



“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

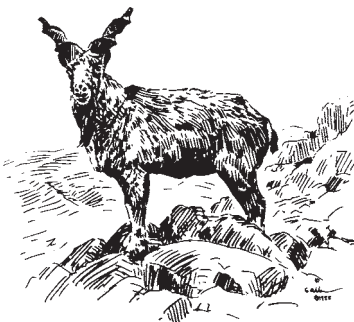
□ 2008 In Review

Bio-political Developments

■ Once again it is time to review where we have been and where we are going. Here are some highlights of 2008, plus forecasts for 2009:

1.) President's Executive Order – Enormous steps were taken to put President Bush's 2007 pro-hunting Executive Order into effect. Technical and Policy meetings were held with many hundreds of top level agency personnel and stakeholders to facilitate hunting in America. The culmination was a Reno conference in October to adopt a “comprehensive recreational hunting and wildlife conservation plan” that would set forth a 10-year agenda for filling the actions identified in the Order. As I write this, the final touches are still being made to the white papers arising from that planning conference. The plan and final white papers should be public by the time you read this. Visit <http://www.wildlifepartners.org/whc/> and <http://wildlifeconservation.gov>. Importantly, Conservation Force suc-

ceeded in inserting some recognition of international tourist hunting in the white papers that otherwise only concern domestic conservation and recreation. The indifference to international hunting has been pervasive through the term of the Bush Administration.



Perhaps the added language will afford international hunting some small respect within the federal bureaucracies.

The President also issued another recreational fishing Executive Order to contend with the growing clamor for

marine protected areas that threatens recreational angling.

2.) Markhor trophies – When US Fish & Wildlife Service (USFWS) opened the way for American hunters to import Kashmir markhor from Pakistan (although on a case-by-case basis), those hunts sold at record-breaking prices of \$150,000 each. This telegraphed to the world that USF&WS trophy permitting practices have deprived other world-renowned markhor programs of needed revenue for management and conservation incentives. The break-through in issuing these permits has and will greatly contribute to the positive profile and perception of international hunting. Meanwhile, the hunts for Suleiman markhor in the Targhor Project, the original markhor project, still go for only \$45,000. That's because importation by Americans is still closed, as the USF&WS has not acted on the ESA downlisting petition filed many years ago and the Administration has not

approved the “enhancement policy” that was recommended by the USF&WS early in Bush’s first term in office.

The good news is that this past November the USF&WS approved three (3) more import permit applications filed by Conservation Force for the US hunters who took Kashmir markhor in 2008. (Note that the Kashmir are only listed on Appendix I of CITES, while the Suleiman are listed on CITES and as “endangered” under the ESA.) This is the second consecutive year those have been approved. In 2009, the permitting of Kashmir markhor should be more of an established routine due to Conservation Force’s pro bono work.

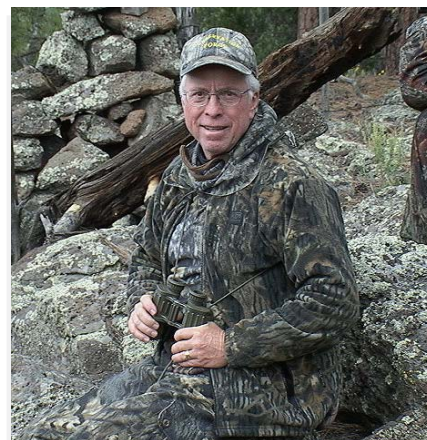
3.) USF&WS Stricter CITES Regulations – In September 2007 the International Section of the USF&WS adopted 98 pages of what we described as “the most draconian internal regulations of any nation in the world.” (See December 2007 World Conservation Force Bulletin - <http://www.conservationforce.org/publications.html>.) Those regulations were phased into effect in 2008 and have caused a series of problems that continue to plague the international hunting community. It should be noted that the Bush Administration studied the underlying regulations for almost seven years but ultimately permitted the International Division of the USF&WS to adopt them, over the objection of the international hunting community, with only minor revisions.

The regulations have caused one problem after another. First, the insistence that exporting countries inspect, inventory and validate each item, including signing and sealing, on the export permit form at the time of export caught a number of developing nations by surprise. We have not figured out what purpose this serves when the items are trophies. Some countries had to add the verification/certification to the bottom of the export permits they issued. Many others had to add personnel and the verification practice to their trophy export protocol. Even today CITES trophies are being shipped separately from non-CITES items because of the need to

wait for a CITES officer to inspect and validate the CITES export permit. In the past year, shipments backed up for many months while forms were revised, which in turn caused errors due to the break in regular routines. Shipments were made with import permits that had expired and even without tags being attached or not attached in the new manner specified. (Be forewarned, markhor have to be tagged “through the skin,” like leopard, not the horns, as one would expect and is the custom and practice of Pakistan.) The failure to include on the inventory list any part of a shipped animal has led to seizure of those unlisted parts.

In 2008, the Law Enforcement Division of the USF&WS began seizing CITES listed trophies that were “worked,” or considered by them to be converted into utilitarian items and therefore no longer “trophies” according to the definitions set forth in the new USF&WS regulations. The surprise was the treatment of Appendix II white rhino and southern African elephant parts as Appendix I items because they were no longer considered “trophies” and only “trophies” are allowed on Appendix II under the annotations to those downlistings. Thus the basis of the seizures has been the failure to have an Appendix I import permit, though it is not clear if the Division of Management Authority will grant a permit for personal items made from animal parts the Service no longer treats as “trophies.” The seizures we know of have been rhino feet buckets and a tail swish, as well as surface-etched or scrimshawed elephant tusks that otherwise are the same size, shape, weight and marked trophy indicated on the export permit. One seizure is still pending but suggests that beautification to make a trophy more attractive is considered to be “utilitarian.”

Note the USF&WS mandate that the purpose code on the export permit for worked items must be “P” for “personal use,” not “H” for “hunting trophy.” This requirement continues to be difficult for exporting authorities in other countries to accept and apply. Even the USF&WS inspectors that seize the trophies call them “trophies.”



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Worse is a problem not yet brought to resolution. The USF&WS regulations now specify that import and re-export permits must be obtained in each transiting country where trophies are being transported through if the transfer is not “immediate” within that country. This is unprecedented. There have been tons and tons of trophies on hold in RSA under customs control/bond while in transit to the USA from Botswana, Mozambique, Zambia and elsewhere while this is being sorted out. Others have been seized or turned back by US Customs. The shipments of tons of additional trophies are waiting for resolution of the problem before being exported at all.

4.) Polar Bear/Climate Change – All populations of polar bear were listed as “threatened” under the Endangered Species Act (ESA) on the basis of projections for greater loss of seasonal sea ice over the next century, particularly the next 50 years. The sea ice is projected to melt sooner and refreeze later in its annual cycle. By court order the listing was made effective immediately, trapping all the bear trophies taken in approved areas by US hunters in the spring of 2008. This occurred because the “threatened” listing triggered a prohibition in the Marine Mammal Protection Act that treats ESA-listed species as “depleted,” exactly as we had warned.

Climate change became the predominant topic at every bio-political meeting in the world, from the 4th World Congress of the IUCN in Barcelona to the Association of Fish & Wildlife Agencies Conference. The polar bear succeeded in becoming the “panda bear” of the environmental movement, even though its numbers are at record levels. Carbon dioxide went from being good and necessary to life to being a threat to world survival, particularly human-induced carbon dioxide from production of electricity and use of motor vehicles. The image of petroleum flipped from being a “resource” to being a pollutant in the media and the mind of the public.

Listing a healthy species is unprecedented, as is the “greenhouse gas” hysteria that is changing all of our

lives. The change threatens the wildlife management paradigm itself. Climate change is a major consideration in the white papers of the Executive Order planning conference, yet the North American Conservation Model is surely threatened if the states lose their jurisdiction over species through wholesale ESA listings.

In 2009, the courts will determine for the first time the legal meaning of “foreseeable future” and if the polar bear was listed prematurely as a matter of law because of the speculative nature of the projections. It will also determine if the listing was in violation of the USF&WS’s own decision-making guidelines and Canadian interests, which the USF&WS mistakenly said was “not a factor” considered.



5.) Second Amendment – The historic *Heller* case before the US Supreme Court resolved the split between the Circuit Courts over whether the right to keep and bear arms in the Bill of Rights included a personal right (right of individuals) or only the right of states to maintain their own militia (National Guard). The handgun ban in the District of Columbia was held to unconstitutionally infringe on the right of private individuals to keep and bear arms in a split decision. Although some have expressed concern that the decision was split and the right was said not to be unlimited, we don’t share that concern. Of course, it was split, as decisions often are and long have been in important cases since the origins of our nation. And, of course, all rights have limits. For example, the freedom of speech does not permit you to yell fire in a crowded theater. The

fact that it is an individual right is simply awesome! This has entirely taken place during the Bush years.

6.) Wolves – Grey wolves in Idaho, Montana and Wyoming (northern Rockies subpopulation) were de-listed and sport-hunted for a short period. They were then re-listed when the USF&WS determined for itself that its process had been imperfect. A federal court also overturned the de-listing of the wolves in the Great Lakes.

This saga would normally continue but for the change in administration. It will take political will at the top to stay on the de-listing course. Have we seen the last of the de-listings?

7.) Conservation Reserve Program/Farm Bill – The Farm Bill finally passed - with lots of riders. One rider we have not had an opportunity to advise about is a wholly unrelated international provision amending the *Lacey Act* to criminalize the importation of listed flora (plants and parts). The list of prohibited plants will be determined in 2009.

The benefits of CRP were threatened by the conversion of land in the rush to produce corn for ethanol bio-fuel.

8.) President Obama – Obama became President-Elect and the Democrats secured both the Senate and House of Representatives, thus the committee chairmanships and leaderships.

The Congressional Sportsmen’s Caucus, the American Wildlife Conservation Partners, and many of its members and the Association of Fish & Wildlife Agencies are bi-partisan or non-partisan. Nevertheless, the shooting industry has rightfully been partisan and remains so. That is a conflict within the community.

The promising news is that the United States Senate Democratic Steering and Outreach Committee invited most of the hunting world’s conservation leaders to a meeting on February 13, 2008 in the Mansfield Room of the Capitol (see *Democrats Dialogue with Hunting Community Leaders* in March 2008 issue of this bulletin.) There was a lot of follow-up after that. Time will tell if that was pre-election posturing or genuine.

There is also some hope offered by Obama’s web site, which states under *Agenda – Additional Issues*:

“Barack Obama did not grow up hunting and fishing, but he recognizes the great conservation legacy of America’s hunters and anglers and has great respect for the passion that hunters and anglers have for their sports. Were it not for America’s hunters and anglers, including the great icons like Theodore Roosevelt and Aldo Leopold, our nation would not have the tradition of sound game management, a system of ethical, science-based game laws and an extensive public lands estate on which to pursue the sport. Barack Obama and Joe Biden recognize that we must forge a broad coalition if we are to address the great conservation challenges we face. America’s hunters and anglers are a key constituency that must take an active role and have a powerful voice in this coalition.” (See http://change.gov/agenda/additional_issues_agenda/)

In 2009, the selection of administrative appointees and congressional chairs will tell the tale. The same goes for firearm issues.

9.) Inspection Fees – In March, the USF&WS proposed and in December it adopted an increase in inspection fees for all wildlife-related inspections at the time of import and export. This is our first notice to our readers of that final rule, which was published December 9, 2008 and can be found at <http://edocket.access.gpo.gov/2008/pdf/E8-29070.pdf>. The USFWS was persuaded not to charge hunting trophies consigned to a taxidermist as “commercial” or the extra fee charged for commercial trophies, but the inspection costs still will be far higher than they have been. Taxidermists don’t have to become licensed importers to receive trophies as originally proposed.

10.) Argali – The USFWS changed its method of drawing names on its first-come list of approved importers of argali trophies in an attempt to have a more equitable system for allocating the approved permits.

The USFWS also started defining what it considers acceptable season

dates for argali hunting in Mongolia. Import of Mongolian trophies taken in May and June 2008 are still in question, even though no specific dates were specified on the import permits issued by USFWS and those argali were in fact taken during Mongolia’s official argali hunting season. Import permits for those issued for 2008-2009 for the first time specify the starting and ending season dates during which the



trophy must be taken as a newly-stated condition of import. In short, hunters now will clearly know the dates they must hunt before they go.

11.) Deaths – There was the tragic death of outfitter and guide Cam Lancaster and the passage of Adrian Seda Trevino, Donald G. Cox and Charlton Heston. Those deaths have left big shoes to fill.

12.) Kenya – The President of Kenya

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put all hopes of reopening big game hunting there to an end. This was the second consecutive year he derailed the effort.

13.) Rhino End-Use – Investigations and a media exposé raised alarms about the misuse or commercial end-use of rhino hunting trophies taken in South Africa and its possible stimulus of poaching. Fortunately, the Professional Hunters Association of South Africa provided important and responsible leadership to educate those concerned and to protect the resource. In 2009, we will learn what proposals and resolutions arise from this for CITES COP 15 to consider.

14.) Alaska Wildlife Management – The voters rejected a ballot initiative in Alaska that would have banned the wildlife department from aerial shooting to control wolves. This was extremely important because the excess wolf population has really harmed some populations of wildlife in remote and inaccessible places.

15.) USDA – APHIS of USDA reverted to its previous procedures so that trophies of ruminant game aren’t damaged by having to be dipped twice and the dipping paid for twice. (The agency was requiring all ruminants to be dipped upon importation to the US regardless of previous handling.) Moreover, only swine, primates (non-human) and porcupine will require transfer to USDA approved facilities upon import.

16.) Positive Announcements – The scientific world uncovered a great migration of antelope in southeast Sudan and gorillas in Central Africa, and IUCN announced that more than 40 animal species on its Red List are recovering. Of course, the hunting community has long known of the antelope and gorillas and has played an important role with the recovery of some of the listed species, such as African elephant, rhino and markhor.

As we begin the New Year, we need your support. In tough times it is even more important to invest where you trust and get the most for your money. Mail your tax-deductible contributions to Conservation Force, PO Box 278, Metairie, LA 70004-0278. - *John J. Jackson, III.*