



“SERVING THE HUNTER WHO TRAVELS”

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

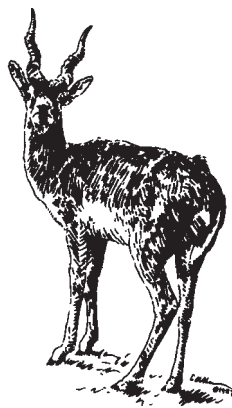
Special To The Hunting Report World Conservation Force Bulletin

by John J. Jackson, III

□ Scimitar-Horned Oryx, Addax and Dama Gazelle Affected US Lists New Foreign Species As Endangered

■ In September 2, 2005, the US Fish & Wildlife Service listed the scimitar-horned oryx, addax and dama gazelle species as “endangered” under the U.S. Endangered Species Act, 70 FR 52319-52324. Though all three desert antelope of northern Africa certainly qualify for the listing, the listing is not expected to benefit any of the three. The listing of foreign species under the Act does not provide the hosts of benefits available to listed domestic species, such as designation of critical habitat, recovery planning, cooperative arrangements or related funding. Three independent specialists reviewed and approved the rule as based on scientifically sound data, assumptions, and analysis. The only two range country governments that responded also supported the rule. Generally, all 56 commenters supported the scientific basis of listing in the wild, but most wanted to exclude listing of captive-bred specimens as captive herds are robust. Nevertheless, the US Fish and Wildlife Service ruled that, “[i]t would not be appropriate to list captive and wild animals separately.” The

Service responded to those oppositions by proposing a special rule to allow taking of the three antelope within the USA without permits. The Service simultaneously adopted a special rule (see below) to allow some limited hunting to benefit the species, but the anti-



have already filed suit to enjoin that rule (also see below).

The rule is unique because it has been pending since November 5, 1991, when it was first filed by the Service, a record-breaking 14 years. We challenged it when it was re-noticed in the Federal Register on July 24, 2003 and to no avail argued that it was aban-

doned. The Service states in its Final Rule that “no comments were submitted that demonstrate” the “species do not qualify as endangered,” but that must be distinguished from Conservation Force’s challenge that the proposal was no longer valid, which the Service did not address.

It is important to note that regulated tourist hunting was not found to be a threat to the species, but that is the trade that is prohibited by the listing. “Uncontrolled killing”, much of it by the military and other government officials “have inflicted the most devastating losses,” according to the Service. “An important new problem (1990) has been the arrival of nonresident hunters, mainly from other African countries and the Middle East...traveling in large motorized caravans and equipped with automatic rifles, these parties have ignored local laws...” The Service listed all of the species “wherever they occur,” over the objection of most commenters that wish to exclude those captive-bred. The listing includes those on US game ranches, zoos, in South Africa and in

the eastern countries undertaking captive breeding and reintroduction efforts.

An Important Exception

■ Although all populations of scimitar-horned oryx, addax and dama gazelle are listed “wherever they occur,” the Service has added new regulations to govern certain activities with those in the US. The Rule (70 FR 52310-52319) authorizes certain otherwise prohibited activities that embrace the propagation or survival of the species. The rule authorizes live trade and taking (hunting) without a case-by-case permit. This new exception only applies to specimens that are captive-bred within the US. The US game ranchers who want to benefit from the exception “must maintain accurate written records of activities, including births, deaths and transfers,” they must be captive-bred in the US, they must be “managed in a manner that prevents hybridization (crossbreeding)” and they also must be “managed in a manner that maintains genetic diversity.”

There are actually eight enumerated conditions and the eighth deserves special attention. For import and export purposes, “the sport-hunted trophy consists of raw or tanned parts, such as bones, hair, head, hide, hooves, horns, meat, skull, rug, taxidermied head, shoulder, or full mount, of a specimen that was taken by the hunter during a sport hunt for personal use. It does not include articles made from a trophy, such as worked, manufactured, or handcraft items for use as clothing, curios, ornamentation, jewelry or other utilitarian items for commercial purposes.” This is an unprecedented limitation (or definition of the term “trophy”) that was first suggested to the Service by anti-hunting interest. It solves a problem that does not exist and may prevent trophies such as hoofs as bookends, teeth in jewelry, and skins for pillows, vests, and belts. The savings, hopefully, will be the verbiage that the item is made for “commercial purposes.” Nevertheless, this restriction must be watched closely to prevent its extension to trophies of other species made for non-commercial purposes. Such so-called “utilitarian”

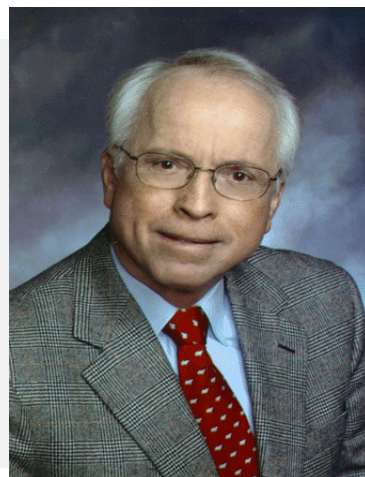
items can be very dear to the hunters that want them for personal use.

The underlying basis for this new and unprecedented regulatory exception by the Service is the simple fact that hunting in the US has saved these three species from total extirpation and can continue to save them. Their populations in the US have increased largely due to hunting while those in the wild have declined or become extinct. The Service found that “[c]aptive breeding in the United States has enhanced the propagation or survival of the scimitar-horned oryx, addax, and dama gazelle worldwide by rescuing these species from near extinctions and providing the founder stock necessary for reintroduction. Sport hunting of surplus, captive-bred animals generates revenue that supports these captive-breeding operations and may relieve hunting pressure on wild populations.” The new regulations are a refreshing shift to recovery rather than just the customary narrow protection arising from the listing which serves little good.

The Service said it received 181 comments with 42 in support of the new regulations allowing the continued use of the listed species. “Organizations in support of the rule were the American Zoo and Aquarium Association (AZA), Conservation Force (on behalf of over 10 hunting and taxidermy organizations), the Exotic Wildlife Association, Safari Club International and the Texas Wildlife Association,” the Service said. Conservation Force actually submitted several comments at different stages on behalf of itself, the National Taxidermists Association, Dallas Safari Club, Houston Safari Club, African Safari Club of Florida and others.

There were 139 Commenters opposed to the proposed rule, but most of those were a repeated form letter given little weight. The opposers included the Animal Protection Institute, Defenders of Wildlife, The Humane Society of the United States (representing 22 organizations) and TRAFFIC North America. It also included the Center for Biological Diversity and Friends of Animals.

The Service found that hunting of



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
One Lakeway Center, Suite 1045
Metairie, LA 70002
Tel. 504-837-1233. Fax 504-837-1145.
www.ConservationForce.org

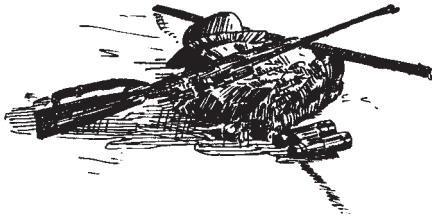
For reprints of this bulletin or permission to reproduce it and to inquire about other publishing-related matters, write:

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

the exotic antelope in the US benefits them. “This rule will reduce the threat of extinction facing the scimitar-horned oryx, addax, and dama gazelle by facilitating captive breeding.... Captive breeding, has (already) contributed significantly to the conservation of these species.... Ranches and large captive-wildlife parks...are able to provide large areas of land that simulate the species’ native habitat and can accommodate a larger number of specimens than can most urban zoos. Thus, they (ranches) provide opportunities for research, breeding, and preparing antelopes for eventual reintroduction.... [B]ut for captive breeding, it would be difficult, or in some cases impossible, to restore the species in the wild. One way this rule will reduce the threat of extinction is by allowing limited sport hunting of US captive-bred specimens to facilitate captive breeding of all three species. Given the cost of establishing and maintaining a large captive breeding operation and the large amount of land that is required to maintain bachelor herds or surplus animals, it is difficult for many private landowners to participate in such recovery. An incentive to facilitate these captive breeding operations and ensure that genetically viable herds are available for future reintroduction programs is to allow the limited hunting of captive-bred specimens. Most of the available land for captive-held specimens is owned by private landowners (ranchers). In Texas, the number of ranched scimitar-horned oryx went from 32 specimens in 1979 to 2,145 in 1996; addax increased from 2 specimens in 1971 to 1,824 in 1996; and dama gazelle increased from 9 in 1979 to 369 in 2003.... Limited hunting of captive-bred specimen facilitated these increases by generating revenue for herd management and the operation of the facility. Ranches also need to manage herds demographically.... Such management may include culling specimens, which may be accomplished through hunting.... Hunting also provides an economic incentive for private landowners such as ranchers to continue to breed these species and maintain them as a genetic reser-

voir for future reintroduction or research, and as a repository for excess males from other captive herds. Sport hunting of US captive-bred specimens may reduce the threat of extinction of wild populations by providing an alternative to legal and illegal hunting of wild specimens in range countries. Thus, hunting of US captive-bred specimens of these species reduces the threat of the species’ extinction.”

The rule goes on for an uncommon 19 pages recognizing and reiterating the “vital role” that captive breeding and hunting has contributed and can continue to contribute. The Service states that “[h]unting has a long history of contribution to conservation in the United States. The Service acknowledges that wildlife populations and habitats have been sustained through the financial contributions of



hunters.” The hunting “has caused captive-bred specimens to proliferate, thus contributing to their propagations and increasing their chance of survival.”

We at Conservation Force fully agree with the new rationale.

We must point out that hunting without a permit is illegal unless the eight criteria are followed. Also, CITES export and import permits are still necessary for international trade because the species are all on Appendix 1 of CITES, which is wholly separate from the ESA. A non-detriment finding, rather than an enhancement finding is necessary for CITES permits. CITES permits should be readily available from the US but may be difficult to obtain from other countries.

The new regulations are unprec-

edented recognition of how game ranching and hunting can save an endangered species. The regulations are an innovative attempt to save the species, or as the Service states “is the best management scheme to encourage continued captive breeding and management of these species.”

The Service gives other examples “when take of a listed species benefits conservation” of the species, including sport hunting of African elephant. Though some take issue with the hunting of intensely managed (canned) game, others think that the conservation of the species should be the first concern and ultimate ethic. Where would the intensely managed white rhino of South Africa be but for game ranching? The animal rights groups portray the hunting of captive-bred animals to be inhumane and cruel. Currently, there is even a movement within South Africa to limit the hunting of intensely managed animals (See below).

The Antis Counter-Attack

■ Enjoy all the favorable language in the new regulation because it may be short lived. The new regulation became effective October 2, 2005 and the antis filed a suit for declaratory and injunctive relief in the Federal District Court of the Northern District of California on the 26th of October. The suit is Rebecca Ann Cary, Debra Joan Boban, Misti Marie Schmidt, Marcia Slackman, The Humane Society of the United States, Defenders of Wildlife, Kimya Institute, Born Free USA, Bill Clark v. Dale Hall and Gale Norton, case number C 05-4363 VRW. All of the plaintiffs are from California except Born Free USA of Washington, D.C., and Bill Clark of Israel. Most of the individuals are members or staff of Humane Society of the US. Born Free USA claims to be a companion group to the United Kingdom-based Born Free Foundation that “works to curtail the international trade in sport hunted trophies” and “canned hunting”. “Born Free USA also serves on the Species Survival Network Trophy Hunting Group (a committee of the SSN), which monitors export quotas and proposals for trophy exports.”

The suit claims that the regulations are unlawful because they permit the “canned hunting” of endangered species, and, second, because the regulations bypass the requirement for a case-by-case permit with the related publication of a public notice and commentating opportunities. The suit also challenges the regulations under the National Environmental Protection Act (NEPA). The suit is 43 pages long, but most of its self-serving allegations are not material to the three claims. Many of those paragraphs opine that “canned hunting” is cruel, that the hunting within the US somehow will increase illegal hunting in northern African (just the opposite of the US Fish & Wildlife Service and independent experts’ findings), and statements implying that regulated hunting had a significant role in the decline of the three species by confusing regulated with uncontrolled hunting. The suit was filed by the same attorneys that filed the Argali Suit. We can email a copy of the suit to anyone who contacts me at jjw-no@att.net.

Research of the press releases and websites of the plaintiffs is revealing. HSUS claims that “SCI, Exotic Wildlife Association, and Conservation Force successfully blocked the ESA listings for these species for more than ten years.” Also, the antis have formed a “Wildlife Protection Coalition” to end captive breeding of exotic animals in the US. It is that coalition that filed this suit. Born Free USA believes “wildlife belongs in the wild” and its motto is “keep wildlife in the wild.” It is that same coalition that has been pushing for the Sportsmanship in Hunting Act of 2005 aimed at ending exotic wildlife hunting.

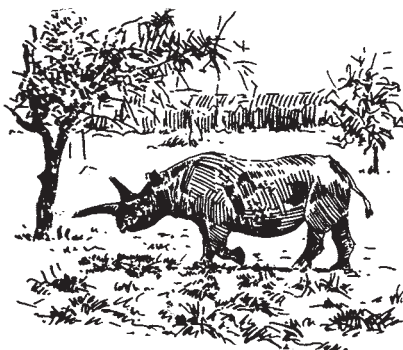
Panel of Experts Report

■ While the US Fish & Wildlife Service is recognizing and facilitating the unique conservation potential of hunting captive-bred game animals, the Ministry of Environmental Affairs in the Republic of South Africa is struggling with the same practice that saved its rhino and bontebok. An appointed panel of experts wants to eliminate RSA’s populations of exotic species (including oryx, dama gazelle and ad-

dax) and may no longer view game ranching of exotics to be of conservation value.

On October 25, 2005 the Panel of experts on Professional and Recreational Hunting in South Africa issued a report commissioned in June 2005. The panel was asked to provide advice to the Minister on norms and standards for the hunting industry.

It estimated that 17 million hectares are used for wildlife production and that 2 to 2.5 percent per annum are being converted from livestock to wild-



life production. RSA offers the largest number of species available to hunt in the world (estimated to be 60 to 96). The estimated economic value of the hunting is estimated to be from 450 million to 3 billion Rand for biltong hunting and 153 million to 832 million Rand for trophy hunting. The Panel concluded that “the contribution

hunting makes to the wildlife industry outstrips other sources of revenue such as live wildlife sales and non-consumptive tourism. Moreover, many foreign hunters also contribute significantly to the tourism industry. Another clear conclusion is that the value of biltong hunting exceeds that of trophy hunting.” There are five to six thousand direct jobs for sport hunting and 63,000 jobs on wildlife production units. The recommendations can no doubt turn this growth around.

The Panel found “that there is little evidence to demonstrate that the breeding of wildlife in intensive wildlife systems is motivated by conservation objectives.” However, the Panel “did recognize the potential contribution to bio-diversity made by some intensive wildlife production units where threatened or protected species are being bred to be introduced into extensive production systems for non-hunting purposes.”

The Panel Report is just the first advisory step but is expected to culminate in national law and regulations. It both praises the industry and condemns some of the practices of a few. On the one extreme, the recommendations include elimination of hunting captive bred game, greatly restricted hunting in buffer zones, no hunting in parks, no repetitious recreational darting of game, no bowhunting of large predators (lions?) and thick skinned game like rhino and elephant, no “canned hunting” and no use of bait or traps. On the other extreme, it recommends a prohibition against “put and take” hunting, dog hunting, opposes exotic game ranching and hybridization, and opposes using hunting as a means of problem animal control.

The Panel puts a heavy emphasis on “fair chase” and plainly demonstrates a willingness to endure the economic losses that may follow. Some questionable practices by a few in RSA may lead to sweeping regulatory reform and no doubt, better practices and greater oversight. The Panel is just the first step in the reform, but this is something that South Africa will work out for itself. – *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.

GRAND SLAM CLUB  OVIS