



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 December 2014

Conservation Force & Partners Refute Negative USFWS Enhancement Finding on Zimbabwe Elephant Trophy Imports

On October 16, 2014, Conservation Force submitted a 34-page comment to the USFWS, critiquing the USFWS's July negative enhancement finding for the import of tourist-hunted elephant trophies from Zimbabwe. We did this with full support from

our partner organizations, including Shikar Safari Club, Dallas Safari Club, Houston Safari Club, and others. In our comment, we demonstrate that the enhancement finding is not based on the best available information regarding elephant conservation, but rather on anecdotal and/or generalized information. The finding also re-hashes the April suspension and even its 1997 ancestor (the most recent finding for Zimbabwe before this year). Moreover, the enhancement finding did not consider the vast majority of documents submitted by Conservation Force, the Zimbabwe Parks and Wildlife Management Authority, the Safari Outfitters Association of Zimbabwe, and the CAMPFIRE Association.

One of Conservation Force's main points was that "enhancement" has been shown, which means that the benefits that tourist hunting provides to Zimbabwe's elephant conservation strategy have been clearly documented and explained. This documentation and explanation was given to the USFWS in our earlier June 6 comment, submitted in response to the interim enhancement finding published by USFWS in April. Besides benefits to elephant conservation strategy, the comment also detailed the significant revenue generated by tourist hunting (which is then shared with local communities impacted by elephant), as well as the substantial anti-poaching contributions of hunting operators, which have kept



Regina Lennox
Staff Attorney

poaching in check.

The comment also breaks down the USFWS enhancement finding by its subheadings and details its weaknesses, including re-used language, misreported information, and instances where significant, up-to-date data was not reviewed or considered. The comment

concludes that the enhancement finding does not satisfy the USFWS's obligations under the Endangered Species Act or the Administrative Procedures Act.

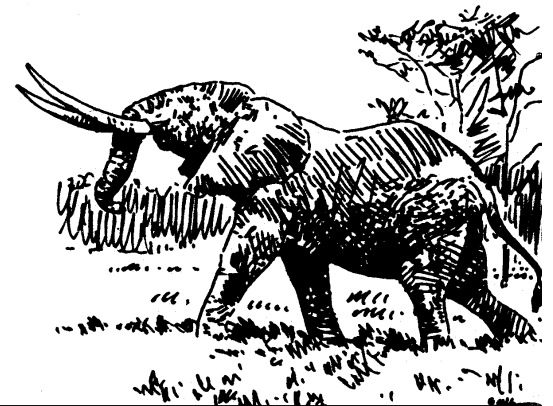
Although the finding has many faults, a few of the most egregious are highlighted below.

- The finding fails to recognize devolution of wildlife management authority in Zimbabwe, even though this is fundamental to ZimParks' conservation planning and was explained in ZimParks' response to a questionnaire sent by USFWS.
- The finding does not review or consider documents or assurances that Zimbabwe is holding a workshop to review and update its elephant management plan, which addresses many of the concerns noted in the finding. Instead of considering best available data, the finding relied too heavily on the AfESG Elephant Database. The database is a valuable source, but incomplete. It is not up-to-date and does not incorporate all surveys and censuses provided to USFWS. The Administrative Procedures Act requires USFWS to review and consider all information and surveys submitted, but USFWS seems to have just ignored them.
- Conservation Force submitted data demonstrating the negligible effect of tourist hunting on elephant populations. The enhancement finding does not con-

sider or refute this data, but instead relies on "anecdote" to conclude that an offtake of far fewer than 500 elephant a year, in a population of over 90,000, is unsustainable. Conservation Force demonstrated that Zimbabwe's elephant population is likely around 90,000 by compiling the surveys conducted in the past 10 years that were in USFWS's possession, but were ignored.

- Using the example of just one operator, Conservation Force explained significant financial and in-kind benefits to local CAMPFIRE communities, as well as contributions to anti-poaching efforts generated by trophy hunting. We also showed the considerable impact a continuing trophy import ban will have on decreasing the benefits to communities and anti-poaching. This information was disregarded by the USFWS.

Conservation Force submitted additional information in support of its comment, including four reports written by expert Rowan Martin, which demonstrate that trophy hunting has the potential to generate substantial income, enough to cover the conservation and protection budget of Zimbabwe's entire elephant range. These reports also illustrate how a continuing ban on trophy imports jeopardizes the enhancement generated by tourist hunting and the revenue that currently supports conservation and



anti-poaching programs. We hope that this time, USFWS will consider this data, as well as the corrections made throughout the comment, and lift the ban before the negative effects predicted in Martin's reports occur.

Conservation Force also submitted

information showing that we are sponsoring a national elephant planning workshop in Zimbabwe in December and a preparatory CAMPFIRE workshop in November, largely funded by Shikar and DSC, respectively. Those workshops and the *Great Elephant Census* may make all the difference. ■

USFWS Rejects Request for Reconsideration of Tanzania Permit Denials

By Regina Lennox, Staff Attorney

In a letter dated October 8, 2014, USFWS purportedly reconsidered, and again denied import permits for elephant trophies from Tanzania. The letter and enclosed non-detriment finding are short and address only a few of the points Conservation Force made in three submissions to USFWS. The denial letter and non-detriment finding essentially conclude that the 2013 Selous survey is of paramount importance because it reflects a significant decline in Tanzania's elephant population. They then focus on a few small points to deflect attention from what cannot be refuted – that enhancement was shown, and that tourist hunting offtake is not detrimental to the survival of the elephant.



The denial letter does not discuss or refute our point that, even assuming Tanzania's elephant population had declined, a limited and regulated offtake of 100 elephant is sustainable, especially given the benefits underwritten by tourist hunting. Conservation Force quantified these benefits with examples of anti-poaching and community and block development spending from a small sample of operators. FWS acknowledges that this spending benefits the elephant. But the letter expresses "concern [] over the Tanzania Government's ability to effectively manage and protect its elephant population based on the information available."

This "concern" is unfounded. As Minister of Natural Resources and

Tourism Nyalandu has confirmed, poaching is way down in Tanzania, particularly in the Selous. The government has taken steps, with the support of hunting operators and international donors, to put boots on the ground and streamline conservation efforts. The result: **zero** poaching cases were recorded in the Selous in the last three months. Bernard Lugongo, *Selous Anti-Poaching Drive Pays Off*, The Citizen (Oct. 4, 2014).

The denial letter exposes USFWS's ignorance of Tanzania's progress. USFWS does not seem to realize – or is unwilling to acknowledge – that Tanzania's new parastatal, the Tanzania Wildlife Authority (TWA), is up and running, and making great strides against poaching. USFWS may be trying to shift the focus (although it knows better), perhaps because it cannot refute our evidence showing that tourist hunting offtake enhances the survival of elephant.

Unlike the letter, the non-detriment finding at least acknowledges "a number of improvements related to the status and management of elephants in Tanzania have been initiated in 2014." It acknowledges the receipt of data indicating that poaching has declined in Tanzania. But the finding clings to 2013 PIKE data, which is admittedly above 0.5 and higher than in 2012. The finding states, "These analyses suggest that poaching is not declining ... in key areas of Tanzania." But that is an unbalanced conclusion from a scientific authority. While it is arguably



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true that the *proportion* of illegally killed carcasses increased in 2013 (although this is debatable because PIKE does not consider carcass age), the absolute *number* of elephant carcasses significantly declined. It fell by 25% in the Selous and by almost 50% in the Ruaha Rungwa. The real numbers reveal that poaching is declining in Tanzania.

The non-detriment finding also acknowledges that Conservation Force provided a large amount of supporting data with our submissions. It concedes that an April 2013 elephant survey reflects considerable population growth and a 50% reduction in carcasses. It concedes that actions have been taken by Tanzania's government to combat poaching, such as establishing the TWA, holding an elephant summit to bolster international support, increasing law enforcement capacity, and reinstating retention funding in the Selous (which means the money generated by hunting stays put and is ploughed back into anti-poaching and conservation programs). The finding also lists "positive advances" in "key areas of elephant management in Tanzania," including promoting wildlife management areas and elephant corridors, enhancing

trans-boundary coordination, reducing human-elephant conflicts, and cutting Tanzania's CITES quota in half. The finding concedes all of this, **and does not refute it.**

The only documents that the non-detriment finding takes issue with are Rowan Martin's 2014 reports demonstrating that regulated tourist hunting does not impact elephant population growth. The finding dismisses these reports as "modeling exercises" based on a "large number of assumptions," with "uncertain" practical utility. It would prefer "an updated analysis of trophy quality" for "elucidating the sustainability of trophy hunting." A trophy quality analysis is not likely to show much because Tanzania's strict size and weight restrictions keep trophy quality high. The non-detriment finding's suggestion here that more data is needed is perhaps an attempt to undercut all it conceded elsewhere. USFWS appears to be in a holding pattern, and unwilling to make a real reconsideration of its initial findings until the results of Tanzania's October surveys are released.

Conservation Force will appeal to the Director of USFWS by November

21 and will request an oral argument to contest the permit denials. We will argue, among other things, that the Tanzania decision is ill-advised because it is based on a single factor – the supposed 2013 Selous decline. That decline is old news, and the most recent surveys from Tanzania confirm that the elephant population in the Selous is growing. Minister Nyalandu has also reported a 40% decline in poaching. And there may soon be updated survey results from the Selous to further establish that the elephant population decline there is nowhere near what was previously reported.

The non-detriment finding concludes by stating that, "Until we see tangible indicators that elephant poaching has been significantly reduced in Tanzania, these actions [all the positive steps taken in and by Tanzania] alone are insufficient to reverse our finding for this harvest season." Conservation Force has provided these "tangible indicators," and will continue to do so. Tanzania's government has made unprecedented anti-poaching and international collaboration efforts, which we have and will continue to document and demonstrate to USFWS. ■

Revealed: USFWS "Information" that "Poaching Levels are Increasing" in Zimbabwe are Merely News Articles and Anecdotal Reports

By Regina Lennox, Staff Attorney

We are concerned that USFWS is sustaining the Zimbabwe trophy import ban on the worst available information: news articles and unsubstantiated reports from a "conservation task force" in Zimbabwe that is known to rely on false information.

In early August, we received a letter sent to a partner organization, dated August 5, and signed by the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks. The letter responds to concerns about the elephant trophy import suspensions and states in part (with added emphasis):

For Zimbabwe, the picture is less clear, but we have information that indicates the situation there may be deteriorating and that elephant numbers are being reduced by

widespread poaching. Although, as you stated in your letter, representatives of the Government of Zimbabwe have asserted that elephant populations there are increasing, there is information to the contrary, and while they have provided a considerable amount of documentation about their elephant and conservation programs, there is no data to refute the information that the Service has from other sources to indicate that poaching levels are increasing.

On August 19, Conservation Force sent a Freedom of Information Act request to USFWS seeking documents to support the Principal Deputy Assistant Secretary's concern about increased poaching and a "deteriorating situation." We asked for expedited treatment of this request based on the public's right

to know and duty to act. If the USFWS really has significant new information of a poaching crisis in Zimbabwe, it is their duty to share it. USFWS failed to respond to the FOIA request or provide expedited treatment. On September 9, we re-sent the FOIA. We heard nothing until we sent yet another reminder on October 17. Then we finally received an email response stating that "all of the documents you are requesting ... were provided with previous FOIA requests," and a subsequent letter confirming "the Division of Management Authority has reviewed our files and was unable to locate any records responsive to your request." (The FOIA was not directed to the DMA, but was rather sent to the Principal Deputy Assistant Secretary and Assistant Director for International Affairs.)

And here's the rub. USFWS has

not previously produced information on a poaching crisis in Zimbabwe. Apparently, USFWS **does not have** information about a “deteriorating situation” or “widespread poaching” there. The press release that elephant were under “siege” was wholly uninformed. The absence of any hard evidence calls into question the trophy import ban, and the USFWS’s credibility.

In several productions in response to FOIA requests, USFWS has provided a collection of news articles and email dating back from 2002-2006. These documents describe poaching in Zimbabwe eight to ten years ago, in a period of heightened political turmoil. USFWS also produced CITES and TRAFFIC reports warning of increased illegal killing and trade which cover all of Africa (and sometimes Asia) and date to CoP15 and CoP16 (Conference of the Parties to CITES). Finally, USFWS produced a handful of articles from late

2013/early 2014 describing the Hwange poisoning tragedy. A few of these report the number of elephant poisoned as fewer than 90; others put the number somewhere between 200 and 300. Most of these articles quote the head of the “Zimbabwe Conservation Task Force,” Johnny Rodrigues, who is not well-known or well-regarded among scientists and conservationists for good reason. In a 2002 email from the USFWS productions to Conservation Force, a WWF specialist noted – and told USFWS – he had not heard of Mr. Rodrigues, but Mr. Rodrigues was claiming to have a “report on his desk” about a poaching crisis in a Zimbabwe conservancy **that did not exist**. In other words, USFWS has known since 2002 that information from the “Zimbabwe Conservation Task Force” is suspect and not respected by experts in the field, including WWF. (Conservation Force is pleased to share the USFWS’s responses and productions upon request.)

A Principal Deputy Assistant Secretary has put in writing that USFWS has information about increased poaching in Zimbabwe which trumps the Government of Zimbabwe’s information. But apparently USFWS has only news accounts. USFWS continues to rely on these accounts, even though the Principal Deputy Assistant Secretary’s letter is dated **after** the Zimbabwe Parks Authority responded to an USFWS questionnaire and updated the USFWS on the status of the Hwange poisoning (and poaching in Zimbabwe in general), and **after** Conservation Force submitted its comment on the April enhancement determination, documenting that poaching in Zimbabwe is fairly well-controlled. It is disappointing and deeply troubling that USFWS continues to base the trophy import ban – which reduces the benefits available to elephant from tourist hunting – on unsubstantiated, anecdotal, and ultimately false reports. ■

ESA 12-Month Finding and Proposal to List all Lion as Threatened

On October 29, the USFWS announced its 12-month finding on the status of all African Lion and issued a proposal to list all lion as threatened under the Endangered Species Act and to require import permits on all lion trophies. See the Federal Register Notice on Conservation Force’s website at <http://www.conservationforce.org/pdf/FR-2014-25731-African-Lion-Threatened.pdf>. The real rub is that USFWS proposes a special regulation overriding the exemption in the ESA that was intended to normally eliminate permitting of threatened listed species that are protected by Appendix II of CITES. Now, import permits are proposed that will only be is-



John J. Jackson III

sued upon proof that the take is sustainable and furthermore, that it enhances the survival of the species. This requirement for a permit, although noble in concept, is worrying.

USFWS found that projected human population growth will cause increasing loss of lion habitat and prey species, and increasing conflict between lions and humans/livestock, which together are the primary threats. Regulated hunting was not currently a threat, but the USFWS proposes to require import permits that will be issued in a manner to “encourage” conservation on a country by country basis, since USFWS otherwise has no management authority over foreign species. Noble as that ap-

pears, it is of concern because of past USFWS permitting practices. If adopted the proposal will no doubt permanently end the import of lion from North, West, and Central Africa. Today, no country satisfies the proposed permit requirements. For example, no country has a nationwide population survey, much less repeated surveys for proof of trend.

The Final listing rule is due in 12 months, but such rulings normally take longer. Once made, it should not be effective until at least 30 days after published notice. Until then we will oppose both the listing and the permitting requirement. We will also be preparing to file the first import permit applications for a few select countries. All imports will be lost unless we can gear up to address this issue with the USFWS. ■

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