

† BARON BERTRAND DES CLERS, PH.D.
† JAMES G. TEER, PH.D.
† BART O'GARA, PH.D.
† DON LINDSAY

BOARD OF DIRECTORS:
JOHN J. JACKSON, III, J.D.
CHRISSIE JACKSON
PHILIPPE CHARDONNET, D.V.M.
BERT KLINEBURGER
SHANE MAHONEY
RENEE SNIDER

April 6, 2017

Chief Tim Van Norman
Branch of Permits, Division of Management Authority
U.S. Fish and Wildlife Service, MS: IA
5275 Leesburg Pike
Falls Church, Virginia 22041

BY EMAIL AND FEDERAL EXPRESS

Re: Request for Reconsideration of Denial of Permit Applications PRT-04846C and PRT-04205C

Dear Chief Van Norman:

We request reconsideration of the denials of two applications for permits to import hunting trophies of elephant taken in Zimbabwe in 2015 ("Denials"). The first application was submitted by Richard Bonander, PRT-04846C, for a bull elephant taken in the Ngamo/Sikumi Forest Block in Zimbabwe on March 21, 2015. The second was submitted by Michael Jines, PRT-04205C, for a bull elephant taken in the Mbire CAMPFIRE District in Zimbabwe on February 25, 2015. Conservation Force represents both Applicants.

The Denials should be reconsidered and reversed for eight primary reasons. First, they rely upon the *Enhancement Finding for African Elephant Taken as Sport-Hunted Trophies in Zimbabwe on or after January 1, 2015*, dated March 26, 2015 ("Finding"). But the Finding fails to consider significant information submitted by Conservation Force, Zimbabwe's Parks and Wildlife Management Authority ("ZPWMA"), and others. If considered, the negative conclusion would have to be reversed. The information provided:

- Establishes that Zimbabwe has the most up-to-date management plan for African elephant in the world, with adaptive and regionally-specific action items, clear assignment of responsibilities, and means of verifying its implementation successes;
- Establishes that Zimbabwe has a relatively stable elephant population, as determined by a recent countrywide survey;
- Demonstrates that Zimbabwe has been effectively enforcing laws and policies to protect elephant and other species, and has implemented new measures and ramped-up national and local efforts to combat poaching;
- Demonstrates that hunting offtakes are sustainable and based on the consideration of all causes of elephant mortality, biological and critical social factors, and scientific recommendations;
- Reflects the full cooperation of ZPWMA in responding to the FWS' information demands, including production of sensitive budget information that underscores the essential role hunting, especially elephant hunting, plays in supporting wildlife conservation, management, and protection, both in the Parks estate and community areas;
- Evidences how the government's grant of Appropriate Authority to local landholders has created a public-private-community partnership that obligates all stakeholders to invest in protection and conservation of wildlife on their lands; and

- Proves that licensed, regulated hunting enhances the survival of elephant and other species in the country by securing habitat, generating management funding, underwriting and supporting anti-poaching, and incentivizing greater tolerance of elephant by rural community members.

In sum, because the information provided demonstrates that the enhancement standard is met, and this information was not relied upon in denying the applications, we respectfully request reconsideration and reversal of the Denials and issuance of the requested import permits.

Reason for Reconsideration 1: Failure to Consider Best-Available Information

In the Finding, the FWS repeatedly stated it would review its negative conclusion if additional information was provided.¹ But the FWS has not done so. It has not considered hundreds of pages of information in the Denials, which rely upon the Finding.

The Finding was made on March 26, 2015. Information has been provided to the FWS from April 17, 2014 through as recently as February 2017 by Conservation Force, ZPWMA, the IUCN African Elephant Specialist Group (“AfESG”), the Safari Operators Association of Zimbabwe (“SOAZ”), Safari Club International (“SCI”), individual hunting operators, and others.² Most of this data has *not* been discussed in the Finding or in an updated finding, in the two-plus years since the Finding was made.

Rather, entire paragraphs in the Finding are identical to the July 22, 2014 negative enhancement finding.³ Because they are not updated from July 2014, they fail to address points made by Conservation Force and ZPWMA to correct errors in that July finding. Moreover, the Finding states in several places that the FWS was not provided with specific information. However, Conservation Force previously cited to where the information was provided,⁴ and ZPWMA submitted additional data in its prompt and thorough July 2015 response (“ZPWMA July 2015 Response”) to the FWS’ third questionnaire, dated May 12, 2015 (*after* the Finding). The ZPWMA July 2015 Response was not considered in the Denials, which rely upon the Finding. However, the July 2015 Response provides substantial information the FWS asserts is missing.⁵

This up-to-date information cannot be ignored. It demonstrates that Zimbabwe’s hunting program is well-managed and sustainable. It shows how hunting in Zimbabwe enhances the survival of the elephant. The FWS’ failure to consider this information requires reconsideration of the Denials. The Finding is based on outdated information, and its reservations have been resolved. Once the new information is considered

¹ E.g., *Finding*, p. 1, 3, 6, 11.

² An index of the information previously submitted to the FWS is attached.

³ *Enhancement Finding for African Elephants Taken as Sport-Hunted Trophies in Zimbabwe During 2014*, dated July 22, 2014, p. 2 ¶ 6; p. 3 ¶¶ 1-3; p. 4 ¶¶ 1-2; p. 5 ¶¶ 2-3; p. 7 ¶¶ 3-4; p. 8 ¶ 4; p. 9 ¶ 1 (changed “2002 Panel of Experts” to “1997”); p. 9 ¶ 4; p. 10 ¶¶ 1-4; p. 11 ¶¶ 3-5; p. 12 ¶¶ 1-2, 5; p. 13 ¶ 1-2; p. 17 ¶ 3; p. 18 ¶¶ 2, 4; see also paragraphs in which several sentences are identical or nearly so: p. 4 ¶¶ 3-4; p. 5 ¶ 1; p. 6 ¶ 3-4; p. 7 ¶ 2; p. 8 ¶ 3; p. 9 ¶ 3; p. 14 ¶ 4 (changed numbers of RDCs); p. 16 ¶ 4; p. 17 ¶ 5; p. 18 ¶ 3.

⁴ Conservation Force also provided an Appendix that cross-referenced statements claiming not to have information against the FWS’ April 4, 2014 questionnaire to ZPWMA, which did not ask for much of this information. Conservation Force, *Comment Opposing the Negative Enhancement Finding for African Elephant Taken as Sport-Hunted Trophies in Zimbabwe in 2014*, dated Oct. 16, 2014 (“*CF Oct. Comment*”), passim, & Appendix 1.

⁵ E.g., Compare *Finding*, p. 9, 11 (seeking revenue information), p. 11 (seeking offtake information) with ZPWMA July 2015 Response, p. 36-43 (providing revenue and offtake tables).

by the FWS, the “enhancement” generated by elephant hunting is clear, and the requested permits should issue.

The urgency of issuing these permits has not changed since the suspension was imposed in April 2014. As the Finding recognizes, elephant hunting generates operating budget revenue for ZPWMA, incentives for Zimbabwe’s community-based natural resources management program (CAMPFIRE), anti-poaching, and more. The information provided, including two CAMPFIRE reports, a SOAZ report, the ZPWMA July 2015 Response and more, makes clear that American elephant hunters are the largest source of these benefits.⁶ Continued refusal to issue import permits jeopardizes this enhancement and the survival of the species.

The failure to consider the best-available information is made worse because ZPWMA responded promptly to the FWS’ requests. ZPWMA responded to the first questionnaire within two weeks. Its Director-General and high-level representatives immediately traveled to DC to reinforce their response. ZPWMA responded to the second questionnaire in under six weeks; responded to third—not considered in the Finding—in five weeks; responded to the fourth—not considered in the Finding—in two weeks; and responded to the fifth—not considered in the Finding—within several weeks, with the final plan prioritization completed within six months. ZPWMA has repeatedly redirected its resources to provide information to the FWS. But the FWS has repeatedly moved the target to create an unreachable standard and demanded additional, more intensive information. The bar has been raised beyond “enhancement.” The FWS has acknowledged that elephant benefit from well-managed hunting.⁷ But the Finding seems to require more than well-managed—it seeks management perfection. That is simply not possible, either in Zimbabwe or in this country (even the FWS is constrained by limited resources).

The information submitted shows that licensed, regulated hunting increases habitat security, generates law enforcement funding and support, and incentivizes tolerance for elephant. It shows a sustainable use of elephant at a level far too low to be detrimental. It shows that the enhancement standard, as originally defined⁸ has been met. Thus, the Denials should be reconsidered and reversed.

⁶ E.g., *ZPWMA July 2015 Response*, p. 40-41 (“The US hunting market constitutes 51% and 54% of elephant trophy hunting in Zimbabwe for the years 2013 and 2014 respectively.”); CAMPFIRE Association, *Trophy Imports Suspension and the CAMPFIRE Program* (2014), p. 4 (“CAMPFIRE Association Report”) (U.S. hunters represent two-thirds or more of CAMPFIRE clients); E. Gandiwa, *Proceedings of the CAMPFIRE Stakeholders’ Workshop: Towards the Development of a New Elephant Management Plan and Policy* (Nov. 2014) (“CAMPFIRE Workshop Proceedings”), p. 6-21; CAMPFIRE Association, *CAMPFIRE Hunting Income & Distribution* (Dec. 1, 2015) (“CAMPFIRE Income Analysis”), p. 6; ZPWMA, *Presentation, Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 19; SOAZ, *Status of Elephant Populations, Hunting, and Anti-Poaching Effort in Safari Areas in Zimbabwe* (2014), p. 3-4 (“SOAZ Report”)

⁷ E.g., FWS, *Suspension of Import of Elephant Hunting Trophies Taken in Tanzania and Zimbabwe in 2015 and Beyond, Questions & Answers* (2014).

⁸ In denying import permits for elephant from Tanzania, the FWS defined enhancement as: “activities that provide a direct benefit to the specie being hunted. Such benefits could include the use of revenue generated by the hunt to support conservation projects or to manage the species. Other benefits that could result from activities that enhance the survival of the species include improving human-wildlife conflicts, anti-poaching efforts, or habitat conservation.” According to this standard and definition, and not the one created in the Finding, there is no doubt the importation of sport-hunted elephant into the U.S. enhances the species.

Reason for Reconsideration 2:

The Denials Fail to Consider Zimbabwe's State-of-the-Art Elephant Management Plans

ZPWMA has recently adopted and is implementing the most cutting-edge elephant management regime among range nations, the *Zimbabwe Elephant Management Plan (2015-2020)* ("Plan"). This effort attests to ZPWMA's commitment to elephant management and conservation. The new Plan further exemplifies the importance of sport-hunting in this system. The Denials fail to consider this essential new Plan, which the FWS has had for over one year.

Instead, the outdated Finding errs by considering *Elephant Management in Zimbabwe* to be the country's management plan, despite being told it was not.⁹ The FWS' concerns about a claimed lack of measurable outcomes in Zimbabwe's actual former management plan, the *Policy and Plan for Elephant Management in Zimbabwe*, have been resolved. As the FWS was repeatedly told, a new management plan was adopted, with specific action items, deliverables, and deadlines (as suggested was necessary by the April and July negative enhancement findings).¹⁰ The FWS knew of the new Plan's details because the FWS received the *Plan Workshop Proceedings* in December 2014, before the Finding was made.¹¹ The FWS was also informed that Zimbabwe would manage each main range area adaptively pursuant to a regional plan. The FWS was sent the proceeding of regional workshops, and the final regional plans as part of the final national Plan.¹² And in November 2016, the FWS was provided with information on the implementation and prioritization of these plans at the request of the Chief of Permits.¹³ In short, throughout the Plan's drafting, ZPWMA and Conservation Force kept the FWS fully apprised of the status and what the Plan would entail. However, little of this information was considered in the Finding or the Denials.

Had the new Plan been considered, these permits would have to be approved. The Plan incorporates an adaptive management framework with higher-level Targets, Key Components, Strategic Objectives, and Outputs. It breaks each Key Component into specific management actions, the achievement of which will be measured and verified through Key Performance Indicators ("KPIs") and Means of Verification of KPIs. The Plan sets deadlines and assigns specific responsibility for achieving each Action. It focuses on five key components: 1. Protection and Law Enforcement, 2. Biological Monitoring and Management, 3. Social,

⁹ *CF Oct. 2014 Comment*, p. 8 ("Elephant Management in Zimbabwe 'is not a management plan,' and FWS should not expect 'specific measurable or management actions' to be in that particular document") & related attachments.

¹⁰ *CF June 2014 Comment*, p. 13 & related attachments; *CF Oct. 2014 Comment*, p. 9 & related attachments; *CF Dec. 2014 Comment*, p. 3 & related attachments; CF Email to T. Van Norman forwarding invitation to national workshop (Nov. 13, 2014); CF Email to T. Van Norman forwarding Workshop agenda (Dec. 1, 2014); CF Email to T. Van Norman forwarding summary of Plan Workshop (Dec. 5, 2014); *ZPWMA Dec. 2014 Response*, p. 18; *ZPWMA July 2015 Response*, p. 9-14, 18-19.

¹¹ CF Email to T. Van Norman forwarding Proceedings of the National Elephant Management Plan Workshop (Dec. 23, 2014) ("*Plan Workshop Proceedings*").

¹² CF Email to T. Van Norman forwarding preparatory documents for Sebungwe workshop (May 4, 2015); CF Email to T. Van Norman forwarding Mana Pools Workshop Proceedings (May 5 2015); CF Email to T. Van Norman forwarding Sebungwe workshop agenda (May 8, 2015); CF Email to T. Van Norman forwarding Sebungwe workshop fact sheet (May 14, 2015); CF Email to T. Van Norman forwarding South East Lowveld Workshop Proceedings (Sept. 30, 2015); CF Email to T. Van Norman forwarding final print of Plan (Feb. 29, 2016); *ZPWMA July 2015 Response*, Attachments.

¹³ L. Nyaguse (ZPWMA) Email to T. Van Norman forwarding Zimbabwe National Elephant Supplementary Management Plan (2015-2010) (Nov. 9, 2016) ("*Plan Supplement*").

Economic, and Cultural Framework, 4. Building Conservation Capacity, and 5. Coordination, Collaboration, and Program Management.¹⁴

The Plan breaks down elephant management by range, as their challenges differ. For example, authorities must manage overpopulated elephant and provision of water in North West Matabeleland compared to a reduced population targeted to recover in Sebungwe. These differences are addressed in the actions and indicators of each regional plan.¹⁵

The Plan provides for accountability, transparency, and effective implementation in the terms of reference for an Elephant Manager tasked with directing elephant management in Zimbabwe. The Plan also created a National Elephant Management Committee and four range-specific committees to review progress and oversee implementation.¹⁶

Examples of “Protection” activities include establishing a rapid-response anti-poaching unit in conjunction with the Zimbabwe Republic Police, expanding ZPWMA’s informer networks, and connecting national law enforcement databases. Monitoring activities include periodic surveys and setting Thresholds of Potential Concern as early-warning indicators in key habitats. An example KPI for “Building Conservation Capacity” is to channel most income from elephant hunting back into elephant management, with ongoing oversight through reports on funds available and utilized.¹⁷ As these examples show, the Plan incorporates *specific* actions and KPIs, and specific oversight mechanisms.

The Plan addresses human-elephant conflict in the Social, Economic, and Cultural Framework component. The Plan recognizes there is no single solution to conflict, and commits to “undertake additional research on problem animal control and minimizing conflict.” It emphasizes the importance of local communities’ tolerance towards elephants through a system of benefits-sharing as a long-term solution to conflict.¹⁸

The Plan also specifically integrates licensed, regulated elephant hunting as a management tool:

To have a future, elephant must have a value. Value to the governing authorities and to the local people. The greater the value, the greater the tolerance of them is likely to be ... Regulated sport hunting converts wildlife into assets for the benefit of local people and the country as a whole... elephant and other wildlife populations will be negatively affected though reduced conservation efforts arising from low funding and reduced goodwill from the communities, when... the elephant has the economic potential to raise adequate funds to support itself and other species. For these reasons, Zimbabwe confirms its commitment to the sustainable use of elephant and other wildlife in this Action Plan.¹⁹

¹⁴ *Plan*, p. 16-17.

¹⁵ *Plan*, p. 38-80 (Annexes 9.4-9.7).

¹⁶ *Plan*, p. 13-14, 35-37.

¹⁷ E.g., *Plan*, p. 19-27.

¹⁸ *Plan*, p. 15.

¹⁹ *Plan*, p. 12.

The Plan addresses the Finding's concerns on every level. It implements an effective management system, with the necessary "specific goals and measures with specific actions to be taken."²⁰ Moreover, ZPWMA provided to FWS a 2016 report on its progress in implementing the Plan and prioritizing implementation, including of the regional plans. The Plan Supplement emphasizes law enforcement and training to combat poaching and ivory trafficking.²¹ The FWS requested the prioritization, and ZPWMA again demonstrated its good faith in preparing and providing the document, which was not considered in the Finding or the Denials. Because the Finding's concerns are resolved and new information reveals an effective, adaptive management plan and implementation thereof in Zimbabwe, the Denials should be reconsidered and reversed.²²

Reason for Reconsideration 3:

Zimbabwe has Current Elephant Population Information that Guides its Sustainable Use

The AfESG recently estimated Zimbabwe's elephant population at 82,630 ± 8,589 across a range of 81,228 km².²³ Zimbabwe maintains the second-largest elephant population in Africa, at a level nearly double its estimated carrying capacity.²⁴ The population is most concentrated in the North West Matabeleland and South East Lowveld ranges. The current national estimate is approximately 6,000 lower than the 2001 countrywide estimate, a percentage calculated as "not statistically significant" by the survey's authors.²⁵ Zimbabwe's current elephant population is 20% larger than its population in 1997 (66,000), when the FWS made a positive enhancement finding. The Finding does not explain why a 20% increase is insufficient.²⁶

²⁰ *Finding*, p. 6. The Plan applies a multi-tiered approach, using tailored goals leading to achievement of the "Long-Term Vision," which is: "To conserve elephants at levels that will enable them to contribute to the conservation of biodiversity, national development and Zimbabwe's cultural heritage." The Plan establishes intermediate "Targets" to achieving these goals, which are in line with the 1997 *Policy and Plan*: "1. To maintain at least four demographically and genetically viable elephant populations in Zimbabwe[;] 2. To maintain or increase core protected range of elephant in Zimbabwe[;] 3. To maintain numbers/density of elephant at levels that do not adversely impact on biodiversity conservation goals while contributing to economically viable and sustainable wildlife-based land uses in Zimbabwe." As in the draft provided to the FWS in December 2014, the final Plan is organized by "Key Components," and then "Strategic Objectives" that explain the "Key Components." "Outputs" describe the desired outcomes, and are to be achieved through implementation of "Key Activities/Actions." That implementation is monitored by the KPIs and Means of Verification of the KPIs.

²¹ *Plan Supplement*, p. 6.

²² As ZPWMA explained, Zimbabwe conserves and manages elephant on every level. Zimbabwe and bordering range states have formed Trans-Frontier Conservation Areas ("TFCAs") to address the elephant's migratory nature and cross border populations. Further, through the Plan Zimbabwe implements the action plans adopted by the Southern African Development Community ("SADC"), and the SADC Regional Elephant Management Strategy of 2007. E.g., *ZPWMA April 2014 Response*, p. 12; *ZPWMA July 2015 Response*, p. 15; *CF June 2014 Comment*, p. 12 & related attachments; *CF Oct. 2014 Comment*, p. 9 & related attachments.

²³ IUCN/AfESG, African Elephant Status Report 2016 (Sept. 2016), publicly available at <https://www.dropbox.com/s/7a8w3kk6r9hzm0r/AfESG%20African%20Elephant%20Status%20Report%202016.pdf?dl=1>.

²⁴ *Plan*, p. 3.

²⁵ *Plan*, p. 3. As explained above, the Management Plan incorporates regional plans to address challenges unique to each range and manage elephant within regional targets.

²⁶ The Finding suggests an increase to over 100,000 elephant would be acceptable. P. 8. As ZPWMA, Conservation Force, Rowan Martin, and others pointed out, a population of that size would be a catastrophe for the country's biodiversity. The Finding does not account for the expansion in Zimbabwe's elephant since 1997, or the management measures implemented since then. Zimbabwe's elephant population has rebounded incredibly, from a low of 4,000

Worse, the Finding does not rely on this up-to-date estimate, although the FWS received the preliminary survey results in December 2014.²⁷ Nor does the Finding rely on the best-available information in the FWS' possession as of March 2015, which included comments from the AfESG and numerous survey results.²⁸ The Denials should be reconsidered because the Finding relies upon outdated data that was proven to be inaccurate by Conservation Force, ZPWMA, and the AfESG.

For example, the Finding reuses language that cites a statistic from *Elephant Management in Zimbabwe*. The statement was disavowed by its author, and Conservation Force explained how the percent limitation was being taken out of context.²⁹ The Finding's failure to consider information that undercuts a "fact" on which its negative conclusion was based is clear grounds for reconsideration. Similarly, the Finding admits the April finding erroneously interpreted the AfESG's Elephant Database by misconstruing its data quality categories. This error was pointed out in CF's June 2014 Comment and in a May 30, 2014 email from Dr. Holly Dublin, AfESG Chair.³⁰ It was corrected in the July enhancement finding.

However, the July finding continued to ignore pertinent information in the database, prompting Dr. Dublin to send a November 3, 2014 comment in which she corrected several critical points of information. First, the addition of a 2007 survey resulted in the addition of 30,000 "Definite" elephant in Zimbabwe. Second, the results of four recent surveys did not show a "substantial decline," as the July finding stated, but largely reflected stable or increasing populations. The Finding apparently accepted these comments, and edited the prior statements to incorporate Dr. Dublin's corrections.³¹

However, Dr. Dublin offered three more corrections not discussed in the Finding. Instead, the challenged language was copied and pasted from the July document into the Finding.

- Dr. Dublin criticized the July finding's dismissal of a 2013 survey in Save Valley Conservancy for so-called "double counting," stating that, even if double-counting occurred, the count still reflected an increase in the elephant population;

in 1900. *ZPWMA July 2015 Response*, p. 3; *CF June 2014 Comment*, p. 7-8 & related attachments; *CF Oct. 2014 Comment*, p. 7, 10 & related attachments. Compare FWS, *Enhancement Finding for African Elephants Taken as Sport-Hunted Trophies in Zimbabwe* (July 2, 1992), p. 1.

²⁷ CF Email to T. Van Norman forwarding preliminary survey results (Dec. 5, 2014).

²⁸ H. Dublin Email to T. Van Norman attaching AfESG Letter/Comment on July finding (Nov. 3, 2014), p. 2-9 ("*AfESG Letter*"); Aerial Survey of Elephants and Other Large Herbivores in the Mid-Zambezi Valley; 2007 Aerial Survey of Elephants and Other Large Herbivores in North-West Matabeleland; 2010 Aerial Survey of Elephants and Other Large Herbivores in Chewore Safari Area; 2013 Aerial Survey of Elephants and Other Large Herbivores in the Save Valley Conservancy; and 2013 Aerial Survey of Elephants and Other Large Herbivores in Gonarezhou National Park.

²⁹ *CF Oct. 2014 Comment*, p. 9, 15 & related attachments.

³⁰ Compare *Finding*, p. 7; with *CF June 2014 Comment*, p. 9 & related attachments; H. Dublin Email to T. Van Norman commenting on the April finding's misinterpretation of the AfESG Database (May 30, 2014).

³¹ Compare *AfESG Letter*, p. 2 ("The AED shows, however, that three surveys carried out in this period ... estimated higher totals than their respective previous, comparable surveys, although the differences were not significant. A fourth survey, Chewore (2010), resulted in an estimate lower than its previous, comparable survey, but the difference was also not statistically significant. Furthermore, the 2010 survey for Chewore did not cover the entire Zambezi Valley ecosystem, and therefore it is possible that the apparent decline, however slight, may be due to elephant movements within the ecosystem rather than to an actual decline.") with July finding, p. 6; *March Finding*, p. 7.

- Dr. Dublin concluded that a 4% carcass ratio in a 2013 survey of Gonarezhou National Park was a “reasonable figure,” and the July finding erroneously “conflat[ed] ... carcass ratios ... and mortality rates, and its conclusion is unwarranted”;
- Dr. Dublin noted that updated PIKE data was publicly available months before the July finding was made, yet “the finding stated that 2012 and 2013 data were not available,” and pointed out that the two PIKE sites in Zimbabwe “have relatively small elephant populations and are by no means intended to be representative of the situation in the country as a whole.”³²

Given that Dr. Dublin is one of the world’s foremost experts in elephant, due deference should have been given to her comments and suggestions. Conservation Force made similar points in our June and October comments as well, and provided comments from the authors of the Save Valley survey report responding to the FWS’ statements.³³ We provided five surveys pending the AfESG’s review and not included in the AfESG’s or FWS’ estimates, and submitted updated PIKE information showing the Proportion of Illegally Killed Elephant had declined at the Zimbabwe sites³⁴—contrary to the July finding’s statements, copied-and-pasted into the Finding. The Denials’ failure to review this best-available information, and reliance upon out-of-date or misinterpreted information, requires reconsideration.

Reason for Reconsideration 4: The Best-Available Information Demonstrates that Zimbabwe has been Enforcing its National Regulations as Effectively as Possible

ZPWMA is succeeding in managing and conserving its elephant. The most compelling evidence is the historic increase in its population, to become Africa’s second-largest. ZPWMA achieved these results by largely curbing poaching and successfully prosecuting poachers as a result of adaptive and pro-active law enforcement measures. ZPWMA has also implemented a system of sharing responsibility with the private sector and communal landholders so as to share the financial burden of its management and enforcement obligations. The Finding fails to acknowledge these achievements and responsibility-sharing.³⁵ Its failure to do so requires reconsideration, and reversal of the Denials.

Evidence of ZPWMA’s enforcement success was provided in their April 2014 and July 2015 Responses, and in Conservation Forces’ June 2014 and October 2014 Comments. For instance, ZPWMA rapidly responded to the 2013 Hwange poisoning incident. Working with the hunting operator’s team to track the poachers,

³² *AfESG Letter*, p. 4-5.

³³ CF Email to T. Van Norman forwarding response from authors of the Save Valley Conservancy survey (Jan. 6, 2015); *CF Oct. 2014 Comment*, p. 13 & related attachments.

³⁴ E.g., 2005 Aerial Survey of Elephants and Other Large Herbivores in the Mid-Zambezi Valley; 2007 Aerial Survey of Elephants and Other Large Herbivores in North-West Matabeleland; 2010 Aerial Survey of Elephants and Other Large Herbivores in Chewore Safari Area; 2013 Aerial Survey of Elephants and Other Large Herbivores in the Save Valley Conservancy; and 2013 Aerial Survey of Elephants and Other Large Herbivores in Gonarezhou National Park; see *CF June 2014 Comment*, p. 4-7 & related attachments; *CF Oct. 2014 Comment*, p. 11 & related attachments.

³⁵ The FWS recognizes “there may be limited resources available for elephant management.” *Finding*, p. 2. However, the FWS does not account for this in evaluating ZPWMA’s efforts and results. “Enhancement” does not call for unlimited resources and perfect implementation, it seeks benefits. The benefits provided through the sport-hunting of elephant are clear and convincing, and the Denials should be reversed.

ZPWMA successfully arrested all 35 members of the team. ZPWMA's investigation and prosecution efforts led to the deterrent sentencing of each poacher to terms of 9 to 16 years in prison.³⁶

ZPWMA specifically responded to the threat of poaching in Hwange by improving radio communications, adding aerial surveillance, and holding 35 public awareness meetings in the area.³⁷ ZPWMA then stepped-up its anti-poaching nationally by adopting a number of "Urgent Measures." ZPWMA acted to increase poaching penalties, criminalize the use of cyanide in poaching, increase air surveillance of protected areas, collaborate with national law enforcement and military agencies to raise elephant poaching to "a level of National Security in Zimbabwe," improve intelligence-sharing across international borders, and other important undertakings.³⁸ ZPWMA also held a judiciary awareness program to ensure full implementation of relevant poaching laws and penalties throughout prosecution and sentencing.³⁹

ZPWMA directs most of its financial resources to anti-poaching and enforcement. As shown in the July 2015 Response, most of ZPWMA's budget (77%) is allocated for staff costs and patrol provisions.⁴⁰ These expenditures fund anti-poaching throughout the elephant range. Despite financial constraints, ZPWMA has been able to continuously hire to expand the number of patrol days in the field. ZPWMA has a staff of 1,504 active field rangers, with the intent to add more.⁴¹ ZPWMA has shown that it can mobilize when called upon: after the Hwange poisoning, a new station with 15 field rangers was established in the area.⁴²

Over 80% of spending under the new elephant management Plan has been on law enforcement (anti-poaching) and trainings, with law enforcement identified as the number one priority going forward.⁴³ The budget and operational data provided in the ZPWMA July 2015 Response and Plan Supplement addresses the FWS' asserted lack of information in the Finding. And although financial constraints exist in Zimbabwe (as in most range states), ZPWMA has effectively and efficiently maximized the impact of every dollar spent on anti-poaching. ZPWMA's results in curbing poaching speak for themselves.

The Finding continues to rely on outdated, unfounded criticisms from the July finding that were corrected by Conservation Force and ZPWMA. First, though the Finding claims not to have received information on Zimbabwe's poaching arrests and prosecutions, that information was not requested until May 2015, yet was provided in ZPWMA's April 2014 Response. It would be unfair to base a negative finding on data that had not been requested. But the data *was* provided, and should have been reviewed.⁴⁴

Further, the Denials mistaken rely on the Finding's comments and interpretation of outdated ETIS reports. Conservation Force objected to these reports being taken out of context in our October 2014 Comment,

³⁶ ZPWMA July 2015 Response, p. 35; CF Oct. 2014 Comment, p. 18 & related attachments.

³⁷ ZPWMA July 2015 Response, p. 35; ZPWMA April 2014 Response, p. 13; ZPWMA Dec. 2014 Response, p. 16-20; CF Oct. 2014 Comment, p. 18 & related attachments.

³⁸ ZPWMA July 2015 Response, p. 27-31; ZPWMA Dec. 2014 Response, p. 16-18.

³⁹ ZPWMA July 2015 Response, p. 34.

⁴⁰ ZPWMA July 2015 Response, p. 36-41.

⁴¹ ZPWMA hired 100 rangers in 2014. ZPWMA July 2015 Response, p. 32-33.

⁴² ZPWMA July 2015 Response, p. 27; ZPWMA April 2014 Response, p. 13.

⁴³ Plan Supplement, p. 3-4.

⁴⁴ ZPWMA April 2014 Response, p. 12, 14.

and provided evidence of improvements since 2010.⁴⁵ The Finding's reuse of these paragraphs, whose validity and applicability were challenged, merits reconsideration.

Finally, as discussed further under "Local Conservation Efforts," the Parks and Wildlife Act Chapter 20:14 devolved authority to manage and benefit from wildlife on communal and private lands to the landholders. In Safari Areas, ZPWMA leases concessions to pre-qualified hunting operators, which gives them authority to manage and benefit from approved wildlife in those areas.⁴⁶ "ZPWMA is engaging private players in co-management in some areas... this will help in resource mobilization and management for law enforcement. Long-term lease agreements (10-25 years) are being entered into to manage some protected areas."⁴⁷ In certain areas, ZPWMA partners with safari operators⁴⁸; in others, they partner with non-profits, such as the Tashinga Initiative in the Zambezi Valley and WWF in the Hwange-Sanyati Biological Corridor.⁴⁹ In these ways, ZPWMA is sharing responsibility for enforcement of national regulations. This allows ZPWMA to do more with less, and has been especially crucial since receipts from hunting have fallen since the FWS suspension on ivory imports.

Reason for Reconsideration 5: Elephant Hunting in Zimbabwe is a Sustainable, Beneficial Use

ZPWMA's elephant hunting program is sustainable. Information submitted to the FWS demonstrates that quotas and offtakes are responsibly set in a participatory process, considering a range of inputs including all causes of elephant mortality; ZPWMA allocates quotas by region and locality; and recent poaching has remained fairly low, especially in comparison to other range states. This information has been submitted to the FWS on multiple occasions, including but not limited to:

- April 2014: poaching statistics; poacher arrest and prosecution statistics; four-page description of ZPWMA's quota-setting process;
- June 2014: poaching statistics in CAMPFIRE areas;
- December 2014: poaching and PAC statistics; offtake percentages from management, hunting, and trade in skins; two-page supplemental explanation of ZPWMA's quota-setting process;
- December 2014: hunting and PAC offtakes; quota utilization in CAMPFIRE areas;
- December 2014: carcass observance and estimates from the 2014 aerial survey;
- March 2015: updated MIKE/PIKE statistics;
- May 2015: poaching statistics from Mana Pools workshop;
- May 2015: poaching and offtake statistics in the Sebungwe;
- July 2015: carcass observance and estimates from the 2014 aerial survey; PIKE data; offtakes from six categories requested by the FWS; poaching and poacher investigation, arrest, and prosecution statistics; five-page supplemental explanation of ZPWMA's quota-setting process; quota allocation by range;
- September 2015: poaching and hunting offtakes from the South East Low Veld workshop;
- December 2015: hunting off-takes and quota utilization in CAMPFIRE areas;

⁴⁵ *CF Oct. 2014 Comment*, p. 22 (pointing out that the ETIS report was known to "confound" legal and illegal trade in small ivory products) & related attachments.

⁴⁶ *ZPWMA April 2014 Response*, p. 23-25.

⁴⁷ *ZPWMA Dec. 2014 Response*, p. 19.

⁴⁸ *ZPWMA July 2015 Response*, p. 34.

⁴⁹ *ZPWMA July 2015 Response*, p. 33.

- December 2016: two-page supplemental explanation of ZPWMA’s quota-setting process;
- And more.⁵⁰

This long list of information provided refutes the Finding’s complaint that the FWS did not have “adequate information” about elephant offtakes, poaching, or quota-setting. The information was available. But the Denials do not consider it. If it had been considered, the FWS would have had to make a positive finding.

This best-available information demonstrates that ZPWMA’s quotas are “scientifically determined” not to “compromise[e] [the species’] biological proliferation... In Zimbabwe, determination and implementation of hunting quotas goes through a rigorous quota-setting methodology” that accounts for all mortalities, including from hunting, poaching, PAC, natural causes and disease. In setting quotas, ZPWMA considers population sizes, trends, and densities; property sizes and habitat quality; environmental changes; human-wildlife conflict, national policies, and management targets; poaching trends; land tenure; trophy quality; hunt success; ranger monitoring; species sensitivity and research on the species; and more.⁵¹ Quotas are set in participatory workshops for each range area. While stakeholders may propose an initial quota, their proposals are reviewed and revised as needed by ZPWMA ecologists to ensure the quotas are assessed at a sustainable level, having negligible impact on the population.⁵² In 2014, Zimbabwe’s offtake quota was set under 300 elephant; in 2016, it was set at 400.⁵³ The level of **offtake** authorized is well below that of **export** allowed under Zimbabwe’s CITES quota (500 elephant), for good reason—exports may be delayed due to transport, taxidermy/processing, or permitting issues.

ZPWMA’s 2014 quota of 300 mature elephant bulls represents only 0.37% of the total elephant population (82,000+). Zimbabwe’s 2016 quota represents only 0.49%. These percentages are comfortably below the sustainability threshold of 0.6-0.75%. Most critically, however, actual offtakes are even lower, on average only 204 mature elephant bulls per year. That represents only 0.25% of Zimbabwe’s elephant population. The Denials should be reconsidered and reversed, as there can be no question this limited use of elephant through sport- hunting is sustainable.

⁵⁰ ZPWMA April 2014 Response, p. 12, 14, 19-22; CAMPFIRE Association Report, p. 2; ZPWMA Dec. 2014 Response, p. 16, 22-25; CAMPFIRE Workshop Proceedings, p. 6-24; CF Email to T. Van Norman attaching newest MIKE/PIKE data (Mar. 11, 2015); Proceedings of the Mana Pools Anti-Poaching Workshop (May 2015); CF Email to T. Van Norman attaching background data on elephant in the Sebungwe range (May 11, 2015); ZPWMA July 2015 Response, p. 22-27, 43-49; Proceedings of the South East Lowveld Elephant Management Planning Workshop (Sept. 2015); CF Email forwarding Hunting Income Analysis of CAMPFIRE Districts from Hunting (Dec. 1, 2015); ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 5-6.

Publicly available data from the Great Elephant Census identified Zimbabwe as having one of the four lowest carcass ratios in Africa, behind only Uganda, Malawi, and Botswana, publicly available at www.greatelephantcensus.org.

⁵¹ E.g., ZPWMA Apr. 2014 Response, p. 19-22; ZPWMA Dec. 2014 Response, p. 22-25; ZPWMA July 2015 Response, p. 43-47; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 5-6.

⁵² ZPWMA July 2015 Response, p. 43-46; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 5-6. Licensed, regulated hunting has nominal effect on elephant population, because of the selectivity of the harvest. E.g., CF June 2014 Comment, p. 3, 9-10 & related attachments (including R. Martin, *Second Report: Trophy Hunting from Declining Population* (2014), p. 8, 10, 15, 18-20, & R. Martin, *Background Study, Elephants* (2015), p. 34, 56).

⁵³ ZPWMA July 2015 Response, p. 44, 46.

Further, the extensive documentation provided by ZPWMA, Conservation Force, and others demonstrates that other offtakes, including poaching and PAC, are sustainable. Poaching has largely been controlled in the last several years, and PAC is kept in check through the incentives generated by CAMPFIRE (please see the next section).⁵⁴

Poaching levels have declined in Zimbabwe, and across Africa, since the worst of the impact in 2011.⁵⁵ As shown in ZPWMA's July 2015 Response, a decline in elephant poaching is evident since the high of 223 in 2011, to 212 in 2012 and 194 in 2014. (Poaching figures in 2013 are skewed by the mass poisoning incident at Hwange National Park that killed 103 elephant, but if that number is "normalized" to 190, it is consistent with the decreasing trend.)⁵⁶ Likewise, the Proportion of Illegally Killed Elephants ("PIKE") at the Chewore and Nyami Nyami Monitoring the Illegal Killing of Elephants ("MIKE") sites in Zimbabwe has fallen: to 0.40 in 2013, 0.17 in 2014, and 0.29 in 2015 at Chewore, and from 0.81 in 2011 to 0.27, 0.22, 0.37, and 0.35 in the years 2012 to 2015 at Nyami Nyami. The most recent figures are well below the 0.5% threshold which signifies unsustainable poaching.⁵⁷ The decline in poaching undoubtedly stems from ZPWMA's enhanced anti-poaching, as described in the section above.

Recognizing both a mutual interest, and that collaboration will allow for a more efficient use of resources, ZPWMA and the hunting sector collaborate extensively in anti-poaching. Conservation Force submitted numerous specific evidence of this.⁵⁸ A few examples from this evidence are below:

- The Dande Anti-Poaching Unit ("DAPU") in the Zambezi Valley has catalyzed a significant decrease in poaching in their areas. In 2010, DAPU reported 40 elephant carcasses. In 2016, they observed seven. DAPU team members have grown so skilled in anti-poaching tactics they work alongside ZPWMA rangers in patrolling Mana Pools National Park. Charlton McCallum Safaris spent \$95,006 on DAPU's anti-poaching activities in 2016, including salaries, rations, rewards, equipment, and

⁵⁴ PAC offtakes have been between 44-52 elephant from 2013-2015, a negligible amount in a population over 82,000 elephant, and at or below 1.0% when added to poaching and hunting offtakes. ZPWMA issues few PAC permits, and instead relies on the benefits of the CAMPFIRE program and voluntary actions of hunting operators to minimize crop-raiding and losses to elephant, and thus minimize PAC. The CAMPFIRE Workshop demonstrated that this system is working, as PAC figures were typically low across the districts. *CAMPFIRE Workshop Proceedings*, p. 6-21; *see also CF June 2014 Comment*, p. 15-7 & related attachments; *CF Oct. 2014 Comment*, p. 26-33 & related attachments; *CF Dec. 2014 Comment*, p. 3-7 & related attachments; *CF Jan. 2015 Comment* & related attachments.

The uncited "anecdotal evidence" relied upon in the Finding is unreliable, and is another incorrect "fact" on which the negative finding was based that requires reconsideration.

⁵⁵ G. Wittmeyer et al., *Illegal Killing for Ivory Drives Global Decline in African Elephants*, Proceedings of the National Academy of Sciences (July 22, 2014).

⁵⁶ *ZPWMA July 2015 Response*, p. 43.

⁵⁷ *CF Oct. 2014 Comment*, p. 21-22 & related attachments; CF Email to T. Van Norman attaching updated MIKE/PIKE data (Mar. 11, 2015); *ZPWMA July 2015 Response*, p. 25; CITES/MIKE Database, publicly available at https://cites.org/eng/prog/mike/data_and_reports.

⁵⁸ E.g., *CF June 2014 Comment*, p. 17-19 & related attachments (including SOAZ report); *CF Oct. 2014 Comment*, p. 22, 26-33 & related attachments; *CF Dec. 2014 Comment*, p. 3-7 & related attachments; *CF Jan. 2015 Comment* & related attachments; *Proceedings of the Mana Pools Anti-Poaching Workshop* (May 2015); CF Email to T. Van Norman forwarding reports of anti-poaching efforts in Zambezi Valley (Dec. 3, 2015); CF Email to T. Van Norman forwarding hunting operator anti-poaching efforts in Zambezi Valley (Jan. 5, 2016); CF Email to T. Van Norman forwarding DAPU film (May 9, 2016); CF Emails to T. Van Norman forwarding DAPU Reports (June 15, 2015, May 23, 2016, & Jan. 18, 2017).

vehicles. DAPU's expenditures in 2015 topped \$80,000 and in 2014, they were over \$72,000. This is an expanding program, and has contributed significantly to anti-poaching in the Zambezi Valley, including through the additional support of aerial surveillance. ***Mr. Jines' hunt took place in the Mbire District and with Charlton McCallum Safaris. Mr. Jines' hunting fees, including his trophy fee and voluntary contributions, are directly contributing to DAPU and the operators' extensive community investment.***

- The SOAZ Report identified almost \$1 million spent on anti-poaching in 2013 by a small sample of 14 operators. These operators employed a total of 245 scouts on the ground, an average of 17-18 scouts per company.
- Lodzi Hunters collaborates with the Binga district council to restore wildlife in their concession, on which they have a long-term lease. They maintain a 12-member anti-poaching team that patrols the concession and the borders of Hwange National Park. Lodzi Hunters coordinates with ZPWMA to ensure full and efficient coverage. Lodzi Hunters' anti-poaching and incentives programs cost the company over \$350,000 per year, in addition to their contractual payments to the CAMPFIRE district and wards. 95% of Lodzi Hunters' income comes from elephant hunting.

In short, the private-sector's contributions against poaching are extensive. They were not duly considered in the Denials, even though they are an essential component of Zimbabwe's elephant management.⁵⁹ For this reason, the Denials should be reconsidered, and will need to be reversed based on proper evaluation of the submitted data.

Reason for Reconsideration 6: Revenues Generated from Elephant Hunting in Zimbabwe are Reinvested in Elephant Conservation Efforts by ZPWMA and CAMPFIRE Communities

The information provided to the FWS documents that elephant hunting accounts for the largest percent of revenue generated by hunting across all four land categories (safari areas, communal land, private land, and forestry areas). In 2014, over \$6.2 million in trophy fees was generated from elephant hunts, with \$5 million of that revenue accruing to ZPWMA to reinvest in wildlife management and enforcement.⁶⁰ Over 50% of that revenue comes from U.S. hunters.⁶¹ Put differently, "the African elephant is one of the biggest drawcard species from a hunting perspective and is at the centre of all the major hunts... Generally hunting contributed an average of USD22m to the country's GDP in 2014 and 2015..."⁶²

A significant portion of ZPWMA's operating budget relies upon hunting income (although that proportion declined in 2015, as hunting income has decreased, largely due to the FWS' elephant suspension and non-issuance of lion import permits).⁶³ Most of this is attributable to elephant hunts. In turn, most of ZPWMA's operating funds are directed to ranger salaries, anti-poaching, and law enforcement—over \$3.1 million in Safari Areas alone (and staff costs in Safari Areas are covered by hunting revenues). Put simply, most of the revenues coming in from elephant hunting are reinvested in and contribute to the protection and

⁵⁹ *Plan*, p. 12 ("The Role of Sport Hunting in Elephant Conservation").

⁶⁰ *ZPWMA July 2015 Response*, p. 48.

⁶¹ *ZPWMA July 2015 Response*, p. 41.

⁶² ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 9-10.

⁶³ *ZPWMA Dec. 2014 Response*, p. 21.

recovery of elephant by being reinvested in law enforcement and anti-poaching.⁶⁴ The Denials' failure to consider the July 2015 Response and information about ZPWMA's revenue, budget, and expenditures requires reconsideration and reversal.

In communal areas, elephant hunting is the financial backbone of CAMPFIRE. CAMPFIRE is the mechanism whereby communities benefit from living with wildlife, and largely from living with elephant. The program has built tolerance within communities through creation of incentives, especially due to the funding of infrastructure projects that improve rural livelihoods across communities.⁶⁵ The Finding correctly admits that "CAMPFIRE plays a role in elephant management." More precisely, CAMPFIRE plays an *essential* role in elephant conservation by reducing conflicts between elephant and the communities who maintain elephant on their lands. Zimbabwe's Parks and Wildlife Act Chapter 20:14 empowered rural people living among wildlife to effectively benefit from it. CAMPFIRE is the mechanism created to facilitate this.

From 1989-2006, CAMPFIRE channeled more than \$20 million to rural villages and \$17 million to rural district councils.⁶⁶ From 2010-2015, hunting fees accounted for over \$11 million in revenue, 70% of which came from elephant hunting (until the suspension reduced demand for elephant hunting), and two-thirds of which came from U.S. elephant hunters. Put differently, over \$5 million accrued directly to CAMPFIRE communities from U.S. elephant hunters until the suspension reduced that amount, e.g., to 54% of hunts in 2014.⁶⁷ (Until then, 70% of CAMPFIRE revenue was generated by elephant hunts and \$550,000 in trophy fees alone were generated in communal lands in 2014.⁶⁸) These income receipts are "often understated," as economic multipliers "are not captured as part of CAMPFIRE income," and "[t]he proportion of safari operating expenses paid locally in the form of wages and salaries, and purchase of materials is often not recorded."⁶⁹

According to the most recent audit of participating CAMPFIRE districts, "Data from 9 CAMPFIRE Districts ... shows that approximately 60% of the allocated quota is utilized and that the majority of hunters (53%) originate from America. These hunters have contributed US\$9 million ... during the period 2010-2015 compared to US\$8 million by the 40 other nations.... The income generated from trophy fees in the last 6

⁶⁴ ZPWMA July 2015 Response, p. 36-41, 48-51; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 9-10.

⁶⁵ E.g., *CAMPFIRE Association Report*, p. 1-11; *CAMPFIRE Workshop Proceedings*, p. 6-24; CF Email to T. Van Norman attaching *CAMPFIRE Income Analysis*; CAMPFIRE Association, *The Role of Trophy Hunting of Elephant in Support of the Zimbabwe CAMPFIRE Program* (Dec. 2016), p. 12-16 ("*CAMPFIRE—Role of Hunting Report*"), publicly available at <http://campfirezimbabwe.org/index.php/downloads>.

⁶⁶ *CAMPFIRE Association Report*, p. 8; *CAMPFIRE—Role of Hunting Report*, p. 9-11; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 19, (U.S. hunters make up 76% of CAMPFIRE clients).

⁶⁷ *CAMPFIRE Association Report*, p. 3-4; *CAMPFIRE Income Analysis*, p. 1, 6 ("it is highly probable that the decline in hunting income for 2014 was largely caused by the suspension of trophy imports by United States of America. The suspension has a lag effect on income, and preliminary calculations of earnings for 2015 indicate a further continuing decline."); *CAMPFIRE—Role of Hunting Report*, p. 9-11.

⁶⁸ ZPWMA July 2015 Response, p. 48, 50; see also *CAMPFIRE Workshop Proceedings*, p. 6-24.

⁶⁹ ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 17; see also p. 11-20.

years (2010 – 2015) is approximately US\$11.4 million of which elephant trophy fees contributed 65%.”⁷⁰ In short, U.S. elephant hunters are the critical source of funds for CAMPFIRE communities.

Hunting funds are invested in projects that benefit the communities overall: building classrooms or clinics; purchasing farm equipment; rehabilitating water supplies; purchasing vehicles used in wildlife monitoring and anti-poaching; installing solar power; and many other infrastructure improvements. CAMPFIRE links these tangible benefits for rural residents to protection of wildlife. Its infrastructure creates conservation officers and monitoring programs, and employs game scouts, which generates significant benefits for the elephant as well. This is vital because otherwise elephants are largely viewed as threats, not assets.⁷¹

The grant of Appropriate Authority means that ZPWMA foregoes the fees from hunting in CAMPFIRE areas, and the fees and other benefits accrue to the communities. Operators in CAMPFIRE communities contract with the district councils, and are bound to pay trophy, concession, and other fees—or more, depending on their contracts—to the councils (41%) and to the wards directly (55%). Conservation Force submitted documentation evidencing that many operators contribute much more than just fees. For example, in the Mbire District in which Mr. Jines hunted, Charlton McCallum Safaris operates a “genuine joint venture” with the Mbire district council and wards. In 2013-2015, Charlton McCallum Safaris paid over \$1.05 million in fees and revenue-sharing, including over \$470,000 directly into ward accounts. The district significantly benefits from this partnership, including: constructing a clinic and nurses’ houses; constructing a wildlife administration office; constructing storerooms; constructing 14 classroom blocks, seven teachers’ houses, and one school office; constructing and equipping of grinding mills; and constructing and equipping two hand-pump boreholes, water pipes, toilets, water storage; constructing one tourist camp; acquiring two tractors.⁷² 90% of the district’s income comes from hunting and ~35% of that is from elephant hunting. 90% of hunting clients are U.S. citizens. In short, at least \$330,750 accrued to the Mbire district and rural communities as a result of U.S. elephant hunters in 2013-2015.⁷³ This is but one example. Conservation Force has submitted evidence of many more, including contributions of Lodzi Hunters and Martin Pieters Safaris, among others.⁷⁴

The Denials do not consider the best-available information. They rely upon the Finding, which cites to old and limited data on CAMPFIRE. The best-available information demonstrating CAMPFIRE’s benefits must be evaluated, and accordingly, the Denials should be reconsidered and reversed.

⁷⁰ *CAMPFIRE—Role of Hunting Report*, p. ii.

⁷¹ *CAMPFIRE Association Report*, p. 3-4, 7-11; *CAMPFIRE Income Analysis*, p. 1-2; *CAMPFIRE—Role of Hunting Report*, p. 9-19; ZPWMA, Presentation, *Legal Trade, Conservation, and Rural Livelihoods: A Zimbabwean Perspective* (Dec. 2016), p. 20-22. See also *CAMPFIRE—Role of Hunting Report*, p. ii (in the period 2009-2015, “96 human lives were lost to wildlife attacks, with elephant accounting for more than half of those deaths. Yet despite these challenges, communities still retain a high level of tolerance for elephants, but this support is rapidly dissipating as a result of the loss of income from trophy hunting. This places almost two million ha of land at risk, including the risk of increasing retaliatory killing through poisoning and illegal wildlife crime.”).

⁷² Chief Sen. D. Chisunga, *Land Use Planning at the Local Level*, Presentation at the 14th African Wildlife Consultative Forum (Nov. 10, 2015).

⁷³ *CF Dec. 2014 Comment*, p. 3-7 (citing Charlton McCallum Safaris, *Elephant Hunting in Mbire District – A Perspective of the Private Sector* (Nov. 17, 2014) & related attachments).

⁷⁴ Please see attached Index of Information Submitted.

Reason for Reconsideration 7:

Local Conservation Efforts Effectively Share the Responsibilities of Elephant Conservation

The Denials should be reconsidered because Conservation Force, ZPWMA, SOAZ, and others have provided extensive documentation of the benefits to elephant generated by “local conservation efforts.” The FWS does not discuss this information specifically, but it should. This information proves that the contributions of safari operators, anti-poaching units, CAMPFIRE communities, private landholders/conservancies, and associated non-profits are integral to the functioning of Zimbabwe’s wildlife management system. They are not “limited” efforts. They are extensive, and reduce the burden on ZPWMA’s resources.

As Conservation Force and ZPWMA previously explained, conservation work is *frequently* carried out by non-governmental entities in Zimbabwe.⁷⁵ The Parks and Wildlife Act Chapter 20:14 devolved Appropriate Authority to private and communal landholders. Through this “government mechanism,” the “legal right to utilize and manage wildlife on their property” was transferred to the landholders.⁷⁶ Due to this transfer, non-governmental entities such as safari operators, CAMPFIRE district councils, and private conservancies have both the authority and the obligation to protect, conserve, monitor, and benefit from wildlife in their areas.⁷⁷ As ZPWMA wrote:

Fundamentally, ZimParks supports local efforts by providing a conducive legislative and policy environment which allows the private and community sectors to thrive. The grant of Appropriate Authority Status to private properties and Rural District councils is a case in point.⁷⁸

ZPWMA supports local conservation efforts through training, support, and more.

The contributions of non-governmental interest to wildlife conservation are not limited or localized. Taken together, they cover the country.⁷⁹ A few examples from the information provided to the FWS are below:

- Lodzi Hunters, in the Northwest Matabeleland and Sebungwe ranges, contributed over \$680,000 over two years to CAMPFIRE wards, to improve livelihoods, employ scouts, and increase tolerance of elephant and other species. The operator also maintains a twelve-person anti-poaching team.⁸⁰ Similarly, Charlton McCallum Safaris in the Zambezi Valley shares revenues with Mbire CAMPFIRE wards and the district council. In two years, the fees shared topped \$750,000 (of which \$380,000+

⁷⁵ ZPWMA April 2014 Response, p. 15-16, 23-25; CF Oct. 2014 Comment, p. 28 & related attachments; see also R. Martin, *Personal Comment: Ban on the Import of Elephant Trophies into the USA from Tanzania and Zimbabwe* (Oct. 2014), p. 6 & attachment, M. Murphree & R. Martin, *Shifting Paradigms, Policy and Processes in Conservation and Development over the Past Four Decades* (2013).

⁷⁶ ZPWMA April 2014 Response, p. 15-16.

⁷⁷ ZPWMA Dec. 2014 Response, p. 18-21 (“This arrangement [Appropriate Authority] incentivizes landowners and tenants to not only tolerate wildlife, but to conserve and promote conservation and protection of wildlife...”), p. 25-27 (identifying contributions of safari operators, NGOs, conservancies, communal areas to wildlife conservation).

⁷⁸ ZPWMA April 2014 Response, p. 25.

⁷⁹ Please see attached map, which shows the breadth of these “local” operations.

⁸⁰ CF Jan. 2015 Comment & related attachments.

went directly to ward accounts) and anti-poaching expenditures topped \$150,000.⁸¹ Each of these operators is lessening the government's burden of community support and anti-poaching patrols by committing their private resources to these purposes.

- A small operator, Pro Safaris in the Zambezi Valley, allocates 6% of its turnover for water pumping, water pan installation, and other conservation activities. Pro Safaris maintains a ten-person anti-poaching team to patrol a 40-km international border,⁸² which allows ZPWMA rangers to focus on patrolling the national park instead of the Safari Area.
- The Tashinga Initiative is a non-profit in the Zambezi Valley that obtains anti-poaching equipment, coordinates anti-poaching efforts, and organized the Sebungwe elephant management planning workshop. The Tashinga Initiative is supported by local safari operators (hunting and photo), and international donors like the Houston Safari Club.⁸³
- Also in the Zambezi Valley/Sebungwe range, Martin Pieters Safaris maintains three patrol teams, and are helping develop a community-owned conservancy with two additional patrol teams. The company teams have recovered 15,000+ snares since 2007, and their nearly 300 patrols support ZPWMA's monitoring in this area. The community scouts were intensively trained by the operator teams. These scouts cooperate with ZPWMA against poaching in the Omay and Gokwe communal lands.⁸⁴
- Save and Buby Valley Conservancies in the Southeast Lowveld range each spend over \$500,000 annually on anti-poaching and invest another \$200,000+ in nearby villages. The conservancies do not draw on ZPWMA resources at all. They are wholly responsible (and largely depend on hunting income) to secure a land area about the size of New Jersey, the world's third-largest black rhino population, and an elephant population that exceeds 2,000.⁸⁵
- CAMPFIRE communities monitor poaching losses and PAC off-take. They collaborate with ZPWMA to detect poaching and have developed a mutual informer network together. They also work with ZPWMA and safari operators to avoid problem animal off-takes and non-destructively deter crop-raiding elephant.⁸⁶ Because they have Appropriate Authority, they collaborate with ZPWMA, but do not need to depend on ZPWMA for wildlife management.
- The SOAZ report included data from 14 operators across the entire elephant range. It reported on these operators' monitoring of elephant populations and poaching losses and their anti-

⁸¹ *CF Dec. 2014 Comment*, p. 5-6 & related attachments; *CF Jan. 2015 Comment* & related attachments; CF Email to T. Van Norman forwarding DAPU film (May 9, 2016); CF Emails to T. Van Norman forwarding DAPU Reports (June 15, 2015, May 23, 2016, & Jan. 18, 2017).

⁸² *Pro Safaris Report* (2016).

⁸³ E.g., CF Email to T. Van Norman forwarding information on anti-poaching in the Zambezi Valley and Sebungwe (Nov. 30, 2015); CF Email to T. Van Norman forwarding Tashinga Initiative press release (May 22, 2016); CF Email to T. Van Norman forwarding article on success in building new communications base (Nov. 14, 2016).

⁸⁴ Martin Pieters Safaris, *Blog Posts*, publicly available at <http://www.martinpieterssafaris.com/blog/>.

⁸⁵ B. du Preez et al., *Sport-Hunting and Lion (Panthera leo) Conservation in Zimbabwe* (Jan. 31, 2016); B. du Preez, *Buby Valley Conservancy Lion Research Report* (Jan. 12, 2016); R. Groom, *Hunting in Zimbabwe's Save Valley Conservancy* (Jan. 27, 2013).

⁸⁶ See generally *CAMPFIRE Workshop Proceedings*.

poaching investment of almost \$1 million in 2013. The 14 companies together employed 245 anti-poaching personnel, and cooperated closely with ZPWMA.⁸⁷

The Finding highlights the Mana Pools elephant management planning workshop. It should also mention the Sebungwe and South East Lowveld workshops. They exemplify the public-private-communal partnership existing in Zimbabwe because stakeholders have Appropriate Authority. The Finding reveals the FWS' misunderstanding of Zimbabwe's conservation system, which requires reconsideration and reversal of the Denials.⁸⁸

Reason for Reconsideration 8: Enhancement has been Shown

The FWS has defined "enhancement" as benefits to the species, such as protection of habitat, generation of conservation and anti-poaching funding, and reduction of human-wildlife conflicts through generation of conservation incentives. The information submitted to the FWS demonstrates that licensed, regulated hunting of elephant in Zimbabwe satisfies this standard. This information shows how hunting justifies the existence of significant elephant range.⁸⁹ It substantiates the anti-poaching partnership among ZPWMA, hunting operators, and communities, and demonstrates the success of their efforts (declining PIKE). It shows that communities are incentivized not to retaliate against elephant (low PAC offtakes). It describes the pre-suspension benefits generated for CAMPFIRE communities. The success of Zimbabwe's elephant management is underscored by the fact there are over 80,000 elephants in the country, and significant anti-poaching gains in the border area of the Zambezi Valley.

The FWS demands "enhancement." It has been shown. Sustainable offtakes have been shown. A stable elephant population has been shown. A well-managed and responsive elephant management system has been proven. The continued suspension obstructs this enhancement from reaching the elephant—and the people—of Zimbabwe. We encourage the FWS to stop moving the target. The FWS cannot continue to rely upon a Finding that ignores the facts.

⁸⁷ *SOAZ Report*, p. 4.

⁸⁸ The Finding's first sentence is almost verbatim to the July finding, and still fails to respond to CF's objections on this point. We objected that we did not "emphasize the economic impact of the suspension to local conservation efforts," though that information was available in our submissions. The Finding's failure to respond to this objection, and its cutting-and-pasting of prior writing, merits reconsideration; it clearly does not consider the best-available and most current information. Note that the attachments in CF's comment also pointed to data showing "whether and to what extent these individuals would reduce their conservation efforts based on the inability of U.S. hunters to import a sport-hunted trophy," e.g., in the submitted Declarations, Charlton McCallum Safaris and DAPU documents, SOAZ Report, CAMPFIRE Reports, R. Martin Fourth Report, and more. E.g., *CF June 2014 Comment Attachments*; *CF Oct. 2014 Comment Attachments*.

⁸⁹ It should be noted that there is far more land secured in areas which allow, and largely rely upon, sustainable use. Compare the approximately 27,000 km² of habitat in national parks to the approximately 19,000 km² in Safari Areas, ~48,000 km² in CAMPFIRE areas, and 7,000+ km² in conservancies.

IUCN/UN, Protected Planet, <http://blog.protectedplanet.net>.

Given all this information, the Applicants request reconsideration, and reversal of the Denials.

Respectfully submitted,



Conservation Force
3240 S. I-10 Service Road W., Suite 200
Metairie, Louisiana 70001-6911
Phone: 504-837-1233
Fax: 504-837-1145
Email: cf@conservationforce.org

CC: Bryan Arroyo
Dr. Rosemarie Gnam

Attachments: Index
USB containing information submitted to the FWS by Conservation Force and ZPWMA
Map of "Local Conservation Efforts"