



## “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

#### A Second Threat to Polar Bear Imports

■ There is a second threat to polar bear trophy imports into the US that is taking place independently of the “threatened” listing proposal under the ESA. One or more polar bear regions are also being reviewed by the US Fish & Wildlife Service due to the *Kerry Amendment* to the Marine Mammal Protection Act. That is language that Senator John Kerry added to the Marine Mammal Protection Act (MMPA) reform of 1994 at the prompting of Humane Society of the United States. Now, HSUS is insisting on its enforcement.

More than a year ago HSUS and its counterpart, the International Humane Society (HSI), started making demands on the USF&WS’s International Program “to stop allowing the import of polar bear trophies into the United States,” according to Naomi A. Rose, Ph.D. She is HSUS’s top marine mammal scientist that directs HSUS’s “efforts to police the enforcement and implementation of the 1994 amendments to the MMPA.” “HSI has continued to urge the USF&WS to formally review its approval for import of those stocks affected by the quota in-

crease – we firmly believe the law requires the USF&WS to rescind the import approvals, as the best available science does not support a quota increase, particularly one so substantial,” according to Naomi Rose. The “law” she cites is the Kerry Amendment.

Wayne Pacelle, president and CEO



of HSUS stated, “Polar bears are in trouble, as a consequence of global warming. The last thing they need is to be chased down and killed in their Arctic environment by individuals seeking trophies. While the United States prohibits trophy hunting of polar bears, it does allow American hunt-

ers to kill a polar bear in Canada and import the body or pelt back to the United States. The United States needs to close that loophole in the MPMA if it is serious about protecting this vulnerable species.” HSUS reports that USF&WS responded that “[t]he Service is looking carefully at the situation to determine the best and most expeditious course of action to meet our responsibilities....”

In its published proposal to list the polar bear as threatened, the USF&WS states that it is currently reviewing import of polar bear independently of the ESA listing process. It specifically cites the Western Hudson Bay region but references all trophy importing regions. It also has not acted on Conservation Force’s petition to approve the Gulf of Boothia region which has had a well-documented and significant polar bear population increase. Conservation Force petitioned the USF&WS three years ago to approve those trophy imports, but the threat from HSUS has apparently nullified our requests as it so often does.

The Service’s additional authority for review comes from language added

by Senator John Kerry in 1994 when the MMPA was being reformed to permit trophy imports for the first time in more than two decades. First, Congressman Jack Fields, his staff and others had the trophy importation reform passed in the House of Representatives. Then, Senator John Kerry single-handedly deleted the trophy importation authorization when the bill was before the Senate. In the Conference Committee, ranking senior Senator J. Bennett Johnston from my home state of Louisiana at my request saved the trophy import reform that has permitted import of the trophies. He reinserted the trophy import authority. It was then in conference that Kerry added his amendment authorizing the USF&WS to judgmentally review Canadian polar bear quotas to ensure they are sustainable. In the final passage in the Senate after the bill cleared the Conference Committee, Senator Kerry stated on the Congressional Record several times that he was “personally” opposed to the import of polar bear trophies, had done everything he could to kill the trophy import provision without success, but said be assured because he had added language granting oversight authority to the USF&WS to ensure any hunting was biologically sound. It is that language that has caused approval of import of trophies from many regions to be “deferred” by the USF&WS as I feared when I first viewed the language the morning after the compromise. It is now a new cause of concern for those regions that have already been approved for import and is blocking approval of the Gulf of Boothia region. HSUS got Kerry to add that language and is insisting upon its rigid enforcement today. The Kerry amendment is their hook, and the USF&WS International Programs office has its own history.

Though the Kerry amendment added in the Conference Committee gave the USF&WS far more authority and discretion than we or the Canadians would choose, Conservation Force is dealing with this issue and expects to keep most and probably all hunting open in the immediate future. Most populations of polar bear are increas-

ing, and all are benefiting from tourist hunting, which is the best use of the bear and has contributed to what is the undisputed best polar bear management in the world.

**SPECIAL REPORT**

**News... News... News  
Guide To Aging Lions  
Is Now Available**

**C**onservation Force has finally completed its field guide on how to age and judge African lion trophies. The guide is the culmination of two years of work and includes hundreds of color photographs and contributions from 19 of the top African lion specialists in the world. It was a collaborative effort between Conservation Force and Savannas Forever, an organization we have worked with from its inception. It is the first, foremost and most authoritative work of its kind. It is of extreme value to every safari hunter and non-hunter alike. There has never been such a beautifully depicted, informative and useful guide to the *king of the beasts*. The colorful guide is designed to be taken into the bush or to be on a coffee table.

Safari Press, a long-time supporter of Conservation Force, has published the field guide. It is available from them and from *The Hunting Report* at [www.huntingreport.com](http://www.huntingreport.com). Tel. 800-272-5656. Cost is \$16.95, plus \$5.95 shipping within the US; \$8.95 international. Royalties from the sale of each guide go to Conservation Force for its continuing African lion projects. Conservation Force leaders serve on both the Cat Specialist Group of IUCN and the African Lion Working Group for the good of all.

The *Hunter's Guide* is a guide to making trophy selection. It contains the most scientifically up-to-date data on judging the age of African lion. The foremost scientific experts in Eastern and Southern Africa joined together with Conservation Force to provide the best available information. The objective was to apply science for better or the best hunting practices.



**JOHN J. JACKSON, III**  
*Conservation Force*



“SERVING THE HUNTER WHO TRAVELS”

**World Conservation Force Bulletin**

**Editor/Writer**

John J. Jackson, III

**Publisher**

Don Causey

Copyright 2005© by Oxpecker Enterprises Inc. ISSN 1052-4746. This bulletin on hunting-related conservation matters is published periodically free of charge for subscribers to *The Hunting Report*, 9300 S. Dadeland Blvd., Suite 605, Miami, FL 33156-2721. All material contained herein is provided by famed wildlife and hunting attorney John J. Jackson, III with whom *The Hunting Report* has formed a strategic alliance. The purpose of the alliance is to educate the hunting community as well as proadvocacy of hunting rights opportunities. More broadly, the alliance will also seek to open up new hunting opportunities worldwide and ward off attacks on currently available opportunities. For more information on Conservation Force and/or the services available through Jackson's alliance with *The Hunting Report*, write:

Conservation Force  
3240 S I-10 W Serv Road  
Metairie, LA 70001

Tel. 504-837-1233. Fax 504-837-1145.

[www.ConservationForce.org](http://www.ConservationForce.org)

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

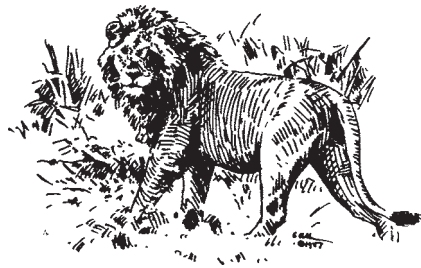
The Hunting Report  
9300 S. Dadeland Blvd., Suite 605  
Miami, FL 33156-2721.  
Tel. 305-670-1361. Fax 305-670-1376.

This is part of a larger collaborative effort between Conservation Force and the African lion scientific community. Conservation Force has led the hunting community's increased efforts to conserve the African lion with dozens of projects and programs across most of Africa, predating the Kenya listing proposal in Bangkok at CITES COP 13. Tourist hunting has a critical role to play in conserving lion beyond the borders of protected areas and protected-area lions when they seasonally range out from those areas. Most existing lion habitat and prey are in Africa's tourist hunting areas. We are focused on these areas beyond the protection of park boundaries. In those areas, tourist trophy hunting can maximize the value of lions to both the authorities and local people who will ultimately determine its fate. Moreover, the biological consequences of taking lions can be minimized if all lions taken are six years of age or older. For example, the cubs of most pride males are generally old enough to survive pride takeover if the pride male has reached six years of age when removed. The strategy of limiting the harvest to older males is in harmony with tourist trophy hunting, and it raises the esteem of this important “Big Five” game species. It is believed to be the best management practice at this time.

More trophy lions will be available if young males are spared to grow older. The overall take will be less because fewer lions live to the age of six

or more, though that is only an incidental consequence. The whole lion population will be more robust due to the survival of more cubs. It's time that safari hunters stop settling for anything less than a mature lion. Who has more to lose than the safari hunting world if African lions don't survive?

The guide aims to increase the conservation value of lions as well as serve as an aid to hunters. The fact of being a game animal can serve a species well. Being a true trophy serves it even bet-



ter.

Conservation Force is endeavoring to better forge hunting into a force for conservation. We know and promise that all will find the guide useful, and we wish fellow hunters luck in their quest to genuinely make the *king of beasts* a memorable part of their life experiences.

Conservation Force contracted the guide that was authored by Karyl L. Whitman and Craig Packer. It could not have been completed without the guid-

ance of Craig Packer, and is a fundamental part of Savannas Forever. It is one more important step in our effort to establish best hunting practices and tweak hunting as a force for conservation. It also demonstrates the hunting world's good faith to the scientific community as we work together to save beasts at risk because of conflicts with man. The Guide was primarily funded by Conservation Force with help from Dallas Safari Club, the International Council of Game and Wildlife Conservation (CIC), the International Professional Hunters Association (IPHA), the Rann-Force Program (Rann Safaris), and the Chancellor International Wildlife Fund that has helped fund so many of our projects and programs. The principle reviewers were myself, Luke Hunter of WCS, George Hartley, Markus Borner, Debbie Peake, Shane Mahoney, David Erickson, Sarel van der Merwe, Philippe Chardonnet, Bertrand des Clers and Dr. Craig Packer of the Serengeti Lion Project and Savannas Forever. The true list of contributors goes on and on and includes most of the top African lion authorities of today.

Special thanks are also due four prominent advertisers at the back of the book that helped offset the printing and distribution costs of the publication: *Sports Afield* magazine, *Animal Artistry*, *W.J. Jeffery & Co. Ltd. London*, and *LEGENDARY ADVENTURES, Inc.*

---

### Briefly Noted

---

**A Jewel from Basie Maartens:** Basie Maartens needs no introduction as a professional hunter, founding member of the International Professional Hunters Association and its past president, and a pioneer of the modern safari industry. He has recently published his autobiography entitled *The Last Safari* which was published by Sycamore Island Books. We've lifted an important thought expressed by Basil that has enlightening value to all of us who hunt:

*“The ultimate challenge that faces*

*us in our quest for staying alive in the hunting world is to create a culture of hunting that maintains respect for the animal and acknowledge the spirituality that takes it to a higher level than a mere trophy on the wall or venison for the table.”*

Some hunters state that they hunt for the meat or only hunt what they can eat, when we all know there is much more to hunting than that. Hunters want a trophy and want to bring back memorabilia and symbols from the hunt, but we also all know there is

more to the hunt than that as well. A good hunt is a higher-level spiritual experience above all else in the world. As Karen Blixen of *Out of Africa* said, “Nothing in all the world is like being on safari in Africa...” For more on why we hunt and what it means in human terms see Conservation Force's website at <http://www.conservationforce.org> and click on the *Why We Hunt* link.

Conservation Force's website, by the way, is finally back up after the Katrina disaster. Though much of it is still under construction, a viewer will

not know that a great deal more is being built off-site to add to it over the next few months. Materials are being added to it daily.

□

**Update on Polar Bear Suits and Listing Proposal:** The Center for Biological Diversity has voluntarily dismissed its original suit in federal district court due to the USF&WS completion of stage two of the listing process in late December as agreed. The Center has now filed a new suit. The new suit is under the Marine Mammal Protection Act and the National Environmental Policy Act and is a harbinger of what is to come. It is directed at enjoining all oil drilling operations in Alaska that may impact polar bear and walrus in the entire Beaufort Sea.

The suit is *Center for Biological Diversity and Pacific Environment v. Dirk Kempthorne and United States Fish and Wildlife Service*. It was filed on February 13, 2007 in the same court as the last, the Federal District Court of Northern California. It is a suit for declaratory and injunctive relief against the issuance of incidental take permits issued by the USF&WS to oil companies. In a Catch 22, it cites as established fact all of the USF&WS's own findings in the proposed rule to list polar bear. In summary, it claims that both the polar bear and the Pacific walrus are suffering due to changes to their habitat due to global warming, therefore “incidental take permits required by the MMPA should not be issued.” Long ago, Congress amended the MMPA to authorize the issuance of incidental take permits to industry with various conditions. One such condition is that the Service must explain its rationale in detail if it issues an incidental take permit when it is contrary to the recommendations of the Marine Mammal Commission. The petition alleges that the Service is not following the MMC's recommendations to the letter.

The incidental takings permits don't authorize direct takings such as hunting permits do, but permit incidental impact and deaths accidentally caused by exploration, production and transportation activities. It is not

nearly as stringent as intentional harvest and importation of trophies of “threatened” listed marine mammals. One can imagine where this is going. It threatens all oil production in the Beaufort Sea, including Prudhoe Bay and the North Slope's 26 producing fields, the Northstar facility and even cites the fact that though there is no drilling on the Arctic National Wildlife Refuge, the permits being challenged border the refuge. The suit can be found at [http://www.earthjustice.org/library/legal\\_docs/polar-bear-take-complaint.pdf](http://www.earthjustice.org/library/legal_docs/polar-bear-take-complaint.pdf).

□

**Mozambique Elephant Trophy Import Appeals:** Conservation Force has filed the final appeal of the denials of the elephant trophy import permits from Mozambique. It is an appeal of all the permits that have been denied since the country reopened safari hunting of elephant in 2000 in furtherance of its *National Strategy for the Management of Elephants in Mozambique*.

The International Program office of the USF&WS (made up of the Division of Management Authority and the Division of Scientific Authority) made little or no attempt to defend all of its reasons for denying the import permit applications in their response to Conservation Force's *Request for Reconsideration* of the original denials. The

issues appear to have been narrowed by the reconsideration process. The Division of Management Authority is now stating that it can't make a non-detriment finding under CITES and the Division of Scientific Authority is stating it can't make the “enhancement” finding under the Endangered Species Act because, they both state, Mozambique's *National Strategy for the Management of Elephants in Mozambique* is not a “national management plan”. The divisions state that the existing national strategy is but a step in the process, not a more detailed plan. It has taken the USF&WS more than six years to make this reason known to the applicants, much less to the authorities in Mozambique. Such a national plan bears little or no relationship to the local communal-based tourist elephant hunting management programs that are more advanced and intensive than such a national plan. The elephant safari hunting is years ahead of any such broad national plan. The denials are the epitome of bureaucracy and facially illegal because the reason is too unrelated to the hunting projects in issue and has no basis in law or regulation. No such arbitrary requirement has been published, much less been adopted after being published for public comment and noticed in the Federal Register as required by the Administrative Procedures Act and the Endangered Species Act. Unfortunately, the arbitrary requirement that Mozambique have a more detailed national plan for its elephants (such plans normally focus on fully protected park lands/parks) will apply to the Niassa Reserve area permits. Those permits are not yet denied and are still pending because that area has only recently been opened. On the other hand, if this new requirement for a specific kind of national plan withstands our administrative and expected judicial appeals, our efforts are at least ferreting out what more needs to be done to establish the imports. Now we can focus on that target too.

The appeal and list of 70 exhibits can be viewed on Conservation Force's website at <http://www.conservationforce.org>. – John J. Jackson, III.

#### 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](http://www.wildsheep.org).

GRAND SLAM CLUB  OVIS