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June 6, 2014

BY FEDERAL EXPRESS

Re: Comment Opposing the Interim Suspension of Imports of Elephant Trophies from Zimbabwe, 79 F.R. 26986 (May 12, 2014)

This is a comment in response to the Fish and Wildlife Service's May 12, 2014 notice published in the Federal Register of the Interim Suspension of Imports of Elephant Trophies from Zimbabwe. This comment is submitted on behalf of Conservation Force, Dallas Safari Club, Houston Safari Club, African Safari Club of Florida, Shikar Safari Club International, Charlton McCallum Safaris, and Wilfried Pabst on behalf of Savé Valley Conservancy. The commenters oppose the Fish and Wildlife Service's ("FWS") suspension of import of tourist hunted elephant trophies from Zimbabwe and to provide information demonstrating the benefits/enhancement of tourist hunting to the survival of elephant in Zimbabwe. This comment and attached information provides the data requested in the above cited Notice of Interim Suspension and should allow FWS to make a Final enhancement determination and lift the suspension without further delay.

Conservation Force is a non-profit public charitable foundation dedicated to utilizing tourist safari hunting as a "force for conservation," particularly enhancement of the survival of elephant in the wild. The founders and leaders of Conservation Force have been at the helm of the tourist hunting community's elephant conservation/enhancement activities since the African elephant was listed on CITES Appendix I in 1989, and decades before. FWS is well acquainted with the many hundreds of elephant projects of Conservation Force and its leadership.

Dallas Safari Club, Houston Safari Club, African Safari Club of Florida, and Shikar Safari Club International are all sportsmen's conservation organizations that regularly partner with Conservation Force in elephant enhancement projects and programs, as well as funding projects on their own. The African elephant is the esteemed logo of Dallas Safari Club, Houston Safari Club, and Shikar Safari Club International. All the organizations contribute large sums of money to elephant enhancement and support habitat preservation, anti-poaching, community incentive strategies (such as CAMPFIRE in Zimbabwe), and much more. They are among the foremost stewards of elephant in the world.

The members of the above organizations hunt elephant in Zimbabwe, have taken hunts in 2014, and/or are booked in 2014 and 2015. The members are deeply committed to, concerned with, and invested in elephant conservation in Zimbabwe. They know first-hand the positive effects of tourist elephant hunting and the critical need to lift the suspension as soon as possible if the elephant is to continue to survive in its current number and range.

Charlton McCallum Safaris is a safari operator who owns and hunts in the Dande North and East concessions in Northern Zimbabwe since 2010. Many of their clients are U.S. hunters, and they face potentially 14 cancellations for elephant hunts as a result of the Zimbabwe suspension.

Wilfried Pabst is the manager of Savé Valley Conservancy, which has an elephant population of approximately 1,500. Mr. Pabst also owns property in the Conservancy and expends hundreds of thousands of dollars annually to protect elephant and other wildlife in this area.

Conservation Force and these commenters oppose the suspension of imports of elephant trophies from Zimbabwe. At the time the Enhancement Finding for African Elephants Taken as Sport-Hunted Trophies in Zimbabwe during 2014 (“Enhancement Finding”) was made, the Division of Management Authority (“DMA”) lacked the attached information regarding Zimbabwe’s elephant population and its management. This information demonstrates the enhancement tourist hunting provides, and the advisability of urgently lifting the suspension.

Summary

As the range nation, Zimbabwe is the best source of information regarding the status of its elephant population and management. Once FWS officially contacted Zimbabwe, FWS’s questionnaire was promptly addressed by Zimbabwe in a comprehensive 32-page response, and the Director General of the Zimbabwe Parks and Wildlife Management Authority (“ZimParks”) personally traveled to Washington, DC, to explain the response in face-to-face meetings with FWS. *Savé Valley Conservancy Letter*, p. 1, attached.¹ The general assumption of the trophy import suspension, based largely on misinterpretation of survey results and inflated anecdotal reports, is that the elephant population in Zimbabwe, and particularly in Hwange National Park, has been drastically reduced and is “under siege”. FWS, Press Release, *Service Suspends Import of Elephant Trophies from Tanzania and Zimbabwe* (Apr. 4, 2014). However, the best available information and expert opinions show this is not the case.

Moreover, Zimbabwe has immediately and responsively stepped up its elephant management to alleviate FWS’s expressed concerns. For example, all populations of Zimbabwe’s elephant are to be surveyed in 2014, and if deemed necessary, Conservation Force in partnership with Shikar Safari Club International has pledged to fund a workshop to renew Zimbabwe’s elephant management plan. Survey funding is already available through a transfrontier initiative called the “Great Elephant Census” to be conducted in 2014, which will comprehensively survey Zimbabwe and its neighbors to obtain an accurate count of shared regional populations. KAZA TCFA Press Release (May 1, 2014); Reuters, *Paul G. Allen Introduces Major Initiative to*

¹ All referenced documents are included in the binder of attachments provided with this Comment and are listed by subject matter in the enclosed Index of Attachments.

Conserve African Elephant Population (Dec. 4, 2013); (private communication with participants at workshop).

An enhancement determination evaluates the status of a country's elephant population, and the best available evidence shows Zimbabwe's is stable or increasing (which will be reconfirmed in 2014 surveys). Instead, "Zimbabwe [has long been] facing a serious problem of overpopulation of elephant, which is causing critical environmental damage especially in the Hwange National Park." *Zimbabwe's Elephant* (2014), p. 1. Many areas of elephant habitat are over capacity. See Rowan Martin, *Report on the Elephant Population of Zimbabwe* (Apr. 2014) ("Rowan Martin's Report"), p. 1. This magnitude of overpopulation, especially during a drought, creates substantial risks. "Elephants destroy crops, damage water installations, compete with cattle [and wildlife] at water points (and occasionally kill cattle [and wildlife]) and are a physical threat to humans." Rowan Martin, *Background Study, Elephants* (Apr. 2005) ("Rowan Martin Background Study"), p. 38.

An enhancement determination also looks to see if a country has a valid management plan, and Zimbabwe does, supplemented with an "adaptive management" approach to address challenges as they arise. See Zimbabwe Parks and Wildlife Management Authority, *Response to Questions Raised by the United States Fish and Wildlife Service to Address the USA Endangered Species Act* (Apr. 2014) ("ZimParks Resp."), p. 1-2. Tourist hunting is a central tool used in this adaptive approach. The revival of the elephant population in Zimbabwe in the last 30 years has been partially attributed to tourist hunting:

From 1980 onwards there was an increasing trend towards wildlife becoming the predominant form of land use in Matabeleland North and this allowed the expansion of the elephant population into Forest Areas, communal lands and commercial farms. At the same time, sustainable quotas for elephant sport hunting were being set. These two factors acting together are likely to have produced the apparently high growth rates.

Rowan Martin Background Study, p. 35. Furthermore, the majority of conservation programs in Zimbabwe are largely dependent upon tourist hunting and the benefits it provides. ZimParks and programs like world-renowned CAMPFIRE receive the majority of funding from safari hunting fees (see pages 15-17 below). Savé Valley and Buby Valley Conservancies have become financially self-sufficient by incorporating sustainable tourist hunting into their management plans (see page 11). Anti-poaching initiatives launched by ZimParks are heavily funded by tourist hunting revenue, and the individual hunting operators spend hundreds of thousands of dollars to combat these criminals (see pages 17-19). In consideration of this new and additional information, it is undeniable that regulated tourist-hunting of elephants in Zimbabwe, and the subsequent import of trophies, enhances the survival of the species.

I. The attached information provides the required data to lift the suspension

A. Zimbabwe's elephant population is not "under siege" – it is growing out of bounds

Zimbabwe's elephant population is not "under siege," or experiencing a drastic decline such that tourist hunting of elephant "may not be justified." FWS, *Press Release* (Apr. 4, 2014), p. 1. The

reality on the ground is the exact opposite – Zimbabwe’s elephant are doing almost too well. For example, the press release cited a widely publicized water hole poisoning in Hwange National Park which was grossly exaggerated by the media. Following the incident, ZimParks and the Zimbabwe Wildlife Society conducted an extensive check of Hwange that indicated no more than 103 elephant deaths had occurred. *V. Booth Email* (Apr. 8, 2014), p. 1; *see also DeVries Decl.* ¶ 11 (indicating 132 dead elephant in the initial count); FWS, *Information Memorandum for the Director* p. 5 (putting the number at 90). Thanks to the eyes and ears of a local hunting operator first spotting the poachers, the government of Zimbabwe responded swiftly to apprehend and make an example of those responsible with severe, deterrent sentences. *T. DeVries Email* (Apr. 9, 2014); *Friends of Hwange Trust Newsletter* (Oct. 2013), p. 1. Media outlets carried the initial assumption that perhaps 300 elephant were poisoned. The true count and efforts of Zimbabwe officials and safari hunting operators to apprehend and prosecute those responsible were mostly unreported. *See generally T. DeVries Email* (Apr. 9, 2014); *DeVries Decl.* ¶ 11. Without hunters providing the first line of anti-poaching defense, the situation would have been discovered much later, and the poachers might not have been caught. *Report on Elephant Numbers in Zimbabwe* p. 1. That poaching has long been contained.

Although a tragedy, the loss of approximately 103 elephant (the correct number) is biologically insignificant and according to expert Rowan Martin “... would not even have made a dent in the population which is at such a level that between 1,000 to 2,000 should be removed annually to prevent any further increase!” *Rowan Martin’s Report* p. 1; *see also R. Thomson, Report: A General Overview on Zimbabwe’s Elephant Populations and the Conditions of the Habitats that Support Them* (“Thomson Report”), p. 3-4. In Martin’s expert opinion, “it is most unlikely that there are fewer than 100,000 elephants in Zimbabwe.” *Rowan Martin’s Report* p. 2. According to ZimParks, elephant populations are consistently increasing in almost every main range. *ZimParks Resp.* p. 5-8.² ZimParks’ belief is substantiated with real hard data, as all of the four major elephant ranges in Zimbabwe have been recently assessed or surveyed in some form, including through aerial, waterhole, road strip, walking transects, visitor observations/sightings, and/or ranger-based monitoring. *ZimParks Resp.* p. 1; *Zimbabwe, 2012 (“2013 Africa” Analysis)*, Elephant Database (including all data categories, the IUCN estimates Zimbabwe has more than 100,000 elephant).

To keep data consistent and comparable, Zimbabwe uses a standardized process including MIKE standards when surveying elephant in the four major geographical ranges. *ZimParks Resp.* p. 9. The main objectives of these surveys are to ascertain precise population estimates, determine spatial distributions, determine mortality rates, and map sex and age-class distribution in the elephant populations. *ZimParks Resp.* p. 9-11. The methodology used has been repeatedly vetted by experts and includes counting live elephants and counting elephant carcasses. *ZimParks Resp.* p. 9; *see also e.g., Aerial Survey of Elephants in Gonarezhou National Park* p. 3-4. As

² *See also Marion Valeix et al., Vegetation Structure and Ungulate Abundance over a Period of Increasing Elephant Abundance in Hwange National Park, Zimbabwe* (2006); Simon Chamaille-Jammes et al., *Resource Variability, Aggregation and Direct Density Dependence in an Open Context: The Local Regulation of an African Elephant Population* (2007); Simon Chamaille-Jammes et al., *Managing Heterogeneity in Elephant Distribution: Interactions Between Elephant Population Density and Surface-Water Availability* (2007); Marion Valeix et al., *Fluctuations in Abundance of Large Herbivore Populations: Insights into the Influence of Dry Season Rainfall and Elephant Numbers from Long-Term Data* (2008); Simon Chamaille-Jammes et al., *Seasonal Density Estimates of Common Large Herbivores in Hwange National Park, Zimbabwe* (2009).

part of survey efforts, Zimbabwe also tracks and accounts for incidences of poaching on a yearly basis. *ZimParks Resp.* p. 12.

1. North West Matabeleland/Hwange National Park

The elephant population of North West Matabeleland was estimated by a comprehensive aerial survey in 2001 and in partial aerial surveys in 2006 and 2007. *ZimParks Resp.* p. 6. The elephant population of Hwange National Park, which is located in North West Matabeleland, has also been annually counted by water hole foot census since 1972. *2013 Game Census for Hwange National Park* (see chart p. 5).

According to the 2007 aerial survey (which was “compromised” because of technical issues that delayed the start, causing the survey to be completed in the rainy season and causing the problem of “significant movement of elephant between strata”): “There were estimated to be 39765 elephants (lower and upper 95% confidence limits 33229 and 46300) in north-west Matabeleland study area during 2007.” *Aerial Survey of Elephants and other Large Herbivores in North-West Matabeleland* (Dec. 2007), p. 10-11. Of course, a count during rainy season would understate the population. This number has most likely significantly increased in the past seven years. *ZimParks Resp.* p. 6. In any event, all authorities think there are too many elephant.

In Hwange National Park alone (which lies within North West Matabeleland), the population of elephant is estimated to be between 30,000 and 50,000 and to be increasing. *Thomson Report* p. 2. This estimate is supported by an annual water hole census that has been conducted for over 40 years (following the same methodology each year so the data is comparable). In 2013, 85 teams participated and counted 20,373 elephant at select water holes and pans in a 24-hour period, which “was again quite large, having been exceeded only twice since 2000.” *2013 Game Census for Hwange National Park* p. 1. The census also noted:

the fraction of the count numbers due to elephant has generally been increasing over the years. This year there were 20,373 elephant and a total of 35,332 animals, or 58% of the animals were elephant. The figure was around 20% to 30% elephant in the mid 1980’s rising to a high of 61% elephant in 2011. Elephant have thus become the predominant species in the park.

2013 Game Census for Hwange National Park p. 2-3 (emphasis added). Elephant outnumber impala, the next most populous animal, by 17,000. *2013 Game Census for Hwange National Park* p. 5. Yet experts estimate Hwange can environmentally sustain only 14,000-15,000 elephant (*Rowan Martin’s Report* p. 12), which was exceeded by more than one-third that number in one 24-hour census.

Zimbabwe shares this elephant population with Botswana. Hwange spans the border between these countries, and elephant can migrate back and forth as they choose. *A. Pole Email* (Apr. 25, 2014; *Rowan Martin Background Study* (analyzing cross-border populations). In other words, in a given period, Hwange’s population can rise or fall based on elephant migration. Botswana has a sizable and well-managed elephant population (according to FWS’s April 4 press release), and this shared population is also sizable and well-managed. The Hwange population is the most secure in Zimbabwe because its neighbor, Botswana, has more than 175,000 elephant (in all

categories) and the military polices the elephant population. *Botswana, 2012 ("2013 Africa" Analysis)*, Elephant Database; *Botswana Wildlife Conservation: Wildlife Protection Website*.³

In short, Hwange elephant may be viewed as being of the least concern in comparison to, for example, Gonarezhou National Park, bordering Mozambique, which has been more recently surveyed and also found to have an increasing population. Zimbabwe has demonstrated the political will to update its surveys of the Hwange region. But Zimbabwe has to show judgment in prioritization of surveys. Its limited resources for elephant management are best spent in areas without such a large population and without a secure neighboring population.

2. Mid-Zambezi Valley

The Mid-Zambezi Valley has been surveyed consistently (in 2001, 2003, 2005, 2006, 2010), and as recently as 2011. *ZimParks Resp.* p. 7; *Chewore Safari Area*, Elephant Database. In 2005, this area was estimated to have approximately 30,000 elephant, "the highest ever for the region indicating that the population was increasing." *ZimParks Resp.* p. 7. In a 2010 aerial survey, the Chewore Safari Area (of approximately 3,400 km²) was estimated to have 5,000 elephant (or 1.5 elephant/km²). See *Chewore Safari Area 2010*, Elephant Database. The Mid-Zambezi Valley shares its elephant populations with the Lower Zambezi National Park in Zambia and the Magoe in Mozambique (*ZimParks Resp.* p. 7), which also requires shared management and surveying. (See page 12 below on Transfrontier Conservation Areas).

Similar to the water hole census in Hwange:

The Wildlife and Environment Society of Zimbabwe have done an annual game count in Mana Pools National Park in the middle of the lower Zambezi Valley since 1995. While conducted by wildlife enthusiasts and not as part of a scientific programme, the count uses the same transects and methodology each year and can give an indication of population trend. The results (Figure 1) would indicate a general increase in the elephant population over the last 20 years.

Safari Operators of Zimbabwe, *Status of Elephant Populations, Hunting, and Anti Poaching Effort in Safari Areas in Zimbabwe* ("SOAZ Report"), p. 2 (including graph showing population increase).

3. South East Lowveld/Gonarezhou National Park/Savé Valley Conservancy

In the South East Lowveld, the Gonarezhou National Park was surveyed as recently as 2013 (*Aerial Survey of Elephants in Gonarezhou National Park* (Dec. 2013)), and previously in 2009 and 2007. *ZimParks Resp.* p. 8. Similarly, the Savé Valley Conservancy was surveyed in 2013 (and conducts an annual aerial survey). E.g., *A. Pole Email* (Apr. 25, 2014), p. 2; *Aerial Survey of the Larger Herbivores (Savé Valley Conservancy)*, p. 10, 13. Like the regions discussed above, the South East Lowveld has a growing elephant population. *ZimParks Resp.* p. 8. The 2013 aerial survey of Gonarezhou National Park and surrounding lands estimated the population to be 10,000 elephant, a 50% increase from 5,000 elephant in 2007. See *Aerial Survey of Elephants in*

³ More recent surveys estimate the Botswana elephant population to be 207,000. Aerial Census of Animals in Botswana/Dry Season 2012.

Gonarezhou National Park (Dec. 2013), p. I (“The 2013 estimate ... was the highest estimate of the number of elephants in this park since sample surveys began there during 1975.”); *ZimParks Resp.* p. 8; *Rowan Martin’s Report* p. 1. In Gonarezhou, elephant are the second most prevalent species after impala. *Aerial Survey of Elephants in Gonarezhou National Park* p. 9. Although the elephant population in this region is the most vulnerable in the country because it borders Mozambique, where poaching is rampant (IOL News, *Mozambique’s Elephants Under Threat* (Apr. 25, 2013)), the elephant herds are growing, and poaching is not a serious problem. See E. Gandiwa *et al.*, *Illegal hunting and law enforcement during a period of economic decline in Zimbabwe: A case study of northern Gonarezhou National Park and adjacent areas*, 2013. The evidence indicates Zimbabwe and its international partners are doing a remarkable job managing elephants in this park.

In the Savé Valley Conservancy, the 2013 aerial survey reflects a population of 1,500 elephant. *Aerial Survey of the Larger Herbivores (Savé Valley Conservancy)*, p. 10, 13. There are 530 elephant in Bulyebe Valley Conservancy. *Osprey Filming Email* (Apr. 21, 2014), p. 2. In addition, according to another 2013 aerial survey, the Malilangwe and Chiredzi River Conservancies hold an estimated 200 and 70 elephants respectively. *ZimParks Resp.* p. 8 (citing *South East Lowveld: Aerial Survey Report* 2013). Perhaps not technically in the South East Lowveld, the nearby Central Limpopo River Valley elephant population was surveyed in 2012 and was found to be growing slightly, with 355 elephant counted in Zimbabwe, representing a higher density than those counted in previous years. *Elephant Aerial Census of the Central Limpopo River Valley* (Sept. 2012), p. 4, 14-15, 22, 25.

Notably, Gonarezhou National Park’s capacity for elephant is estimated at about 3,000. *SOAZ Report* p. 1. The Savé Valley Conservancy’s management plan identifies its appropriate capacity at or below 1,000 elephant. P.A. Lindsay, *Savé Valley Conservancy Elephant Management Plan*, p. 3 (“SVC Management Plan”).

4. Sebungwe

In short, in all the above regions, elephant populations are growing. Only in the Sebungwe range (the least significant region in population size), are elephant populations perhaps declining due to increased human settlement and resulting encroachment on elephant habitat. See *ZimParks Resp.* p. 7. A 2006 survey estimated the Sebungwe to hold an elephant population of approximately 15,000. *ZimParks Resp.* p. 7. But recent anecdotal reports suggest this population is declining. *SOAZ Report* p. 3.

5. Elephant Capacity Concerns

According to the best available information, elephant are thriving perhaps too well in Zimbabwe. In Hwange, they are crowding out other animals (see *2013 Hwange Game Census*, p. 2), and in all ranges but Sebungwe, they have overgrown the land’s carrying capacity and should be reduced to a supportable population level before all biodiversity is lost. See *Rowan Martin’s Report* p. 1-2; *Thomson Report* p. 2-4; *Cooke Decl.* ¶ 11. “The recommended elephant population for Zimbabwe has been estimated at around 40000-50000 animals (0.6 per km²).” *IWMC World Conservation Trust Letter* p. 2 (also noting that Zimbabwe previously had to cull 46,000 elephant to keep its population in balance). Even if tourist hunting quotas for elephant were fully met,

Zimbabwe would still need to reduce its elephant population by many thousands to reduce it to a sustainable population. *Rowan Martin's Report* p. 1; *Thomson Report* p. 2-4; *IWMC World Conservation Trust Letter* p. 2 (“[r]emoval of Elephants t[h]rough sport hunting represents a negligible amount of the country population and more importantly represent the most important source of income for many rural population which live in deep poverty”).

In light of this information, the appropriate concern is how to save an irreplaceable ecosystem potentially under siege by an overabundance of elephant. Where elephants are overabundant, “they cause tremendous habitat destruction” and can “eat[] themselves out of house and home.” *Rowan Martin's Report* p. 1; *IWMC World Conservation Trust Letter* p. 2. And it is not only the elephant who suffer when this happens. Other inhabitants of and dependants on the habitat are affected. *Report on Elephant Numbers in Zimbabwe* p. 4. For example, large raptors have all but disappeared in Hwange because the tall trees they use as breeding sites have been decimated by elephant. *V. Booth Email* (Apr. 8, 2014), p. 2. There is also an increasing dearth of water supply for all species in Zimbabwe, but “[b]ecause of the elephant size and the sheer numbers, other game animals are chased from the water holes, sometimes to their ultimate detriment.” *Zimbabwe's Elephant* p. 4. Even considering the indispensable water pumps funded by safari operators, there is not enough water for local wildlife (especially in Hwange), and in droughts, a significant amount of elephant will die of thirst. *Report on Elephant Numbers in Zimbabwe* p. 4. The elephant population is simply too large, and needs to be reduced by the thousands to prevent massive ecosystem destruction and die-offs (of not just elephants but other species) due to lack of water.⁴ Given these conditions, it must follow that a regulated, tourist-hunted offtake of less than 500 mostly male elephant annually has no effect whatsoever on the elephant population in this country. (See page 9 of this comment for more.)

B. The Enhancement Finding erroneously interpreted the African Elephant Database and did not considered substantial recent evidence of a stable and increasing elephant population

With good reason to believe its elephant population is steadily increasing and limited resources for elephant management, Zimbabwe has responsibly concluded that it makes better fiscal and managerial sense to conduct regional and as-needed surveys and counts instead of investing in a duplicative national survey (although the funding provided by Conservation Force, Mr. Allen, and others have helped make a 2014 survey a reality, and to put any other DMA concerns to rest). At the time of the suspension, FWS did not have all this information about population numbers – but with this information, the suspension no longer makes sense. Moreover, the Enhancement Finding misinterpreted the African Elephant Database for Zimbabwe's elephant population, which led to its incorrect assumption that Zimbabwe's elephant are declining. The mistake seems to have been based on a misreading of the 2013 update to the database.

⁴ Even if a recent national survey had been completed, the stark reality is that many elephant in Zimbabwe have died or will die during the current drought, thus necessitating a new survey post-drought. This is another reason that large-scale surveys have not been conducted. The evidence on the ground shows that overpopulation, not poaching or other causes, currently causes the largest percentage of elephant mortality in Zimbabwe. See generally *Rowan Martin's Report*; Photograph: *Malnourished Elephant in Hwange National Park*.

Every few years the African Elephant Specialist Group (“AFESG”) updates its Elephant Database. To the inexperienced, the most recent Database table seems to indicate a decline since 2007 in Zimbabwe’s elephant population of approximately 45,000. *Zimbabwe, 2012 (“2013 Africa” Analysis)*, Elephant Database; *Southern Africa, 2007, compare* Elephant Database, p. 47-51. In reality, **45,000 elephant were not erased from the population but were only moved from the “definite” category to the “speculative” category** because, as a matter of course, the survey this number was based upon became dated. *Zimbabwe, 2012 (“2013 Africa” Analysis)*, Elephant Database, p. 2. These 45,000 elephant did not simply “disappear” from the Database – i.e., this is not a decline in number, just in quality of the estimate. These 45,000 elephant are still part of the AFESG population estimate. The data is not considered as certain due to the age of its source (under the Database parameters). But there are recent, “definite” estimates for Zimbabwe (as shown on pages 4-8, demonstrating the elephant population is increasing).

C. *Regulated tourist hunting of elephants represents a sustainable use*

Regulated tourist hunting benefits the survival of elephant in Zimbabwe by improving, not impairing, their population growth. Tourist hunting is regulated – it only permits the taking of elephant that meet trophy criteria. *Cheek Decl. ¶ 14 A. Pole Email* (June 5, 2015) (“the weight of each tusk has to be recorded in the Hunting return form”). These animals are generally older bulls past prime breeding age. *R. Hurt Email* (Apr. 13, 2014), p. 1; *Buch Decl. ¶ 15; Rawson Decl. ¶ 12*.

Rowan Martin, a leading expert in elephant population management,⁵ explains that taking older male elephants actually accelerates elephant growth rates where hunting quotas are set at a sustainable level. *Rowan Martin Background Study* p. 33-35. Where the age structure of the elephant population was “skewed” to reduce the number of males over 30 in the population, Botswana’s elephant population achieved a 6.6% growth rate, and Zimbabwe’s population grew at a similar or even slightly higher rate. *Rowan Martin Background Study* p. 34. This is an accelerated rate of growth.

Rowan Martin reports, when Botswana first over-hunted its trophy elephants, leading to a “skewed” age structure in the population with few males older than 30, and then set sustainable elephant hunting quotas, the elephant population achieved a 6.6% growth rate and skyrocketed to approximately 120,000 animals in 2003 (up from 50,000 in 1990). *Rowan Martin Background Study* p. 34. Similarly, in Zimbabwe, high levels of problem animal control likely created a “skewed” age structure, but as habitat became protected through CBNRM programs in the 1980s/1990s and Zimbabwe set a sustainable hunting quota, Martin believes a high growth rate and marked population increase was the biological result. *Rowan Martin Background Study* p. 34-35.

Similarly, because tourist hunting is regulated and older males are not significant for population growth, tourist hunting represents a sustainable use of elephants even if poaching is a problem:

⁵ Also a participant in the May meeting between Zimbabwe wildlife officials and FWS. *Savé Valley Conservancy Letter* p. 1.

Illegal hunting has no effect on the setting of sport hunting quotas because the population age structure does not change shape from a stable age distribution. All that alters is the population growth rate. Even when the level of illegal hunting is unsustainable, a quota of 0.5% can be set for sport hunting. In Appendix 5 (page 88) it is shown that 869 trophy males would be taken over 50 years from a population subject to no management offtakes or illegal hunting: when the illegal harvest is 4% the number of trophies drops to 266.

Rowan Martin Background Study p. 56. In other words, tourist hunting is self-regulating – it can never take too many trophies where a quota is appropriately set, because hunting is selective about which elephants are taken, and the actual number of elephants taken adjusts with the population. See *Rowan Martin Background Study* p. 56.⁶

D. Zimbabwe has effective management plans at the national and regional levels

In 1997, Zimbabwe issued its National Elephant Management Plan. This 1997 plan addresses overarching concerns for managing and protecting elephant populations within the country and covers key objectives including: maintaining ecological biodiversity, preserving and expanding habitat, minimizing human-elephant conflict, and executing anti-poaching strategies. *ZimParks Resp.*, p. 3. ZimParks supervises implementation of the plan. *ZimParks Resp.* p. 2. ZimParks does not receive any funds from the government budget; rather it is completely funded by tourist hunting revenues and donor assistance (*ZimParks Resp.* p. 16), which means tourist hunting is integral to the plan's implementation. Hunting is also integrated into the national wildlife policy as a means to control problem elephants, which generates substantial revenue rather than simply taking and disposing of a problem animal at substantial cost. R.D. Taylor, *A Review of Problem Elephant Policies and Management Options in Southern Africa*, p. 2.

Rather than formulate a new national plan every few years, Zimbabwe regularly reviews aspects of its 1997 plan to address situational changes, ecological needs, CITES compliance, and other developments. *ZimParks Resp.* p. 2. Stakeholder consultative national workshops are held annually with government departments, NGOs, local community representatives, safari operators, and interested private citizens all participating to review aspects of the elephant management plan. *ZimParks Resp.* p. 2. Because Zimbabwe's elephant population is concentrated in four main regions/ranges along its borders with Botswana, Zambia, Mozambique, and South Africa (*ZimParks Resp.* p. 5; *Map of Southern Africa*, attached) and in protected conservancies that closely manage their elephant populations, Zimbabwe has logically adapted its elephant management to incorporate more recent regional planning rather than investing limited resources in formulating a new national plan.

⁶ Martin further notes in his study that "many CITES Parties seem to think that if elephants are being killed illegally, this is a sufficient reason to ban trade in ivory in the country concerned. The opposite is needed: if illegal hunting is taking place, even greater is the need to trade in ivory to provide the funds to combat the challenge." *Rowan Martin Background Study* p. 57. Of course that is even truer of low volume, high value tourist safari hunting. Although the comments express no view on ivory sales, they share Martin's concern that range states need all the funding they can get for elephant management and anti-poaching activities. As discussed here, the tourist hunting industry is the largest financial supporter of conservation programs in Zimbabwe.

Zimbabwe's area-specific elephant management plans conform to the national policy but provide for particular needs of the locally managed population. For example, "[t]he SVC developed a highly professional elephant management [plan] in 2007 with funds assistance from US F&WS." R. Baldus, *Hunters United Against the Poaching Crisis in Africa* (May 2014). P. 1 (quoting Wilfried Pabst). Savé Valley's elephant population of 1,500 exceeds the agreed capacity of the Conservancy (of 1,000 elephant), and its plan provides for reasonable cropping to keep the population at a sustainable level. *SVC Management Plan* p. 8. And while the elephant population in the Conservancy is comparatively small, there are still incidents of human-elephant conflict, so the plan necessarily includes mechanisms for minimizing these incidents, including tourist hunted offtake of problem animals. See P.A. Lindsay, *Human Elephant Conflict in and around Savé Valley Conservancy*. The plan also incorporates hunting as an integral part of its sustainable use objectives. *SVC Management Plan* p. 11-12. The tourist hunted elephant quota is responsibly and sustainably set each year and prohibits the taking of any female elephants. *SVC Management Plan* p. 12. In the management model, tourist hunting represents 77% of the Conservancy's realizable income (Rowan Martin, *Savé Valley Conservancy Management of the Elephant Population* (Jan. 2007), p. 27), and it remains a vital part of the sustainability of the area. Savé Valley Conservancy Website, *Ecological Sustainability*; see also H. Suich & B. Child, *Evolution and Innovation in Wildlife Conservation* Ch. 11 (2009).

In addition to the Savé Valley Conservancy plan, the Malilangwe Game Reserve and the Buby Valley Conservancy both have plans that responsibly and sustainably incorporate tourist hunting as an essential elephant management tool. See Buby Valley Conservancy Website, *Hunting*; *Osprey Filming Email* (Apr. 13, 2014), p. 2.

In addition to regional plans for populations within its perimeter, Zimbabwe has partnered with African nations along its borders to jointly manage the cross-border elephant herds. In 2005, Zimbabwe spearheaded the Southern African Development Community's ("SADC") workshop on regional elephant conservation. See *Southern Africa Regional Elephant Conservation and Management Strategy* (May 27-29, 2005). From this meeting came the Southern Africa Regional Elephant Conservation and Management Strategy ("Southern African Elephant Strategy"), which established a framework for Southern African elephant range nations to coordinate management initiatives, with a periodic review to facilitate adaptive measures. The unique advantage of this multinational plan for Zimbabwe is it aims to expand protected and managed areas of densely populated elephant habitat, especially through promotion of tourism (such as tourist hunting) and the resulting revenue. *Southern African Elephant Strategy* p. 11. The primary objectives of this strategy are:

- Enhancement &/or maintenance of biodiversity conservation.
- Recognition of the importance of elephants in contributing to existence values, development and sustainable use....
- The application of adaptive management as a learning tool.
- The importance of humane implementation in management interventions.
- The need for harmonization of management plans and activities across land uses and international boundaries....
- Realising full sustainable benefits from elephants.

Southern African Elephant Strategy p. 9. Key elements of these objectives include minimizing human-elephant conflict and addressing problem elephant by increasing the value of elephant and realization of the benefits of elephant. *Southern African Elephant Strategy* p. 11. Methods for accomplishing this include game cropping where applicable. *Southern African Elephant Strategy* p. 17. The advantages recognized by the strategy are low costs (costs covered by recovery and sale of products, presumably including hunting fees) and local community benefits, such as receiving funding for infrastructure, employment opportunities, and protein from meat. *Southern African Elephant Strategy* p. 17.

Additionally, Zimbabwe is a member of multiple Transfrontier Conservation Areas, the goal of which is to coordinate management of the ecosystems within each nation and harmonize wildlife policies between nations, to facilitate effective natural resource management and conservation. Zimbabwe Ministry of Environment, Water, and Climate Website: *Transfrontier Conservation Areas*. Zimbabwe is part of the Kavango-Zambezi Transfrontier Conservation Area (“KAZA TFCA”), the Great Limpopo Transfrontier Park, the Greater Mapungubwe Transfrontier Park, the Zimbabwe-Mozambique-Zambia (ZIMOZA) Transfrontier Conservation Area, and the Mana Lower Zambezi Transfrontier Conservation Area (see *ZimParks Resp.* p. 12 and attachments on the Index under “Transfrontier Conservation Areas”).

One of the most active transfrontier conservation areas is KAZA TFCA (“Often referred to as the most ambitious and complex conservation project in the world” (*Okavango Research Institute Blog* (Mar. 10, 2011)), which is spearheading regional survey and anti-poaching efforts. KAZA TFCA is composed of Angola, Botswana, Namibia, Zambia, and Zimbabwe, and has the specific purpose of transboundary monitoring of wildlife and coordination of conservation projects. See Partner Countries, attached; additional cite re purpose. Previously, KAZA TFCA has not conducted a comprehensive survey of the elephant populations of its partner countries, and to address this, a symposium was held in Botswana in April 2014 to plan a regional elephant survey. KAZA TFCA, *Press Release* (May 1, 2014).⁷ From this meeting the “Great Elephant Census” was born – a massive conservation initiative that will estimate the elephant populations of 18 elephant range states, including Zimbabwe. Reuters (Dec. 4, 2013). Conservation Force has learned that a comprehensive Zimbabwe survey will be completed in 2014. KAZA TFCA will also hold an anti-poaching workshop in June 2014, “to bring together KAZA TFCA wildlife law enforcement authorities and experts, to develop a KAZA TFCA law enforcement strategy that will establish/strengthen intelligence networks on cross border collaboration on wildlife crimes.” KAZA TFCA, *Press Release* (May 30, 2014).

Zimbabwe has uniquely molded its elephant management strategy to fit the needs of its populations, and its area-specific approach allows for quick responses to changing environmental and social issues. Yet it is just as important, as DMA notes in its 2014 negative Enhancement Finding, that Zimbabwe has adequate resources and political will to implement and enforce its elephant management strategies. *Enhancement Finding* p. 4. The evidence demonstrates that Zimbabwe is highly committed to protecting its elephant, but like any other elephant range state, its efforts are somewhat constrained by lack of resources. *ZimParks Resp.* p. 16. Tourist hunting

⁷ Regional surveys estimating shared elephant populations have also been conducted around the Zimbabwe, Mozambique, and Zambia border (*Aerial Survey of Elephants and Other Large Herbivores in the Zambezi Heartland* (May 2004)) and in 2010 on the Zimbabwe-Mozambique border (*Wildlife Survey Phase 2 in Mozambique* (Dec. 2010)).

is the primary source of funding for most of its elephant strategies (*ZimParks Resp.* p. 16), and Zimbabwe cannot afford to lose this revenue. It is essential and it enhances the survival of the elephant.

Conservation Force has already pledged funding toward necessary population surveys, but has also pledged to fund a workshop to formulate a new national action plan or revamp the current plan if that is what is deemed necessary. The workshop's objectives include expanding public awareness of and participation in elephant management issues:

The purpose of the workshop is to review ... and update **THE POLICY AND PLAN FOR ELEPHANT MANAGEMENT IN ZIMBABWE** which was approved in 1997.

A new and updated management plan is needed to maintain and, where possible, increase the numbers and range of elephant populations, their habitats and associated biodiversity, ensuring full economic benefit to national and local development, including the communities with whom they share the land. This will be achieved by conserving elephants and their range through the provision of effective active management; managing elephant populations in collaboration with local stakeholders; reducing Human Elephant Conflict through mitigation, spatial planning and increased community benefits; ensuring an efficient and effective institutional and organisational framework for elephant management; enhancing elephant conservation through policy and legislative change and unified management; and better communication at all levels and sectors of society.

Marco Pani, *Workshop on Elephant Management Plan of Zimbabwe* (June 5, 2014), p.1.

The key is facilitation and cooperation, and in light of this new and additional information, the suspension of elephant trophy imports no longer accomplishes this purpose.

II. The attached information demonstrates that Zimbabwe's regulated tourist hunting enhances the survival of the elephant

In 1997, the DMA made a positive enhancement finding for the import of trophies from Zimbabwe, concluding that "Zimbabwe is effectively conserving and managing the elephant population throughout the country." *Enhancement Finding for African Elephants Taken as Sport-Hunted Trophies in Zimbabwe* (July 2, 1997) (1997 Enhancement Finding), p. 1. Nothing has changed since 1997 except Zimbabwe has even more elephant – too many in fact – because it has effectively protected habitat, incentivized communities to tolerate elephant and reduced human-elephant conflicts, and fought poaching. The DMA recognizes as much in the Federal Register Notice, admitting, "our inability to make a finding **is based primarily on a lack of information, not on specific information that shows that Zimbabwe's management is not enhancing the survival of the species.**" 79 F.R. 26986, 26987 (May 12, 2014). It would be difficult if not impossible to find tourist hunting is not enhancing the survival of the species because of all the essential benefits it provides. The information attached to this document is intended to address the DMA's acknowledged lack of updated data on Zimbabwe's management, elephant population status, and tourist hunting programs.

A. *Regulated tourist hunting funds the conservation programs and preserves habitat*

Tourist hunting in Zimbabwe enhances the survival of the elephant because it provides core financial support for the conservation programs. Again, tourist hunting provides the main source of funds for ZimParks. *ZimParks Resp.* p. 16, 27. ZimParks is charged with implementing Zimbabwe's national and regional elephant management strategies, conservation plans, and anti-poaching efforts. *ZimParks Resp.* p. 2; *ZimParks Website*. By directly supporting ZimParks, tourist hunting underwrites conservation programs throughout Zimbabwe. *See ZimParks Resp.* p. 26; *Netzley Decl.* ¶ 8 ("My hunt supplies hard currency to the Zimbabwe Parks and Wildlife Department. They are the first line of defense against the poaching gangs supplying the demand for illegal ivory.").⁸

Tourist hunting also supports Zimbabwe's private conservancies, where elephant (as well as rhino) populations live and thrive and which add to Zimbabwe's total land under conservation for wildlife. For example, the Savé Valley Conservancy covers just under 1 million acres and supports approximately 1,500 elephant. Tourist hunting is critical to the conservancy's elephant strategy for two reasons. First, it pays for the conservancy's existence and ability to actively manage and protect its wildlife populations. *A. Pole Email* (Apr. 25, 2014), p. 2. Second, one of the conservancy's goals is to maintain optimal biodiversity, which is achieved through carefully managing the size of the elephant population. This is done through cropping and tourist hunting. *See SVC Management Plan*. As the owner of a property in the Savé Valley Conservancy said:

We have built up our elephant population from 553 individuals in 1993 to over 1,500, a population which is too large for our 300,000 hectares. The SVC developed a highly professional elephant management in 2007 with funds assistance from US F&WS.... The SVC spends in total about \$750,000 on anti poaching measures ... Take away the 7 elephant bulls we allow ourselves to hunt per year our revenue is reduced by about \$350,000 and will have the most direct and dramatic effect on anti poaching in general and rhinos and elephants in particular. R. Baldus, *Hunters United Against the Poaching Crisis in Africa* (May 24, 2014), p. 1 (quoting Wilfried Pabst).

Tourist hunting also benefits elephants by incentivizing communities to conserve wildlife habitat. Approximately 29% of Zimbabwe's land is protected in some way, with approximately 13% protected as part of the national parks estate. *ZimParks Resp.* p. 16. About the same area is protected through CAMPFIRE, Zimbabwe's community based natural resources management program. *Jonga Report* p. 2. "In Zimbabwe, implementing trophy hunting has doubled the area of the country under wildlife management relative to the 13% in state protected areas." N. Leader-Williams *et al.*, *Letter to Science* (2001), p. 1; FWS, 57 FR 35473-01, 35480 (Aug. 10, 1992) ("An additional 20 percent of the surface area of Zimbabwe has become dedicated to wildlife management since 1980 because of ... CAMPFIRE."). "As a result, the area of suitable land

⁸ The Enhancement Finding states: "The 2013 CITES Panel of Experts raised concerns as to the status of ZimParks relating to its weak financial base, lack of management skills, inadequate and old equipment, and poor infrastructure." *Enhancement Finding* p. 5. The commenters' research did not locate any documents to clarify this statement, and the 2014 Enhancement Finding does not list any sources or footnote this point. The 1997 Enhancement Finding employs almost verbatim language regarding the precursor to ZimParks, and the commenters wonder if this language was left in error in the 2014 Enhancement Finding.

available to elephants and other wildlife has increased, reversing the problem of habitat loss and helping to maintain a sustained population increase in Zimbabwe's already large elephant population." Leader-Williams *Letter to Science* p. 1.

Tourist hunting is primarily responsible for this growth in Zimbabwe's protected habitat because it incentivizes communities with financial and development benefits. *Leader-Williams Letter* p. 1. Elephant hunting in particular attracts generous, conservation-minded individuals willing to give substantial money to conservation programs and to support community-based conservation, which in turn leads to more protected acreage. *See African Professional Hunters Association Letter* p.1-2. CAMPFIRE's success reinforces the benefits that tourist-hunting provides to elephants.

B. Zimbabwe's world-renowned CAMPFIRE program enhances the survival of elephants

CAMPFIRE is a flagship CBNRM program supporting economic and democratic growth in poor rural communities, and developing the communities' understanding of sustainable use of natural resources. By devolving control over natural resources to communities, CAMPFIRE has provided them with many millions of dollars in revenue, much of which has been reinvested in schools, clinics, and water supply improvements. *Jonga Report* p. 5-9; *see generally* H. Suich & B. Child, *Evolution and Innovation in Wildlife Conservation* Ch. 13 (2009).

Approximately 90% of all CAMPFIRE revenue comes from hunting concessions and as of 2012, more than 70% of this revenue came from elephant hunting. *Jonga Report* p. 4; *ZimParks Resp.* p. 26. Hunting on a whole annually generates approximately \$2.5 million; thus, elephant hunting generates approximately \$1.74 million in annual economic benefit enjoyed by CAMPFIRE communities. *Jonga Report* p. 3-8. In suitable areas, use of land for wildlife generates \$7 per hectare compared to using the same land for agriculture, which only generates \$1 per hectare. *Savé Valley Conservancy Letter* p. 2.

The enhancement provided by tourist hunting is even more clear when multiplied benefits are included. *See Jonga Report* p. 6-9. Direct benefits of wildlife utilization from tourist hunting include local employment as bookkeepers, game scouts, safari camp staff, or microentrepreneurs. *Jonga Report* p. 9-10; *ZimParks Resp.* p. 27. Indirect benefits include improved infrastructure and enhanced food security, among other benefits. *Jonga Report* p. 8-10. "In 2007 it was estimated that 777,000 households from 37 districts benefited from CAMPFIRE directly or indirectly. Given that 58 districts now participate in CAMPFIRE, it can be estimated that the number of direct and indirect beneficiaries exceeds 1 million". *Jonga Report* p. 8 (noting that 121,550 households live in prime wildlife areas and accordingly directly benefit from wildlife utilization); *see also Savé Valley Conservancy Letter* p. 2 ("800 000 families directly benefit from elephant hunting... Hunting is also a major factor in our Tourism industry that contributes 15% to GDP."); University of Rhode Island, *Case Study: CAMPFIRE Project*, p. 1-2 ("Most benefits of the CAMPFIRE project have accrued to local people, providing them with a route out of poverty. Under the CAMPFIRE project, proceeds from wildlife accrued to the communities. Job opportunities ... have increased local incomes considerably. The distribution of money from tourism resulted in a positive change of community attitudes to wildlife and of parks officials toward community members..."); *DeVries Decl.* ¶ 12 ("With the funds that we receive from U.S. hunters, we are able to fund conservation operations, including anti-poaching efforts,

wildlife water supply, and local community education and dialogue. The areas in which we hunt are CAMPFIRE areas, so the local communities receive 70% of the total revenue, either by direct payment or other social benefits that the outfitters give to the local communities....”); *Barth Decl.* ¶ 9; *Beardmore Decl.* ¶ 11; *Pieters Decl.* ¶ 12.

As noted above, financial success encourages communities to protect land and wildlife so they continue to reap the rewards. In 1997, only 8 years from CAMPFIRE’s inception, “USAID note[d] that land in Zimbabwe dedicated to conservation has more than doubled, to over 30% of the country, and the elephant population has increased from under 50,000 to over 65,000.” CRS, *Report for Congress*, p. 3. USAID granted over \$30 million to CAMPFIRE, resulting in benefits such as protection of game corridors, environmental education, job creation, community economic development, and enhanced democratization. See *Jonga Report*; *CAMPFIRE Website*; *USAID Final Report of Mid-Term Evaluation of CAMPFIRE*, p. ii.

As FWS previously acknowledged: “The increase in Zimbabwe’s human population has resulted in an increase in human-elephant conflicts. Zimbabwe is dealing with this problem through a program of conservation based community development referred to as CAMPFIRE.” 1997 *Enhancement Finding* p. 2. CAMPFIRE worked, and continues to work, to enhance the survival of the elephant because it causes local communities to reevaluate their view of elephants. Elephants represent nuisances and threats for rural communities when they destroy crops, disrupt cattle, and even harm people. *Jonga Report* p. 2-3 (Table 2 lists an incident in which elephants damaged crops impacting 1,300 households); *ZimParks Resp.* p. 14-15; *Leader-Williams Letter* p. 1.

Hunting transforms elephants from problems into assets because hunters pay to utilize the elephant and share the wealth of successful hunts with rural communities. *ZimParks Resp.* p. 27; *Jonga Report* p. 2-3, 8-9; *Leader-Williams Letter* p. 1; *Oosterhuis Decl.* ¶ 8 (“When our clients hunt elephant in Zimbabwe, members of the local communities are employed as trackers and guides for the hunts. The hunts provide the communities with a direct financial benefit ... On successful hunts the community members are often able to harvest the elephant meat...). By facilitating the sustainable use of elephants through tourist hunting (a decision made by the communities on their own accord), CAMPFIRE and tourist hunting improve human-elephant relationships and allow elephants to thrive. See generally *Jonga Report*; *Pole Decl.* ¶¶ 8-9; *ZimParks Resp.* p. 24; *Charlton McCallum Safaris Letter* p. 1 (joint venture with local communities annually nets \$228,000 used to build clinics, schools, wells, etc.). A new project funded by the World in the Hwange-Sanyati Biological Corridor seeks to strengthen and improve on the CAMPFIRE programs and to use tourist hunting revenue to help develop the area economically and environmentally. IMF HSBC Project Appraisal Document (Apr. 28, 2014), ¶ 42 (“This subcomponent would support investments in the buffer areas of HNP ... It will support the CAMPFIRE system that will open new opportunities to communities to allow them to better manage their natural resources (largely through trophy hunting quotas that create employment for local populations as well as revenue for infrastructure projects).”).

The FWS has consistently supported CAMPFIRE, stating “it is an excellent example of a social program built on values obtained from the sustainable utilization of wildlife resources” and calling it “an important new political-economic-sociological institution that has developed an environmental ethic, restored the perception of wildlife as a valuable resource, advocated

wildlife management as an adjunct to subsistence agriculture, and encouraged the conservation of natural ecosystems and wildlife habitats on tribal trust lands.” 57 FR 35473-01, 35480, 35484 (Aug. 10, 1992). The DMA specifically acknowledged the benefits of CAMPFIRE, noting it “encourages reductions in human-elephant conflicts through conservation-based community development ... providing an economic incentive and return to rural communities while encouraging tolerance for the elephant and sustainable use of natural resources.” 1997 *Enhancement Finding* p. 2. The same is true today (perhaps even more so) because CAMPFIRE income, revenue-sharing, and multiplier benefits have all increased since 1997. See 1997 *Enhancement Finding* p. 3; *Jonga Report* p. 7. Nothing has changed to justify a change in the FWS’ finding – at least not yet. If hunting revenue is taken from CAMPFIRE communities, the benefits of hunting will also disappear, and human-elephant conflicts may well increase. See, e.g., *Professional Hunters Association of South Africa Letter* p. 3; *Oosterhuis Decl.* ¶¶ 9-10.

C. *Tourist hunting in Zimbabwe is well-regulated and is an integral element of the national elephant management strategy*

Tourist hunting is an integral part of Zimbabwe’s elephant management plans, both at the national and regional level. ZimParks is in charge of implementing Zimbabwe’s plan. See *ZimParks Resp.* p. 2. ZimParks’ budget comes from hunting revenue, and it “ploughs back all the money” received from tourist hunting into conservation and wildlife management. *ZimParks Resp.* p. 25. Part of CAMPFIRE’s revenue (again, 90% of which comes from hunting), also “is ploughed back into wildlife conservation activities in CAMPFIRE areas. Proceeds are used directly for elephant conservation, provision of game water supplies, wildlife monitoring and anti-poaching programs on communal land.” *ZimParks Resp.* p. 26.

Tourist hunting (under CITES quota) has historically been “the major elephant population management undertaken in Zimbabwe,” and is coordinated with problem animal control. Take from problem animal control is deducted from Zimbabwe’s quota, and tourist hunters are used at times to remove problem animals. See Prop. 10.27, *Consideration of Proposals for Amendment of Appendices I and II* (Jan. 6, 1997), § 4.2.3; *Cheek Decl.* ¶ 12. Multiple stakeholders participate in quota-setting, including those in CAMPFIRE areas, which further develops the communities’ awareness and appreciation of their wildlife. *ZimParks Resp.* p. 4, 19-22; *Jonga Report* p. 4-5; *ZimParks’ Resp. to The Zimbabwean* (Dec. 11, 2008), p. 2.

D. *Regulated tourist hunting is the primary and best defense against poachers*

Poaching is not a substantial problem in most of Zimbabwe,⁹ but when it occurs, safari operators are on the frontlines and offer the best defense. Safari operators maintain anti-poaching teams and have caught numerous poachers – including those responsible for the poisoning tragedy referenced in the April 4, 2014 press release. In that situation, a safari operator first spotted the

⁹ ZimParks Response identifies only 293 elephants poached in Zimbabwe in 2013, including the 105 elephants that were poisoned in Hwange. *ZimParks Resp.* p. 12. Even if Zimbabwe’s elephant population declined (which it has not, as shown by the attached data), 293 elephants out of a population of even 47,366 (the “Definite” count from the African Elephant Database) is only 0.6%, well below birth rates. See also E. Gandiwa et al., *Illegal hunting and law enforcement during a period of economic decline in Zimbabwe: A case study of northern Gonarezhou National Park and adjacent areas* (2013), p. 139 (results of study indicate “pressure from illegal hunting is light”).

poisoned elephant and sent his game scouts back to confirm the poaching and track the poachers, in coordination with the ZimParks rangers he alerted, helped feed and fuel. The operator and his team worked with the rangers to catch the poachers and buyers and used his own funds – \$100,000 – for a helicopter to assist in the arrests. *T. DeVries Email* p. 2; *Report on Elephant Numbers* p. 1; *DeVries Decl.* ¶¶ 10-11 (noting the 25 scouts employed by the safari operator “quickly discovered the source of the poaching and limited the damage done to the elephant herd” and confirming the hunting operator “funded the entire operation to catch” the poachers responsible for the poisoning and “paid for the vehicles, fuel, food, camping gear, etc.”). Moreover, although this tragedy claimed the lives of about 120 elephant (*V. Booth Email* (Apr. 8, 2014) p. 1; *Rowan Martin’s Report* p. 1; *Report on Elephant Numbers* p. 1), it resulted in a net benefit for elephant as it raised funds for anti-poaching and equipment. According to ZimParks, a “private sector driven fund raising initiative was set up which has to date managed to mobilize 21 vehicles, communication and field equipment for enhanced law enforcement. The ZPWMA has increased manpower level for Hwange and other protected areas through a massive recruitment drive....” *ZimParks Resp.* p. 13; see also *Rowan Martin’s Report* p. 1.

Safari operators in Zimbabwe are dedicated to preventing and combating poaching, which obviously enhances survival of elephant by protecting the lives of elephant. *SOAZ Report* p. 4 (table shows 14 safari “spent a combined total of \$957,843.00 on anti-poaching in their areas and this employs 245 people specifically for anti poaching”). Poaching is not at crisis levels in Zimbabwe but it does happen, especially in border areas. For example, when Charlton McCallum Safaris took over the Dande East concession (bordering Mozambique), they found the wildlife significantly reduced due to poaching. They immediately formed an anti-poaching response unit, retrained and equipped local game scouts, upgraded the equipment of local ZimParks rangers, and more. According to the operator, “[t]o date our full time teams in the East have picked up over 5,000 snares and have arrested over 60 poachers (in 4 years). The game has rebounded strongly which is extremely gratifying.” *Charlton McCallum Safaris Website*; *Charlton McCallum Safaris Letter* p. 1; *DAPU Pamphlet*. As one tourist hunter attested:

I have witnessed firsthand the benefits of hunter-generated revenues that support rural, community-based conservation and anti-poaching programs in northern Zimbabwe in the communal area of Dande East. I stayed in the Kurunga Camp which was funded by CAMPFIRE and USAID. The benefits I observed extended well beyond the elephants. The large numbers of elephants I observed throughout my hunt were all of ages and in very good condition. Dande East was considered a depleted area for wildlife in 2009 due to rampant poaching by locals and poachers from adjacent Mozambique.... In 2010, my safari operator, Charlton McCallum Safaris, took over Dande East and formed the Dande Anti Poaching Unit (DAPU) ... In just two short years (2010 to 2012), the wildlife rebounded in unbelievable numbers. *Capozza Decl.* ¶¶ 13-14; *Capozza Email* (Feb. 13, 2014).

For 2014, Charlton McCallum Safaris anticipates spending approximately \$85,000 for anti-poaching activities, primarily for hiring and equipping 24 game scouts. (They may spend more, depending on their scouts’ success – Charlton McCallum Safaris maintains an incentive program and rewards their scouts for every poacher apprehended, among other things, which gives value to elephants and incentivizes the game scouts in performing their duties.) See *DAPU Website*; *DAPU Budget 2014*.

Safari operators deter poaching because they are on the ground, especially in remote areas that are not farmed or otherwise touristed. “Without hunting, such areas would be prone to poaching due to absence of human activity.” *ZimParks Resp.* p. 27; *Chifuti Hunting Safaris Letter* p. 1. “Hunters and hunting operators are the first line of defense in the fight against poaching. Without hunters and hunting operators in the field, poachers will get a free pass to slaughter elephants at will.” *Cooke Decl.* ¶ 14; *DeVries Decl.* ¶ 11; *Barth Decl.* ¶ 11 (“From my experience, areas of Zimbabwe that have legal safari operators as their hunting concession holder are well patrolled by anti-poaching teams. Areas that do not have safari operators are generally overrun with poachers.”); *Pieters Decl.* ¶¶ 14-16 (“Hunting operations like mine are one of the most effective anti-poaching weapons. We conduct anti-poaching activities with trained scouts and fund these efforts out of our own pockets. There is no question that hunting enhances the survival of elephants in Zimbabwe....”).

E. *Hunting provides additional benefits to Zimbabwe and to elephants*

- *Safari operators support local development.* Hunters frequently operate in remote areas not otherwise utilized, and it falls on them to make these areas accessible for others through roads, airstrips, and water development. *ZimParks Resp.* p. 27. Hunters are responsible for rehabilitating wildlife areas of Zimbabwe previously used for cattle or decimated by poachers. *Charlton McCallum Safaris Letter* p. 1; *Duckworth Decl.* ¶ 4 (“My family and I have been responsible, both financially and physically, for the restoration of the Mokore, Angus and Umkondo sections of the Save Valley Conservancy. We worked to bring it from denuded cattle land to one of the best game areas left in Africa today.”).
- *Philanthropic tourist hunters donate substantially to Zimbabwe’s communities.* In turn, this reduces human-elephant conflict. But more importantly, it helps local communities with their development and helps to offset losses some have suffered through relocation from the creation wildlife parks. *Report on Elephant Numbers* p. 2 (“An example of this is a project that was initiated by a sport-hunter through Living Waters. In the Maitengwe area 24 village wells were sunk and equipped and 18 in Tsholotsho, each well costing \$10,000 ... These amounts may not seem much to the average American but to poor villages living on the frontline with wildlife, it is a lot of money. The average family incomes are less than \$500 per year.”).
- *Tourist hunting has a lower carbon footprint than photographic safaris and exists in geographic areas that are not suitable for photo-safaris.* See Charles E. Kay, *Kenya’s Wildlife Debacle: The True Cost of Banning Hunting* p. 4-5 (wildlife viewing is more environmentally problematic than hunting because it has a larger carbon footprint); *P. Fick Email* (Apr. 12, 2014) p. 2 (since hunting was banned in Kenya, that country has lost over 80% of its wildlife, and even though its photo-safari industry is thriving, “these areas only account for a very small percentage of the overall landmass. The wildlife is all but gone from the old hunting areas which were never conducive for photographic safaris”); *CAMPFIRE Website*.

III. No Enhancement Finding Is Even Necessary

Although it is clear that tourist hunting enhances the survival of elephants, no such finding is legally necessary because the Special Rule governing import of sport-hunted elephant trophies is *ultra virus* and should not be enforced.

The Special Rule, adopted prior to the revision of CITES CoP Resolution 2.11, requires the FWS to find “the killing of the animal whose trophy is intended for import would enhance the survival of the species.” 50 C.F.R. § 17.40. In 1992, in adopting this rule, the FWS referred to CITES CoP Resolution 2.11, which – at the time – had an enhancement provision. *See* 57 F.R. 35473-01 (Aug. 10, 1992). At the time, all elephant were also listed on CITES Appendix I. Appendix II elephant were not contemplated, nor was it relevant to Appendix II threatened elephant under § 9(c)(2) of the Endangered Species Act.

But two years after the FWS adopted the special rule, the Conference of the Parties to CITES revised Resolution 2.11 to intentionally eliminate any mention of enhancement. The resolution was revised to recommend “the Scientific Authority of the importing country accept the finding of the Scientific Authority of the exporting country that the exportation of the hunting trophy is not detrimental to the survival of the species, unless there are scientific or management data to indicate otherwise.” CoP Res. 2.11 (rev. 1994). Any prior reference to “enhancement” was specifically deleted, due to the concerns of exporting countries about how arbitrary enhancement and import limitations harmed their hunting-based conservation programs. These exporting countries were frustrated with what they called “the patronizing approach” of the enhancement requirement, which they felt indicated the mistrust of the importing countries. *See* Trade in Hunting Trophies of Species Listed in Appendix I, CITES Doc. 9.50 (CoP 9), p. 794-95. Finally, the exporting countries wanted to remove “enhancement” because it placed a judgmental, arbitrary, subjective burden on the importing state, while the exporting state is actually in a far better position to determine that a particular trade is not detrimental to a particular species as required under CITES. Doc. 9.50 p. 794-95. The mistaken, harmful and premature suspension in this instance demonstrates the point one more time.

The FWS has explicitly acknowledged that CITES no longer requires import/export permits to address enhancement:

[U]nder certain conditions and with established quotas, CITES allows the export of sport-hunted trophies of Appendix-I species. While trade in such species may not be detrimental, and noncommercial trade can be allowed, the CITES treaty includes no requirement that such actions directly address the issue of enhancing the conservation of the species in the wild. 68 F.R. 49512, 49513-14 (Aug. 18, 2003).

The basis of the enhancement requirement no longer exists under CITES or the special rule to enforce this no longer existing CITES provision. The FWS now applies the special rule in a way CITES and its authors never intended, which is poor policy because it adds expense, delay, and – especially here – mistaken suspension, which is contrary to CITES (and the CoP’s agreement that Zimbabwe’s elephant population should be listed on Appendix II for hunting purposes).

When the Conference of Parties agreed to downlist Zimbabwe's elephant in 1997 for safari hunting purposes, from Appendix I to Appendix II, FWS retained the Special Rule and enhancement requirement, even though no other Appendix II species requires an enhancement finding without a special, factually based, prior determination. FWS did not explain why it was still requiring enhancement, but it should have under the Administrative Procedures Act's notice and comment provisions. 5 U.S.C. § 553 (2014). Because FWS never published a notice of, or received public comments on, any exceptional reasons for retaining the enhancement requirement for elephants listed on Appendix II (like Zimbabwe's), its retention of the enhancement requirement is not just inconsistent with CITES, but also violates the Administrative Procedures Act and the Federal Register Act.

IV. The need for urgent action

All the benefits to the elephant that are described in this comment are jeopardized by the suspension and the FWS's express advice to the hunting public not to hunt in Zimbabwe, but instead to favor Botswana, Namibia, and South Africa:

Legal, well-regulated sport hunting, as part of a sound management program, can benefit the conservation of listed species by providing incentives to local communities to conserve the species and by putting much-needed revenue back into conservation. At this time, the Service does not have conservation concerns with sport hunting of African elephants in Namibia, South Africa, or Botswana, though it should be noted that Botswana is not currently open to sport hunting.

...

In addition, given the current conservation concerns for elephants in Tanzania and Zimbabwe, we strongly advise that you reconsider taking part in an elephant hunt in either of these countries at this time. FWS, *Questions & Answers* (updated Apr. 22, 2014).

This is very damaging advice from only an "interim" enhancement determination based upon too little information. We suggest this calls for quick remedial action by the FWS, or else poaching and overabundance will not be the primary threats to the elephant and the management system that provides these enumerated benefits.

The programs in Zimbabwe have taken decades to create and build up, and there is no readily available alternative to take the place of safari elephant hunting. The elephant in Zimbabwe today would not be there in their present numbers but for the hunting-based conservation strategy that has been disrupted. It is urgent that tourist hunting's enhancement be recognized and rewarded and the suspension be lifted **as soon as possible**. It is imperative that the FWS work cooperatively with Zimbabwe authorities – lift the suspension now, and let the next round of questions be answered and issues satisfied in 2015.

Conclusion

A great deal of information has been provided to FWS since the April 4 press release announcing the trophy import suspension and the May 12, 2014 Federal Register Notice. That information demonstrates the benefits/enhancement of safari elephant hunting in Zimbabwe. This hunting provides the largest share of the revenue for the operating budget of ZimParks (all ZimPark's budget comes from tourist hunting revenue and donations). It provides the largest share of the revenue from the long-standing CAMPFIRE program (90% from tourist hunting and 70% from elephant hunting) with its 770,000 households (more than a million people), that has doubled and tripled the elephant in those districts. This hunting is essential to the survival of the thousands of stable or increasing elephant in important private conservancies such as Savé and Bulye Valley Conservancies. Like CAMPFIRE, neither the elephant nor the institutions would exist but for the supporting elephant tourist safari hunting revenue and incentives. The hunting and hunting-dependent operators, conservancies, CAMPFIRE, and ZimParks are the first line of defense against poaching. That capacity and value-adding effect arises from the hunting.

The quota is negligible when compared to the number of elephant that owe and depend upon safari hunting for their existence and protection. In survey after survey, elephant generally outnumber all other species in Zimbabwe. Zimbabwe has the second or third largest elephant population in the world because of the force of the regulated hunting. If the local authorities and people think there are too many elephant before the FWS import ban, there will be even less tolerance if the ban is not lifted.

Regardless of FWS's preliminary enhancement determination, Conservation Force and other commenters, most particularly Shikar Safari Club International, pledge to fund reasonable remedial action that FWS deems necessary. Please consult us as necessary. Every benefit enumerated will be converted to a loss if U.S. imports are not restored before institutional collapse. The benefits and necessary confidence will also be lessened in proportion to the duration of the suspension.

Respectfully submitted,



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Attachments: Index of Attachments and four binders