



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 October 2017

FWS Makes Enhancement Finding Necessary for Lion Import Permits

On August 30, the US Fish & Wildlife Service (FWS) finally updated its enhancement finding for the import of wild and wild-managed lion trophies from South Africa. This action builds on the October 2016 positive finding for 2016 announced in the media by former Director Dan Ashe. This August 2017 positive finding authorizes the import of wild and wild-managed lion trophies hunted in the 2017 through 2019 seasons—the period covered by South Africa’s current Biodiversity Management Plan for the lion (2015-2019).



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and is not hunted. South Africa’s wild-managed lion population is approximately 800. It is fragmented across 45 fenced reserves, each less than 1,000 km². These lion are to be managed as a meta-

population, under a plan that mimics natural ecological functions. Among other things, the meta-population plan will provide for greater genetic exchange and the mimicking of natural processes like dispersal and emigration. Under this plan, wild-managed lion may be hunted as a management action and subject to a licensing system that approves offtakes case-by-case. These trophies will be importable once the evolving meta-population plan is in place.

The FWS’ positive enhancement finding also concludes that South Africa’s management of wild and wild-managed lions benefits the species by mitigating its three primary threats (see above). According to the finding, wildlife ranching in South Africa and the fencing of individual protected areas has minimized habitat and prey base loss and human-lion conflicts. Revenues from regulated hunting are a key incentive for wildlife ranchers. And US hunters are a key component of the hunting industry.

According to the finding:

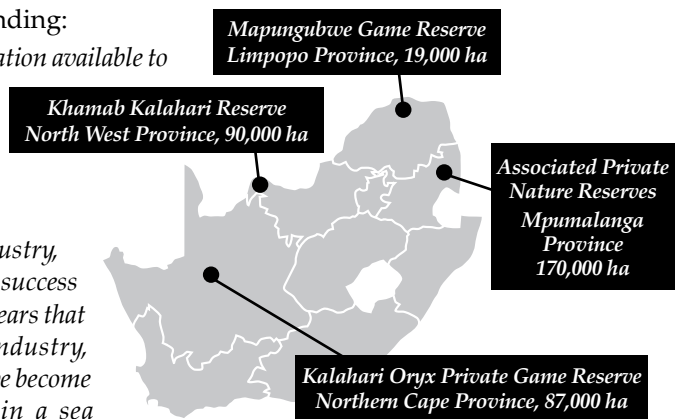
Based on the information available to the Service, the presence of private reserves has increased the number and diversity of wildlife in South Africa, thus fueling the hunting industry, which funds the ongoing success of private reserves. It appears that without the hunting industry, these reserves, which have become islands of wilderness in a sea of civilization in much of South Africa, would not be economically viable, and therefore would not exist.

With an annual harvest of approximately 10 wild-managed lions and two wild lions annually, US hunter participation in lion hunts, in and of its own, is not enough to make or break the industry and lead to the decline of reserves.

However, US hunters do play a significant role in the industry and the removal of their participation could have a long-term impact....

Thus, to preserve these benefits for the species (and subject to continued regulation of offtakes), FWS approved the import of wild and wild-managed lion trophies. The finding recognizes the “direct and indirect” benefits for the lion and confirms the essential role well-managed and monitored lion hunting plays in South Africa’s wildlife conservation and management.

Although this positive finding is welcome news, it must be taken in context. The number of wild and wild-managed lion trophy imports from South Africa is negligible—historically two wild and 10 wild-managed per year. Prior to the listing, most lion trophy imports from South Africa were captive-bred. FWS made a negative 2016 finding for import of captive-bred trophies because it had no information that captive-bred lion hunting enhances the survival of the species in the wild. That finding has not yet been updated and is being treated separately from



Four private reserves in South Africa have been listed as having wild lion populations. FWS has issued permits for trophies from two of them so far.

wild and wild-managed. Conservation Force also has not submitted any import application for captive bred lion and has no present plan to do so.

Moreover, the number of imports is even more limited because FWS is not yet issuing import permits for wild-managed lion trophies. The DEA provided a list of properties having wild lion to the FWS, and requested that only imports from these properties be approved. The FWS is honoring this request. (FWS emails confirm that the FWS is running properties by the DEA before issuing permits.) None of the properties on the DEA's list have wild-managed lion.

In part, properties with wild-managed lion are not yet on this list because South Africa's Scientific Authority is currently evaluating individual properties to confirm they actually maintain wild or wild-managed lion, and not captive-bred lion in disguise. But even for properties that have been confirmed to have wild-managed lion by the Scientific Authority, the DEA has requested FWS not currently approve imports. The DEA is waiting until the meta-population management plan is completed. Therefore, while the positive enhancement finding authorizes imports of wild-managed lion trophies, it is unlikely FWS will issue import permits for these lion until the DEA gives the green light.

In short, apparently FWS is

approving imports from South Africa in three stages—at the country level, the source level (wild/wild-managed v. captive-bred), and the property level. According to the finding, "the Service will review each application for import of such specimens on a case-by-case basis..." This may be a unique situation for South Africa due to the prevalence of captive-bred lion. But it is possible FWS may issue permits for other countries on a property or operator level as well. If so, the information Conservation Force collected from operators in Tanzania, Zambia and Zimbabwe will be crucial to FWS' decision-making.

Under this case-by-case review, FWS has issued approximately six wild lion import permits for 2017: four for hunts in the Kalahari Oryx Private Game Reserve and two for hunts in the Khamab Kalahari Reserve. We do not know of permits being issued yet for the other two "wild" lion areas approved by DEA and FWS (see map on page 1). FWS should issue permits for wild-managed lion trophies as soon as South Africa implements the meta-population management plan and the DEA provides a list of approved properties having wild-managed lion. Although we do not know how soon the meta-population management plan will be completed, we know the DEA is actively working on it. For the time being, however, the number of exports from South Africa may be as low as four to six wild lion trophies per year. ■

Newly Revised FWS Permit Forms Approved

In late February, US Fish & Wildlife Service (FWS) solicited comments on revising their permit application forms. Only Conservation Force, Humane Society of The United States (HSUS), and three music industry representatives provided comments. We suggested changes to six different forms for a total 31 specific revisions. We also pointed out that certain forms used an inconsistent definition of a sport-hunted "trophy" that conflicted with the published regulations. We suggested edits to reduce the risk of trophy seizures and make it easier for hunters to complete the forms.

In late May, FWS published a response to the comments received.

Conservation Force's comment was discussed first, as we provided the only specific recommendations for revising the applications. FWS could not respond to HSUS' comment because HSUS did not address the specific subject matter.

Although the FWS did not address every one of our suggestions, they incorporated a number of our edits into the newly revised forms. Those were approved by the Office of Management and Budget on August 23. Conservation Force received advanced notice that the new permit applications forms had been approved. Those forms will soon be published to the FWS website to replace the currently expired forms.



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World Conservation Force Bulletin

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Stay tuned, as we will update readers once the new forms are live.

The new forms are not hugely different from the old ones. But the subtle changes will matter—both for generating more information for FWS to use in making required findings, and reducing some of the risk of trophy seizures.

To summarize our suggestions: We commented on the forms relevant to tourist hunters, including 3-200-19, Import of Leopard and Namibian Southern White Rhino (and previously of African Elephant); 3-200-20, Import of Sport-Hunted Trophies (in general); 3-200-21, Import of Argali Sport-Hunted Trophies, and 3-200-22, Import of Bontebok Sport-Hunted Trophies. These forms have the same basic structure and request the same basic information.

The first page of each seeks a hunter's identifying info (e.g., name, address, phone, email). This page is similar to the old one, but FWS made two beneficial changes. First, the form no longer asks for an applicant's social security number, fax, or occupation and affiliation.

Because of the animal rights organizations' use of Freedom of Information Act requests to glean data on tourist hunters, the deletion of "occupation" reduces the risk of identifying disclosures. Removing the social security number requirement mitigates a data privacy concern. Both edits are welcome suggestions of Conservation Force that should provide added privacy.

In addition, page 1 of the form no longer asks: "Do you currently have or have you ever had any Federal Fish and Wildlife permits? If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue." The days of digging through old files to find a decades-old permit have (mercifully) passed.

On the second page, the instructions have largely remained the same for each application. At our suggestion, FWS removed a question that asked for a description of the trophy and parts the applicant wished to import. This question was confusing because the examples suggested taxidermied

parts, such as a "shoulder mount," and hunters who wished to have this work done once in the US would sometimes use this description, because it represented the end goal. However, if the trophy to be imported was tanned but not yet taxidermied, it could potentially be seized because it did not match the import permit description of a "shoulder mount." Now the definition of "trophy" covers raw, tanned, and worked parts, and the shipment simply needs to match the export permit.

Next, the revised forms ask three questions on the front that previously were located at the back of prior versions: the shipping address (if different from the mailing address on page 1); the contact person for the application; and

as US mail because of the extra steps. (If you can believe.) Now, an expedited shipment can proceed automatically.

The next page, containing information about the trophy and the location, is like the old forms. For the species-specific application forms (e.g., leopard and rhino, argali, bontebok), the form asks for the quantity. As with the prior versions of these forms, the questions break down by whether the hunt has occurred. If the hunt has not yet occurred, the application asks for the country and area as specifically as possible and the date the hunt will occur. If the hunt has already occurred, the application asks for the country and area, date of the take, and current location of the trophy.

However, both sections include a new question (we did not suggest) requesting the name of the hunting outfitter, safari company, or PH. This is an interesting addition that paves the way for FWS to make direct factual inquiries of those that conducted the hunt, or perhaps to make operator-specific determinations to issue import permits.

Next, a new question on the revised form asks for copies of foreign hunting permits or licenses. If the hunt has not occurred and no licenses or permits have been issued, the applicant must state this. *Be sure to obtain and retain copies of your foreign license or permit if you wish to import your trophy.*

Further down, the forms include the same question as previously: the name and address of the overseas person or business shipping the trophy. This is the "consigner" on the import permit and must match the export permit. The forms also include the same certification statement as on the current forms, which the applicant must sign, attesting that the trophy was hunted for personal use. It also points out the link to the list of designated ports for import.

In total, the forms are slightly shorter than the prior versions. They include the same basic questions—and a few new ones that suggest new priorities in the FWS' review.

For the species-specific forms: The leopard and rhino form previously including the African elephant as well. FWS has not yet posted the substitute, a

Department of the Interior
U.S. Fish and Wildlife Service
Federal Fish and Wildlife Permit Application Form

Form No. 3-200-19 (Rev. 10/2014)

Name of U.S. Fish and Wildlife Service Division of Management Authority (DMA)
Bureau of Land Management, 505 1A
2715 Lees Ferry Road
Falls Church, VA 22041-0803
1-800-234-1047 ext. 728-2322-08

Type of Activity:
IMPORT OF SPORT-HUNTED TROPHIES
(Appendix 1 of COTES and/or EBA)

Mailing Address:
Name:
Address:
City:
State:
Zip:

Shipping Address:
Name:
Address:
City:
State:
Zip:

A. Complete if applying as an individual
1. Applicant name:
2. Applicant title:
3. Applicant phone number:
4. Applicant fax number:
5. Applicant email address:

B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution
1. Name of business, agency, Tribe, or institution:
2. Description of business, agency, Tribe, or institution:
3. Principal officer last name:
4. Principal officer first name:
5. Principal officer title:
6. Principal officer phone number:
7. Principal officer fax number:
8. Principal officer email address:

C. All applicants complete address information
1. Applicant address (Street number, apartment #, Suite #, or Suite 10, U.S. Service 200-19, or other address for delivery of permit):
2. City:
3. State:
4. Zip code (Five digit):
5. Country:
6. Mailing address (include if different than applicant address):
7. City:
8. State:
9. Zip code (Five digit):
10. Country:

D. All applicants MUST complete
1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE to the person, or Tribe, who is submitting the permit. State, Tribe, and local government agencies, and non-profit or religious organizations, are exempt from this requirement. - email documentation of the exempt status as outlined in instructions (201-228-11-1020).
2. Certifications: I hereby certify that the trophy described in this application was hunted in accordance with the applicable laws of the State, Territory, or Country of origin. I also certify that the trophy was hunted for personal use and is not being offered for sale or other commercial purposes. I understand that my signature on this permit is subject to the current conditions of 50 CFR 17.105.

Signature of applicant (Print name): _____ Date of signature (MM/DD/YYYY): _____
Please continue to next page

FWS will soon post the new permit applications containing the changes suggested by Conservation Force.

the applicant's violation history, i.e., if the applicant had been assessed a civil penalty or convicted of violations of various federal wildlife laws. These questions are almost exactly the same except that in asking for a shipping address, the new form now asks for a "self-addressed, prepaid, computer generated, courier service airway bill" if an applicant would like expedited shipping. This avoids FWS staff having to contact an applicant to obtain an expedited shipping label. Previously, FWS staff would call—or fail to call—to have a shipping label mailed or emailed. The prior method literally put "expedited" shipping at the same speed

new form that apparently only applies to Appendix-II listed elephant (from Botswana, Namibia, South Africa and Zimbabwe). All other elephant trophy import applications should be submitted on the general "import of sport-hunted trophies" form.

The bontebok form is largely the same (subject to the general changes discussed above).

The argali form is also largely the same. However, there is no longer a note requiring a hunt report to be made within 30 days. We are not aware that the reporting has been waived; it seems the form simply does not remind the applicant of this obligation.

Notably, the general sport-hunted trophy form (3-200-20) includes a new statement of the ESA's "enhancement" requirement. We had commented that the wording should be changed because the old forms stated that FWS "must" make an enhancement finding, and that is not true for CITES Appendix-I listed species (unless they are also ESA-listed). Accordingly, FWS revised the terminology to specify only ESA-listed species. The FWS added another new sentence, by which it commits to contacting range state authorities in connection with a permit application. It also made a much clearer request for enhancement data from individual hunters:

We will communicate with the range country where the species you will hunt/have hunted in making the required findings [sic], if you have any information that could support this finding, it would be helpful to our review if you could provide it. Please submit such information on a separate page with your application.

Do you have any information regarding the population status or trend data on the species hunted?

In order to hunt, you likely paid for licenses or trophy fees. What were those fees and do you have any information

on how those funds were used by either the landowner, community, or government?

Do you have information on other funding activities that are being carried out, or were carried out, by the safari outfitter, professional hunter, concession holder, or land owner that provide a conservation benefit to the species being hunted/species hunted?"

That the permit form now breaks down and calls attention to each segment of the request suggests FWS wishes for applicants to provide as much of this information as possible. Hunters have a real opportunity to submit data to illustrate the benefits of lawful hunting. Accordingly, if you have information on your specific operator or PH's commitment to conservation, it will be very helpful to submit a statement and documentary evidence to FWS in support of your application.

For domestic exotic game ranches seeking to cull excess listed species through hunting, form 3-200-37 is basically the same. One change is FWS finally added a check box for "take (e.g., cull, lethal harvest)." The captive-bred registration form is also basically the same. We had requested extensive changes ... which were not made. For both these forms, an applicant can now submit electronic files by disk or through the FWS' email at permits@fws.gov. This includes supporting documents for proof of enhancement.

In short, the forms are different but largely the same. There is a more specific opportunity for applicants to provide information about their operator's or PH's strong commitment to conservation. And there is a reduced chance of seizures due to the omission of the prior requirement to identify the parts to be imported. But overall, the changes are not extensive. We will renew our requests for improvement as the opportunity arises but consider this round a success. ■

PROTECTION OF PRIVACY IN PERMITTING

■ Because of animal rights harassment and recent suspect Freedom of Information Requests (FOIA) for permitting information there has been concern for hunters' privacy. Let me assure the community that the private information of applicants has always been and continues to be protected. The FOIA law exempts such information from disclosure and the form itself states as much in the pages of instructions. This protection is applied automatically by FWS without you having to assert the privilege.

An applicant's address, phone, fax, email and social security number are protected. Also, thanks to Conservation Force, applicants' occupations and social security numbers are no longer to be required on import permit applications.

Sentence five on page 6 of the import permit application form states, "For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application." Form 3-200-20, IMPORT OF SPORT-HUNTED TROPHIES.

This protection is embodied in the FOIA exemptions 6 and 7(c). I should add that foreign governments are not subject to FOIA and make it a practice not to give out personal information that would identify an individual hunter. They are sensitive to your concerns for privacy. – John J. Jackson, III ■

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