



“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

□ Special Report

Antis Sue To Stop All Argali Trophy Imports

The Fund for Animals, Humane Society of the United States, Earth Island Institute, Animal Legal Defense Fund, Argali Wildlife Research Center of Mongolia and three individuals including Dr. Ronald Nowak have filed a Complaint for Declaratory and Injunctive Relief against the US Secretary of Interior and Director of US Fish and Wildlife. The suit, case number 01:813, was lodged on 16 April, 2001 in the Federal District Court for the District of Columbia and allotted to Judge Kessler. The suit contains five separate claims to stop all argali trophy imports, including claims to invalidate those 100 permits that have been issued for trophies not yet imported. The petition requests the Court to uplist all argali in Mongolia, Tajikistan and Kyrgyzatan to “endangered” so that permits will no longer be issued for those hunting destinations and to mandate that import permit applications for “threat-

ened” (not just “endangered” species) be published in the Federal Register for public comments before the issuance of permits. The petition also requests the court to allow the issuance of permits for “threatened” spe-



cies taken in foreign lands “only in the extraordinary case where population pressures within a given ecosystem cannot otherwise be relieved.”

If the antis are successful with any one or a combination of their

claims, the importation into the US of all argali hunting trophies will come to an end, including those for which permits have been issued but not yet used. The suit alleges that 550 permits have been illegally issued in the past five years alone and that more than 100 permits have been illegally issued that remain open and unused.

The suit is focused on the import of argali from Mongolia, Tajikistan and Kyrgyzatan, which are the only three countries where argali are listed as “threatened” and therefore have been importable. The suit states that those countries’ argali populations should be listed as “endangered” because they are endangered. It cites the Service’s own language in the Service’s original listing of all other argali populations as “endangered,” noting that the Service decided only “by a very narrow margin” to list those as “threatened” instead of “endangered.” The antis also

claim that these three populations of argali should be listed as endangered by operation of law since the prescribed one-year determination period, during which there has been an open and pending proposal to list them as “endangered” (58 F.R. 25595 - 1993), has long passed. Ironically, when I filed the Argali Law Suit challenging all of the argali listings in 1993, we claimed that all the listings, whether “threatened” or “endangered,” were invalid because more than one year had passed before the rulemaking. The one-year period was held not to be binding or mandatory, only directive by that Texas Court.

The suit claims argali imports from these three countries should be enjoined even if the animals remain only “threatened” because the Special Rule of the US Fish and Wildlife Service governing the imports alleg-

“Nowak (one of the plaintiffs) ... favored listing all African elephants as endangered, even those in Botswana, Namibia and Mozambique.”

edly has never been satisfied. The requirements have not been satisfied in any of the three countries, according to the suit, because those countries have not made the six “required assurances” certifying that “(1) argali populations in the country are large enough to support sport hunting; (2) appropriate authorities have sound population data; (3) appropriate authorities recognize the value of the argali and have the means to appropriately manage argali populations; (4) argali habitat is secure; (5) appropriate authorities can ensure that the “trophy” come from the certifying country; and (6) the funds from sport hunting are used for the benefit of the species,” citing 50 CFR 17:40(j), i.e., the Special Rule governing argali imports. Incredibly, that Special Rule was drafted by one of the plaintiffs in the suit who has

since retired from the US Fish and Wildlife Service, Ronald Nowak.

All but one of the individual plaintiffs are from Mongolia, as is the Argali Wildlife Research Center. This suggests a greater level of suit preparation focused towards the trophy imports from that country. We are looking for more information on the Argali Wildlife Research Center. The Fund for Animals and Humane Society of the United States (HSUS) are vehemently against all recreational hunting and the Earth Island Institute has been opposing argali hunting for more than a decade. The Fund for Animals filed the first petition ever filed to list the argali in 1976, when one subspecies was listed as “endangered.” Moreover, The Fund and Earth Island Institute filed an intervention in the 1993 argali lawsuit (which was filed by Putting People First in the District of Columbia Court), and sought attorney fees against the group when Putting People First dismissed its suit voluntarily in 1993.

The inclusion of Dr. Ronald Nowak is unsettling. He is the retired Office of Scientific Authority endangered species expert staffer who actually prepared the Federal Register notice and draft Final Rule that listed the argali in 1993, as well as the abandoned Federal Register notice to uplist the argali in Mongolia, Tajikistan and Kyrgyztan from “threatened” to “endangered.” Now, the antis are claiming that the 1993 uplisting proposal is still open and pending, but in reality the rationale for that proposal ended when the 1992 argali lawsuit was lost at the trial level and the appeal was voluntarily abandoned. In 1993, the Service only proposed to uplist the argali in response to the argali lawsuit. The Service was only proposing the uplisting in anticipation that the suit would invalidate the Special Rule governing argali imports from those three countries. Once the argali suit was abandoned, so was the reactive proposal by the US Fish & Wildlife Service.

Nowak has long been a problem.

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

He was in favor of listing all African elephants as “endangered,” even those in Botswana, Namibia and Mozambique. He is also believed to have personally directed requests for comments and input to protectionist staffers within the US Department of State, whose responses greatly protracted the polar bear import rule. John Hoyt of HSUS cited Nowak at least 16 times in his book, *Animals in Peril*. Nowak also opposed wolf control in Central Asia, even though wolves were believed to be decimating the argali population. In his application for early retirement from the Service, he expressly stated that he found it “unsettling to learn that the agency is essentially supporting the destruction of the wolf in Central Asia to justify issuance of permits for American hunters to import trophies of the threatened argali sheep...” In other words, he preferred that the wolves eat them, rather than they be hunted.

In the 1993 Argali Law Suit, we were never able to get all of Nowak’s written materials because of the “deliberative process” privilege that prevents disclosure of such deliberative documents in the listing process, but we were able to get enough to know that he wanted to list all argali as “endangered,” including those in the three countries which were listed as threatened and that are the focus of the present suit. History is repeating itself, and we know that history.

There is one issue of great significance by itself. The litigation is expected to affect the importation of all threatened species, not just argali. The antis have long claimed that species listed as “threatened” should not be importable any more than Montana’s “threatened” grizzly bears and Minnesota’s “threatened”

wolves can be hunted. The Fund for Animals, HSUS and Earth Island Institute have all filed comments in the past against import of threatened species under the Montana Grizzly decision that threatened species are not to be harvested unless the population is: (1) excessive; and (2) there is no other means of relieving it. This will be the first time in Court that the antis claim that “threatened” species from foreign lands should be treated like “threatened” domestic species, therefore no import permit should be granted unless: (1) the population is above carrying capacity; and (2) there is no other means of relieving that excess, such as re-



location, birth control and natural attrition. In the Montana Grizzly decision, the Fund argued and the Court ruled that even an excess population was not huntable under the Endangered Species Act. The Fund For Animals was the plaintiff in the Montana Grizzly litigation that settled that issue for domestic species listed as threatened and is now leading this charge against the import of hunted foreign species. Further, this Fund for Animals suit will also establish whether or not every permit application for a “threatened” species (leopard, crocodile, elephant and lechwe, among others) has to be

published and open to public comment, as is currently the case for species listed as “endangered.” The antis are claiming that the permits have all been invalid because they have not been noticed and given a chance to file opposition comments on a permit-by-permit basis.

There is no question that all argali imports are at risk, but the fight has just begun. The judgment will not be immediate, so it should have no immediate direct effect. Even so, there are bound to be hunt cancellations. Nevertheless, we urge all prospective hunters to go forward with their planned hunts for the good of the argali. Don’t overreact to this threat, unless you want the antis to win by your retreat. Rest assured that Conservation Force will be on top of this if we can get the necessary financial support and cooperation.

Our immediate need is for individual hunters to act as interveners in the suit. We need the name, address and phone number of hunters who have been issued import permits that have not yet been used, as well as those who had and/or have plans to hunt argali in the three affected countries. If you meet either category and are willing to participate, please send your name, address, phone number, fax number, and e-mail address to Conservation Force by fax (504-837-1145); or e-mail (jjw-no@att.net). Even if you don’t fit in the above categories, we need your support. Mail your tax-deductible donation to: Conservation Force, 3900 N. Causeway Boulevard, Suite 1045, Metairie, Louisiana 70002-1746. Conservation Force is a 501(c)3 public charitable foundation and will duly acknowledge your contribution by letter for all IRS purposes.

Briefly Noted

Antis Celebrating Hoof And Mouth Disease: We have closely monitored animal rights organizations around the world as the hoof and mouth disease crisis has mounted in the United

Kingdom and Europe. In fact, we first learned of the disease through animal rightists’ internet chatter, particularly on a site maintained by Humane Society of The United States,

HSI-Animalia, which bills itself as “...an electronic mailing list for animal protection professionals around the world.” Initially, we were appalled because individual animal

rightists were celebrating the disease development with the expectation that it would further their agenda. It would help teach the public not to eat meat and dairy products.

As the crisis mounted, the tune of most antis changed to alarm and protest against the euthanization of millions of animals that had not been proven conclusively to have the disease. The euthanization of more than four million innocent cattle was described as a “holocaust.” Then, Ingrid Newkirk, President and co-founder of People For The Ethical Treatment of Animals (PETA), topped them all. In an interview with Alan Elsner reported by Reuters, she said, “I openly hope that it comes here (USA). It will bring economic harm only for those who profit from giving people heart attacks and giving animals a concentration-camp-like existence. It would be good for animals, good for human health and good for the environment.” “If that hideousness came here, it wouldn’t be any more hideous for the animals - they are all bound for a ghastly death anyway. But it would wake up consumers.” Of course, PETA is also gleefully reporting an increased demand for its “vegetarian starter kits” because of the disease threat.

While PETA was wishing disease upon the 170 million stock animals in the US, HSUS was opportunistically and contradictorily writing to the US Secretary of Agriculture to “declare a moratorium on the importation of all livestock and livestock products into the US” from anywhere outside of the USA. That would include imports from Canada and Mexico, of course, as well as products such as leather clothing, shoes and belts, as well as meats.

Louie Schreiner IV Passes Away: Louie Schreiner IV of the YO Ranch in Texas died unexpectedly on April 13, 2001. He was only 41 years old and died of a heart attack without warning. Louie was the acting general manager and the principal manager of the hunting sector of the famous YO Ranch. He was a great-grandchild of Capt. Charles Schreiner,

Texas Ranger, banker, merchant and founder of the YO Ranch.

Man-Eating Crocodiles Are Hungry: In Mozambique, six people were killed by crocodiles recently in the flooded Luabre area while trying to cross a river near their village. Other village people were spared by being air-lifted from the flooded village. Elsewhere, Malawi has instituted emergency cull measures to



protect indigenous people in that country who live near bodies of water. In some parts of the Lower Shire River the crocodile population is so dense that 15 to 25 crocodiles are taken each night and the stomachs of the larger ones contain remains of cattle, goats, dogs, other crocodiles and people. The government is developing a more formal Crocodile

Management Plan with a sustainable use component to provide local people with incentives to conserve the species. TRAFFIC International reports that the local people have “negative attitudes towards crocodiles” and quotes one chief as stating, “I don’t think these animals are the type that we should conserve for the future generation.... I don’t think our children need to have such beasts around. After all, we do not benefit anything from these beasts.” (Malawi does not currently have safari hunting.)

Meanwhile, in the St. Lucia area of South Africa, there were three fatal crocodile attacks in November and December. The first victim was taken while she was fishing close to the water edge in the Greater St. Lucia Wetland Park. The second and most publicized attack took place on December 8. When a 22-year-old woman tourist was attacked at the mouth of the Umfolozi River while skinny-dipping at night with her boyfriend. The St. Lucia Estuary staff have put up warning signs to replace those that have been stolen. A third fatal attack occurred four days later on a local woman who was crossing the Enseleni River. The croc held on to her body without attempting to feed, so her body was recovered intact. Local authorities report that most attacks occur from November to April, which coincides with the breeding and nesting season and higher river stages with more discolored water. Apparently, the crocs see their victims, but not vice-versa.

WCP Shortens Name: Wildlife Conservation Partners (WCP), the network of hunting organizations that was created this past summer at the Boone & Crockett Conference Center in Missoula, Montana, has shortened its name. The partners have dropped the lead word “National” from the name to avoid confusion with any existing organization. The National Wildlife Federation (NWF) expressed concern that the name was too similar to its own. The NWF is not a partner of WCP, nor is it associated with it. – *John J. Jackson, III.*

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 Abdorreza 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.



International Foundation for
the Conservation of Wildlife

MEMO

To: Jim Young, Print N Mail
From: Leonardo Mocci, The Hunting Report
Re: May 2001 Issue of Conservation Force Supplement
Date: April 20, 2001

Jim,

Here's the May 2001 issue of the Conservation Force Supplement to be inserted in The Hunting Report. Don't forget to insert John Jackson's picture on page 2. Please fax "blue lines" for approval A.S.A.P.

Print run is 4,800 (Print run, 4,622, John Jackson, 25 and 153 overs). Ship overs to us as usual.

Please call me if you have any questions.

Leonardo

P.S. Please make sure that John Jackson gets his 25 copies.