



“SERVING THE HUNTER WHO TRAVELS”

“Hunting provides the principal incentive and revenue for conservation. Hence it is a force for conservation.”

Special To The Hunting Report World Conservation Force Bulletin

by John J. Jackson, III

DATELINE: CALIFORNIA

News... News... News Feds Emergency-List Sierra Nevada Bighorn

The United States Fish & Wildlife Service (USF&WS) made an uncommon “emergency listing” of the Sierra Nevada bighorn sheep of California on April 20, 1999. It was listed as “endangered” as an emergency for 240 days while a proposed rule to list it as “endangered” in normal procedure was simultaneously published. This is of far more interest to the hunter than is apparent. The main reason given for the emergency action is that it gives the USF&WS authority to remove mountain lions that are acknowledged to be the principal threat to the sheep! Mountain lion predation has placed the sheep “...in danger of becoming extinct.” The emergency listing allows “immediate actions...that result in the removal of mountain lions before they have the opportunity to kill any (more) bighorn sheep.” “Protection from pos-

sible lion predation is critically important in April and May when bighorn sheep vulnerability to lion predation peaks as they attempt to use low-elevation winter ranges to obtain necessary nutrition at the end of gestation.” The mountain lion has also contributed to the second greatest threat to the



sheep. Mountain lions have caused the sheep to change their location, which exposes them to domestic sheep disease. Although their “historic range... remains essentially intact... (and) is neither fragmented nor degraded,” the lions are running them out. A significant threat “... exists as the result of the continual exposure to predation

(primarily mountain lion), and the effects of avoidance by bighorn sheep of areas in which they are particularly vulnerable to predation by mountain lions.” The USF&WS’s historical review of mountain lion management in California is particularly revealing. The sheep is endangered because the State of California failed to manage the mountain lion. The sheep was emergency-listed so the federal government could step into the state’s management shoes. The USF&WS listing notice states that a “... moratorium on mountain lion hunting began in 1972, and lion numbers likely increased. In 1986, the species was again classified as a game animal, but... (that also was) challenged in court.... In 1990, a state-wide ballot initiative (Proposition 117) passed into law prohibiting the killing of mountain lions except if humans or their pets or livestock were threatened (not wild bighorn sheep). Another ballot measure, Proposition 197, which would have modified current law regarding mountain lion management, failed to pass in 1996, largely because of the public’s concern that the change may allow

mountain lion hunting. With the removal of the ability to control the mountain lion population, lion predation has become a significant limiting factor for the Sierra Nevada bighorn sheep.” The USF&WS cites instances where “... 80 percent of all mortality on the winter range, and 71 percent (of mortality) for all ranges” have been documented to be caused by mountain lions. After repeating that mountain lions have not been hunted since 1972, the USF&WS states “[a]s a result of passage of Proposition 117 in 1990 prohibiting the hunting or control of mountain lions, the California Department of Fish and Game (CDFG) does not have the authority to remove mountain lions to protect the Sierra Nevada Bighorn sheep and secure their survival.” “The emergency listing will allow the U.S. Fish and Wildlife Service to remove mountain lions that are a danger to the Sierra Nevada bighorn sheep.” This emergency ruling is an epic moment in wildlife management history. It is formal, contemporary recognition that a single predator can lead to the total extirpation of a species regardless of substantial restoration efforts. Individual mountain lions can do enormous damage to any of these small sub-populations. It is undeniable proof of the danger of the anti-hunters’ ballot initiatives. It is a documented example that anti-hunters, in fact, pose a serious threat to wildlife and that sport hunting is a necessary conservation tool. But for the anti-hunters, the sheep would have long ago been restored, instead of emergency-listed so the federal government can do what the protectionists have stopped the State authorities from doing - controlling mountain lions. The hunting community is entitled to truthfully say, “We told you so.” Sport hunting can be essential to conservation, and the anti-hunters are not benign or beneficial. It must also be remembered that the estimated 6,000 lions in California are also killing several hundred thousand deer each year.... The emergency listing for 240 days and the proposed rule can be found at 64 FR 19300 AND 64 FR 19333 published on April 20, 1999. Comments should be

sent to United States Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Rd., Suite B, Ventura, California 93003. Comments must be received by June 21, 1999. The anti-hunters who caused this debacle most certainly will comment.... An irony in Arizona right now is the fact that the antis in that state are attempting to stop mountain lion hunting in a sheep conflict. It is in an area where desert bighorn sheep have dwindled from a high of 250 to only 60 to 65, which is 40 fewer than the California bighorn that have just been listed by the USF&WS because of mountain lion depredation. Fortunately, the Arizona Game and Fish Commission is following the suggestion of their biologist Ray Lee, who thinks 12 of the 16 mountain lions in the area must be hunted or otherwise eliminated.

DATELINE: MIDWEST

News Analysis
HSUS Move On Goose
Season Bears Watching

As soon as the United States Fish & Wildlife Service published its new regulations that liberalized hunting methods on snow geese and Ross’ geese and opened a new hunting season extending from March 10 to September 1 in 24 Mid-western states, the Humane Society of the United States (HSUS) filed suit to stop its implementation. The District of Columbia Federal District Court narrowly denied a preliminary injunction, but HSUS may win before it is over. Here is why. Just like in the elk and bison feeding case won by the Fund for Animals at the Jackson Hole Elk Refuge in Wyoming, the HSUS suit was based upon the failure of the USF&WS to do an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). The court actually held that technically an EIS was indeed required before the hunt began. “NEPA requires an agency to prepare an Environmental Impact Statement for any ‘major

JOHN J. JACKSON, III
Conservation Force



“SERVING THE HUNTER WHO TRAVELS”

World Conservation Force Bulletin

Editor/Writer
John J. Jackson, III
Publisher
Don Causey

Copyright 1999© by Oxpecker Enterprises Inc. ISSN 1052-4746. This bulletin on hunting-related conservation matters is published periodically free of charge for subscribers to *The Hunting Report*, 9300 S. Dadeland Blvd., Suite 605, Miami, FL 33156-2721. All material contained herein is provided by famed wildlife and hunting attorney John J. Jackson, III with whom *The Hunting Report* has formed a strategic alliance. The purpose of the alliance is to educate the hunting community as well as proadvocacy of hunting rights opportunities. More broadly, the alliance will also seek to open up new hunting opportunities worldwide and ward off attacks on currently available opportunities. For more information on Conservation Force and/or the services available through Jackson’s alliance with *The Hunting Report*, write:

Conservation Force
One Lakeway Center, Suite 1045
Metairie, LA 70002
Tel. 504-837-1233. Fax 504-837-1145.

For reprints of this bulletin or permission to reproduce it and to inquire about other publishing-related matters, write:

The Hunting Report
9300 S. Dadeland Blvd., Suite 605
Miami, FL 33156-2721.
Tel. 305-670-1361. Fax 305-670-1376.

“Serving The Hunter Who Travels”

federal action that will significantly affect the quality of the human environment.’ An EIS is a detailed written statement that evaluates the environmental impacts of a proposed action, the alternatives to the proposed action, the impacts that cannot be avoided should the proposal be implemented and the irreversible commitments of resources that would occur if the proposal is implemented.” The Court held that the elimination of approximately 50 percent of the snow goose population in only three years was a “significant... major federal action.” It held that HSUS and the other plaintiffs “... are correct that an EIS is required prior to... promulgation of the program.” “Thus, the Court finds that Plaintiffs (HSUS and others) have demonstrated a high probability of success on the merits of their NEPA claim.”.... Two things saved the program this year. The Court held that although it was technically a violation, “irreparable harm” had to be shown to get a preliminary injunction to stop the hunting. Since the program is only expected to harvest 618,400 additional geese this year, “this limited harvest is not likely to result in a visible difference in the snow goose population, which is estimated at 5.12 million.” “Visible difference” was meant literally because the harm that the antis were complain-

ing about is the harm to “... their aesthetic interest in viewing the snow geese in their ‘natural abundance’.” In short, the injury was not “imminent” this season, and the required EIS is expected to be completed before next season, when a visible number may be eliminated.... The second reason the court denied the HSUS request for a preliminary injunction at this time is because of the “public interest” the



hunting serves. Even though “... there is a strong likelihood that the Fish and Wildlife Service has failed to execute its statutory duties under NEPA... FWS’s likely violation of NEPA must be balanced against the administrative record in this case, which strongly supports the merits of the FWS program.” In other words, an injunction would not be in the best interest of the public because it would not be in the best

interest of the geese that are degrading their remaining habitat and the “habitat upon which numerous other wildlife species depend.” Simply put, the extra hunting is a force for conservation.... The case provides some other interesting insights. The Fish & Wildlife Service did issue a 98-page final Environmental Assessment (EA), along with Findings of “No Significant Impact” (FONSI). This was wholly rejected by the Court because a plan to eliminate 50 percent of the geese is “significant.” If the program is to continue beyond this year, then a full-fledge Environmental Impact Statement must first be completed.... It is now well established that the HSUS and similar organizations have standing to sue on behalf of their members to protect “... their aesthetic interest in viewing wildlife” - just like in the Elk Refuge feeding case in Jackson Hole. “This injury to an aesthetic interest in the observation of animals is sufficient... The record also demonstrated that the geese overpopulation is due to “a ‘human-induced’ increase in the biological capacity of the wintering areas without a concomitant increase of such capacity in the breeding grounds.” In other words, the mid-continent light goose populations are up because of human-caused changes in habitat in the US.

Briefly Noted

Tuberculosis threat in Kruger: All of the lions and buffalo in Kruger National Park in the Republic of South Africa appear to be at risk because of tuberculosis. The disease was contracted by buffalo from domestic cattle in the 1960s and is now spreading through the lion population. Unlike other diseases, the principal means of eliminating TB is to kill the animal. There is no cure or preventative vaccine. It may be necessary to segregate the animals and slaughter those infected, or the whole population. The lion population exceeds 2,000 and is one of the largest in the world. This is a far worst disease than the one that

swept the lion population in the Serengeti a few years ago that was thought to be spread by domestic dogs. That disease wiped out two-thirds of the 3,000 lions of the Serengeti. The TB in Kruger is a different kind of disease that is not expected to run its course without aggressive and expensive management intervention.

Morrill to Head Mule Deer Foundation: Bill Morrill, Ph.D. has been chosen as the new executive director of the Mule Deer Foundation. Morrill was the Director of Conservation of Safari Club International during most of the years of my leadership of SCI’s conservation activities as the chairman

of the Conservation Committee that became the Renewable Wildlife Resources Committee and is once again the Conservation Committee. He was instrumental in developing SCI’s posters and bumper stickers on “Unendangered Species” and “Sportsmen Pay for Most Conservation.” He was SCI’s top scientist when argali imports were reestablished, polar bear trophy imports were reestablished, leopard imports were first allowed from Mozambique, elephant trophy imports were allowed from the Republic of South Africa, Namibia, Tanzania, Cameroon and Botswana, when the markor CITES quota was estab-

lished and much more. He was a critical part of the proactivity that occurred in SCI in the early to middle 90s that has transformed the world for hunters who travel and international conservation. He was Director of Conservation when the president of the Humane Society International wrote in *Animals In Peril*, by John A. Hoyt, that SCI's “studies, bulletins, press releases, monographs, and other literature are widely circulated, seriously discussed, and effectively used to influence the policies of governments and wildlife officials across the world.” Morrill was a large part of that effort and its unmatched success in contemporary times. We wish him well and look forward to collaboration between Conservation Force and the Mule Deer Foundation.

DSC Convention To Be Mega Event: The next Convention of Dallas Safari Club (DSC) is to be three events in one. The International Professional Hunters Association (IPHA) is having its new First Shot Booking Event for the three days immediately before the DSC Convention, and the Boone and Crockett Club is holding its quarterly meeting in conjunction with DSC. The IPHA will provide an opportunity for sportsmen to meet with hunting companies privately before the rush of crowds and bookings. It will include an IPHA reception and barbecue on Wednesday. The Dallas Safari Club welcoming party and auction on Thursday night will be a joint auction for Boone and Crockett and Dallas Safari Club. The Boone and Crockett Club will also host a luncheon during the convention on Saturday.... The Dallas Safari Club Convention is to be the first convention next year, and the three joint programs promise to make it an event worth attending. The IPHA event begins on Tuesday, January 17th and culminates in DSC's welcome party on the evening of Thursday, January 20th. DSC and Boone and Crockett continue through Sunday, January 23. For more information, call DSC at 972-980-9800 or fax at 972-980-9925. Dallas Safari Club is already a bright light on the horizon, and this first of the season mega events promises to boost its success even

more. The Dallas Safari Club and its counterpart, Dallas Ecological Foundation, are both significant contributors to Conservation Force, so thank them when you register. Conservation Force also helped “sponsor” IPHA's first early booking special event this year in Reno, so thank them for working with Conservation Force as well.

Polar Bear SNAFU: As required by law, the USF&WS has been publishing notices concerning import permit applications for polar bear in the Federal Register. Unfortunately, they have been incorrectly placing them under the heading of “endangered species” under the U.S. Endangered Species Act and lumping them with permits and applications for species really listed as endangered. Polar bears are not listed on the U.S. Endangered Species Act. They are listed on Appendix II of CITES, as are all bear in the world and are covered by the Marine Mammal Protection Act. Conservation organizations such as the World Conservation Union (IUCN) do not think they are at risk either. Conservation Force has made a complaint to the USF&WS to stop this inadvertent misrepresentation of the status of polar bear because it can have an insidious effect on public perception and on policy.

Canadian Bear Crisis: Attacks on the

hunting of bear are growing in number across Canada. A preliminary injunction was denied by the trial court in Ontario in the litigation to overturn the closure of the spring black bear season. Local hunters promised to continue to pursue their case to a full trial on the merits. In Manitoba the antis held a press conference in late April to declare a victory in Ontario and to formally announce a campaign to end the spring bear hunt in Manitoba, as they claim they did in Ontario. In British Columbia, antis from around the world are pressuring the Ministry to close all grizzly bear hunting. The antis are threatening a boycott of all British Columbia wood products if all grizzly bear hunting is not stopped. Their latest effort includes a full page ad in *The Victoria Times* to stop the spring grizzly hunt. The irony is that grizzly bears in British Columbia are safer than in the US where they are listed as threatened. A study completed by eight North American scientists of 99 deaths of radio collared bears in BC, Alberta, Montana, Washington and Idaho proves that the bears are safer in Canada. More of the collared bears were killed in the US than in Canada where there is licensed hunting for grizzly. As anticipated, the antis are now claiming that the poaching of bear is reminiscent of the illegal ivory trade. They are demanding exacting population counts that are not possible or practical as they did for the import of elephant trophies in the Elephant Guideline fight. The antis are wrong again. Conservation Force has carefully reviewed the materials, spoken with all knowledgeable parties and the Ministry. The management of the bear is sound and sensible. The population is stable to increasing overall, as is the amount of protected habitat. Effective management safeguards are in place. In fact, bear management in Canada is unnecessarily conservative, and many areas are overpopulated, resulting in an increase in problem animals. The foremost conservation organization in the state is the 35,000-member British Columbia Wildlife Federation. They are firm defenders of bear hunting. - *John J. Jackson, III.*

Conservation Force Sponsor

The Hunting Report and Conservation Force would like to thank International Foundation for the Conservation of Wildlife (IGF) for generously agreeing to pay all of the costs associated with the publishing of this bulletin. IGF was created by Weatherby Award Winner H.I.H Prince Abdorreza of Iran 20 years ago. Initially called The International Foundation for the Conservation of Game, IGF was already promoting sustainable use of wildlife and conservation of biodiversity 15 years before the UN Rio Conference, which brought these matters to widespread public attention. The foundation has agreed to sponsor *Conservation Force Bulletin* in order to help international hunters keep abreast of hunting-related wildlife news. Conservation Force's John J. Jackson, III, is a member of the board of IGF and Bertrand des Clers, its director, is a member of the Board of Directors of Conservation Force.



International Foundation for
the Conservation of Wildlife

MEMO

To: Jim Young, Print N Mail
From: Nilton Aquino, The Hunting Report
Re: April 1999 Issue of Conservation Force Supplement
Date: May 6, 1998

Jim,

Here's the May 1999 issue of the Conservation Force Supplement, to be inserted in the May 1999 issue of The Hunting Report. Don't forget to insert John Jackson's picture on page 2. Please fax "blue lines" for approval ASAP.

Total print run is 4,250. That includes 4,044 copies for insertion into The Hunting Report (active circulation); and 50 copies to be shipped directly to John Jackson. The remaining 156 copies are to be shipped to us here in Miami. As usual, bill John Jackson for all costs relating to Conservation Force.

Please call if questions.

Nilton