



“SERVING THE HUNTER WHO TRAVELS”

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

Special To The Hunting Report World Conservation Force Bulletin

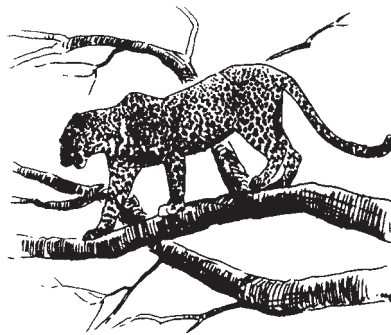
by John J. Jackson, III

Petitions to Free Siezed Trophies Successful

■ Conservation Force has had another uncommon success. One by one, the petitions for remission that Conservation Force had to file to save leopard trophies imported from Namibia have all been granted/won. These are the leopard trophies that were retained and seized as they were imported because the skin tags were not considered to be the “self-locking” type recommended in the CITES leopard quota resolution. We hope that word of our pro bono legal representation was received by everyone whose leopard was formally seized; otherwise, they will have lost their trophy. Each petition for remission had to be separately filed within separate deadlines. To top off our satisfaction from this success, one of the hunters whose trophies was formally seized for destruction is a world renown big game hunter/writer who has long served this community and his country. The release of that deserving hunter’s leopard is icing on the cake. A special thanks is due to the Department of Interior and USF&WS Solicitors for their equitable applications of the seizure rules in each instance.

We thank Don Causey’s *Hunting*

Report, Dallas Safari Club, Houston Safari Club, the African Safari Club of Florida, Shikar Safari Club International, the Weatherby Foundation and others for helping get the word out that Conservation Force was on top of the issue and would provide pro bono representation as a necessary service to



the hunting community and Namibia.

The Namibia Professional Hunters Association (NAPHA) credited Conservation Force for the successful release of the leopard trophies in its recent news bulletin. We are proud partners with NAPHA and serve on two of its standing committees. Its CEO accompanied us to the 14th Conference Of

Parties of CITES in the Hague this past summer. Namibia itself is an outstanding hunting destination with particularly competent and responsible professional hunters and a wildlife ministry that is second to none.

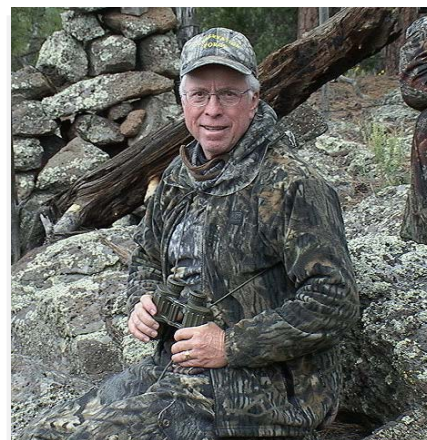
It is uncommon to get the release of CITES Appendix I trophies when a permit or related tag is technically defective or invalid. In fact, it has been almost impossible in the United States with very few exceptions. Time and again we’ve seen hunters lose trophies that cost as much as a new automobile without any relief. To quote from the written decision of one of the Solicitors reviewing the petitions for remission, “Many innocent and unknowledgeable persons experience the same problem each year when the wildlife they are attempting to import into the United States is siezed for CITES and Endangered Species Act import violations. We sympathize with them for the inconvenience and monetary loss involved. However, the US Fish and Wildlife Service in enforcing the Endangered Species Act and CITES cannot allow importations where US laws are broken and regulations are

breached if wildlife is to be protected and preserved pursuant to international treaties and domestic laws and regulations.” (That is nicely said, but licensed, regulated hunting does not really threaten species simply because of after-the-fact technical errors in the paperwork or tagging.)

Though it was not yet applicable in these seizures, in September a new internal CITES regulation was adopted by the USF&WS International section that expressly allows the import of trophies when the defect in the paperwork or tagging is solely the fault of the range nation’s government (exporting government authority). Since it is expressly limited to mistakes of the exporting government, mistakes of the professional hunter, taxidermists, shipping agent or other third persons are not included.

Conservation Force and the partnering organizations it represented in the comments to those new regulations persuaded the Service to include Appendix I trophies in their proposed regulations. As initially proposed, the relief would only have applied to Appendix II and III species. Nevertheless,

trophies have been seized and destroyed for years due to mere errors and mistakes by exporting country authorities. It is only fair since it is not within the individual hunter’s control. This too is another victory due to Conservation Force and its coalition of supporting organizations combining forces. No one else made the specific comment that the proposed rule should include Appendix I species, and most hunting organizations did not file a comment on the esoteric rules at all. All this said, we are still not satisfied with the relief provided because the new rule is limited to the mistake of government authorities and does not appear to apply to mistakes of expert, independent contractors that one has to rely upon. That kind of change requires a Congressional fix. Hunters will continue to absorb the full loss of their trophies, including the costs of processing and transporting in the meantime. Of course, hunters may have private recourse against those independent contractors who are negligent, but that is seldom practical and not what we want from our leisure time when we go hunting.



JOHN J. JACKSON, III
Conservation Force

Polar Bear Crisis Heats Up

■ The polar bear crisis continues to occupy much of our time and energy in 2007. In October, the USF&WS reopened the comment period on its proposal to list all polar bear as threatened. It was reopened for the limited purpose of receiving comments on the nine United States Geological Survey reports prepared “to support...the listing.” We had plenty to comment about that purpose alone. The reports were openly biased, plus they were founded upon climate and partially-related sea ice predictions of doom decades into the future that are way beyond the state of the art.

The good news is a significant new polar bear population survey has been completed in Davis Strait this summer that shows an increase in that bear population and that the bear are fat and healthy. The ironic contradiction is that this population has long survived

and thrived without any ice during the summer (summer ice), which is the projection for other areas that is the underlying cause for concern and the prophecy of doom in the reports and the petition to list that the reports are intended to “support”. In fact, many years there is no ice in Davis Strait 60 percent of the whole year, not just the summer. The bears survive even though they are without ice most of the year. Our concern is that in the rush to project doom, the reports entirely overlook the growth and stability of bear populations where there is no summer ice such as Davis Strait and Southern Hudson Bay. The false assumption that polar bear are “completely dependent” on year-round sea ice and also must have a minimum of 50 percent concentration or coverage to constitute “habitat” is wholly untrue. Nevertheless, those false assumptions are repeated



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ad nauseam in most of the nine USGS reports and elsewhere.

Although the 2007 September ice summaries were not out yet at this writing, there appears to have been a record ice melt this summer. That is more related to arctic winds, arctic ocean currents and clear skies (clouds protect the ice from sun rays) than to climate. The Arctic really is a closed system. Except for 2006 and apparently 2007, the climate has slightly cooled since 1998 in the US and most definitely in the Southern Beaufort Sea and Western Hudson Bay and in the Southern Hemisphere, but the media and the Reports ignore these facts. It all remains a hysteria of doom on a scale we have not ever witnessed before.

Our overriding concern is that listing the bear will harm, not help it, though many may no doubt believe it will further their careers and professional lives. The ESA does not provide substantive benefits for foreign species such as critical habitat designation, cooperative arrangements like those with states, recovery programs, funding or the host of benefits available to US domestic species that are listed. The ESA is known worldwide to be a placebo if not a feel-good hoax because of its false promise. The listing of foreign species has long proven to take

away more than it gives to listed foreign game species. Witness the cheetah, markhor, black-faced impala, Canadian wood bison, China argali, tiger, black rhino, etc. There is no question that many Canadians and scientists mistakenly believe and moreover have been misled that something great will result from a listing. That misinformation is compounding the problem. We are sparing no effort to op-



pose the listing now because there is little we can do afterwards....

One other threat to the polar bear and polar bear hunting has now emerged in the Senate. In May, Senator John F. Kerry (D-MA) introduced an amendment to the Marine Mammal Protection Act called the *Polar Bear Protection Act of 2007*. He was joined by Senator Olympia J. Snowe (R-ME).

The proposed bill would strike the MMPA language added in 1994 that permits the importation of polar bear trophies. True to form, Kerry almost scuttled that 1994 amendment to the MMPA that permits polar bear trophy imports when it was enacted in 1994. Yours truly had senior Senator Bennett Johnston (D-LA) outgun him on the related conference committee that worked out the differences between the House version that authorized imports and Kerry's Senate version that did not. Then and now Kerry was acting as an award-winning animal rights champion of the HSUS. He continues to be the instrument of the HSUS campaign to stop big game hunting of polar bear through prohibitions of importation of the trophies.

Over the summer, nine new co-sponsors of Kerry/HSUS's *Polar Bear Protection Act* to ban importation of polar bear trophies have signed on with Kerry. For your information, they are Senator Barbara Boxer (D-CA); Senator Maria Cantwell (D-WA); Senator Robert P. Casey, Jr. (D-PA); Senator Dianne Feinstein (D-CA); Senator Frank R. Lautenberg (D-NJ); Senator Carl Levin (D-MI); Senator Joseph I. Lieberman (Independent Democrat-CT); Senator Robert Menendez (D-NJ); and Senator Jack Reed (D-RI).

Briefly Noted

How to Avoid Lacey Act Violations:

The most serious way for hunters who travel to get into trouble with the law is to violate the Lacey Act. If you import a trophy or attempt to import a trophy that has been taken in violation of the law of another state, foreign country or tribal area, you have violated the Lacey Act. It may be treated as a civil offense, a misdemeanor or a felony, depending on what is your perceived intent and the cost of the hunt. A mere attempt is enough to commit the offense. Aiding and abetting another hunter is also enough to be an offense. I've couched the below advice in the most general terms to focus on the one simple way to avoid prosecution.

How can you avoid prosecution? First, avoid any and all wildlife law violations of the state or country where you are hunting. A simple misdemeanor out-of-state or out-of-the-country can be converted into a federal felony when the trophy crosses state or country lines. It is not double jeopardy to be prosecuted and/or fined for violation of state/foreign law where an underlying offense occurred and for violation of the federal Lacey Act. Second, it's best not to bring a trophy home when in doubt. No trophy is worth it. The Lacey Act is a really tough law that can ruin you, your family and your life, so you have to protect yourself. Be on your toes, but when in doubt, *don't bring it back!* Mistakes

and snap decisions are made in the field. Should you make a mistake or be in doubt about the legality of something you did afield, then *don't import the trophy*. The Lacey Act does not "kick in" until the trophy (any part of an illegally-taken animal including the meat) is imported, or you attempt to import it or assist someone else in the importation of an illegally taken animal. Protect yourself from escalating the out-of-state or out-of-country misdemeanor into a federal felony by deciding right now as you read this to never import a trophy when in doubt and without total assurance that it was taken legally. It's simple – *Don't Import It*. The importation or the interstate transportation is the essence of

the offense. Be smart, leave it there!

African Wildlife Heritage Dinner:

The Professional Hunters Association of South Africa (PHASA), has announced that it will once again host a gala dinner to raise revenue for black empowerment. This will be the group's second gala dinner. The first was in May 2007 at Johannesburg's Sandton Sun. It raised 704,000 Rand, which went towards bursaries for training black students in wildlife management at the South African Wildlife College (SAWC) operated by WWF of South Africa and underwritten by the Peace Parks Foundation.

The upcoming gala will be held April 4, 2008 at the Intercontinental Sandton Sun and Towers in Johannesburg. PHASA is the largest professional hunting association in the world, a decade-long “Supporting” sponsor of Conservation Force and is taking the lead in developing model practices that will benefit all. For more information on the gala dinner, PHASA can be contacted at admin@phasa.co.za.

Antis Attack Leopard Imports from Uganda and Mozambique:

There is growing reason to be concerned with the import of leopard trophies. In September, the Species Survival Network, SSN, filed a letter comment with the USF&WS Division of Scientific Authority to “urge the United States to utilize domestic measures under the Endangered Species Act to not allow imports of leopards from Uganda because there is no scientific basis for this export quota.” The comment goes on “Similarly, we urge the United States to utilize domestic measures to not allow imports of more than 60 leopards (the quota was increased from 60 to 120 at COP14) from Mozambique because there is no scientific basis for the increased export quota of 120 leopards agreed at COP14.”

The comment states that the SSN had written the USF&WS opposing the quotas before CITES COP14 and suggests that is the rationale the USF&WS International Section relied upon when it published its formal opposition to both quota proposals for COP14. The USF&WS got itself in a “trick bag” when it did that because the scientific

basis cited in the two proposed leopard quotas is virtually identical to that used in the past for all existing leopard quotas and even the ESA downlisting of leopard by the USF&WS from “endangered” to “threatened”. On top of that, the USF&WS's International Section has just adopted regulations effective September 24, 2007 to the effect that they will not accept quotas adopted at a COP by the Parties without making



their own separate biological and management non-detriment determination. Over the objection of the hunting community and range states, the USF&WS has knowingly added new obligations upon itself that can be judicially enforced by the litigious animal rights groups. We've seen all of this coming, but our pleas to the International section and the Administration have been ignored.

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 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.

GRAND SLAM CLUB OVIS



Of course, the leopard is not really at risk at all, much less from trophy hunting and both quotas are *de minimus*. Also, low quotas such as these don't justify multi-million dollar studies and delays. However, we are greatly concerned because of the USF&WS's formal opposition at CITES COP14 that basically quotes the anti's rationale and the International Section's newly codified, self-imposed regulations. Even though the support or passage of rhino and leopard quotas at COP14 are confirmation that the world embraces safari hunting as a force for conservation, such resolutions to facilitate that select kind of trade no longer carry more than nominal weight within the USF&WS bureaucracy.

All of this said, Conservation Force will again represent all leopard import permit applicants from Uganda and those with tags above 60 in Mozambique as a pro bono public service. We are in the midst of preparing the filing of the first import permit from Uganda now and have been working with the authorities of both countries from the inception of both quota requests.

The SSN comment is signed by the coordinator of the North American Regional Bureau of the SSN by a gentleman who used to head the North American division of TRAFFIC and by the Chair of the SSN's Trophy Hunting Working Group, Teresa M. Telecky, Ph.D. of HSUS. Furthermore it lists the following particular “SSN Member organizations” that join in the letter: Animal Alliance of Canada, Animal Protection Institute, Animal Welfare Institute, Animals Asia Foundation, Born Free Foundation, Born Free USA, Care for the Wild International, Cetacean Society International, Co-Habitat, David Shepherd Wildlife Foundation, Fast Forward Foundation, Humane Society of the United States, Humane Society International, Humane Society International-Australia, International Primate Protection League, Pro Wildlife, Society for the Conservation of Marine Mammals, Wildlife Trust of India, World Society for the Protection of Animals, and Zoocheck Canada, Inc. – *John J. Jackson, III.*