



SPECIAL SUPPLEMENT

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

World Conservation Force Bulletin

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Court Turns Deaf Ear to Polar Bear Enhancement Permit Applicants for Gulf of Boothia

The polar bear enhancement litigation is over. Both the trial court and the appellate court deferred to the expertise of the agency, the US Fish & Wildlife Service (USFWS). Although there is a lot more we intend to do to advance "enhancement" permitting for import of polar bear under the Marine Mammal Protection Act (MMPA), there is nothing more we can do for those hunters who have taken polar bear in the Gulf of Boothia Management Unit.



John J. Jackson III

The bear taken in the Gulf of Boothia before the ESA "threatened" listing will never be imported, even though it is one of the most robust populations with harvest below quota and a low quota because the bear numbers have proven to have been underestimated. The denial is in spite of the fact that the Gulf of Boothia is expected to improve in the short-term and fare best in the projected long-term climate change.

The hunters also cannot rely upon help from Congress because the Gulf was not an area approved before the listing. Conservation Force had filed a formal petition to approve that area several years before the "threatened" listing triggered the MMPA import prohibition, but the USFWS Division of Management Authority never acted on the petition, despite several internal scoldings by the Director of USFWS uncovered in the Administrative Record of the polar bear litigation.

Congress will no doubt allow import of all bear that had been taken in the approved areas before the effective date of the listing ordered by the district judge. It will not include bear from areas not approved even if they should have been approved. The years of delay were inexcusable, and the reason that population was not initially approved was fully satisfied – a pending population survey to confirm the numbers was in progress.

As unjust as it is, the real objective of the litigation was to develop or pioneer import of polar bear under the enhancement provision of the MMPA, a provision that has never been used for import of hunting trophies. There is no other way left to import polar bear, but the courts did little to help compel the USFWS to define the steps. The test import permits, appeal of their denial, and the ensuing litigation is

testing the way forward. SCI orally argued and lost its import case that the "threatened" listing did not override the polar bear import exemption separately on the same dates and times Conservation Force argued the enhancement permit case. The three-judge panel rendered a lengthy, reasoned decision against SCI's case and simply deferred Conservation Force's enhancement case to the USFWS and district court that itself had deferred to the agency in the enhancement case. These cases are over, but enhancement permits are the future and something that we will continue to pursue.

We had hoped for clarification of some of the issues in the litigation, but neither the USFWS nor the courts would oblige. It is not clear if the enhancement is limited to steps that reduce climate change or if "enhancement" can include essential management steps to contend with climate change, the cause of the listing. Although the Marine Mammal Commission (MMC) wants to exclude "conservation hunting" from the definition of "enhancement," the USFWS rejected the MMC opinion and went beyond that point in its decision-making – it requires a "recovery plan" even for populations that are at or near capacity, thus a recovery plan is necessary.

There is nothing more we can do for the permit applicants in the litigation, but the Gulf of Boothia may still be the best test case for future applicants once Canada completes its national action planning in the next year or so. That planning will put a new light on the subject, and we will go at it again. The alternative to trophy trade is the less lucrative commercial trade of polar bear, which the USFWS took a dim view of at CITES CoP16 in its own listing proposal. ■



Newly Published Monograph on Hunting & Conservation

Hunting's role in the conservation of North American wildlife is the subject of a new Monograph published by the *International Journal of Environmental Studies*. Guest edited by well-known conservation expert (and Conservation Force Board Member) Shane Mahoney, the monograph is a unique effort to identify and describe the relationship between hunting and conservation and is the first of a two part series on this topic; the second to be published in 2014. Comprised of nine peer-reviewed manuscripts prepared by wildlife conservation and management experts from both Canada and the United States, this volume provides an authoritative conspectus on hunting and conservation in North America, including both historical reviews and descriptions of current practices and policy issues relevant to hunting and its ongoing contribution to wildlife conservation efforts in North America.

According to Shane, who was invited by the *International Journal of Environmental Studies* to lead this effort, "wildlife conservation remains one of the greatest challenges of modern times and developing practical mechanisms to achieve it a task of great urgency for nations worldwide." As the monograph's writings attest, hunting (the regulated, legal pursuit and taking of wildlife) has been foundational to the origin, development and implementation of the North American Model of wildlife conservation. While the historical record is generally clear on this point, objective peer-review treatment of hunting's role has been fleeting and far less vigorous – until now. Certainly, the new monograph provides one of the most extensive treatments of this complex issue and points to the continuing importance of hunting as a conservation mechanism.

The *Monograph on Hunting and Conservation in North America* is being made available for free until July 31, 2013 by Taylor and Francis at <http://www.tandfonline.com/toc/genv20/70/3>. Interested parties are advised to download the text for free while it is available online. Alternatively, you may contact Mr. Shane Mahoney (shanemahoney@gov.nl.ca) or other manuscript authors for copies of the individual manuscripts.

The nine manuscripts in the monograph are:

1. *Archaeological perspectives on prehistoric conservation in western North America*, by Terry L. Jones
2. *Nature's nations: the shared conservation history of Canada and the USA*, by John Sandlos
3. *Conservation and management of ungulates in North America*, by Paul R. Krausman and Vernon C. Bleich
4. *Conservation and management of large carnivores in North America*, by Sterling D. Miller, Bruce N. McLellan and Andrew E. Derocher
5. *The role of hunting in North American wildlife conservation*, by James R. Hefelfinger, Valerius Geist and William Wishart
6. *Canadian Inuit sustainable use and management of Arctic species*, by Anne Kendrick
7. *Going public: scientific advocacy and North American wildlife conservation*, by James A. Schaefer and Paul Beier
8. *The wilderness hunter: 400 years of evolution*, by Catherine E. Semcer and Jim Pozewitz
9. *Enshrining hunting as a foundation for conservation – the North American Model*, by Shane P. Mahoney and John J. Jackson, III

Shane spearheaded this effort after he and I wrote the first article, #9. The monograph took off from there. There has never been anything like this peer reviewed, learned, written account of hunting and the positive part it plays in American conservation. It is fascinating and must reading for hunters and non-hunters alike who wish to be in the know about the force of hunting, its relevance in the past and its continued relevance today. It has been an essential restoration of wildlife and habitat as we know it today. The articles have been authored by real experts and peer reviewed by other experts.

Be proud. Don't apologize to anyone. Print it, read it and save it for all time. We may attempt a more in-depth coverage of the individual articles in the future if space permits. ■



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Family Hunts Under One License are Illegal

Hunters generally know that they must have a hunting license/permit/tag and that it is not transferrable, i.e. it only authorizes the named individual to hunt. Yet, it is not uncommon in some foreign destinations for hunting operators to let children and spouses shoot on the father or husband's license. Operators act as if the license has been issued to the family when there is no "family" kind of licensing. It is illegal. When the trophy is imported, it is a violation of the Lacey Act.

Operators get so accustomed to this little cheat that trophies get marked with the shooter's name rather than the licensee's identity. Wildlife Department personnel in Africa generally tolerate a limited amount of family hunting. Consequently, trophies are exported in the unlicensed hunter's name, even though there is no supporting license.

The trophy must be declared at the port of entry in the US, and US Fish & Wildlife Service inspectors can call for production of the license, which they do. This is happening more often. If the underlying license is not produced, the trophy is unremorsefully seized. This has occurred all too frequently in the past when some other clearance problem led to the need to prove the particular individual was licensed. Now some inspectors make it a point to question family kinds of shipments. If the trophies are for both spouses or any are taken by

a son or daughter or other relative, then the inspector detains the shipment until the separate licenses are produced. If the individual's license can't be produced, seizure and forfeiture follows as a matter of course with no exceptions. Criminal charges are at the discretion of law enforcement.

The individual who hunted without the necessary personal license is the offender (e.g. your wife or grandson). The licensed hunter is also an offender for aiding and abetting. That is not the worst of it. The hunting operator can be in much more serious trouble because the law carries far more serious penalties for that operator and operating company. Also, if a CITES or ESA listed species is involved, it is that much worse.

None of this is new. I have been witnessing such seizures for decades, but only occasionally. Now I am witnessing more inquiries by law enforcement agents in the nature of criminal investigations with a particular focus on the hunting operator.

We have had operators swear that it is legal, particularly when the hunting is on private ranches and the operator is the "owner" of the game or when the client pays concession fees to hunt for a specified period. Some hunting clients have come to expect that a family member can shoot within a concession during a 21- or 28-day hunt. This puts the PH and operator on the spot. If a

license is required by the government, a license is required for each individual and species.

If your operator does not satisfy you that the animal was taken lawfully, then don't import the animal until you are satisfied. Don't even "attempt" the import, which is a crime in itself. Some operators are so inured to the practice that they are in disbelief when the trophy is seized or when visited in their convention booth by law enforcement agents. Some rationalize that the animal has been paid for, so what is the loss? To the contrary, another license is another fee for management.

Individual licensing can also serve as part of the system to limit the offtake. It is a violation to license a member of your family or for anyone else to have an extra license so an extra animal is available to be taken by the party rather than the individual named on the license. Again, the license is not transferable. You can't do it all on one hunt. If you can't get a second license in your own name, then you can't do it in another's name. Don't shoot under someone else's license or take out an extra license under someone else's name. What happens in Africa does not stay in Africa if you import the trophy. Violation of the Lacey Act is usually more serious than the foreign regulation that has been violated. ■

Wildlife for the 21st Century, Volume IV

The American Wildlife Conservation Partners (AWCP), a forum of 49 of America's leading hunting-based conservation organizations, has formulated and presented a booklet of conservation recommendations to the President of the United States each term. This started from the inception of the AWCP in 2000. Early this year, the AWCP reformed the conservation recommendations and forwarded Volume IV to President Barack Obama. This repeated effort is too little known within the hunting community even though the AWCP organizations include the NRA with

its large membership, membership middleweights like Ducks Unlimited, the Wild Turkey Federation and state wildlife management agency representatives like the Association of Fish and Wildlife Agencies.

The cover letter to President Obama explained that the booklet of 10 recommendations were for the President's second term of office. It reminded the President that "nearly 20 million hunters contribute over \$3 billion of state and federal revenue annually through excise taxes, hunting and fishing licenses and fees." The letter further explained that in addition

to that core \$3 billion, "expenditures on gear, supplies and travel generate more than \$30 billion annually toward the American economy." It reminded President Obama of the White House Conferences held by Presidents Theodore Roosevelt, John Kennedy, Lyndon Johnson and George Bush in bipartisan spirit. The object of the recommendations is to continue the conservation successes of the last century in the 21st century, hence the title of the booklet of recommendations, *Wildlife for the 21st Century*.

The title of each recommendation follows, but the substance of each is

too large to include here. The booklet explains each recommendation thoroughly and includes “actions” to accomplish the recommendations. The full document can be viewed on Conservation Force’s website under Updates and Alerts at www.conservationforce.org/news.html. It is a worthwhile reading.

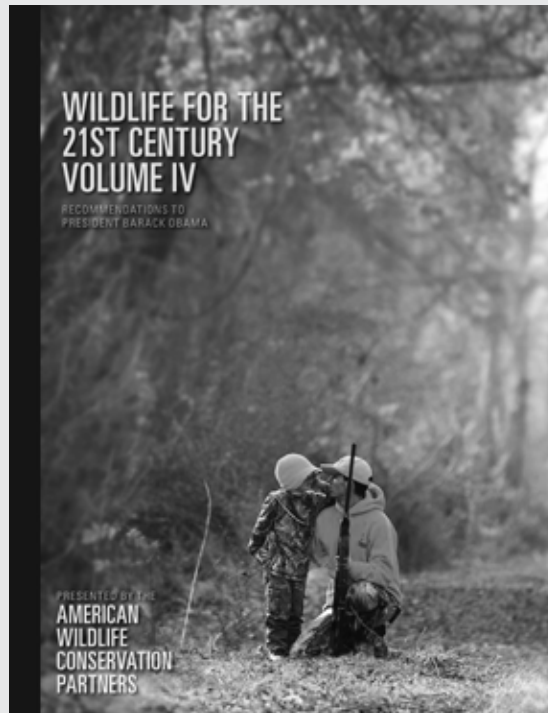
Conservation Force is a founding member of the AWCP. Dr. James Teer (deceased) and I attended the very first AWCP meeting in 2002 at Bob Model’s Mooncrest Ranch. Boone & Crockett was able to bring together nearly the entire hunting community in a meeting forum that continues today with a Chairmanship and Steering Committee that passes from organization to organization. The forum consists of America’s leading hunting-based conservation organizations but also The Wildlife Society, The Conservation Fund, Congressional Sportsmen’s Foundation, Catch a Dream Foundation, Association of Fish & Wildlife Agencies, Sand County Foundation, TreadLightly, the National Shooting Sports Foundation, the National Trappers Association and an array of others with wildlife interest compatible with the hunting community.

Who says that the hunting community can’t work together for the common good? This is the 14th year of the AWCP forum and hardly a week goes by without information exchange and unified action. The current 10 recommendations of the AWCP include:

- Sustain and Promote our Nation’s Hunting Heritage with a Sportsmen’s Act and a Permanent Wildlife and Hunting Heritage Conservation Council.
- Enhance Habitat on Federal

Lands with Risk Assessment and Stewardship End Result Contracting Projects.

- Promote Access to Federal Lands for Hunting and Recreational Shooting.
- Help Achieve State Wildlife Population Goals through Federal Land Management and Coordinate with Other Governments on Large-Scale Plans.
- Enhance Private Land Hunting and Habitat Conservation by Reauthorizing the Farm Bill and Improving Tax and Water Policy.
- Fund Wildlife Conservation by Limiting Proportionate Reductions, Expanding User Pays-Public Benefits Policies, and Promoting Partnerships with the Private Sector.
- Improve Energy Development by Meeting State Wildlife Population Goals and Developing Guidelines for Siting Projects.
- Address Climate Change with Strategies to Aid Wildlife in Adapting.
- Address Wildlife Diseases and Invasive Species by Separating Wildlife and Domestic Animals on Federal Lands and Collaborating with States, Landowners, and Businesses.
- Update the Endangered Species Act by Enhancing the Science Basis in the Listing/Delisting Program. ■



Hunting was the Initial Impetus of Wildlife Management

Aside from the previously-cited monograph, Professor Raul Valdez has just had an article published on the roots of wildlife management. It is entitled *Exploring Our Ancient Roots: Genghis Khan to Aldo Leopold, The Origins of Wildlife Management*. It has been published in *The Wildlife Society's The Wildlife Professional*, Summer 2013.

Hunting had a prominent role in ancient culture, so wildlife management areas devoted to hunting were developed. Seems “the game multiplies at such a rate that the whole country swarms with it” in ancient times as a direct result of the management arising from the hunting. After exploring the last 2,100 years, the article digs even further

back to 3,100-2,300 BC, 5,500 years ago, when “organized hunting became one of the favorite sports of the nobility.” It was viewed as a manly sport that developed courage, endurance, discipline, equestrian expertise, knowledge of coordinated tactics and killing skills – the same qualities inherent in a successful warrior. ■

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