



SPECIAL SUPPLEMENT

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

## World Conservation Force Bulletin

www.conservationforce.org November 2014

# Conservation Force Mourns Loss of Founding Board Member Donald Lindsay

By John J. Jackson III

On October 15, 2014 we lost Don Lindsay to cancer. Don was a founding board member of Conservation Force and served until his death – 18 years. We have been very lucky to have the moral support and good name and reputation of Don behind us all of these years.

Don was the President of the International Professional Hunters Association, IPHA, for 14 years and served as President of the Professional Hunters Association of South Africa, PHASA, for nine years, 1982-1991. He was a founding member of both IPHA and PHASA. He grew PHASA from a handful of individuals to over 1,000 members, which remains the largest and most powerful PH association in the world today. Among his many achievements, Don established the importation of ESA endangered bontebok into the United States during his leadership of PHASA. He also took the Minister of Namibia and me to lunch and persuaded me to help Namibia with US import of its cheetah, black-faced impala and black rhino. He took great pride in his success

with bontebok imports. But for Don, there would have never been cheetah, black-faced impala and black rhino *initiatives*. His meeting launched those ships for sail. When we established the import of black rhino from Namibia last year, Don wrote me, "Congratulations, well done." This June he wrote, "John and Chrissie, your contributions to conservation and hunting are boundless! I'm proud to have been part of the Conservation Force team." Well, he should have been "proud," he set the ship a-sail. He was our mentor.

Don was a proud member of Shikar and Safari Club International where he served as Director at Large for a period. Many knew him as the owner-operator of the African Railroads Collection sold at African Odyssey Galleries at six locations across the United States – properly Furniture Out of Africa, Inc. in the United States and Railroads Furniture Ltd. in RSA.

We spent a few days with Don last November (2013) in South Africa and an afternoon in his home. This icon of hunting and conservation talked of the book he was writing, *Win the Wild*, a fictional novel that ingeniously explains the birth and growth of the game ranching industry in South Africa from its inception, and how wildlife became more valuable and displaced cattle and livestock. Don was one



Don Lindsay at the PHASA AGM.

Don and my wife Chrissie at Don's home, November, 2013.



of the pioneers of the industry. In fact, his college thesis at St. John's College in Johannesburg had been *Wildlife – a crop off the land*. In Don's own words to me, "it involves all the issues that we deal with constantly," which makes it very relevant today. The *Introduction* by Ian Player is a value in itself. The ranching restoration of wildlife in wildlife-denuded South Africa was the theme of his life captured in his college thesis and in his 2014 novel about the re-wilding of South Africa. He knew first-hand the force of hunting and talked the talk like few others. For more on the novel, see the August 2014 issue of the *World Conservation Force Bulletin*. Don offered that the book be sold in the United States "to benefit the coffers of our organization," (emphasis added) and "all admin, distribution, shipping and ground-work would be taken care of." He died before it could be done. ■

# USFWS Special Rule Downlists All Straight-Horned Markhor to Threatened

**O**n October 7, 2014 the US Fish & Wildlife Service (FWS) downlisted all straight-horned markhor in the world. They were moved from “endangered” to “threatened” on the Endangered Species List, 79 FR 60365, available on our website at [www.conservationforce.org/news.html](http://www.conservationforce.org/news.html). All markhor still remain on CITES Appendix I, so a FWS import permit is still required. The FWS also combined the Sulaiman and Kabul markhor taxonomically for listing purposes. Both are now “threatened.”

The practical effect is that hunters who take Sulaiman markhor in the Torghar Project of Pakistan can expect to import their trophies. This is not true of straight-horned markhor taken in other areas. Although all markhor were downlisted, the simultaneously adopted Special Rule sets out conditions that must be met before any are importable. This in turn serves to encourage other areas and countries to emulate the 30-year renowned Torghar Project.

The downlisting is for both Sulaiman and Kabul markhor that are being treated as one and the same by FWS. There is no immediate effect on Kabul imports because no Kabul markhor area has yet demonstrated anything like the Torghar Project that serves as the sustainable use model, but in time, with this newly created incentive, other areas with Kabul can measure up – at least that is the idea. The Torghar Project is already an established and well-proven program and these have been commonly considered Sulaiman.

This downlisting arose from an initial petition to downlist in March 1999 filed by the Society for Torghar Environmental Protection and the Central Asia Sustainable Use

**DATELINE:**  
**Pakistan**



**John J. Jackson III**

Specialist Group by their representative Sardar Naseer Tareen. After making an initial 90-day finding that its status in the Torghar Mountains warranted review for downlisting, the FWS stalled and never completed the process. We sued a decade later at the end of the Bush Administration, but the Department of Justice that represents the Department of Interior in litigation successfully

defended that more than six years had passed, making the petition no longer enforceable as a matter of law (six years is the period to enforce civil interests generally). We challenged that, particularly because of all the misleading representations made that stakeholders had relied upon.

Conservation Force also filed a new petition to downlist at that time to begin anew – August 18, 2010. The petitioners this time were Conservation Force on behalf of Dallas Safari Club, Houston Safari Club, African Safari Club of Florida, the Conklin Foundation, Grand Slam Club/Ovis, Wild Sheep Foundation and individual permit pioneers like Steve Hornady, Jerry Brenner, Alan Sackman and Barbara Lee Sackman. We did not include the Torghar/Naseer parties because we were litigating their initial petition in the Appellate Court and did not want to affect those proceedings. Even under the new petition we had to sue to get the 90-day, 12-month and final determination over the past four years.

At least two separate court settlements got us here. On March 30, 2012 a settlement agreement was approved by the court in which the FWS agreed to make an overdue 12-month finding by July 31, 2012. The FWS issued a favorable 12-month finding and proposal to downlist, but expanded it to include all markhor throughout



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the world. When the time for that determination passed, the FWS issued still another amended proposal to combine the Kabul with Sulaiman straight-horned markhor, a nomen-

clature change, on December 5, 2013.

Now that the Final Rule has been issued, we have dismissed the underlying litigation that remained. We deeply thank those organizations and

individuals who lent their names and joined in the fight; and a fight it was. The Torghar parties were plaintiffs in the litigation, though not in the second petition to downlist. ■

## The Role of Trophy Hunting in the Downlisting of Straight-horned Markhor

**T**here can be no doubt that the FWS fully credits “trophy hunting” within a community-based management program as having protected and restored the markhor. The Torghar Hills population has become the “greatest concentration” and “stronghold” in the world, while “other populations generally are in decline.” “Trophy hunting” has reduced the poaching and increased the habitat and habitat quality in the Torghar area.

*In the Torghar Hills, the TCP [Torghar Conservation Project] has eliminated poaching of straight-horned markhor and managed the habitat such that the population has steadily increased since the TCP’s inception and both the population and its habitat are currently secure. Because the TCP has incorporated economic incentives for the local community and is supported by the community, we believe the protections and management provided by the TCP will continue. [Page 60374]*

*Due to the establishment of the TCP, the cessation of uncontrolled poaching, and the hunting of only a limited number of trophies in the Torghar Hills, the population has increased substantially since TCP’s inception in 1985. Furthermore, due to the TCP, straight-horned markhor habitat is currently secure and is presently no longer impacted by overgrazing or collection of wood. Because the TCP has incorporated economic incentives derived from trophy hunting for the local community and is supported by the community, we believe the protections and management provided by the TCP will continue.... In general, markhor populations are reported as declining and have likely not increased since 1975. However, one exception to this declining population trend is the Torghar Hills population in the Toba Kakar Range. Due to the implementation of a conservation plan, which includes revenues brought in from trophy hunting, the Torghar Hills*

*population has increased from fewer than 200 in the mid-1980s to 3,518 currently. [Page 60375]*

This is all about trophy hunting, but readers should understand that this is not about the right or opportunity to hunt. The administration of the ESA and the International Affairs Program of the FWS do not provide that kind of service to the American hunter. The Service is not a service to you. The downlisting is about the regulatory determination of the species’ status and the concomitant “Special Rule” is about putting the Torghar model to work for other populations of straight-horned markhor. It is not to save hunting, it is about using trophy hunting as a form of sustainable use that is a tool for conservation. The language of the FWS (Service) explaining the Special Rule speaks loudly.

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*Wildlife often competes with humans and land uses upon which human livelihoods depend (e.g., agriculture and pastoralism). In areas where wildlife does not provide any benefits to the local people or imposes substantial costs, it is often killed and its habitat degraded or lost to other, more beneficial land uses (IUCN SSC 2012, p. 5). Well-managed sport hunting programs that encourage sustainable use can contribute to the conservation of wildlife and improve wildlife populations. The primary*

*objective of a well-managed trophy-hunting program is not hunting, but the conservation of large mammals (Shackleton 2001, p. 7). The IUCN SSC Caprinae Specialist Group specifically states that trophy hunting usually generates substantial funds that can be used for conservation activities, such as habitat protection, population monitoring, law enforcement, research, or management programs (IUCN SSC 2012, p. 3). Additionally, involvement of the local community in conservation of a species results in better conservation outcomes, which improve even more if those efforts generate sustainable benefits for the community (Damm and Franco in press a, p. 29). Revenue, employment, improved livelihoods, and/or other benefits generated from the use of wildlife provide incentives for people to conserve the species and its habitat, thus removing the risk of resource degradation, depletion, and habitat conversion (IUCN SSC 2012, pp. 2–5; Shackleton 2001, pp. 7, 10). Recognizing the potential of sport-hunting-based conservation programs to contribute to the conservation of straight-horned markhor, we are finalizing the following 4(d) rule to allow the import of sport-hunted markhor trophies taken from established conservation programs without a threatened species permit issued under 50 CFR 17.32, provided that certain criteria are met. [Page 60377]*

This is also about how Conservation Force sees itself. Our niche is facilitating hunting as a force for conservation and hunters are that force. Our signature strategies and programs are proactive initiatives to use hunting as a force for conservation of the natural world and successful projects as demonstration models to be put to work for more of the same. We are deeply indebted to all those who have supported us in this effort and those organizations and individuals who have joined with us as plaintiffs in the many notices of

suit, pioneering test import permits, suits and claims, multiple settlements, mediation, networking, documentation and leadership in the downlisting petitioning and in the supporting comments and FOIA requests. The enormity of the 16 years of work is beyond belief or description, but the outcome most definitely is a success. Many astute people said it could not be done.

The FWS recognition of the role and value of trophy hunting goes beyond markhor as a species. The FWS broadcasts the role and value of trophy hunting as a formative tool for other game. The Final Rule is recognition, validation and a doorway of opportunity that we can grow. In responding to commenters, the FWS stated:

*[I]ncreases in populations of ungulates, including markhor, have occurred in conservation areas managed specifically for trophy hunting. The 4(d) rule supports and encourages the development of this type of conservation program that addresses the threat of overhunting. A well-managed sport-hunting program that encourages sustainable use can significantly contribute to the conservation of wildlife and improve wildlife populations by providing an economic incentive for local communities to protect these species. Monies received for a hunting permit may be used to build and fund schools and health clinics, improve access to drinking water, and improve sanitation and roads....Involvement of the local community in conservation of a species results in better conservation, especially if it creates sustainable benefits for the community (Damm and Franco in press a, p. 29). Revenue and economic benefits generated for the community from the use of wildlife provide incentives for people to conserve the species and its habitat, thus removing the risk of resource degradation, depletion, and habitat conversion (IUCN SSC 2012, pp. 2-5; Shackleton 2001, pp. 7, 10). [Page 60367]*

Again on page 60371, in its *Summary of Threats*, the FWS states that although "uncontrolled hunting [read poaching] remains a threat to most remaining populations of this species," conservation planned trophy hunting [read conservation hunting] is just the opposite.

*However, increases in populations of ungulates, including markhor, have occurred in conservation areas managed specifically for trophy hunting....(University of Montana 2013, unpaginated; Frisina and Rasheed 2012, p. 5; Wildlife Conservation Society 2012, unpaginated; Arshad and Khan 2009, p. 9; Government of Pakistan 2009, p. viii; Ali 2008, pp. 21, 38, 64; Shafique 2006, p. 6; Frisina 2000, p. 8; Virk 1999, p. 142; Frisina et al. 1998, p.6). [Page 60371]*

The Special Rule is aimed at protecting and restoring other populations for this combined subspecies of markhor through hunting, but the reasoning is applicable to other species and places. The downlisting arises from the status of the subspecies, but the Special Rule fully embraces the benefits of "trophy hunting" without disguise or abridgement. It is trophy hunting that has restored the Torghar population, and it is trophy hunting that may restore other populations.

It is of note that the successful anti-poaching program began with seven community/tribal game guards and has 90 guards today. The initial seven guards

in the mid-80s were hired with funds advanced by a prominent US trophy hunter and the guards today are funded from the \$35,000 permit fee paid to the community for each markhor. According to FWS, the Torghar program is the only straight-horned markhor area that has a conservation management plan (TCP, Torghar Conservation Project) and it also has a separate but integrated habitat management plan (adopted 2001) as well. Both are administered by STEP, Society for Torghar Environmental Protection. The habitat program includes improving the pastoral habitat area for domestic herds to reduce the demand on the markhor area.

The FWS explains its Special Rule as follows:

*Many hunters are willing to pay relatively large fees for the privilege to hunt, but only if they are able to import their trophy. The United States is a major market country for trophy hunting (IUCN SCC 2012, p. 10). Authorizing the importation of personal sport-hunted straight-horned markhor according to the 4(d) rule without a threatened species permit under the Act facilitates the participation of U.S. hunters in scientifically based conservation programs that include hunting. In the case of the markhor, the revenue generated by hunters has directly supported a community-based conservation program and has resulted in measurable improvements in straight-horned markhor populations. [Page 60378]*

These are all points made by Conservation Force and adopted by the FWS. It must be recognized that although Conservation Force provided 16 years of essential pro bono legal services (permit applications, petitions, litigation and comments), the real success is the reward to the deserving people of the Torghar area. We were just a necessary facilitator. ■



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