



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](http://www.conservationforce.org) July 2014

## Import Permits Issued for Sulaiman Markhor of Torghar Project

The Markhor Initiative is successful. On June 3, 2014 the US Fish & Wildlife Service (USFWS) issued permits for nine hunters' permit applications to import Sulaiman markhor taken in the Torghar Project of Pakistan. The project is one of the most renowned in the history of the conservation of wild game species. The finding of "enhancement" necessary for import of the ESA "endangered" listed species is validation of the recovery potential of hunting and will enable the conservation strategy to reach its full potential in Pakistan. Because of the hunting conservation strategy, the endangered-listed markhor has been saved. Because of the successful effort to import the trophies into the USA, the recovery is now assured.

The nine applicants took their markhor in the Torghar Project in the Torghar region of Pakistan between 2005 and 2013. The nine pioneering hunters are among the greatest hunters of all time. They have been champions of patience as well as champions of real hunting.

The first import permit was filed in 2000, but the hunter abandoned it shortly afterwards. In that instance, Conservation Force only filed a supporting comment when the application was published in the Federal Register. The nine recently approved applications were filed by Conservation Force over the past decade purposefully as an initiative to secure the recovery of this critically endangered species through hunting. Being a "game species" should be an advantage in the struggle for survival and these permits validate that indeed



DATELINE:  
**United States**



John J. Jackson III

it is. The enhancement permits are authoritative certifications of the beneficial role of hunting.

Four of the nine applications were previously denied, taken through the administrative appeals process and then sued for in Federal District Court in Washington, D.C. When that court did not provide relief, the case was appealed to the Federal Appellate Court of the District of Columbia. Over the course of this past blistering cold winter in the District of Columbia, the case was successfully mediated and settled. Yours truly was in and out of Washington, D.C. when it was closed for nearly all other business. The USFWS agreed in that settlement to re-process the four applications in good faith if filed as new applications and to complete the processing by June 3, 2014, which it did. That was all the Appellate Court could order had we stayed in court instead of settling. Of course, there was no promise that the permits would be granted, but it gave Conservation Force the opportunity to add to the record the ever-growing mountain of evidence and expert recognition of the success of the underlying conservation project. Conservation Force added applications of five new hunters for a total of nine. In total, those pioneering hunters had provided more than one million dollars to the Torghar Project in an act of faith in support of the program.

A second term of the mediated settlement was that USFWS would complete the proposed

downlisting determination of all straight-horned markhor. That final determination is to be made by September 30, 2014. That downlisting proposal has broadened beyond the petition originally filed by the Sustainable Use Specialist Group of IUCN through Naseer Tareen in 2000, and even beyond the petition filed by Conservation Force and allied partner organizations including Dallas Safari Club, Houston Safari Club, the Wild Sheep Foundation, Grand Slam/OVIS, Shikar, the Conklin Foundation, et al. The second petition had to be filed when, in other litigation, the court held the original petition to be too late to enforce. The downlisting proposal now includes a regulatory strategy to use permitting of US hunters as a reward and recognition to other areas and countries that restore their straight-horned markhor (Kabul and Sulaiman). That can bring the original 1985 conservation-through-hunting strategy to full fruition.

This has been a long and arduous paper chase, but someone had to do it. Coming on the heels of import permits for endangered black rhino, it more than validates the enhancement from hunting in both instances; it raises the administration of the ESA to a level that has only been envisioned for 40 years, since its inception. The ESA can now be expected to restore, not just protect



foreign listed species. This is so very, very important and is well worth the sacrifices we have all made to get to this point.

The longstanding practice, if not policy, of USFWS to deny enhancement permits, and thus the recovery and security they will hereinafter provide, has been a giant hurdle to overcome. The Center for Biological Diversity (yes, the same organization that petitioned to ESA-list all polar bear as endangered), the Humane Society of the US and Humane Society International have been vigorous opponents of the hunting-based Torghar program. Believe me, the opposition comments to these permits and the pending downlisting would ruin your day to read. Be aware that there can be no pretense that the Center for Biological Diversity was expressing any concern for climate change. It appears to oppose hunting as a conservation tool in the best examples. On the other hand, the Caprinae Specialist Group of the

IUCN, the foremost Caprinae experts in the world, strongly supported the issuance of the permits and, of course, the Convention of Biodiversity treats the project as the foremost example of sustainable use in the world.

I cannot recount all that was necessary to get to this point or credit all those individuals and institutions that played their parts, but permit me to honor one particular individual. Dr. Bart O’Gara, deceased, founding member of Conservation Force, first suggested the strategy to Torghar leadership in 1985. He was an ecologist with the USFWS Extension Service, accompanied by a representative of WWF. He made the recommendation to Naseer Tareen who still credits Bart with having started what became Conservation Force’s *Markhor Initiative*. I only wish he was still here to share in the celebration. Bart, you were right! Long live the straight-horned markhor. ■



**SPECIAL SUPPLEMENT**

## World Conservation Force Bulletin

**EDITOR/WRITER**

John J. Jackson, III

**PUBLISHER**

Barbara Crown

Copyright ©2014 by Dagga Boy Enterprises LLC. ISSN 1052-4746. This bulletin on hunting-related conservation matters is published periodically free of charge for subscribers to The Hunting Report, 12182 SW 128 Street, Miami, FL 33186. All material contained herein is provided by famed wildlife and hunting attorney John J. Jackson, III with whom The Hunting Report has formed a strategic alliance. The purpose of the alliance is to educate the hunting community as well as pro-advocacy of hunting rights opportunities. More broadly, the alliance will also seek to open up new hunting opportunities worldwide and ward off attacks on currently available opportunities. For more information on Conservation Force and/or the services available through Jackson’s alliance with The Hunting Report, write:

### Trophy Definition to Again Include Worked, Manufactured or Handicraft Items

**O**n May 27, 2014 the US Fish & Wildlife Service (USFWS) noticed a great number of revisions of its CITES regulations to incorporate provisions made at the 14<sup>th</sup> and 15<sup>th</sup> Conferences of the Parties of CITES (79 FR 30400, 30412 and 30428). The most relevant to the hunting community is the change in the definition of “sport-hunted trophy.” Once again, as of the effective date of June 26, 2014, trophies include not just raw parts and taxidermied items, but also “worked, manufactured and handicraft items that are recognizable parts of the trophy.” The USFWS has revised its 2007 regulation that hunters, export authorities and export brokers must use separate permits and a “personal use” rather than “trophy” Purpose Code to import worked parts of trophies.

The USFWS will now treat trophy items such as elephant hair bracelets, knife and rifle scabbards made of animal skin, footstools and other “manufactured” items as the trophies they are and have always been on the condition that certain information is included on the face of the permit

and the parts are in the same trophy shipment that it is to be connected with.

If not handled correctly, the item, though now recognized as a trophy, will no doubt be seized as contraband, so the following is the actual regulation verbiage for all to master:

23.74 – *How can I trade internationally in personal sport-hunted trophies?*

*(b) Sport-hunted trophy means a whole dead animal or a readily recognizable part or derivative of an animal specifically identified on accompanying CITES documents that meets the following criteria:*

- (1) Is raw, processed, or manufactured;*
- (2) Was legally obtained by the hunter through hunting for his or her personal use;*
- (3) Is being imported, exported, or re-exported by or on behalf of the hunter as part of the transfer from its country of origin ultimately to the hunter’s country of usual residence; and*
- (4) Includes worked, manufactured, or handicraft items made from the sport-*

Conservation Force  
3240 South I-10 Service Road West, Suite 200  
Metairie, LA 70001  
Tel. 504-837-1233 Fax 504-837-1145  
[www.ConservationForce.org](http://www.ConservationForce.org)

For reprints of this bulletin or permission to reproduce it and to inquire about other publishing-related matters, write:

The Hunting Report  
12182 SW 128 Street  
Miami, FL 33186  
Tel. 1-800-272-5656 Fax 305-253-5532

Remember to favor Conservation Force’s Corporate Sponsor:



The leader in their field.

*hunted animal only when:*

*(i) Such items are contained in the same shipment as raw or tanned parts of the sport-hunted animal and are for the personal use of the hunter;*

*(ii) The quantity of such items is no more than could reasonably be expected given the number of animals taken by the hunter as shown on the license or other documentation of the authorized hunt accompanying the shipment; and*

*(iii) The accompanying CITES documents (export document and, if appropriate, import permit) contain a complete itemization and description of all items included in the shipment.*

I have quoted it verbatim here because if handled differently, the

trophy part will no doubt be treated as contraband, seized and forfeited. To be clear, if it is coded as "P" for a "personal use" purpose rather than as a hunting trophy purpose code, as has been required since 2007, it will be a violation of the revised regulations. If any broker, hunter, taxidermist or otherwise has an interpretation issue with the new regulation, please call it to my attention so we can get clarification from the USFWS before someone's trophy is seized and forfeited.

Conservation Force was the first to discover and contend with the elimination of worked or utilitarian parts of trophies in 2007 and launched a campaign to change it back. We succeeded in getting the CITES Secretariat to make it a business item at the 14<sup>th</sup> CoP where the Parties reconfirmed the long-standing understanding that

a trophy consisted of all identifiable parts regardless of their useful form. This USFWS regulation is just the USFWS's regulation revision to follow the Parties' definition with some of its own added procedural requirements. The hunting community opposed these add-on procedural requirements and suggested limiting those requirements to Appendix I listed species, but USFWS has made the required procedural steps mandatory.

Under no circumstances should any hunter treat an item as a personally taken hunting trophy for personal use when it is not. The USFWS has no tolerance for anyone shipping in commercial items as trophies. Numerous hunting and anti-hunting interests battled out the definition on a Trophy Working Group. ■

## Comments Opposing Zimbabwe Elephant Trophy Import Suspension

Last month we briefly described Conservation Force's *Request for Reconsideration* of the Tanzania import permits that had been denied. This month, we contended with the interim suspension of imports from Zimbabwe by filing an extensive, comprehensive opposition to the Federal Register Notice of the "Interim Suspension..." The formal notice in the Federal Register gave this opportunity, so we made use of it. Unlike Tanzania's elephant, which are on Appendix I and therefore require an actual import permit, the denial of which can and must be administratively appealed before the Agency, USFWS, Zimbabwe elephant have long ago been downlisted to Appendix II for certain specified purposes, including trophy hunting. No import permit is required for Appendix II species, so we have had to devise some other means to get our information collection into the USFWS record. That is our "Comments Opposing the Interim Suspension of Imports of Elephant Trophies from Zimbabwe, 79 FR 2686 (May 12, 2014)." We filed the comment on June 6<sup>th</sup>. It is 22 pages in length with a six-page index of the 98 attached documents. It can be viewed on Conservation Force's website at <http://www.conservationforce.org/news.html>. Perhaps the conclusion will summarize what it states for readers:

*A great deal of information has been provided to FWS since the April 4 press release announcing the trophy import suspension and the May 12, 2014 Federal Register Notice. That information demonstrates the benefits/enhancement of safari elephant hunting in Zimbabwe. This hunting provides the largest share of the revenue for the operating budget of ZimParks (all ZimPark's budget comes from tourist hunting revenue and donations). It provides the largest share of the revenue from the long-standing CAMPFIRE program (90% from tourist hunting and 70% from elephant hunting) with its 770,000 households (more than a million people), that has doubled and tripled the elephant in those districts. This hunting is essential to the survival of the thousands of stable*



*or increasing elephant in important private conservancies such as Savé and Bulye Valley Conservancies. Like CAMPFIRE, neither the elephant nor the institutions would exist but for the supporting elephant tourist safari hunting revenue and incentives. The hunting and hunting-dependent operators, conservancies, CAMPFIRE, and ZimParks are the first line of defense against poaching. That capacity and value-adding effect arises from the hunting.*

*The quota is negligible when compared to the number of elephant that owe and depend upon safari hunting for their existence and protection. In survey after survey, elephant generally outnumber all other species in Zimbabwe. Zimbabwe has the second or third largest elephant population in the world because of the force of the regulated hunting. If the local authorities and people think there are too many elephant before the FWS import ban, there will be even less tolerance if the ban is not lifted.*

*Regardless of FWS's preliminary enhancement determination, Conservation Force and other commenters, most particularly Shikar Safari Club International, pledge to fund reasonable remedial action that FWS deems necessary. Please consult us as necessary. Every benefit*

enumerated will be converted to a loss if US imports are not restored before institutional collapse. The benefits and necessary confidence will also be lessened in proportion to the duration of the suspension.

With this comment, we have now given the USFWS the information

they lacked and needed to make an enhancement finding under the ESA. The whole country is in line for survey this year and Conservation Force and Shikar have guaranteed to bear the costs of a workshop to update the country's National Management Plan. There is no need for further delay, though USFWS

may no doubt send a second round of questions to Zimbabwe authorities for clarification of the answers they have already provided.

Already Conservation Force is planning a Supplement to the comment it filed on June 6th. We will not stop until the suspension is lifted. ■

## USFWS Produces Letter of Inquiry to Tanzania on Elephant Populations

After two full months and five separate requests, USFWS finally produced an email and postal letter that it had sent to the Tanzania Minister, Lazaro Nyalandu advising of the suspension and why. The three following paragraphs are the substance of the five paragraph letter. The whole letter can be seen at [www.conservationforce.org/pdf/fws\\_letter\\_to\\_minister.pdf](http://www.conservationforce.org/pdf/fws_letter_to_minister.pdf).

The US Government is gravely concerned about the escalation in poaching activity throughout Tanzania over the past several years, and we have expressed this concern in our CITES findings over the past few years. With new information now showing significant declines in key elephant populations in Tanzania, we are unable to make positive findings required by CITES and the ESA to allow import of elephant trophies taken in Tanzania during calendar year 2014 (see attachments). We recognize that sport-hunting, as part of a sound management program, can provide benefits to the conservation of species. However, because of the rampant elephant poaching in Tanzania, we are concerned that the additional killing of elephants, even if legal, is not sustainable and would not support effective management and community programs that enhance the survival of the species in Tanzania.

We will reevaluate the situation in Tanzania for elephant trophies taken in calendar year 2015 and beyond. When we receive information that indicates a



significant improvement for elephants in Tanzania, we will re-consider the import suspension. In order to allow elephant trophies to be imported in the future, documented total offtake from the elephant population (i.e., all sources of elephant deaths, including poaching, sport-hunting, problem animal control, and natural mortality) would need to be below the elephant's annual population growth rate, requiring the poaching rate to be significantly reduced. We will look to the following sources of information to provide us with this documentation:

- New population census information, demographic surveys, and carcass analyses;
- Monitoring of Illegal Killing of

Elephants (MIKE) and Elephant Trade Information System (ETIS) reports; and

- Other relevant sources of information.

In addition, in response to the drastic population decline, we hope that the Government of Tanzania will appropriately adjust its quotas downward and take management actions to address the poaching crisis, such as increased capacity for law enforcement. We would appreciate receiving information on how funds generated from the sport-hunting of elephants are used to support the long-term survival of the species. Such support could be in the way of on-the-ground conservation efforts, such as surveys and anti-poaching efforts, or more indirect support through community development projects that can be tied to the benefits that can be generated by maintaining healthy elephant populations.

Although Tanzania's management can be said to be more up-to-date due to an up-to-date national management plan and elephant population surveys, the undisputed poaching may make it more difficult to re-establish imports than in Zimbabwe where elephant are only on Appendix II. The problem in Tanzania is the documented poaching level which is already coming under control. The elephant population should soon be growing again, and with the conservative quota Tanzania has, the imports re-established. ■

## Conservation Force Sponsor

Grand Slam Club/Ovis generously pays all of the costs associated with the publishing of this bulletin. Founded in 1956, Grand Slam Club/Ovis is an organization of hunter/conservationists dedicated to improving wild sheep and goat populations worldwide by contributing to



GRAND SLAM CLUB/OVIS

game and wildlife agencies or other non-profit wildlife conservation organizations. GSCO has agreed to sponsor Conservation Force Bulletin in order to help international hunters keep abreast of hunting-related wildlife news. For more information, please visit [www.wildsheep.org](http://www.wildsheep.org).