



SPECIAL SUPPLEMENT

*"Hunting provides the principal incentive and revenue for conservation.  
Hence it is a force for conservation."*

## *World Conservation Force Bulletin*

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# Stop Press Report: Media and Wacko Antis Out-Trumpet Trump with False Facts

*Editor's Note: Since the original issue of this month's World Conservation Force Bulletin was drafted, events have significantly changed the developments reported about elephant import permits. As this issue was going to print, we pulled one of our original stories to provide you with this last-minute report.*

**O**n November 17, 2017 the US Fish & Wildlife Service

(FWS) Chief of Permits told an audience of African range nation permanent secretaries, directors, chief ecologists, wardens, anti-poaching authorities and others that a long awaited positive enhancement finding had finally been made for the import of elephant hunting trophies from Zimbabwe and Zambia. The welcome news was greeted with applause and appreciation from the largely



John J. Jackson, III

black audience.

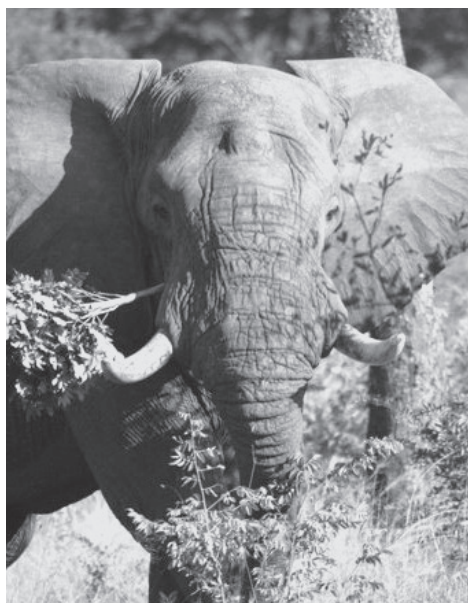
The occasion was the 16th African Wildlife Consultative Forum in Arusha, Tanzania. This was a great relief to the scientific authorities present from Zimbabwe and Zambia and to the team from Conservation Force that has worked to satisfy the enhancement requirements every day for Zimbabwe since those

imports were suspended and nearly every day since Zambia had reopened its tourist safari hunting and elephant hunting after a round of population studies.

Both countries had been waiting for the news since CITES CoP 17 in September 2016. All questionnaires had been responded to and FWS had promised a determination shortly after returning to Virginia from the CoP. Zambia was good-to-go, and Zimbabwe was asked to submit a prioritization schedule for its ambitious new national elephant action/management plan. Within weeks Zimbabwe responded with the prioritization schedule and all was set. Everyone waited for the enhancement determinations that were promised, but nothing came from FWS. Trump was elected and took office. The hunting conventions came and went. Still nothing came from FWS.

When repeatedly asked, the Director of International Affairs excused the delay to the change of administrations that, he said, always leads to delay. Later, on the day Conservation Force argued the oral administrative appeal of the elephant

import permits for 2014 and 2015, we learned the truth. FWS International Affairs had been overwhelmed with import permit applications for rosewood that had been listed at CoP 17. They were blind-sided with the Rosewood permit demand and had shelved the pending import permit applications for a number of species and countries. Believe me, we cried hard and loud about another instance of malfeasance. The FWS International Affairs Office is renowned for neglecting trophy import permit applications and treating them as low priority. Justified because the office lacked the capacity to do all its work or not, the office voluntarily imposes stricter domestic requirements upon other nations without timely making the necessary determinations. The nations with the best programs are made to unnecessarily jump through costly hoops with endless delays and those that need help the most can never meet



the burdens or understand the poor FWS communications.

Needless to say, the process was all but completed during the prior administration, but the delayed decisions came to fruition during Trump's administration. Trump was blind-sided by several days of false-fact reporting by the media and animal rights wackos who took full advantage of FWS officials' absence. FWS leaders were still in Africa at that time doing their duty with the various African authorities on a great array of unrelated issues as they wisely do each year on the same occasion. It is largely a time for fact finding by FWS.

The media attack was aimed mercilessly on the range nations and the President. Let me explain a few of the correct facts. Neither country had their elephant hunting banned. Zambia closed its own hunting, including elephant. There was a positive enhancement finding when they closed their own hunting so no suspension, ban or anything like that ever occurred. The FWS simply updated its enhancement finding for Zambia and told them the good news face to face at the first occasion.

Zimbabwe had its elephant imports "suspended," not banned. It was suspended with a simultaneous request for updated information and express assurance that imports would be reauthorized when the information requested was provided. Zimbabwe quickly responded to one of the most demanding barrage of requests the FWS had ever before made. Multiple requests and responses went back and forth and were all but done before Trump was elected or took office.

The FWS added a request that had not been intimated to before and that related to the timing or prioritization of Zimbabwe's new action plan. Zimbabwe has the second largest elephant population in Africa and

has succeeded in avoiding the poaching and trafficking in ivory of other countries that skyrocketed from 2010 to 2012 and has since come more under control. Nevertheless, with the assistance of Conservation Force and Shikar Safari Club International Foundation, ZimParks, a parastatal that operates apart from the Zimbabwe Government, had adopted a new National Elephant Action/Management Plan. That plan or strategy is the most up-to-date plan in Africa and is remarkable in itself. It embodies four regional plans, committees, coordinators and more.

The planning began with a participatory CAMPFIRE workshop with participants from district councils and communities across the country representing 777,000 families that earn most of their income from tourist-hunting and most of that from licensed, regulated tourist elephant hunting that has been suspended (68 percent). It was followed by a large national planning meeting of all stakeholders, experts and authorities from adjacent countries. That was followed by regional workshops, meetings and four regional plans that were made part of the National plan in still another meeting. All of this was finished and signed in January 2016, a year before Trump took office. Zimbabwe began to lose confidence that the process was in good faith, but it continued forward as its essential income from hunting used to control poaching and to meet the FWS demands continued to be diminished.

The real facts are not disputable, but who in the media bothers with the facts.



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## World Conservation Force Bulletin

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They are still repeating the false claim in elephant releases that Cecil the lion was lured out of the park even though that lion had been out of the park for months when taken. They represent that lion as being in his prime and famous before the media made him famous, all lies. They neglect the fact that the lion in that area have doubled and tripled due in large measure to tourist safari hunting, and the national lion population is among the few that are increasing. They represent Zimbabwe as the worst wildlife manager

in Africa when it has always been one of the best as their ranking as the steward of the second largest elephant population attests. Zimbabwe was the first to have elephant import approved in 1990 and has more elephant today than it did then. At the time of the FWS's last enhancement determination in 1997 the Zimbabwe elephant population had grown to 66,000. It is more than 82,000 today. No other elephant population has such a growth rate. One of the two smaller sub-populations that have

declined in the country is Sebungwe where the human population has increased from 45,000 (1950) to 700,00 today, which fully explains that decline. Moreover, the decline occurred with the human population increase before the recent poaching crisis elsewhere. Believe me, the enhancement finding was science-based and long overdue.

The enhancement finding was not a political decision. We hope a political decision does not override the life-line for Zimbabwe elephant. ■

## Making Strides to Reduce the Regulatory Burden on Applicants and Range Nations

**O**n November 3, Conservation Force filed a comment and petition to repeal the regulations, particularly the "enhancement" requirement, applicable to threatened-listed species and the special rules that govern the import of argali, elephant, leopard, lion, and straight-horned markhor trophies. Our comment was submitted in response to the Department of Interior's Regulatory Reform Initiative. The goal of regulatory reform is to "alleviate unnecessary burdens placed on the American people." The Initiative identifies several criteria under which interested persons may "identify regulations for repeal, replacement, or modification." Conservation Force demonstrated that these FWS regulations (1) are "unnecessary" or "ineffective," (2) "impose costs that exceed benefits," and (3) "interfere with regulatory reform initiatives and policies." We demonstrated that imposing the same regulations on threatened-listed species as on endangered-listed species is a heavy and unnecessary burden that injures US citizens and damages conservation systems around the world.

First, these regulations are unnecessary and ineffective because Congress intended threatened- and endangered-listed species to be treated differently. This is clear in the fact the ESA added the category of "threatened," which did not exist in the prior act. The ESA directs FWS to adopt regulations that are "necessary and advisable to provide for the conservation of" threatened species. This directive requires an individualized determination for each species, and not a blanket regulation

imposing all the same prohibitions on both categories of listed species.

The blanket prohibition is especially ineffective for foreign species, as they do not receive the same kind or level of benefits under the ESA as native species (e.g., critical habitat designations, cooperative programs, recovery plans, funding). Requiring an "enhancement" finding overburdens range nation conservation efforts, and all too frequently delays and obstructs those efforts, most especially regulated hunting programs. The "enhancement"



regulation blocks import of sport-hunted trophies and robs range nations of much-needed funding. And it diverts limited resources from the best use of those resources: having to collect and provide unreasonably detailed data to FWS redirects resources to paperwork that could otherwise be used for management or on-the-ground conservation. We drove home this point using the example of the 3.5-year suspension of elephant trophy imports from Zimbabwe—a country with the world's second largest elephant population, which depends on sport-

hunting revenue to fund the wildlife authority and community incentives program (CAMPFIRE). The countries with the most successful programs and populations are insulted and punished with added costs while others are shut out completely. Permitting cannot act as a model if the costs exceed the benefits.

Second, the costs of these regulations grossly exceed the benefits. FWS has repeatedly demonstrated an inability to responsibly administer the regulations. It has allowed permit applications to languish for years, to the detriment of the range nations and species. For example, lion permit applications were "on hold" for 21 months before FWS finally approved them. During this time, US hunters' demand for lion hunts declined greatly. Wildlife authorities, communities, and operators lost revenue they depend on to protect, combat poaching, and increase community tolerance. Concessions were returned to range nation wildlife authorities, including over 70,000 km<sup>2</sup> in Tanzania. This land is at a high risk of encroachment and transformation to grazing and agricultural use. (And the danger remains high, as import permits for lion trophies from Tanzania have still not yet been approved.) These are real, measurable costs. On the other hand, there is no identifiable benefit to FWS from having to make an enhancement finding, especially for CITES-listed species. The offtake and export are already evaluated to ensure they are not detrimental. The enhancement finding is an extra burden that drags down the process.

Worse, the range nations saw this

coming and objected to it—to no avail. They opposed the listing of the lion and adoption of the special rule for these reasons. Among other evidence, we quoted a comment from seven African nations that expressed “serious concerns about the regulatory changes proposed in the 4(d) rule” because it would “only have a negative impact ... range states will experience a loss of revenue generated from US hunters, which supports the capacity of governments and community districts to protect, study and manage lion populations.”

We offered specific examples of how regulated hunting benefits threatened species by securing habitat, funding most wildlife authority operating costs and anti-poaching, and incentivizing better tolerance among rural communities and private landholders. Rather than acknowledging, celebrating and supporting this contribution, the enhancement requirement undermines it. Imagine, the country with more lion than the rest of the world combined, Tanzania, is still waiting for import permits to be approved.

Third, these regulations run against the goals of regulatory reform because they impose regulatory burdens where Congress sought to reduce them. When the ESA was enacted, Congress’ intent was clear: listing should not occur if range nation conservation efforts, including sport hunting programs, were in place to protect and recover the species. In amending the ESA, Congress even more explicitly indicated that FWS

should “facilitate” imports of sport-hunted trophies from conservation hunting programs. But these regulations fail to consider successful range nation conservation efforts for threatened-listed species and obstruct imports to the detriment of range nation programs. That special rules have been adopted unilaterally, against the express views of range nations, underscores the detrimental impact of these regulations.

Congress has also already provided how to handle imports of threatened-listed species that are listed on Appendix II of CITES. Section 9(c)(2) of the ESA presumes the legality of non-commercial imports of non-endangered species that are listed on Appendix II of CITES. The FWS special regulations ignore Section 9(c)(2) and increase the burdens on non-commercial trade of foreign, threatened-listed, Appendix II-listed species. We offered the Canadian wood bison example. This is a threatened-listed species that was on Appendix II until the last CITES Conference of the Parties (CoP) in 2016. Because the wood bison was removed from all CITES Appendices at the CoP, it no longer falls under Section 9(c)(2). Due to the general regulation extending all of the prohibitions applicable to endangered-listed species, imports of wood bison now require an enhancement finding and an import permit. (This is a species carefully managed and monitored by Canada. Hunting and imports are low, and the species’ management plan relies on regulated hunting to keep herd sizes within check and keep diseased

herds separate.) Nothing changed with respect to the bison’s status—except that imports are more difficult because of an unnecessary regulation that treats threatened species as if they were listed and at the same risk as endangered species. This is but one example in how the failure to abide by Congress’ intent and the ESA’s terms conflicts with the goals of regulatory reform.

We are optimistic that the Department of Interior will consider and implement our comment. This optimism has a strong foundation—on November 8, Secretary Zinke created an International Wildlife Conservation Council to “focus on increased public awareness domestically regarding conservation, wildlife law enforcement, and economic benefits that result from US citizens traveling abroad to hunt.” Topics the Council will consider include: “removal of barriers to the importation into the United States of legally hunted wildlife,” and “the Endangered Species Act’s foreign listed species and interaction with the Convention on International Trade in Endangered Species of Wild Flora and Fauna, with the goal of eliminating regulatory duplications.” These are both topics addressed in our comment, which offers the way forward—remove the unnecessary, ineffective and contrarian “enhancement” requirement for threatened-listed species. We will keep readers posted on positive developments in removing regulatory barriers to trophy imports. ■

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