In 2014, Zimbabwe's offtake quota was set under 300 elephant; in 2016, it was set at 400.[53] The level of ***offtake*** authorized is well below that of ***export*** allowed under Zimbabwe's CITES quota (500 elephant), for good reason—exports may be delayed due to transport, taxidermy/processing, or permitting issues.

ZPWMA's 2014 quota of 300 mature elephant bulls represents only 0.37% of the total elephant population (82,000+). Zimbabwe's 2016 quota represents only 0.49%. These percentages are comfortably below the sustainability threshold of 0.6-0.75%. Most critically, however, actual offtakes are even lower, on average only 204 mature elephant bulls per year. That represents only 0.25% of Zimbabwe's elephant population. The Denials should be reconsidered and reversed, as there can be no question this limited use of elephant through sport- hunting is sustainable.

---

[50] *ZPWMA April 2014 Response*, p. 12, 14, 19-22; *CAMPFIRE Association Report*, p. 2; *ZPWMA Dec. 2014 Response*, p. 16, 22-25; *CAMPFIRE Workshop Proceedings*, p. 6-24; CF Email to T. Van Norman attaching newest MIKE/PIKE data (Mar. 11, 2015); *Proceedings of the Mana Pools Anti-Poaching Workshop* (May 2015); CF Email to T. Van Norman attaching background data on elephant in the Sebungwe range (May 11, 2015); *ZPWMA July 2015 Response*, p. 22-27, 43-49; *Proceedings of the South East Lowveld Elephant Management Planning Workshop* (Sept. 2015); CF Email forwarding *Hunting Income Analysis of CAMPFIRE Districts from Hunting* (Dec. 1, 2015); ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 5-6.

Publicly available data from the Great Elephant Census identified Zimbabwe as having one of the four lowest carcass ratios in Africa, behind only Uganda, Malawi, and Botswana, publicly available at www.greatelephantcensus.org.

[51] E.g., *ZPWMA Apr. 2014 Response*, p. 19-22; *ZPWMA Dec. 2014 Response*, p. 22-25; *ZPWMA July 2015 Response*, p. 43-47; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 5-6.

[52] *ZPWMA July 2015 Response*, p. 43-46; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 5-6. Licensed, regulated hunting has nominal effect on elephant population, because of the selectivity of the harvest. E.g., *CF June 2014 Comment*, p. 3, 9-10 & related attachments (including R. Martin, *Second Report: Trophy Hunting from Declining Population* (2014), p. 8, 10, 15, 18-20, & R. Martin, *Background Study, Elephants* (2015), p. 34, 56).

[53] *ZPWMA July 2015 Response*, p. 44, 46.

Further, the extensive documentation provided by ZPWMA, Conservation Force, and others demonstrates that other offtakes, including poaching and PAC, are sustainable. Poaching has largely been controlled in the last several years, and PAC is kept in check through the incentives generated by CAMPFIRE (please see the next section).[54]

Poaching levels have declined in Zimbabwe, and across Africa, since the worst of the impact in 2011.[55] As shown in ZPWMA's July 2015 Response, a decline in elephant poaching is evident since the high of 223 in 2011, to 212 in 2012 and 194 in 2014. (Poaching figures in 2013 are skewed by the mass poisoning incident at Hwange National Park that killed 103 elephant, but if that number is "normalized" to 190, it is consistent with the decreasing trend.)[56] Likewise, the Proportion of Illegally Killed Elephants ("PIKE") at the Chewore and Nyami Nyami Monitoring the Illegal Killing of Elephants ("MIKE") sites in Zimbabwe has fallen: to 0.40 in 2013, 0.17 in 2014, and 0.29 in 2015 at Chewore, and from 0.81 in 2011 to 0.27, 0.22, 0.37, and 0.35 in the years 2012 to 2015 at Nyami Nyami. The most recent figures are well below the 0.5% threshold which signifies unsustainable poaching.[57] The decline in poaching undoubtedly stems from ZPWMA's enhanced anti-poaching, as described in the section above.

Recognizing both a mutual interest, and that collaboration will allow for a more efficient use of resources, ZPWMA and the hunting sector collaborate extensively in anti-poaching. Conservation Force submitted numerous specific evidence of this.[58] A few examples from this evidence are below:

- The Dande Anti-Poaching Unit ("DAPU") in the Zambezi Valley has catalyzed a significant decrease in poaching in their areas. In 2010, DAPU reported 40 elephant carcasses. In 2016, they observed seven. DAPU team members have grown so skilled in anti-poaching tactics they work alongside ZPWMA rangers in patrolling Mana Pools National Park. Charlton McCallum Safaris spent $95,006 on DAPU's anti-poaching activities in 2016, including salaries, rations, rewards, equipment, and

[54] PAC offtakes have been between 44-52 elephant from 2013-2015, a negligible amount in a population over 82,000 elephant, and at or below 1.0% when added to poaching and hunting offtakes. ZPWMA issues few PAC permits, and instead relies on the benefits of the CAMPFIRE program and voluntary actions of hunting operators to minimize crop-raiding and losses to elephant, and thus minimize PAC. The CAMPFIRE Workshop demonstrated that this system is working, as PAC figures were typically low across the districts. *CAMPFIRE Workshop Proceedings*, p. 6-21; *see also CF June 2014 Comment*, p. 15-7 & related attachments; *CF Oct. 2014 Comment*, p. 26-33 & related attachments; *CF Dec. 2014 Comment*, p. 3-7 & related attachments; *CF Jan. 2015 Comment* & related attachments.

The uncited "anecdotal evidence" relied upon in the Finding is unreliable, and is another incorrect "fact" on which the negative finding was based that requires reconsideration.

[55] G. Wittmeyer et al., *Illegal Killing for Ivory Drives Global Decline in African Elephants*, Proceedings of the National Academy of Sciences (July 22, 2014).

[56] *ZPWMA July 2015 Response*, p. 43.

[57] *CF Oct. 2014 Comment*, p. 21-22 & related attachments; CF Email to T. Van Norman attaching updated MIKE/PIKE data (Mar. 11, 2015); *ZPWMA July 2015 Response*, p. 25; CITES/MIKE Database, publicly available at https://cites.org/ eng/ prog/mike/data_and_reports.

[58] E.g., *CF June 2014 Comment*, p. 17-19 & related attachments (including SOAZ report); *CF Oct. 2014 Comment*, p. 22, 26-33 & related attachments; *CF Dec. 2014 Comment*, p. 3-7 & related attachments; *CF Jan. 2015 Comment* & related attachments; *Proceedings of the Mana Pools Anti-Poaching Workshop* (May 2015); CF Email to T. Van Norman forwarding reports of anti-poaching efforts in Zambezi Valley (Dec. 3, 2015); CF Email to T. Van Norman forwarding hunting operator anti-poaching efforts in Zambezi Valley (Jan. 5, 2016); CF Email to T. Van Norman forwarding DAPU film (May 9, 2016); CF Emails to T. Van Norman forwarding DAPU Reports (June 15, 2015, May 23, 2016, & Jan. 18, 2017).

vehicles. DAPU's expenditures in 2015 topped $80,000 and in 2014, they were over $72,000. This is an expanding program, and has contributed significantly to anti-poaching in the Zambezi Valley, including through the additional support of aerial surveillance. ***Mr. Jines' hunt took place in the Mbire District and with Charlton McCallum Safaris. Mr. Jines' hunting fees, including his trophy fee and voluntary contributions, are directly contributing to DAPU and the operators' extensive community investment***.

- The SOAZ Report identified almost $1 million spent on anti-poaching in 2013 by a small sample of 14 operators. These operators employed a total of 245 scouts on the ground, an average of 17-18 scouts per company.
- Lodzi Hunters collaborates with the Binga district council to restore wildlife in their concession, on which they have a long-term lease. They maintain a 12-member anti-poaching team that patrols the concession and the borders of Hwange National Park. Lodzi Hunters coordinates with ZPWMA to ensure full and efficient coverage. Lodzi Hunters' anti-poaching and incentives programs cost the company over $350,000 per year, in addition to their contractual payments to the CAMPFIRE district and wards. 95% of Lodzi Hunters' income comes from elephant hunting.

In short, the private-sector's contributions against poaching are extensive. They were not duly considered in the Denials, even though they are an essential component of Zimbabwe's elephant management.[59] For this reason, the Denials should be reconsidered, and will need to be reversed based on proper evaluation of the submitted data.

Reason for Reconsideration 6: Revenues Generated from Elephant Hunting in Zimbabwe are Reinvested in Elephant Conservation Efforts by ZPWMA and CAMPFIRE Communities

The information provided to the FWS documents that elephant hunting accounts for the largest percent of revenue generated by hunting across all four land categories (safari areas, communal land, private land, and forestry areas). In 2014, over $6.2 million in trophy fees was generated from elephant hunts, with $5 million of that revenue accruing to ZPWMA to reinvest in wildlife management and enforcement.[60] Over 50% of that revenue comes from U.S. hunters.[61] Put differently, "the African elephant is one of the biggest drawcard species from a hunting perspective and is at the centre of all the major hunts… Generally hunting contributed an average of USD22m to the country's GDP in 2014 and 2015..."[62]

A significant portion of ZPWMA's operating budget relies upon hunting income (although that proportion declined in 2015, as hunting income has decreased, largely due to the FWS' elephant suspension and non-issuance of lion import permits).[63] Most of this is attributable to elephant hunts. In turn, most of ZPWMA's operating funds are directed to ranger salaries, anti-poaching, and law enforcement—over $3.1 million in Safari Areas alone (and staff costs in Safari Areas are covered by hunting revenues). Put simply, most of the revenues coming in from elephant hunting are reinvested in and contribute to the protection and

[59] *Plan*, p. 12 ("The Role of Sport Hunting in Elephant Conservation").

[60] *ZPWMA July 2015 Response*, p. 48.

[61] *ZPWMA July 2015 Response*, p. 41.

[62] ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 9-10.

[63] *ZPWMA Dec.* 2014 *Response*, p. 21.

recovery of elephant by being reinvested in law enforcement and anti-poaching.[64] The Denials' failure to consider the July 2015 Response and information about ZPWMA's revenue, budget, and expenditures requires reconsideration and reversal.

In communal areas, elephant hunting is the financial backbone of CAMPFIRE. CAMPFIRE is the mechanism whereby communities benefit from living with wildlife, and largely from living with elephant. The program has built tolerance within communities through creation of incentives, especially due to the funding of infrastructure projects that improve rural livelihoods across communities.[65] The Finding correctly admits that "CAMPFIRE plays a role in elephant management." More precisely, CAMPFIRE plays an ***essential*** role in elephant conservation by reducing conflicts between elephant and the communities who maintain elephant on their lands. Zimbabwe's Parks and Wildlife Act Chapter 20:14 empowered rural people living among wildlife to effectively benefit from it. CAMPFIRE is the mechanism created to facilitate this.

From 1989-2006, CAMPFIRE channeled more than $20 million to rural villages and $17 million to rural district councils.[66] From 2010-2015, hunting fees accounted for over $11 million in revenue, 70% of which came from elephant hunting (until the suspension reduced demand for elephant hunting), and two-thirds of which came from U.S. elephant hunters. Put differently, over $5 million accrued directly to CAMPFIRE communities from U.S. elephant hunters until the suspension reduced that amount, e.g., to 54% of hunts in 2014.[67] (Until then, 70% of CAMPFIRE revenue was generated by elephant hunts and $550,000 in trophy fees alone were generated in communal lands in 2014.[68]) These income receipts are "often understated," as economic multipliers "are not captured as part of CAMPFIRE income," and "[t]he proportion of safari operating expenses paid locally in the form of wages and salaries, and purchase of materials is often not recorded."[69]

According to the most recent audit of participating CAMPFIRE districts, "Data from 9 CAMPFIRE Districts … shows that approximately 60% of the allocated quota is utilized and that the majority of hunters (53%) originate from America. These hunters have contributed US$9 million … during the period 2010-2015 compared to US$8 million by the 40 other nations.... The income generated from trophy fees in the last 6

[64] *ZPWMA July 2015 Response*, p. 36-41, 48-51; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 9-10.

[65] E.g., *CAMPFIRE Association Report*, p. 1-11; *CAMPFIRE Workshop Proceedings*, p. 6-24; CF Email to T. Van Norman attaching *CAMPFIRE Income Analysis*; CAMPFIRE Association, *The Role of Trophy Hunting of Elephant in Support of the Zimbabwe CAMPFIRE Program* (Dec. 2016), p. 12-16 ("*CAMPFIRE—Role of Hunting Report*"), publicly available at http://campfirezimbabwe.org/index.php/downloads.

[66] *CAMPFIRE Association Report*, p. 8; *CAMPFIRE—Role of Hunting Report*, p. 9-11; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 19, (U.S. hunters make up 76% of CAMPFIRE clients).

[67] *CAMPFIRE Association Report*, p. 3-4; *CAMPFIRE Income Analysis*, p. 1, 6 ("it is highly probable that the decline in hunting income for 2014 was largely caused by the suspension of trophy imports by United States of America. The suspension has a lag effect on income, and preliminary calculations of earnings for 2015 indicate a further continuing decline."); *CAMPFIRE—Role of Hunting Report*, p. 9-11.

[68] *ZPWMA July 2015 Response*, p. 48, 50; *see also CAMPFIRE Workshop Proceedings*, p. 6-24.

[69] ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 17; *see also* p. 11-20.

years (2010 – 2015) is approximately US$11.4 million of which elephant trophy fees contributed 65%."[70] In short, U.S. elephant hunters are the critical source of funds for CAMPFIRE communities.

Hunting funds are invested in projects that benefit the communities overall: building classrooms or clinics; purchasing farm equipment; rehabilitating water supplies; purchasing vehicles used in wildlife monitoring and anti-poaching; installing solar power; and many other infrastructure improvements. CAMPFIRE links these tangible benefits for rural residents to protection of wildlife. Its infrastructure creates conservation officers and monitoring programs, and employs game scouts, which generates significant benefits for the elephant as well. This is vital because otherwise elephant are largely viewed as threats, not assets.[71]

The grant of Appropriate Authority means that ZPWMA foregoes the fees from hunting in CAMPFIRE areas, and the fees and other benefits accrue to the communities. Operators in CAMPFIRE communities contract with the district councils, and are bound to pay trophy, concession, and other fees—or more, depending on their contracts—to the councils (41%) and to the wards directly (55%). Conservation Force submitted documentation evidencing that many operators contribute much more than just fees. For example, in the Mbire District in which Mr. Jines hunted, Charlton McCallum Safaris operates a "genuine joint venture" with the Mbire district council and wards. In 2013-2015, Charlton McCallum Safaris paid over $1.05 million in fees and revenue-sharing, including over $470,000 directly into ward accounts. The district significantly benefits from this partnership, including: constructing a clinic and nurses' houses; constructing a wildlife administration office; constructing storerooms; constructing 14 classroom blocks, seven teachers' houses, and one school office; constructing and equipping of grinding mills; and constructing and equipping two hand-pump boreholes, water pipes, toilets, water storage; constructing one tourist camp; acquiring two tractors.[72] 90% of the district's income comes from hunting and ~35% of that is from elephant hunting. 90% of hunting clients are U.S. citizens. In short, at least $330,750 accrued to the Mbire district and rural communities as a result of U.S. elephant hunters in 2013-2015.[73] This is but one example. Conservation Force has submitted evidence of many more, including contributions of Lodzi Hunters and Martin Pieters Safaris, among others.[74]

The Denials do not consider the best-available information. They rely upon the Finding, which cites to old and limited data on CAMPFIRE. The best-available information demonstrating CAMPFIRE's benefits must be evaluated, and accordingly, the Denials should be reconsidered and reversed.

---

[70] *CAMPFIRE—Role of Hunting Report*, p. ii.

[71] *CAMPFIRE Association Report*, p. 3-4, 7-11; *CAMPFIRE Income Analysis*, p. 1-2; *CAMPFIRE—Role of Hunting Report*, p. 9-19; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 20-22. *See also CAMPFIRE—Role of Hunting Report*, p. ii (in the period 2009-2015, "96 human lives were lost to wildlife attacks, with elephant accounting for more than half of those deaths. Yet despite these challenges, communities still retain a high level of tolerance for elephants, but this support is rapidly dissipating as a result of the loss of income from trophy hunting. This places almost two million ha of land at risk, including the risk of increasing retaliatory killing through poisoning and illegal wildlife crime.").

[72] Chief Sen. D. Chisunga, *Land Use Planning at the Local Level*, Presentation at the 14th African Wildlife Consultative Forum (Nov. 10, 2015).

[73] *CF Dec. 2014 Comment*, p. 3-7 (citing Charlton McCallum Safaris, Elephant Hunting in Mbire District – A Perspective of the Private Sector (Nov. 17, 2014) & related attachments.

[74] Please see attached Index of Information Submitted.

Reason for Reconsideration 7:
Local Conservation Efforts Effectively Share the Responsibilities of Elephant Conservation

The Denials should be reconsidered because Conservation Force, ZPWMA, SOAZ, and others have provided extensive documentation of the benefits to elephant generated by "local conservation efforts." The FWS does not discuss this information specifically, but it should. This information proves that the contributions of safari operators, anti-poaching units, CAMPFIRE communities, private landholders/conservancies, and associated non-profits are integral to the functioning of Zimbabwe's wildlife management system. They are not "limited" efforts. They are extensive, and reduce the burden on ZPWMA's resources.

As Conservation Force and ZPWMA previously explained, conservation work is ***frequently*** carried out by non-governmental entities in Zimbabwe.[75] The Parks and Wildlife Act Chapter 20:14 devolved Appropriate Authority to private and communal landholders. Through this "government mechanism," the "legal right to utilize and manage wildlife on their property" was transferred to the landholders.[76] Due to this transfer, non-governmental entities such as safari operators, CAMPFIRE district councils, and private conservancies have both the authority and the obligation to protect, conserve, monitor, and benefit from wildlife in their areas.[77] As ZPWMA wrote:

> Fundamentally, ZimParks supports local efforts by providing a conducive legislative and policy environment which allows the private and community sectors to thrive. The grant of Appropriate Authority Status to private properties and Rural District councils is a case in point.[78]

ZPWMA supports local conservation efforts through training, support, and more.

The contributions of non-governmental interest to wildlife conservation are not limited or localized. Taken together, they cover the country.[79] A few examples from the information provided to the FWS are below:

- Lodzi Hunters, in the Northwest Matabeleland and Sebungwe ranges, contributed over $680,000 over two years to CAMPFIRE wards, to improve livelihoods, employ scouts, and increase tolerance of elephant and other species. The operator also maintains a twelve-person anti-poaching team.[80] Similarly, Charlton McCallum Safaris in the Zambezi Valley shares revenues with Mbire CAMPFIRE wards and the district council. In two years, the fees shared topped $750,000 (of which $380,000+

[75] *ZPWMA April 2014 Response*, p. 15-16, 23-25; *CF Oct. 2014 Comment*, p. 28 & related attachments; *see also* R. Martin, *Personal Comment: Ban on the Import of Elephant Trophies into the USA from Tanzania and Zimbabwe* (Oct. 2014), p. 6 & attachment, M. Murphree & R. Martin, *Shifting Paradigms, Policy and Processes in Conservation and Development over the Past Four Decades* (2013).

[76] *ZPWMA April 2014 Response*, p. 15-16.

[77] *ZPWMA Dec. 2014 Response*, p. 18-21 ("This arrangement [Appropriate Authority] incentivizes landowners and tenants to not only tolerate wildlife, but to conserve and promote conservation and protection of wildlife…"), p. 25-27 (identifying contributions of safari operators, NGOs, conservancies, communal areas to wildlife conservation).

[78] *ZPWMA April 2014 Response*, p. 25.

[79] Please see attached map, which shows the breadth of these "local" operations.

[80] *CF Jan. 2015 Comment* & related attachments.

went directly to ward accounts) and anti-poaching expenditures topped $150,000.[81] Each of these operators is lessening the government's burden of community support and anti-poaching patrols by committing their private resources to these purposes.

- A small operator, Pro Safaris in the Zambezi Valley, allocates 6% of its turnover for water pumping, water pan installation, and other conservation activities. Pro Safaris maintains a ten-person anti-poaching team to patrol a 40-km international border,[82] which allows ZPWMA rangers to focus on patrolling the national park instead of the Safari Area.
- The Tashinga Initiative is a non-profit in the Zambezi Valley that obtains anti-poaching equipment, coordinates anti-poaching efforts, and organized the Sebungwe elephant management planning workshop. The Tashinga Initiative is supported by local safari operators (hunting and photo), and international donors like the Houston Safari Club.[83]
- Also in the Zambezi Valley/Sebungwe range, Martin Pieters Safaris maintains three patrol teams, and are helping develop a community-owned conservancy with two additional patrol teams. The company teams have recovered 15,000+ snares since 2007, and their nearly 300 patrols support ZPWMA's monitoring in this area. The community scouts were intensively trained by the operator teams. These scouts cooperate with ZPWMA against poaching in the Omay and Gokwe communal lands.[84]
- Save and Bubye Valley Conservancies in the Southeast Lowveld range each spend over $500,000 annually on anti-poaching and invest another $200,000+ in nearby villages. The conservancies do not draw on ZPWMA resources at all. They are wholly responsible (and largely depend on hunting income) to secure a land area about the size of New Jersey, the world's third-largest black rhino population, and an elephant population that exceeds 2,000.[85]
- CAMPFIRE communities monitor poaching losses and PAC off-take. They collaborate with ZPWMA to detect poaching and have developed a mutual informer network together. They also work with ZPWMA and safari operators to avoid problem animal off-takes and non-destructively deter crop-raiding elephant.[86] Because they have Appropriate Authority, they collaborate with ZPWMA, but do not need to depend on ZPWMA for wildlife management.
- The SOAZ report included data from 14 operators across the entire elephant range. It reported on these operators' monitoring of elephant populations and poaching losses and their anti-

[81] *CF Dec. 2014 Comment*, p. 5-6 & related attachments; *CF Jan. 2015 Comment* & related attachments; CF Email to T. Van Norman forwarding DAPU film (May 9, 2016); CF Emails to T. Van Norman forwarding DAPU Reports (June 15, 2015, May 23, 2016, & Jan. 18, 2017).

[82] *Pro Safaris Report* (2016).

[83] E.g., CF Email to T. Van Norman forwarding information on anti-poaching in the Zambezi Valley and Sebungwe (Nov. 30, 2015); CF Email to T. Van Norman forwarding Tashinga Initiative press release (May 22, 2016); CF Email to T. Van Norman forwarding article on success in building new communications base (Nov. 14, 2016).

[84] Martin Pieters Safaris, *Blog Posts*, publicly available at http://www.martinpieterssafaris.com/blog/.

[85] B. du Preez et al., *Sport-Hunting and Lion (Panthera leo) Conservation in Zimbabwe* (Jan. 31, 2016); B. du Preez, *Bubye Valley Conservancy Lion Research Report* (Jan. 12, 2016); R. Groom, *Hunting in Zimbabwe's Save Valley Conservancy* (Jan. 27, 2013).

[86] *See generally CAMPFIRE Workshop Proceedings*.

poaching investment of almost $1 million in 2013. The 14 companies together employed 245 anti-poaching personnel, and cooperated closely with ZPWMA.[87]

The Finding highlights the Mana Pools elephant management planning workshop. It should also mention the Sebungwe and South East Lowveld workshops. They exemplify the public-private-communal partnership existing in Zimbabwe because stakeholders have Appropriate Authority. The Finding reveals the FWS' misunderstanding of Zimbabwe's conservation system, which requires reconsideration and reversal of the Denials.[88]

Reason for Reconsideration 8: Enhancement has been Shown

The FWS has defined "enhancement" as benefits to the species, such as protection of habitat, generation of conservation and anti-poaching funding, and reduction of human-wildlife conflicts through generation of conservation incentives. The information submitted to the FWS demonstrates that licensed, regulated hunting of elephant in Zimbabwe satisfies this standard. This information shows how hunting justifies the existence of significant elephant range.[89] It substantiates the anti-poaching partnership among ZPWMA, hunting operators, and communities, and demonstrates the success of their efforts (declining PIKE). It shows that communities are incentivized not to retaliate against elephant (low PAC offtakes). It describes the pre-suspension benefits generated for CAMPFIRE communities. The success of Zimbabwe's elephant management is underscored by the fact there are over 80,000 elephants in the country, and significant anti-poaching gains in the border area of the Zambezi Valley.

The FWS demands "enhancement." It has been shown. Sustainable offtakes have been shown. A stable elephant population has been shown. A well-managed and responsive elephant management system has been proven. The continued suspension obstructs this enhancement from reaching the elephant—and the people—of Zimbabwe. We encourage the FWS to stop moving the target. The FWS cannot continue to rely upon a Finding that ignores the facts.

---

[87] *SOAZ Report*, p. 4.

[88] The Finding's first sentence is almost verbatim to the July finding, and still fails to respond to CF's objections on this point. We objected that we did not "emphasize the economic impact of the suspension to local conservation efforts," though that information was available in our submissions. The Finding's failure to respond to this objection, and its cutting-and-pasting of prior writing, merits reconsideration; it clearly does not consider the best-available and most current information. Note that the attachments in CF's comment also pointed to data showing "whether and to what extent these individuals would reduce their conservation efforts based on the inability of U.S. hunters to import a sport-hunted trophy," e.g., in the submitted Declarations, Charlton McCallum Safaris and DAPU documents, SOAZ Report, CAMPFIRE Reports, R. Martin Fourth Report, and more. E.g., *CF June 2014 Comment* Attachments; *CF Oct. 2014 Comment* Attachments.

[89] It should be noted that there is far more land secured in areas which allow, and largely rely upon, sustainable use. Compare the approximately 27,000 km^2 of habitat in national parks to the approximately 19,000 km^2 in Safari Areas, ~48,000 km^2 in CAMPFIRE areas, and 7,000+ km^2 in conservancies.

IUCN/UN, Protected Planet, http://blog.protectedplanet.net.

Given all this information, the Applicants request reconsideration, and reversal of the Denials.

Respectfully submitted,

Conservation Force
3240 S. I-10 Service Road W., Suite 200
Metairie, Louisiana 70001-6911
Phone: 504-837-1233
Fax: 504-837-1145
Email: cf@conservationforce.org

CC: Bryan Arroyo
Dr. Rosemarie Gnam

Attachments: Index
USB containing information submitted to the FWS by Conservation Force and ZPWMA
Map of "Local Conservation Efforts"

Index of Information Produced by Conservation Force, ZPWMA, and AfESG
In Support of Re-Opening Import of Sport-Hunted Elephant Trophies from Zimbabwe

Date	Producer	Document
7/2/1997	FWS	Positive enhancement finding
4/4/2014	FWS	First questionnaire to ZPWMA
4/4/2014	FWS	Negative enhancement finding
4/17/2014	FWS	Negative enhancement finding revised
4/17/2014	ZPWMA	Response to April 4, 2014 questionnaire sent to FWS, including all attachments ("ZPWMA April 2014 Response")
5/30/2014	AfESG	Email from H. Dublin to R. Gabel, subject "Clarification regarding Zimbabwe data"
6/6/2014	CF	First comment on April 2014 enhancement finding and publication in the Federal Register, including all attachments ("CF June 2014 Comment")
6/25/2014	CF	Email to T. Van Norman forwarding email from E. Chidziya/ZPWMA regarding National Elephant Management Plan Workshop
7/22/2014	FWS	Negative enhancement finding
10/4/2014	R. Martin	Personal comment and attachments sent to FWS
10/21/2014	CF	First comment on July 2014 enhancement finding, including all attachments ("CF Oct. 2014 Comment")
10/31/2014	FWS	Second questionnaire to ZPWMA
11/3/2014	AfESG	Email from H. Dublin to T. Van Norman attaching AfESG letter/ comment on July finding ("AfESG Nov. 2014 Letter")
11/13/2014	CF	Email to T. Van Norman forwarding invitation to National Elephant Management Plan Workshop
12/1/2014	CF	Email to T. Van Norman forwarding Agenda for Plan Workshop
12/5/2014	CF	Email to T. Van Norman attaching PowerPoint with survey results
12/5/2014	CF	Email to T. Van Norman summarizing outcomes of Plan Workshop
12/10/2014	ZPWMA	Response to October 31, 2014 questionnaire sent to FWS, including all attachments ("ZPWMA Dec. 2014 Response")
12/15/2014	CF	Second comment on July 2014 enhancement finding, including all attachments ("CF Dec. 2014 Comment")
12/16/2014	CF	Email to T. Van Norman forwarding CAMPFIRE Workshop proceedings
12/23/2014	CF	Email to T. Van Norman forwarding national Plan Workshop Proceedings
1/6/2015	CF	Email to T. Van Norman forwarding comments from the authors of the Save Valley Conservancy 2013 survey
1/12/2015	CF	Email to T. Van Norman forwarding invitation to Mana Pools Elephant Management Plan Workshop
1/19/2015	CF	Third comment on July 2014 enhancement finding, attaching Lodzi Hunters and Charlton McCallum Safari documents to substantiate enhancement/community investment ("CF. Jan. 2015 Comment")
1/23/2015	CF	Email to T. Van Norman with comment cover letter
3/3/2015	CF	Email to T. Van Norman forwarding article on ZPWMA anti-poaching success
3/11/2015	CF	Email to T. Van Norman attaching recent CITES/MIKE update

Index of Information Produced by Conservation Force, ZPWMA, and AfESG
In Support of Re-Opening Import of Sport-Hunted Elephant Trophies from Zimbabwe

Date	Producer	Document
3/11/2015	CF	Email to T. Van Norman forwarding invitation to rescheduled Mana Pools Elephant Management Plan Workshop
3/26/2015	FWS	Negative enhancement finding ("Finding")
4/13/2015	CF	Email to T. Van Norman forwarding article regarding effect of FWS suspension on CAMPFIRE
5/4/2015	CF	Email to T. Van Norman forwarding invitation to Sebungwe Elephant Management Plan Workshop
5/4/2015	CF	Email to T. Van Norman forwarding preparatory document for Sebungwe Workshop
5/5/2015	CF	Email to T. Van Norman forwarding study on elephant in the Sebungwe range
5/5/2015	CF	Email to T. Van Norman forwarding Mana Pools Workshop Proceedings
5/8/2015	CF	Email to T. Van Norman forwarding agenda for Sebungwe Workshop
5/11/2015	CF	Email to T. Van Norman forwarding background document on elephant populations in the Sebungwe range
5/12/2015	FWS	Third questionnaire to ZPWMA
5/14/2015	CF	Email to T. Van Norman forwarding fact sheet on Sebungwe Workshop
6/15/2015	CF	Email to T. Van Norman forwarding DAPU First-Quarter Report
7/20/2015	ZPWMA	Response to May 12, 2015 questionnaire sent to FWS, including all attachments ("ZPWMA June 2015 Response")
9/30/2015	CF	Email to T. Van Norman forwarding South East Lowveld Workshop Proceedings
11/30/2015	CF	Email to T. Van Norman forwarding A. Pole/AWF email describing Cabinet subcommittee meeting
11/30/2015	CF	Email to T. Van Norman forwarding email from L. Taylor regarding anti-poaching efforts in Sebungwe range (confidential)
12/1/2015	CF	Email to T. Van Norman forwarding analysis of income to CAMPFIRE districts from licensed, regulated hunting ("CAMPFIRE Income Analysis")
12/3/2015	CF	Email to T. Van Norman forwarding anti-poaching reports in the Mana Pools National Park area
12/7/2015	CF	Email to T. Van Norman attaching two presentations, one made by the CAMPFIRE Association and one made by Chief Chisunga of the Masoka Ward in the Mbire District
1/5/2016	CF	Email to T. Van Norman forwarding information about anti-poaching in the Zambezi Valley (confidential)
2/22/2016	CF	Email to T. Van Norman attaching article regarding ZPWMA ant-poaching success
2/24/2016	CF	Email to T. Van Norman including link to video regarding Bubye Valley Conservancy
2/29/2016	CF	Email to T. Van Norman forwarding final print of National Elephant Management Plan ("Plan")

Index of Information Produced by Conservation Force, ZPWMA, and AfESG
In Support of Re-Opening Import of Sport-Hunted Elephant Trophies from Zimbabwe

Date	Producer	Document
4/20/2016	CF	M. Pieters Blog Posts
4/20/2016	CF	Pro Safaris Report
4/20/2016	CF	B. du Preez, Bubye Valley Conservancy Lion Research Report
4/20/2016	CF	R. Groom, Hunting in Zimbabwe's Save Valley Conservancy
4/20/2016	CF	B. du Preez et al., Sport-Hunting and Lion (*Panthera leo*) Conservation in Zimbabwe
4/25/2016	CF	Email to T. Van Norman attaching article "Muchinguri speaks on Tsholotsho Jumbo ban"
5/2/2016	CF	Email to T. Van Norman attaching article on continued losses in Zimbabwe's hunting sector due to the FWS suspension
5/9/2016	CF	Email to T. Van Norman including link to video describing Charlton McCallum Safaris/DAPU's anti-poaching successes
5/9/2016	ZPWMA	Email to T. Van Norman attaching letter explaining use of elephant hunting funds
5/22/2016	CF	Email to T. Van Norman attaching press release for Houston Safari Club grant to the Tashinga Initiative
5/23/2016	CF	Email to T. Van Norman forwarding DAPU's First Quarter Report
7/18/2016	CF	Email to T. Van Norman forwarding email from D. Cumming confirming "go-ahead" to prepare Supplemental Plan
7/19/2016	CF	Email to T. Van Norman forwarding Mana Pools MIKES site information
9/19/2016	CF	Email to T. Van Norman forwarding article about CAMPFIRE review
9/2016	AfESG	AfESG African Elephant Status Report 2016
11/9/2016	ZPWMA	Email to T. Van Norman attaching requested Plan prioritization and Supplemental Plan
11/14/2016	CF	Email to T. Van Norman forwarding article describing anti-poaching efforts by the Tashinga Initiative in the Zambezi Valley
12/27/2016	CF	Email to T. Van Norman forwarding presentation by ZPWMA Elephant Coordinator
1/18/2017	CF	Email to T. Van Norman forwarding DAPU End-of-Year Report
2/1/2017	CF	Email forwarding anti-poaching report reflecting implementation of the Mana Pools/Zambezi Valley regional elephant management plan
3/6/2017	CF	Email forwarding status of Zimbabwe responses to FWS requests
4/6/2017	CF	CAMPFIRE Association, The Role of Trophy Hunting of Elephant in Support of the Zimbabwe CAMPFIRE Program
4/6/2017	CF	CITES/MIKE, Levels and Trends of Illegal Killing of Elephants in Africa to 31 December 2016

Note: This list is not and is not intended to be a complete record of the FWS' Zimbabwe elephant file. The FWS undoubtedly received information not listed here, including at least two information productions by Safari Club International. We believe that the FWS has received direct communications from applicants for import permits, safari hunting operators, ZPWMA, and others.

ATTACHMENT

Letter Denying Request for Reconsideration

United States Department of the Interior

FISH AND WILDLIFE SERVICE

International Affairs
5275 Leesburg Pike, MS: IA
Falls Church, VA 22041-3803

In Reply Refer To:
FWS/AIA/DMA/PRT– 04846C

MAY 16 2017

Mr. Richard A. Bonander
2462 W. Balben Road
Casper, Wyoming 82601

Dear Mr. Bonander:

This letter responds to your April 6, 2017, letter from your representative, John J. Jackson, III, requesting reconsideration of the February 23, 2017, decision to deny your application for a permit to import a personal sport-hunted African elephant (*Loxodonta africana*) trophy taken on March 21, 2015, in Zimbabwe. After a thorough review of Mr. Jackson's response on your behalf, it is my decision to uphold the original denial of your application.

As you know, the African elephant is listed as threatened with a special rule under Section 4(d) of the U.S. Endangered Species Act (Act)[1]. Under the special rule, issuance of an import permit for a sport-hunted trophy can only occur if the U.S. Fish and Wildlife Service (Service) finds that the killing of the trophy animal would enhance the survival of the species, and the trophy is accompanied by a threatened species permit. To enhance the survival of the species, the importation must be associated with activities that provide a direct or indirect benefit to the species in the wild.

At the time you originally applied for a permit, the Service had reviewed the best available scientific and management data, including information made available to the Service by Zimbabwe Parks & Wildlife Management Authority (ZPWMA), Conservation Force, and Safari Club International, in evaluating the status of Zimbabwe's elephant management program at the time you conducted your hunt. Based on this material, the Division of Management Authority (DMA) made a finding on March 26, 2015, that we were unable to find that the import of an elephant trophy taken during the 2015 hunting season would meet the requirements of the Act and the special rule for African elephant. Mr. Jackson's April 6, 2017, letter asked that the Service reconsider your application, in part, based on his assertion that the enhancement finding failed to consider significant information submitted by Conservation Force, ZPWMA, and others, both before and after the finding was made, that would lead to a reversal of the Service's negative finding.

Regarding Mr. Jackson's assertion that the Service failed to consider significant information submitted by Conservation Force and ZPWMA when making its determination, the Service has taken into consideration all of the information available to the Service regarding elephant hunting

1 The text of this Act can be found by using the search bar at the top of the following web page: http://Go.USA.Gov/xr6dd.

in Zimbabwe at the time your hunt occurred (March 21, 2015). While Mr. Jackson's request for reconsideration included additional information that was not available to the Service at the time the March 26, 2015, finding was made, most of the information documented activities and actions that occurred after the conclusion of your hunt. While this new information may be relevant to hunts that occurred after our March 26, 2015 finding, it does not demonstrate that the situation in Zimbabwe, at the time of your hunt, was different than previously considered by the Service and would result in a revision of the March 2015 finding. Therefore, I am upholding the original denial of your application.

As provided in 50 CFR 13.29(e)[2], you may appeal to the Director of the Fish and Wildlife Service, through this office: Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, Virginia 22041-3803. This appeal must be in writing with the original signature of the person requesting an appeal or of that person's legal representative, should refer to your file number, PRT-04846C, 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 request was based on 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, please contact Supervisory Policy Specialist Michael S. Moore of this office: Division of Management Authority, Branch or Permits, MS:IA, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (703-358-2104, ext. 1983).

Sincerely,

Craig Hoover, Chief
Division of Management Authority

2 The text of this regulation can be found by using the search bar at the top of the following web page: http://Go.USA.Gov/xYDUk

ATTACHMENT

March 26, 2015 Negative Enhancement Finding

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/AIA/DMA

Memorandum

To: The File

From: Chief, Branch of Permits

Date: MAR 26 2015

Subject: Enhancement Finding for African Elephants Taken as Sport-hunted Trophies in Zimbabwe On or After January 1, 2015.

The African Elephant (*Loxodonta africana*) is listed as threatened under the U.S. Endangered Species Act (ESA) and is regulated under an ESA section 4(d) special rule [50 CFR 17.40(e)]. The 4(d) special rule gives the requirements for the import of sport-hunted trophies. Under paragraph 17.40(e)(3)(iii)(C), in order for the U.S. Fish and Wildlife Service (Service) to authorize the import of a sport-hunted elephant trophy, the Service must make a finding that the killing of the animal whose trophy is intended for import would enhance the survival of the species in the wild. In evaluating the available data on elephant hunting in Zimbabwe, the Service has determined that it is unable to make a finding that the killing of elephants in Zimbabwe, on or after January 1, 2015, whose trophies are intended for importation into the United States, would enhance the survival of the African elephant in the wild. Therefore, the trophies, part or products, of elephants taken in Zimbabwe during the 2015 hunting season and future hunting seasons, will not be allowed to be imported into the United States. The suspension on importation of trophies taken during calendar year 2015 or future hunting seasons could be lifted if additional information on the status and management of elephants in Zimbabwe becomes available, including utilization of revenue generated through sport-hunting by U.S. hunters, which satisfies the conditions of the 4(d) special rule under the ESA.

General considerations:

As stated in previous findings, in evaluating whether the killing of the animal whose sport-hunted trophy is intended for import into the United States contributes to the enhancement of African elephants within a country, the Service looks at a number of factors. We evaluate whether a country has a valid national or regional management plan and if the country has the resources and political will to enact the plan. If there is a plan, what government entities

implement the plan and how often is it reviewed and updated? Does the plan have clear, achievable objectives? Are the objectives measurable and are they being achieved? Is there an adaptive management approach within the plan so that enacting agencies can quickly respond to changing environmental or social issues?

The Service also evaluates the status of the elephant population within a country and trends over time. Particularly, we are interested in population numbers, sex and age-class distribution, and mortality rates (both natural and human-induced). Are standardized surveys being conducted and, if so, what are the timing, census methodology, and coverage? Since elephant populations can move across international borders, what level of cooperation is there between neighboring countries in management and surveying efforts for shared populations? How is poaching accounted for within survey efforts?

The Service takes into account all forms of offtake when evaluating population viability and sustainability, including human-elephant conflicts, problem animal control, poaching, and sport-hunting. While recognizing that there may be limited resources available for elephant management, the Service considers what national policies are in place to address human-elephant conflicts and problem elephant control. Is there a policy on culling surplus animals and removal of nuisance animals? Does domestic harvesting of elephants occur for local consumption or use? The amount of protected area either set aside for elephants or managed for elephant populations and the level of protection provided are also important in the Service's evaluation of whether imports of trophies could be authorized.

Finally, the Service considers the country's sport-hunting program and whether it contributes to the conservation and management of the species. Is the hunting program scientifically based and has it been incorporated into national/regional management strategies, particularly in light of data on population numbers and trends and levels of utilization (both legal and illegal)? Are the funds generated by hunters going directly to in-situ conservation and management efforts or deposited into a general treasury fund? How are hunting quotas distributed? If there are concession areas, how are they managed and allocated? Do U.S. hunters, through their participation in the hunting program, contribute sufficient funds to address management needs of the species, and are those funds utilized in a meaningful manner?

In short, the Service is looking to determine if a country has sufficient numbers of elephants to support a hunting program, if the country has a management plan and adequate laws and regulations to effectively implement a hunting program, and if the participation of U.S. hunters in the program provides a clear benefit to the species to meet the requirements for the import of sport-hunted trophies under paragraph 17.40(e)(3)(iii)(C).

Basis for Finding for Zimbabwe:

In the April 4, 2014, finding, and the revised finding of April 17, 2014, the Service stated that it was unable to make a positive finding to allow imports, primarily due to the limited information available to the Service at that time. On April 4, 2014, the Fish and Wildlife Service sent a letter

to the Zimbabwe Parks & Wildlife Management Authority (ZPWMA) with a series of questions that would assist the Service in making a final determination on trophy imports. On April 14, 2014, the Director-General of ZPWMA sent a letter to the Service expressing concerns over our decision to establish a temporary suspension. On April 17, 2014, the Director-General sent a response to the Service inquiry. Several weeks later, the Service received a number of documents, including copies of Zimbabwean laws, and other items referenced in the ZPWMA response. In addition, on June 6, 2014, the Service received additional information from Conservation Force, a U.S.-based conservation and hunting non-governmental organization (NGO). In its July 17, 2014 finding, as revised on July 22, 2014, the Service stated that it continued to be unable to make a positive finding to allow imports. Since that time, the Service has received a number of comments from individuals and associations connected to the hunting industry in Zimbabwe or southern Africa. On October 21, 2014, the Service received additional comments from Conservation Force. Further information was provided by Conservation Force on January 19, 2015. After reviewing this information, the Service delivered a second letter, dated October 31, 2014, to ZPWMA while attending the 13th Annual African Wildlife Consultative Forum in Ethiopia. This letter requested clarification of information submitted to the Service, and also requested additional information to address questions that were raised from our review of available information. The Service received a response to this inquiry on December 10, 2014. Safari Club International also provided supplemental information on December 17, 2014, and January 23, 2015. This finding is the result of an analysis of all of this information. Based on the information available to the Service, we are unable to make a finding that the killing of elephants in Zimbabwe, on or after January 1, 2015, whose trophies are intended for importation into the United States, would enhance the survival of the African elephant in the wild. As noted above, the suspension on importation of trophies taken during calendar year 2015 or future hunting seasons could be lifted if additional information on the status and management of elephants in Zimbabwe becomes available which satisfies the conditions of the 4(d) special rule under the ESA.

Management Plans: In its April 4, 2014, letter, the Service asked whether Zimbabwe had a current national management plan for elephants. In the ZPWMA response, Zimbabwe responded that the "management plan" consisted primarily of The Policy and Plan for Elephant Management in Zimbabwe (1997) and Elephant Management in Zimbabwe, third edition (July 1996). In addition, ZPWMA stated that they also implement other plans: "The African Elephant Action Plan" (CoP15 Inf. 68), SADC Protocol on Wildlife, and Elephant and Rhino Security Plan. In the ZPWMA response, ZPWMA stated that all of the protected areas in Zimbabwe have "specific aspects of elephant monitoring programs that are implemented and reviewed on an annual basis". ZPWMA stated that information on the status of the elephant is derived from aerial surveys, water hole counts, walking transects, visitor observation, and ranger-based monitoring. In addition, ZPWMA stated that they are regularly monitoring the status of the elephant population, including poaching, at two sites through the CITES "Monitoring the Illegal Killing of Elephants" (MIKE) program.

According to their initial response, ZPWMA is the sole legal authority, under the terms of the Parks and Wildlife Act, Chapter 20:14, for administering the management plans and overall

management of elephants in Zimbabwe. Through an adaptive management approach, ZPWMA stated that aspects of the elephant management plan are "reviewed through annual stakeholder consultative national workshops" with government, NGO, local community, safari operator, and private sector participation.

Elephant Management in Zimbabwe provides a historical review of elephant status in Zimbabwe prior to 1996. The document also identifies three major management goals for ZPWMA: maintain at least four demographically and genetically viable populations; maintain numbers and densities below levels that will not compromise biodiversity; and maintain or increase elephant range at or above 1996 levels. However, the document primarily focuses on intentional reduction of elephant populations through culling rather than on maintenance or increase of populations under threat. While the Service recognizes the potential role of culling as part of a management program, Elephant Management in Zimbabwe is largely irrelevant since it does not establish specific measurables or management actions that need to be taken. Instead, it largely presents a philosophical discussion of the merits of culling and efforts that must be taken to ensure that culls meet the desired management results. The document did make one relevant statement that when managing elephant males for sport hunting, it is essential to account for all adult males removed from a population, including animals taken through problem animal control and poaching. The document goes on to state that the "sport hunting quota should be reduced, to zero if necessary, if more than 0.75% of the populations [per annum] is being killed in other ways."

The Policy and Plan for Elephant Management in Zimbabwe was the outcome of a "Zimbabwe Elephant Management Framework" workshop held on January 13, 1997, in Harare. The document summarizes the issues that were affecting elephant populations in Zimbabwe at the time, and recommended policy statements on elephant management. While the document states a clear goal and establishes ten objectives with management actions identified, it does not sufficiently expand on any methodology to meet the objectives or complete management actions. Without a plan to take specific actions to meet the objectives, or at least a clear framework on how adaptive management efforts would be monitored to ensure that they are meeting the stated objectives, it is not clear to the Service how this document could serve as a "management plan". Given the general nature of the stated objectives, it could be stated that the objectives and, possibly, the management actions of this 1997 document are still valid, but without specific measurable outcomes identified to implement these goals and actions, the document is insufficient to address the management of elephants. Further, while the material received from Conservation Force and the ZPWMA in response to the Service's April 4, 2014, and October 31, 2014, inquiries provided some information related to the objectives, the Service has not received sufficient information to indicate, since the inception of this document in 1997, which objectives are being met or how they are being met.

Other documents provided by ZPWMA in response to our inquiries, e.g. "The African Elephant Action Plan" (CoP15 Inf. 68), SADC Protocol on Wildlife, and Elephant and Rhino Security Plan also establish broad policy goals and objectives, but provide very little with regard to specific management actions or measurables. At a December 2014, three-day workshop, hosted by ZPWMA, to review Zimbabwe's Elephant Conservation Policy and Management Plan, the participants discussed the SADC Protocol, which went into effect in 2003. According to the

information from this workshop, the participants felt that the protocol was a good framework for Southern African countries to work together on law enforcement and anti-poaching efforts. It is not clear, however, how successful Zimbabwe has been in implementing this protocol (limited information has been provided supporting or refuting Zimbabwe's implementation of the Plan). The Zimbabwe Policy for Wild Life is a general framework, published in November 2000, on how ZPWMA would be managed to ensure that Zimbabwe's wildlife and their habitats are appropriately managed. This document specifically acknowledges that "[I]t is intended that [this] policy will be followed by detailed management plans and enabling legislation for those issues which merit them." It is not clear if detailed management plans for elephants have not been developed because ZPWMA does not believe that elephants merit such plans, or if detailed plans have been developed, but were not provided to the Service.

Finally, the National Environmental Policy and Strategies, published in June 2009, is a general policy framework for all environmental issues in Zimbabwe. The document, while addressing ways to maintain environmental integrity, social issues, economic issues, and environmental management, establishes "guiding principles" and "strategic directions" for addressing biodiversity (Guiding Principle #9 and 10), flora (#11 and 12), fauna (#13), genetic resources (#14), protected areas(#15), natural resource management (#43), and wildlife and fisheries (#45). However, these guiding principles and corresponding strategic directions are only broad guidance and do not identify any specific management activities.

Without a management plan or plans, or other guiding document, with specific, measurable goals and actions, it is very difficult for the Service to determine if ZPWMA is implementing the well-articulated, but general, goals and objectives that appear in Elephant Management in Zimbabwe, The Policy and Plan for Elephant Management in Zimbabwe, and other Zimbabwean policy documents. It should also be noted that both elephant management plans are more than 15 years old.

In several documents available to the Service, ZPWMA stated that they do not have a proscriptive management plan because they utilize an adaptive management approach to elephant conservation and management. However, no information has been provided that indicates how this adaptive management approach is carried out. While the Service acknowledges the value of such an approach generally, a clear framework or guidance would be necessary to ensure consistent implementation on a national basis. Even if the documents mentioned above were the overarching guidance for the country and adaptive management was carried out independently for each of the four subpopulations (North West Matabeleland, Zambezi Valley, Sebungwe, and Gonarezhou (or South-East Lowveld)), it would stand to reason that each subpopulation would need guidance that is more specific. In both of the ZPWMA responses to the Service, they spoke of "devolving wildlife management authority to local branches, private conservancies, and CAMPFIRE's RDC [rural development councils]". The Service does not disagree with a regional or local management approach, however, since the Service has been informed that elephants in Zimbabwe are managed at a national level, there needs to be a national approach and understanding of the basis of this adaptive management and that the country, as a whole, is taking a logical, scientifically based approach to reaching the agreed upon end result.

In December 2014, ZPWMA hosted a three-day workshop at Hwange Safari Lodge in Zimbabwe to review Zimbabwe's Elephant Conservation Policy and Management Plan. The workshop was attended by the ZPWMA Director General, the Permanent Secretary for Environment, Water and Climate, members of the Zimbabwe Parks and Wildlife Board, Executive Directors of Rural District Councils, and various NGOs. Both the Permanent Secretary and the Director General acknowledged at the workshop that the 1997 management plan was outdated and has been overtaken by events at the global, regional, and local level and cannot address current challenges.

The workshop participants agreed on a framework for the upcoming management plan. The proposed revised management plan has the same long-term vision of the 1997 plan and basically the same target goals (i.e., maintain at least 4 demographically and genetically viable populations; maintain or increase elephant range; maintain numbers/densities of elephants at levels that do not adversely impact biodiversity conservation goals while contributing to economically viable and sustainable wildlife-based land uses). The workshop participants identified the beginnings of strategic objectives and outputs, as well as some key activities. The outcome of the workshop appears to be a starting point for reevaluating the current management plan(s). However, according to the Proceedings, there was insufficient time at the workshop to complete the section on means of verifying the key performance indicators. A schedule was agreed upon: by Dec. 15, 2014, ZPWMA would appoint a drafting team to write up the management plan; the 1st draft of the plan would be ready by Jan. 30, 2015; the Elephant Management Plan Coordinating Committee would be convened by ZPWMA by Feb. 28, 2015; Final draft of management plan by April 30, 2015; and Operational annual management plans for 4 sub-regions by May 30, 2015.

Overall, ZPWMA has not provided, and the Service has not otherwise received, any information regarding the 2014 or future hunting seasons that indicates that Zimbabwe is implementing appropriate management of the national elephant population. While the Service does not have adequate information to conclude that the current management regime is sufficient to meet the criteria under 50 CFR 17.40(e)(3)(iii)(C), a revised national plan that includes specific goals and measures with specific actions to be taken is a necessary first step towards a re-evaluation of this finding in the future.

Population Status: To manage any population to ensure an appropriate population level and determine whether sport-hunting is having a positive effect, it is vital to have sufficient data on population numbers and population trends to base management decisions. Elephant Management in Zimbabwe states that sport-hunting quotas should be reduced or eliminated if the overall offtake of male elephants, from all sources, is greater than 0.75% of the total population per annum. Without current population data, it is not clear how one can calculate the number to offtake. Without information on population demography and mortality, it is not possible to determine accurately what impact hunting, in conjunction with other offtakes, including problem animal control and poaching, is having on Zimbabwe's elephant population. However, Rowan Martin, author of this document, stated in comments submitted to the Service that he wished he could "disavow one's own writing". Dr. Martin stated that "It [the document] is correct in saying that close attention should be paid to problem animal control and illegal hunting…[but] my current thinking is that trophy hunting should continue regardless and the management thrust should be on reducing illegal hunting and problem animal control. A well-functioning trophy hunting industry

could be the one factor that reduces number of elephants killed illegally and as problem animals." While the Service agrees that a well-functioning hunting industry can provide financial benefits, we also believe that a clear understanding of all off-take is necessary and hunting should not continue without adequate population data.

At the time the Service made its April and July 2014 findings, we relied heavily on population information in the IUCN SSC African Elephant Database report "2013 Africa". According to this this report, the elephant population in Zimbabwe in 2007 was estimated to be 99,107, of which 85% (84,416) was classified as "definite", although less than 1% of these animals were identified by aerial or direct counts, and only 0.3% (291) was classified as "speculative". While the total population in 2012 was estimated at 100,291, only 47% (47,366) was classified as "definite" and 45% (45,375) was classified as "speculative". Only 304 "definite" animals were counted by aerial or ground counts (less than 1% of the definite animals), while 41,840 of these animals were counted through sample counts or dung counts, a less accurate methodology than properly conducted aerial surveys, and the remaining 5,222 were estimated through "other guesses". According to this report, 23 of 40 population estimates included in 2012 are older than 10 years, undermining the quality of the data. Further, according to the report, only eight of the 40 estimates used in the "2013 Africa" report were the result of repeated surveys. As noted in that report, "this lack of systematic and updated monitoring data is of serious concern for possibly the third largest elephant population in Africa." However, in a November 3, 2014, letter to the Service, the IUCN/SSC African Elephant Special Group stated that data had been inadvertently left out of the 2013 provisional report. Specifically, a 2007 survey of Hwange National Park was left off, although it was recorded under "New Surveys" on their website. The results of this survey would have added an additional 30,000 elephants to the "definite" category (from the "speculative" category), while not changing the overall population estimate. Nonetheless, the majority of surveys that contributed to the overall population estimate of 100,291 were more than 10 years old. Given the current circumstances in Zimbabwe and across the continent (e.g., poaching, habitat loss, human population expansion), this information is outdated and cannot be relied upon to show the current status of elephants.

In 2012-2013, according to information provided by ZPWMA, two surveys were conducted in Save Valley Conservancy and in Gonarezhou National Park (and surrounding areas). In Aerial Survey of the Larger Herbivores, Save Valley Conservancy, Zimbabwe, a report compiled in September 2013 by the Technical Advisory Committee of the Save Valley Conservancy, 1,538 elephants were counted. Based on nine years of aerial surveys (2004-2010 and 2012-2013), not all of which covered all of the Save Valley Conservancy, there does appear to be a short-term increase in elephant population density of 9.5%. However, trend analysis of the last three aerial surveys indicated only a 2.2% population increase in elephants. Further, the 2012-2013 surveys were only partial surveys and conditions were such that some double counting may have occurred.

In October 2013, additional aerial surveys were conducted in Gonarezhou National Park, Malapati Safari Area, and adjacent communal lands. From these surveys, it was estimated that there were 10,151 elephants in the Gonarezhou National Park area, the highest estimate since sample surveys began there in 1975. The estimated total number of elephant carcasses in the entire survey was 513. The "1+2" carcass ratio (fresh carcasses (category 1) and recent carcasses (category 2)),

however, was 0.39% in the entire survey area. The Service recognizes that the apparent elephant population increase in Gonarezhou National Park is excellent news. However, a carcass ratio of less than 4%, which is the expected carcass level due to natural mortality alone, is low. This low number could be an indication that the aerial survey method did not accurately detect all carcasses.

In 2014, the Pan African Aerial Elephant Survey (http://www.greatelephantcensus.com/) was carried out over a significant portion of the elephant's range in Africa. Preliminary results from the Pan African survey report a provisional estimate for elephant abundance in Zimbabwe to be between 82,000 and 83,000 individuals. This represents a 6% decline since 2001 surveys. This decline in elephant abundance is important when compared to 5% increase in elephant abundance per annum during the time period immediately prior to the 2001 survey. This overall downward decline in elephant abundance in Zimbabwe is troubling, as an example if elephant abundance in Zimbabwe was predicted to be 99,107 in 2007 and had a constant growth rate of 5% per annum, the Zimbabwe population would be predicted to exceed 139,454 by 2014.

Figures presented at the 16th Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora in Bangkok, Thailand, March 3-14, 2013 (CoP16 Doc. 53.1) indicated that, during 2002 – 2010, the percentage of illegally killed elephants (PIKE) in the Chewore area (Mana Pools and Chewore Safari Park) Zimbabwe was circa .24, whereas in 2011 that number jumped to .67. A PIKE level of 0.5 or higher (half or more of all carcasses were the result of illegally killed elephants) means that the elephant population is very likely to be in net decline. At the 65th meeting of the Standing Committee, updated PIKE data were provided for Zimbabwe (SC65 Inf.1). PIKE numbers from the two MIKE sites in Zimbabwe showed an increase in 2012 to 0.79 (out of 43 carcasses found) and 0.27 (out of 52 carcasses found). In 2013, the PIKE rates reported for the same two sites were 0.4 (91 carcasses found) and 0.22 (36 carcasses found). From these data, it appears that there was an increase in elephant poaching in 2012, but the poaching level might have declined in 2013 to below the 2011 level. According to the preliminary results from the Pan African Aerial Survey, carcass counts in Mid Zambezi Valley were estimated at 553 (4.3% of live population); Sebungwe had an estimated 1,424 (28.2%). North West Matabeleland was estimated at 4,087 (7.6%) and Gonarezhou National Park at 523 (4.6%) carcasses. There are no estimates available as to the proportion of these carcasses that were the result of poaching.

Regulations and Enforcement: The regulatory mechanisms for ZPWMA and its programs have been established under the Parks and Wild Life Act. This law includes sections on virtually every aspect of ZPWMA, including requirements for annual financial audits and reporting to the central government. The law also provides for substantial penalties for the unlawful possession of or trading in ivory. The first offense carries a minimum of 5 years and a maximum of 15 years in prison. The second offense carries a minimum prison term of 7 years and a maximum of 15 years. However, according to the response from ZPWMA to our April 4, 2014, inquiry, the General Laws Amendment Act (No. 5) of 2010 provides for a mandatory imprisonment of not less than nine years for poaching. If properly enforced, it appears these penalties would be a sufficient deterrent to poaching. However, we did not receive any information on the number of poaching crimes that are prosecuted nor the average sentence or penalty.

In January 1996, the Government of Zimbabwe approved the establishment of the Parks and Wild Life Conservation Fund, a statutory "Fund" that provides for financing wildlife operations directly from revenues generated through wildlife related activities. However, only revenues generated through sport-hunting conducted on state and private lands are used to finance ZPWMA; to our knowledge, no other government funding is provided, and only limited outside funding from NGOs or other governments appears to be available. The 1997 CITES Panel of Experts raised concerns as to the status of ZPWMA relating to its weak financial base, lack of management skills, inadequate and old equipment, and poor infrastructure. While the concerns raised by the Panel of Experts are dated, no new information was provided by ZPWMA or other sources regarding these concerns in response to the Service's April 4, 2014, inquiry.

Based on their December 10, 2014, letter, ZPWMA has a current operating budget in excess of US$28 million. In 2013, ZPWMA reported having revenues of US$29 million against expenditures of US$26 million. According to the letter, "...except for activities like game water supplies in Hwange NP and aerial surveys, there is no budget specifically to manage elephant because ZimParks takes a holistic approach to conservation of all wildlife resources including elephants." ZPWMA also stated that elephant hunting contributes in excess of US$14 million annually and that approximately 30% of ZPWMA's revenue is from hunting, of which the elephant is the major contributor. Besides these statements, however, we do not have adequate information about how much money is generated by elephant hunting, how these funds are distributed, or how these funds impact the ability of ZPWMA to adequately enforce the Parks and Wild Life Act, day-to-day management, or anti-poaching efforts.

That being stated, the Service received documents written by Rowan B. Martin entitled "Ban on Import of Elephant Trophies into the USA from Tanzania and Zimbabwe: Costs of Protection of Elephant Areas." The undated documents discussed the budget requirements for protecting wildlife areas in Zimbabwe based on calculations developed by Mr. Martin in 1996 and 2004. The documents stated that for Zimbabwe, given the total elephant range within the areas controlled by ZPWMA, the annual budget required to protect the elephant range would be US$21 million. In 2013, ZPWMA requested $28 million from the Treasury, the major part of which was intended for anti-poaching efforts. They were allocated only $1.5 million. According to Martin, this amount, along with the revenue from trophy hunting licenses, is not sufficient to provide the needed level of protection for land under ZPWMA's authority. However, in their December 10, 2014, letter, ZPWMA stated that they did not accept Dr. Martin's evaluation and did not consider it accurate. Dr. Martin also presented at the December workshop on this issue. According to the proceedings from the workshop, Dr. Martin suggested that ZPWMA would need US$5,275,480 to protect the National Parks, US$7,055,268 to protect safari areas, and US$3,891,536 for forest areas annually. In addition, communal lands would need US$6,101,101 and private land $3,826,770. Since we have not received a communication from ZPWMA since their December 10, 2014, letter, it is unclear if they agree or disagree with these numbers.

In evaluating the resources available to ZPWMA and their ability to implement regulations and enforcement, we also considered documents from recent Meetings of the Conference of the Parties to CITES. At the 15th Meeting of the Conference of the Parties to CITES, a report on the Elephant Trade Information System (ETIS) was presented (CoP15 Doc. 44.1 Annex). In the report,

Zimbabwe was specifically identified with regard to illicit ivory trade. The report noted the existence of organized criminal activities within Zimbabwe, including reports of the involvement of politicians, military personnel, and Chinese nationals in illicit wildlife trade. The report goes on to state that the law enforcement effort ratio within the countries grouped for the analysis had dropped to 40%, a decline of 4% from the CoP14 analysis. This decline indicates a less than average performance and was attributed to the situation in Zimbabwe.

At the 16th Meeting of the Conference of the Parties to CITES, the report on ETIS (CoP16 Doc. 53.2.2) expressed concerns about Zimbabwe with regard to illegal trade in ivory. The report stated that, as a group, Zimbabwe, Botswana, and Namibia were in the middle range, when compared to 64 other consumer or producer countries of elephant ivory, in terms of the mean number of seizures identified, but ranked fifth in the measure of scale, indicating that most of the seizures were in the 10-100 kg class (i.e., an average number of seizures that were predominately smaller in size). The report noted that 65% of the ivory trade between 2006 and 2011 had occurred since 2009, indicating that illegal ivory trade is increasing. Governance indicators were mixed, with a much lower than average World Bank "rule of law" score, but the second highest law enforcement ratio of any group of countries evaluated. The report, however, supports the Service's governance concerns by specifically identifying Zimbabwe as pulling these scores down in both cases, "especially in the 'rule of law' score, indicating that far greater challenges exist in that country." The report also noted that Zimbabwe was the source of nearly two tons of worked ivory seized in Cape Town, South Africa, in 2009.

In several letters sent to the Service by Zimbabwean safari outfitters and hunting guide organizations, it was stated many times that the presence of hunters, specifically U.S. hunters since they appear to make up the vast majority of sport-hunters in Zimbabwe, and subsequently the professional hunters and safari outfitters guiding the hunters, are the major deterrent to poaching in Zimbabwe. Several specific incidents were reported where safari outfitters and hunters, and not the ZPWMA rangers, thwarted poachers. In at least one incident, the 2013 Hwange National Park poisoning, it was reported that the safari outfitter paid for all of the anti-poaching efforts, including paying for all transportation for the ZPWMA rangers and feeding them. We would expect that the presence of anyone in the field, particularly armed hunters, could deter poachers from carrying out illegal activities where the likelihood of being captured is heightened. However, no evidence was presented to the Service that supports the belief that, without hunters, specifically U.S. elephant hunters, poaching in Zimbabwe would significantly increase. Based on the information provided, we believe that it is not likely that legal hunting for elephants or other wildlife is widespread enough or at a high enough density level to reduce significantly poaching levels in and of itself. This is particularly true for national parks, where hunting is not allowed.

Various statements about trophy hunters and outfitters being a major deterrent to poaching raise concern about existing ZPWMA funding levels and funding utilization. First, concerns center on the ability of ZPWMA to generate sufficient funds to support adequately their stated mission. Secondly, there is concern about ZPWMA's ability to utilize existing funding to support on-going activities. Without additional information on ZPWMA's funding sources (or income) and operating expenses, the Service is unable to determine if Zimbabwe has adequate resources to

enforce existing laws and regulations.

Even with the revised December 10, 2014, information regarding the current ZPWMA budget, we continue to lack sufficient information regarding funding levels or any indication that the financial base, management skills, equipment, or infrastructure have improved. It is possible, of course, that recent and upcoming events, such as the Hwange meeting in December 2014 and other meetings scheduled for early 2015, may lead to a clearer understanding of funding levels and the utilization of ZPWMA revenue. As noted previously, the Service can re-evaluate this finding, and the suspension on importation of trophies taken during calendar year 2015 or future hunting seasons could be lifted, if additional information on the status and management of elephants in Zimbabwe becomes available which satisfies the conditions of the 4(d) special rule under the ESA.

Sustainable Use: We have not been provided with adequate information regarding offtake in Zimbabwe, including basic fundamental information like the number of elephants that have been sport-hunted annually and the number of elephants that have been legally killed for the hide trade. For both the 2014 and 2015 hunting seasons (January – December), Zimbabwe has established an annual export quota of 500 elephants (1000 tusks). This is the same quota that Zimbabwe has reported to the CITES Secretariat since 2004. According to available information, it does not appear that Zimbabwe actually fills this quota each year, but due to variation in how trophies are categorized in CITES trade data, it is difficult to categorically identify the actual numbers of hunted elephants that are exported each year. Information provided by ZPWMA in response to our April 4, 2014, inquiry did not identify the number of trophies exported annually. Several statements from safari outfitters indicated that approximately 160 elephants are taken annually, but this number is not supported by any documentation.

ZPWMA categorizes offtake into six categories: Cropping (hunting and population control, which may include meat supply to rural communities and live animals to breeders), Natural Mortality (found dead of natural causes), Accidents (killed by trains, landmines, or vehicles), Poaching (illegal take), Problem Animals (elephants killed to protect human life and property), and Management Offtake (offtake due to other management decisions). No information was given on the number of elephants that are taken in each of these categories. It does not appear that Zimbabwe is currently conducting any culling operations, besides trophy hunting if considered a "cull".

According to information from ZPWMA, 293 elephants were poached in 2013, including the 105 elephants poisoned in Hwange National Park.[1] Of the five years of data ZPWMA provided in their April 17, 2014, response, an average of 190 elephants were identified as being poached annually. In 2009 and 2010, there was an average of 111 elephants poached; however, between 2011 and 2013, the average more than doubled to 243 elephants. It is not clear what stimulated this significant increase. Many countries have experienced a marked increase in poaching, due to the increase in demand for ivory. It is also possible that shifts in land tenure, governance,

[1] In our April 4, 2014, finding, we incorrectly stated that over 300 elephants had been poisoned.

ZPWMA's limited financial resources, or economic factors contributed to the increase. Further, while the number of animals poached in Zimbabwe does not appear to be as high as in other countries, information that was presented at CoP16 (CoP16 Doc. 53.1) indicates that there has been a steep rise in poaching incidents. Without more definitive population data, like what should come from the Pan African Aerial Elephant Survey when all of the data are released, there is no way to determine whether these numbers, combined with other offtake, are sustainable.

While the number of elephants taken as problem animals was not elucidated in material provided by ZPWMA in April 2014, it appears, based on their response and documentation provided by Conservation Force, that a large number of elephants are taken each year. ZPWMA reported that in a 3-year period (2009-2011), there were 372 human-elephant conflict cases for four "hot spot" districts. It is not clear if elephants were removed in each of these cases. However, the Service has anecdotal evidence suggesting that the number of problem animals may equal or exceed the number of elephants taken through sport-hunting.

The December 10, 2014, letter from ZPWMA, however, included some further information on off-takes. According to this letter, the percentage breakdown of all off-takes was as follows: 5% from problem animal control, 55-60% from hunting, and 35% from poaching and natural mortality. While specific numbers were not provided, the letter also stated that an average of 40 elephants was taken annually as problem animals. Therefore, if these percentages are correct, hunting off-take would be 440-480 animals, and poaching/natural mortality would be approximately 280 animals. However, the December letter also stated that management offtake (culling, training exercise, and meat production for park staff) was approximately 95 elephants annually. Based on these numbers and with a reported 3-year average of 180 elephants taken annually due to poaching (the 2013 Hwange incident of 105 elephants being poisoned was not included in this average), the natural mortality of elephants in Zimbabwe is approximately 100 animals/year or 0.12% annually. Since this is far below the likely natural mortality rate of healthy elephant populations, we question the accuracy of the percentage breakdown provided by ZPWMA in their letter.

African elephants in Zimbabwe are listed in CITES Appendix II, with an annotation that allows trade in hides. According to CITES trade data, at least 2,373 hides were exported in 2010, 3,204 in 2011, and 4,675 in 2012. It should be noted that these numbers probably do not equate to whole animals, but include whole hides and parts of hides. Some of these hides may have been obtained from sport-hunted trophies, problem animal control, or culling operations. Based on these reported numbers, it is not possible to determine the elephants taken specifically for the hide trade, however. While the Service asked about the export of hides in its October 31 letter, ZPWMA did not directly address the issue in its response letter. They did state that the export of hides was authorized under the annotation for African elephants and that all hides that are exported are legally obtained.

We continue to have fundamental questions regarding how the number of elephants to be hunted in an area is decided. In addition to questions about how the overall offtake is determined, we also have not received an adequate explanation on how the quota is allocated spatially. According to information from ZPWMA, and from safari outfitters and professional hunters associations, the principle form of utilization of the elephant in Zimbabwe is sport-hunting.

Quotas are apparently set to maximize the sustainable production of high-quality trophies without detriment to the population. However, it appears that the national export quota of 500 elephants may be the primary driver when establishing individual quotas for each hunting area, as opposed to determining the best quota to facilitate management goals for those areas. According to the material provided to the Service, it appears that the annual national quota of 500 elephants is divided up and allocated to each area based on recommendations from ZPWMA ecologists, field staff, safari operators, other stakeholders, and technical specialists through "multiple stakeholder participatory quota setting". According to information provided by ZPWMA, on an annual basis, stakeholders use available population data to propose a particular quota for an area to a Quota Setting Workshop. At this workshop, it is determined if the proposed quota should be adopted or modified in relation to other proposed quotas. Factors that are considered each year include population estimates, growth rates of populations, size of hunting areas, status of habitat, and target elephant population size.

While the material provided to the Service lays out the general process, the Service did not receive any specific information on how quotas are established in practice. ZPWMA provided the District Quota Setting Toolbox and the Quota Setting Manual, published in 2000 and 1997, respectively. While these documents are useful training material, they only provide a general overview of quota setting for all species in Zimbabwe. In establishing a quota, one must take into consideration not only the habitat, population size, and size of the hunting area, but other offtakes and environmental impacts that may be affecting the species. Nothing that ZPWMA provided addresses these elements specifically. Further, if ZPWMA starts with the premise that the sum of all established quotas must equal the national export quota, it is not clear if the science is driving the quota-setting process or if the social/economic benefits derived from hunting is the driving force. Finally, without current population data and information on the distribution of elephants across the country, both of which would come from scientifically based population surveys, it would appear that establishing a scientifically viable quota, either higher or lower than previous years, would be impossible. The current quota-setting process utilized by ZPWMA may take into consideration issues raised in this document, but without providing an explanation of the system used and describing the calculations, the Service cannot determine if sport-hunting quotas are reasonable or beneficial to elephant populations, and therefore whether sport-hunting is enhancing the survival of the species.

One of the aspects of whether current elephant management facilitates long-term sustainability of hunting programs is the length of hunting leases. There is a general consensus, supported by antidotal evidence, that shorter leases do not give safari operators an incentive for long-term planning. A representative of the Safari Operators Association of Zimbabwe (SOAZ) and the Zimbabwe Professional Hunters and Guides Association (ZPHGA) at the 2014 workshop, stated that the "present 5-year leases are not working as areas are being abused at the expense of wildlife" and that "[l]onger leases will provide better protection and investment in such areas. All leases must be open and transparent." In addition, he expressed that "[a]t present, large fixed quotas are forcing concession holders to take young animals that should not be shot, to recoup moneys paid for leases and trophy fees. Authorities need to stop transfers of quotas from one area to another for elephant and for all trophy species." He spoke of the need for taking smaller,

non-trophy bulls that are conducting crop raids to compensate local communities. He also spoke of stopping commercial hunts in the national parks and "most of all, keep the South Africans out – they are abusing our wildlife". He recommended that ZPWMA allocate all quotas by December 1 each year so that operators can market their hunts effectively. He also called for greater communication between ZPWMA and SOAZ and ZPHGA.

A second presenter at the workshop representing the Zambezi Society, stated in the working session on Coordination, Monitoring, Reporting, and Annual Adaptive Management that "we are looking at managing a multi-million dollar resource and what is a major project but appointing a part-time coordinator to attempt to pull together a multitude of stakeholders with a result that will fail". The speaker further stated, "[t]he way elephant conservation has been managed over the last several years in the face of an escalating poaching threat has clearly failed. ...The four sub-regions have differing characteristics and problems and separate plans are required for each sub-region" and called for a professional project manager to head the elephant conservation and management program in Zimbabwe, "otherwise it will not succeed."

While the above comments were made by two individuals at the workshop, since both individuals represented National organizations, their statements could be taken as an indication that additional work is needed to better coordinate professional hunters, safari outfitters, and NGOs with ZPWMA and communities. Without this "partnership" long-term sustainability of the hunting program could be affected and the role that U.S. hunters play could be questioned.

Revenue Utilization: On communal lands in Zimbabwe, the protection of elephants falls primarily under the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE), which encourages reductions in human-elephant conflicts through conservation-based community development. The program was established in 1989 as a means of providing an economic incentive and return to rural communities while encouraging tolerance for the elephant and sustainable use of natural resources. This program has been the model for community-based conservation efforts in several other African countries and identified as an innovative program in the past. Under this program, there are currently 29 Rural District Councils (RDCs) that have been granted Appropriate Authority status under the Parks and Wild Life Act. Based on several CAMPFIRE documents presented to the Service, between 12 and 16 RDCs with exploitable wildlife resources make up the core of the CAMPFIRE program. While the Service recognizes that CAMPFIRE plays a role in elephant management, we did not receive clear information on the significance they play in elephant conservation (e.g., amount of elephant habitat occurring on RDC land or the percentage of elephant trophies taken on RDC lands).

According to the Revised CAMPFIRE Revenue Sharing Guidelines, which were incorporated into the Constitution of the CAMPFIRE Association in 2007, at least 55% of generated revenue from hunting should be devolved to producer communities, no more than 26% and 15% for management and overhead at RDC level, respectively, and 4% as a levy to the CAMPFIRE Association. According to an undated document (but presumably produced in late 2014) produced by CAMPFIRE (CAMPFIRE report undated) at least 10 RDCs comply with the Revenue Guidelines. As reported in this document, data were presented in an October 2013

report stating an estimated US$2,496,349 was generated by 15 RDCs in 2012 from hunting revenue. While this report states that 5 out of 13 RDCs contributed 84% of the hunting revenue, the supporting table to this statement does not reflect this number. Further, the report states that an assessment of 18 main CAMPFIRE districts allocated hunting quotas for 2014 shows that 106 out of 167 bull elephant hunts were booked by U.S. hunters and that elephant hunting contributes more than 70% of the income to the CAMPFIRE program, and that 90% of all CAMPFIRE revenue comes from all hunting.

The CAMPFIRE report (undated) reported that in the Community Based Natural Resources Management Stocktaking Assessment Report by Mazambani and Dembetembe (2010) [Service does not have a copy of this report], between 1989 and 2006, US$88.9 million in gross revenue was realized by key stakeholders in the CAMPFIRE program. Of this revenue, 55% went to safari outfitters, 23.4% to producer communities, 19.8% to RDCs, and 1.8% to CAMPFIRE Association. (The Service has no additional documentation or information to validate these figures.)

CAMPFIRE may well provide a "multiplier effect" concerning ecosystems goods and services. According to information received by the Service, in 2007, an estimated 777,000 households from 37 RDCs benefited directly or indirectly from CAMPFIRE. According to an estimate by CAMPFIRE officials (CAMPFIRE report undated), given that 58 RDCs now participate in CAMPFIRE (other sources state that there are 60 RDCs in CAMPFIRE), it has been extrapolated that over 1 million households now benefit from CAMPFIRE.

Several reports provided to the Service identify a large number of community projects funded by CAMPFIRE. These reports indicate CAMPFIRE programs contribute to employment at a local level – CAMPFIRE managers and officers, timber measurers, office clerks, game scouts; community projects employ resource monitors, tour guides, preschool teachers, grain millers, bookkeepers; and safari operators employ managers, scouts, trackers, drivers, cooks, camp minders, and professional staff such as bookkeepers and professional hunters.

On 17-18 November 2014, a workshop titled "CAMPFIRE Stakeholder's workshop: Towards the Development of a New Elephant Management Plan and Policy" was held in Zimbabwe. The discussions and recommendations touched on the effectiveness of the CAMPFIRE concept and its relationship to tourist hunting. At the workshop, Charles McCallum Safari reported that they had contributed over $349,000 to CAMPFIRE wards and the RDC in 2013 – U.S. elephant hunters contributed 40% of this total ($132,870). In 2014, the total was up to $400,995 but contributions due to U.S. hunters dropped to 27% ($100,800) – all elephant hunting was only 32% of the total ($118,425). It appears that the workshop may have been a good starting point to address issues faced by RDCs and to improve the effectiveness of CAMPFIRE. However, according to Conservation Force, represented at the workshop, CAMPFIRE needs to find a balance between a large elephant population and human population pressures, as well as ensure that revenue from tourist hunting and other resource uses continue to flow to local communities. The 2014 Pan African survey preliminary results appear to confirm that elephant populations in the Zambezi Valley and in Sebungwe have decreased significantly. These areas include

communal land. The declines indicate that the persistence of elephants in these areas may be in question in future years if the trend is not halted or reversed.

Dr. Martin states in his "Third Report: Potential Financial Returns from Trophy Hunting" (pg. 19, 21) that "when the results from all the available hunting areas in Zimbabwe are added up, there is sufficient income from trophy hunting to meet the conservation budgets for all the areas [of the elephant range]..." This may very well be true, but no such data was provided to the Service. We received reports from some private areas, conservancies, and RDCs, but even in these cases, insufficient information was provided. We received generalized reporting of hunting as a whole, without a breakdown of elephant vs. other species, or U.S. hunter vs. all hunters. Although there is some indication that some benefits are occurring, insufficient information has been provided to show that revenues generated by U.S. elephant hunters satisfy the conditions of enhancement under the ESA.

FWS does not disagree that local communities can benefit from well-managed resource management programs, but we are unable to determine how much revenue is generated by elephant hunting, how those funds are distributed within Zimbabwe, and what portion of that budget is accounted for by US hunters? SCI indicates, in their January 23, 2015 letter, that the inability to import trophies in 2014 resulted in an increase in human-elephant conflicts in CAMPFIRE RDCs from 412 incidents in 2013 to 597 in 2014. No data was provided to document a link between the increase in human-elephant conflicts indicated by SCI and the suspension of imports in 2014.

Local conservation efforts: Conservation Force and other commenters emphasized the economic impact of the suspension to local conservation efforts being carried out by individual landowners and leaseholders, safari outfitters, and conservancies. Effective conservation work is being carried out in some independently managed areas. Individuals may be impacted by a suspension of elephant trophy imports, however, it is unknown whether and to what extent these individuals would reduce their conservation efforts based on the inability of U.S. hunters to import a sport-hunted trophy. In addition, the information available to the Service on the conservation work being carried out by non-governmental entities, at this time, is limited, and is not the norm for Zimbabwe as a whole. While these pockets of conservation are greatly needed, there does not appear to be a mechanism in place, such as government support, tax incentives, or land tenure security, to promote or sustain these efforts across Zimbabwe's elephant range. The Service was made aware of several workshops that will be held or were held in the beginning of 2015. According to Conservation Force, a workshop on anti-poaching strategies for Mana Pools National Park was held on 26-29 January 2015. The workshop appears to have been sponsored by ZPWMA with NGO, safari operators, and some RDC representation; however, we have not received any information on the purpose of the workshop or any results. In addition, a workshop in Sebungwe was held sometime in January or February 2015. Again, we are not clear on the purpose of the workshop or any results. However, if these and other workshops were held that bring ZPWMA, RDCs, and safari operators together to discuss elephant conservation and management, it would appear that steps are being made to move forward in increasing communication and addressing issues.

Therefore, with the information made available to us, the Service cannot at this time determine that these limited activities would provide the enhancement required under the ESA to allow imports of trophies taken throughout Zimbabwe.

Summary: The issue before us is whether the killing of an elephant in Zimbabwe whose trophy is intended for import into the United States would enhance the survival of the species in the wild. When the Service announced the interim suspension on the import of elephant trophies from Zimbabwe on April 4, 2014, we based the decision on the lack of information available to the Service at that time that would enable us to make a positive finding. In response to our April 4, 2014, announcement and letters sent to the Government of Zimbabwe on April 4 and October 31, 2014, we received a large volume of information directly from ZPWMA, Conservation Force, Safari Club International, and a number of safari outfitters and professional hunter associations. Some information indicated that hunting in Zimbabwe was providing a benefit to elephants, while other information raised questions that were not answered. Many of our specific questions were not answered with the information provided. Based on our review of all of this information, we are unable to find that the killing of an elephant whose trophy is intended for import would enhance the survival of the species in the wild due to the following factors:

- Zimbabwe's current elephant management plan consists of two primary documents drafted in 1996 and 1997. Although the documents provide a well-developed list of goals and objectives, there is no information on whether these goals and objectives have been met or could be met. This is supported by statements from ZPWMA that the plans are outdated and need to be revised.

- Now that the Pan African Elephant Aerial Survey has been conducted in Zimbabwe and preliminary findings have been announced, ZPWMA and RDCs have a better elephant baseline population abundance estimate to assess future off-take quotas, management efforts, and anti-poaching activities. This is a significant, positive, step forward in Zimbabwe having adequate information to establish scientifically defensible hunting quotas, particularly in light of the limited information on other means of off-take, such as poaching and problem animal control. If this information is incorporated into ZPMWA management activities in a scientifically sound manner, the Service may have a better basis to re-evaluate our finding with regard to importation of elephants taken in the future.

- There appear to be adequate laws and regulations in place to address elephant management, but it is not clear if or to what extent ZPWMA is able to successfully implement them. Since the central Zimbabwean Government is not allocating funding to ZPWMA and the vast majority of funding must come from hunting revenues, ZPWMA, and CAMPFIRE need to document more fully the amount of revenue generated and how it is utilized. For the 2014 hunting season, the Service received limited evidence to support a positive enhancement finding. If accounting mechanisms are in place or are put in place that document hunting revenue and details are provided on how those funds are used for resource protection such that the Service would be able to find that hunting revenues generated

through sport-hunting of elephants in Zimbabwe whose trophies are intended for import into the United States would enhance the survival of the species in the wild, the Service could re-evaluate our finding with regard to importation of elephants taken during the 2015 hunting season or future hunting seasons.

- According to the information provided, Zimbabwe has established hunting quotas for all areas of the country. However, the Service did not receive specific information on how these quotas are established, whether other forms of offtake, such as poaching and problem animal control, were taken into account, or to what extent biological factors are taken into consideration (as opposed to economic and societal considerations).

- While CAMPFIRE has provided conservation benefits in the past and improved tolerance of wildlife in rural communities, the program has more recently come under criticism relating to excessive retention of generated funds by district councils, resulting in diminished benefits to communities. Sport-hunting may be an important tool that gives these communities a stake in sustainable management of the elephant as a natural and economic resource and offsets the costs of conflict with wildlife. However, without current information on how funds are utilized and the basis for hunting off-takes, the Service is unable to confirm whether revenue generated through sport-hunting actually provides an incentive to local communities to conserve elephants. The Service was pleased to hear about the November workshop and acknowledges that additional work is needed by CAMPFIRE to address current management concerns. Again, if additional information is forthcoming regarding activities in 2015, the Service may be able to revisit this finding.

- As stated in the previous finding, there are "bright spots" regarding elephant conservation efforts, particularly those carried out by non-governmental entities that are providing a benefit to elephants in some areas. However, there are not enough of these "bright spots" to overcome the problems currently facing Zimbabwe elephant populations and to support a finding that sport-hunting is enhancing the survival of the species. Without more support from the Central Government and Rural District Councils, these efforts are not likely to be fully successful or to compensate for the management deficiencies described above.

Therefore, based on this finding, no elephants harvested in Zimbabwe on or after January 1, 2015 may be imported into the United States.