



“SERVING THE HUNTER WHO TRAVELS”

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

Special To The Hunting Report World Conservation Force Bulletin

by John J. Jackson, III

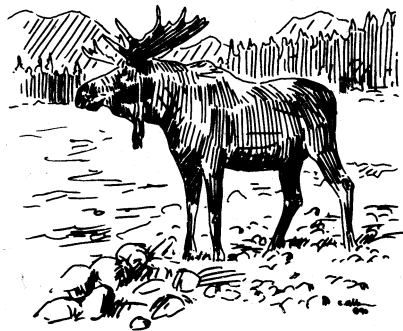
● Idaho Approves Nonresident Moose Hunting: ●

A Practical Lesson In Our Democracy

On January 18th the Idaho Fish and Game Commission voted unanimously “to allow non-residents to apply for moose permits in the controlled hunt drawings.” The story behind it demonstrates the resident versus nonresident hunter conflict and how our democratic system deals with it. Nonresidents will finally be able to draw up to 10 percent of available permits. They have not been able to even apply before. This year permits for antlered moose will total 1,003, up from 888 last year. Antlerless permits will total 147, up from 123. The Idaho Fish and Game Department (IFG) news release states that up to 115 of the total could go to nonresidents. Simultaneously, the IFG increased the total number of tags by more than 10 percent, 139 more tags, so residents will have a greater draw too. The draw had been 1,011 and will be 1,150, which is 139 new tags with only 115 going to nonresidents. The 10 percent rule that limits the issu-

ance of controlled hunt permits to nonresidents has been a longstanding rule for other species and was not created just for moose.

Nonresidents will be charged \$1,514.50 for the new tag, permit and application fees as well as \$128.50



for a general hunting license. All but the \$128.50 is refunded if the non-resident does not draw. Experts at drawing odds have advised us that the odds should be good for individual nonresidents this year. The application period for moose along

with other “trophy species” will be open from April 1 through the 30th. All the rules are expected to be on-line at the Idaho Fish and Game web site by the first week of March. For rule booklets and nonresident license applications call, 800-635-7820 or go to the IFG web site at www.state.id.us/fishgame. Beware that in the past even residents who applied for moose were prohibited from applying for any other “controlled big game hunt in the same year,” except for a list of exceptions including controlled black bear hunts, certain leftover permits, etc. We presume that is now applicable to both nonresidents and residents.

The Commission decision was unanimous, and the news release from IFG headquarters states that three of the seven commissioners made a point of saying that although Conservation Force had threatened suit, the “issue of fairness,” not fear of litigation prompted them to support the proposal. Conservation

Force has had a significant role in contributing to this “fairness.” Our involvement began over two years ago when one of our supporting organizations (which we will not name to protect them) asked us to correct the unfair discrimination against non-residents by the State of Idaho. On March 5, 1999 we took our first formal step by sending a lawyer type “amicable request” letter to the director of Idaho’s Department of Fish and Game. On April 13, 1999, the deputy attorney general for the State of Idaho replied that the Commission had ordered a task force be assembled to address the issue. He also

requested a copy of the *Terk* case in New Mexico, which we had won, so that he could advise the task force to address the issue at its first meeting. Additionally, he advised us that the department was hiring a new director (it had none) and asked for time to respond to our demand.

On April 14, 1999 a member of the task force also wrote us for information on the *Terk* case and other material. On April 20, 1999 we responded to these two requests and again asked that the discrimination be corrected “at the first opportunity.” Eureka! The task force recommended the change. At the August

□ News... News... News

British Columbia Closes Grizzly Bear Hunting

■ In early February, the Premier of British Columbia, Ujjal Dosanjh, cratered to the anti-hunters. He imposed a three-year moratorium on all grizzly bear hunting in British Columbia, supposedly to allow time to establish a better estimate of the grizzly bear population. The antis have been clamoring for a 10-year moratorium to establish the bear population numbers, which is even more absurd. It is a scam to close it and keep it closed. This disregarded the professionals in the province’s Wildlife Branch. The Wildlife Branch biologists believe the province’s existing bear population estimates are conservative. So do we. Frankly, no estimate will satisfy those clamoring for the closure. There is no such thing as a “definitive count” of grizzlies. That is beyond the state of the art. Moreover, anything approaching it is so expensive as to truly be prohibitive. The BC Ministry already has spent nearly 4 million Canadian dollars on grizzly bear studies over the past five years! BC already has the best research and science on grizzly bear available. Nothing will be enough. Moreover, there is no money for additional surveys and estimating, making this a permanent ban.

The good news is that the premier is expected to be voted out of office within 60 to 90 days. The party ex-

pected to be elected has opposed the closure and promised to follow the advice of BC’s Wildlife Branch, which estimates the bear population to be 10,000 to 13,000. The leader of that party, opposition Liberal leader Gordon Campbell, called the moratorium “a crass political scheme aimed at selling out rural British Columbians to buy votes... This has everything to do with politics and nothing to do with sound science.”

We have worked closely on this matter from its inception three years ago when over 120 organizations began the anti-hunting campaign with a petition addressed to British Columbia - among them the Environmental Investigation Agency (EIA), Humane Society of the United States, Fund for Animals, International Fund for Animal Welfare and the Sierra Club. We reported on developments in this bulletin in August 1998 when it began and again comprehensively in March 1999 and once more in January when the EIA made it a CITES issue. The anti-hunting campaign has been unrelenting. The closure will probably prevent the spring grizzly hunt. Nevertheless, the Guides and Outfitters Association and the British Columbia Wildlife Federation (35,000 sportsmen) expect most if not all of the hunting to reopen by the fall.

JOHN J. JACKSON, III
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“Serving The Hunter Who Travels”

12, 1999 Commission meeting, the minutes under the title “Nonresident quota for moose . . .” states, “[I]n the public land states of the west, there continue to be challenges to not allowing nonresidents equal access to publicly-owned wildlife. Proposal of the task force assigned to study these issues was . . . beginning in 2001 to allow sale of 10 percent of moose tags to nonresidents and if possible, increase the numbers of moose permits by that amount to show residents that there is no net loss of opportunity for them.” The Commission made a motion to accept the recommendation of the task force, to put it out for public comment, and to consider it after the public comment period at the January 2000 meeting. It passed unanimously. Then the resident hunters’ fireworks started!

The outdoor editor of the *Post Register* covered it in a full-page article in the sports section of that paper. The title was, “Radical changes proposed for moose hunting.” The “radical change” article began with a large photograph of two moose with the caption “The Idaho Department of Fish and Game is proposing a rule change that would allow nonresident hunters to apply for moose tags for the first time. The move was prompted by the threat of a lawsuit by a group of hunters called Conservation Force.” It began with, “Threatened by a powerful federation of nonresident hunters, Idaho Wildlife officials are proposing rule changes that would open moose hunting to everyone, not just Idaho residents. A New Orleans-based hunting group called Conservation Force says it is discriminatory to exclude nonresidents from the state’s annual lottery for 1,011 moose tags. The group also claims it is in the best interest of all hunters, Idaho hunters included, to appease nonresidents who pay millions of dollars to conserve wildlife. Late last year and then again in March, Conservation Force attorney John Jackson sent letters to Idaho officials, promising a lawsuit if the rules weren’t changed . . . Idaho Department of Fish and Game

officials say a rule change is necessary because they don’t believe they can win a court case against Jackson. They are proposing a new rule that allows nonresidents 10 percent . . . If the rule is adopted, it will go into effect in 2001. ‘If we litigate and lose, we could find a situation where nonresidents could have equal access to the tags (half),’ said Steve Hoffaker, Fish and Game’s chief of wildlife . . . ‘That is why I think our plan is a good compromise . . .’ Idaho hunters, for the most part, dislike the proposal. Moose tags are some of the hardest to draw, and they believe giving away 10 percent is another sign Fish and Wildlife caters to big-money hunters at the expense of Idahoans.” “I can’t believe a ‘rich lawyer’ is going to make it harder . . . to get a tag next year . . . ‘it’s a crock,”



one resident is quoted as stating. The article continues, “Jackson has heard that sentiment in other states where he has sued for more access to hunting tags . . . ‘I’m not comfortable representing hunters against hunters, but in this case it’s a necessity because nonresidents can’t represent themselves,’ said Jackson . . . Jackson said moose are grown on public ground and there is no rationale for keeping nonresidents from hunting them. . . In addition to the legal arguments, Jackson said treating nonresident hunters fairly is critical to the future of wildlife conservation in America. Nonresidents spend millions of dollars to track and hunt, making them invaluable to wildlife conservation, he said . . . ‘When you look at what is needed to maintain hunting, it’s smart and logical to give

protection to nonresidents.’ He said last year 2 million Americans traveled to hunt out of their home state. ‘They are paying the largest share of the conservation bills,’ he said. ‘They are crucial, indispensable, to conservation. Therefore, their ability to get licenses is very important...’”

“In Idaho, Jackson is right. Nonresidents account for 69 percent of the money raised by the sale of hunting and fishing licenses in 1995 . . . That year 27,696 nonresident hunters purchased \$10 million in tags and licenses. At the same time, 207,794 residents spent \$4.9 million on tags and licenses. The numbers are similar for each of the last few years. . . In fact, Jackson goes as far as claiming his organization, Conservation Force, is critical to saving hunting nationwide. Without nonresidents, game departments will shrink, lose their political clout and fall victim to the anti-hunting movement, he said. ‘Residents aren’t willing to pay more and aren’t willing to share,’ he said. ‘That is a lose-lose situation for the future of hunting.’ Hoffaker, chief of Fish and Game, clearly wants no part of the legal battle, and he said giving nonresidents 10 percent of the tags per year is the best thing to do (rather than risking 50 percent). Courts have said it is okay to charge differential fees to residents and nonresidents, but it’s not okay to discriminate against nonresidents by giving them no chance, which is our situation with moose,’ he said . . .”

“That doesn’t sit well with Idahoans, who already think wildlife management is too heavily swayed by the almighty dollar . . . Others, though, are more understanding.” That follows with a quote from a resident that ends the article with “I hate to see it, but the lawsuit is coming.”

The article advised readers how to file comments. Comment they did! In the face of the resident opposition, the Commission lost its forward momentum at the next meeting. A petition with many thousands of signatures was delivered at a Commission hearing opposing any issuance of moose hunting licenses to nonresi-

dents. Then rumor has it that the Commission went into Executive Succession in May and decided not to open moose hunting to nonresidents unless and until they were actually sued. Regardless, with the passage of time we began the arduous process of preparing to file suit in Federal District Court. In the August issue of *The Hunting Report*, *World Conservation Force Bulletin*, we called for help in an article entitled, “It’s Time To Sue!” The article announced “[E]very effort has been made to resolve the issue amicably. It is a pity, but a suit is necessary. We are looking for plaintiffs . . . to proceed with the case.” Plaintiffs we got, seven of them. Three were non-resident Idaho landowners, and one

of those landowners had even been a resident who moved away but could not get a moose license for his own



property. Months of work followed at a heightened pace. We received phone calls from several interests in Idaho suggesting the Commission’s

sentiment was turning around again, so we held off filing suit until the last Commission meeting to set the rule for the 2001 hunting season. That is when the Commission passed a unanimous resolution to be “fair” to nonresidents. That is what it is all about. This is how unrepresented nonresidents get to be treated “fair” in America. It will initially generate approximately \$190,000 per year in additional budget revenue for the department, save the department more than that in legal fees, resident hunters will have more licenses for themselves than when it all began and residents are no longer at legal risk of having to share licenses equally (50-50) with nonresidents as in the *Terk* New Mexico case.

Briefly Noted

Crisis and Events: By the time you read this I will have met with the British Columbia grizzly bear principals, addressed the Men’s Luncheon at FNAWS, addressed the Board of the National Taxidermy Association, separately addressed the membership meetings of both The Grand Slam Club and International Sheep Hunters Association (ISHA) and departed for Africa. In a short one week in Africa I will address the Namibia Professional Hunters Association (NAPHA) at their Annual General Membership Meeting on cheetah in Windhoek, meet with the president, ministers and stakeholders on the closure of lion hunting in Botswana, and then travel to Zambia to meet with the ministry and stakeholders on the hunting closure, crocodile trophy quotas and conservation of red lechwe during the closure. I will then fly back to finish the complex Wyoming nonresident rights suit appellate briefs due in the 10th Circuit Court of Appeals in Denver. While I am personally doing these things, Conservation Force will have other volunteers traveling to Cameroon, Mozambique and the Republic of South Africa on similar “business only” assignments. We are

putting out the fires. The current crises call for action. To quote Dr. Teer of Conservation Force’s board, “that is what Conservation Force is all about.” No more needs to be said about it except that we need your support, and we need it now. Contributions are tax deductible to the full extent of the law as we are a 501(c)(3) Charitable Public Founda-

tion. Please mail a contribution to Conservation Force, 3900 N. Causeway Blvd., Suite 1045, Metairie, Louisiana 70002 U.S.A.

Elephant Memories: Cynthia Moss of Amboseli National Park in Kenya fame has revised and republished her book *Elephant Memories*. The first edition was published in 1988, this one in 2000. She has totally deleted, “I am not against sporthunting because it brings revenue to the people . . . and taking a few trophy animals each year apparently has little detrimental effect on wildlife populations.” That was in her first book. Of special interest, she now admits that “the independent males spend most of their time outside the park or across the border and deep into Tanzania.” Moreover she writes that within the 18-month period after elephant hunting was closed in adjacent Tanzania in 1995, at her insistence I must add, “at least 10 more large bulls” were killed by an identified poacher. Thus, the bulls were Tanzanian bulls, and she exposed them to poaching by closing down their sustainable use. More interestingly, the elephant population growth rate has not declined as she forewarned.

Conservation Force Sponsor

The Hunting Report and Conservation Force would like to thank International Foundation for the Conservation of Wildlife (IGF) for generously agreeing to pay all of the costs associated with the publishing of this bulletin. IGF was created by Weatherby Award Winner H.I.H Prince Abdorrezza of Iran 20 years ago. Initially called The International Foundation for the Conservation of Game, IGF was already promoting sustainable use of wildlife and conservation of biodiversity 15 years before the UN Rio Conference, which brought these matters to widespread public attention. The foundation has agreed to sponsor *Conservation Force Bulletin* in order to help international hunters keep abreast of hunting-related wildlife news. Conservation Force’s John J. Jackson, III, is a member of the board of IGF and Bertrand des Clers, its director, is a member of the Board of Directors of Conservation Force.



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