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## “SERVING THE HUNTER WHO TRAVELS”

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*“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

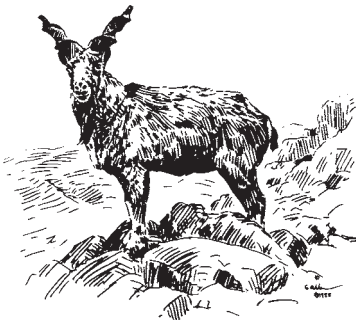
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#### □ ESA Trophy Importation Draft Policy Who Said What: A Compendium Of Comments

**A** lot can be learned from a study of the comments filed supporting and opposing the US Fish & Wildlife Service Notice to permit imports of species listed as “endangered” when it “enhances” their survival and propagation. The Draft Policy for Enhancement of Survival Permits for Foreign Species Listed Under the Endangered Species Act, 68 FR 49512 (August 18, 2003) is the single most important development in recent times to those of us who operate in the international conservation arena. In this bulletin, we unlock the secrets of some of the supportive comments filed away in the federal records.

In short, a practice has evolved within the Service over a period of many years that is contrary to the ESA (Endangered Species Act) and ESA regulations. The Service has granted import permits for “threatened” listed game animals on an “enhancement” basis from the inception

of the ESA, but in practice has never managed to find enhancement for “endangered” listed species. An unpublished policy exists against enhancing foreign game species when they are listed as “endangered.” The



illegal policy denies those game species the “enhancement” that the import permits would provide and discourages range nations’ programs. The purpose of the Draft Policy is to change that practice to recognize and

reward programs, provide incentives and generate revenue to recover the species in select cases. Those select cases are some of the most scientifically advanced management programs in the world, but they are dependent upon tourist hunting.

The Draft Policy cites two world-renowned endangered listed species examples - the Pakistan markhor and Canadian wood bison. CITES has encouraged programs conserving these two species by creating a quota for markhor trophies and by downlisting wood bison to facilitate trophy imports. Nevertheless, applications to import those trophies into the US have been gathering dust for years within the USF&WS, which has not processed them because of an unwritten policy. It has even become practice to find reasons to deny such permits though it would enhance the species’ survival, in effect denying the enhancement/benefits.

Incidentally, the requirement that

permit applicants prove “enhancement” for trophy import of “threatened” listed species is a self-imposed requirement the Service created under its general regulatory authority to adopt rules and regulations it deems appropriate to carry out the purpose of the ESA. It has chosen to impose the “endangered” listed species standard of “enhancement” on “threatened” listed species, yet, over a period of time, developed the practice of never finding “enhancement” for trophy importation of those listed as “endangered.” Of course, an “endangered” listing does not mean the species or particular population of the species is, in fact, in danger of extinction or that licensed, regulated, lawful trade or tourist hunting is causatively related to its “endangered” status.

Conservation Force filed the longest, most comprehensive com-

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**“Well-regulated legal, trade/harvest has been at the forefront of the successful North American Model of Wildlife Management.”**

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ment with the most supporting documents submitted by those supporting the Draft Policy. The name “Conservation Force” stands for the fact that hunters are a formidable force for wildlife and habitat conservation. Unfortunately, the ESA “practice” of not permitting has denied hunters and their organizations the opportunity to conserve foreign game species listed as “endangered” and has denied those game animals the enhancement and benefits of regulated hunting, even when the programs are some of the most advanced in the world.

The International Association of Fish and Wildlife Agencies perhaps filed the most succinct comment. IAWFA is composed of all the State and Provincial wildlife agency Directors who know best. They stated:

“By and large the recommended change in permit issuance process will result in a very position change

in the ability of both foreign and domestic interests to manage CITES and ESA listed species in their country. Well-regulated legal, trade/harvest has been at the forefront of the successful North American Model of Wildlife Management. We suspect that well-regulated, legal trade/harvest programs in other countries will meet with the same success. The modification to the permitting process that the Service is recommending will further allow many countries to enhance their ability to set in motion management programs that will ‘Enhance Survival’ of many species. It has been the experience of our state and regional partners that wildlife must have value to the people who must live with it or they will not be motivated to conserve it.”

The National Wildlife Federation was the only hunting supportive organization that opposed the Draft Policy. The National Wildlife Federation issued a “strong” opposition containing a “minimum” safeguard that, out of precaution, no species listed as “endangered” ever be imported. It also issued an emotive press release/action alert with a blazing attack on the Bush Administration for the Draft Policy. It describes the Draft Policy as being “laughable.” It could not be more wrong. The Draft Policy was prepared during the Clinton Administration. Moreover, “endangered” listed species generally need “enhancement” the most.

FNAWS stated that it “strongly supports Enhancement of Survival permits for foreign species listed under the Endangered Species Act ... These permits provide the financial incentives necessary to encourage the conservation of these species.” It pointed out that in North America the wild sheep population has increased from 50,000 to more than 200,000 and that “[t]he most successful of these efforts, and the funds needed to support them, have been the direct results of sport hunting.”

The Grand Slam Club/OVIS stated:

“[W]e are able to raise conserva-

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



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**Editor/Writer**

John J. Jackson, III

**Publisher**

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Conservation Force  
One Lakeway Center, Suite 1045  
Metairie, LA 70002  
Tel. 504-837-1233. Fax 504-837-1145.  
[www.ConservationForce.org](http://www.ConservationForce.org)

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The Hunting Report  
9300 S. Dadeland Blvd., Suite 605  
Miami, FL 33156-2721.  
Tel. 305-670-1361. Fax 305-716-9119.

## *“Serving The Hunter Who Travels”*

tion dollars only in areas where import permits are allowed ...” “Our largest source of revenue for wild sheep and goat conservation and management comes from auctioned hunts. No one wants to purchase for fair value a hunt at auction when they cannot import the trophy.” Had many animals not been listed “they would be much better off today.” “If the Service were to begin issuing import permits under the proposed draft policy, our ability to raise and donate funds for these animals would be greatly increased. In other words, your draft policy will better enable us to carry out our mission.” “As game species, the wild sheep and goats of the world have an edge on survival, but the USF&WS must grant import permits for the benefit of hunting to come into effect ... The USF&WS has abdicated that responsibility for too long ... we welcome the great potential of this new policy and look forward to working with the USF&WS as a conservation partner and steward of all the wild sheep and goats of the world.”

Dallas Safari Club said: “Some demonize our members as ‘wealthy’ hunters just because they are doctors, dentists, lawyers, other professionals and successful business and civic leaders. That is not a valid criticism. Regardless, the Service’s new policy will put that ‘wealth’ to work for listed species instead of denying it to the species. Let us help you. Treat us as partners.

“We believe that the USF&WS has been unduly influenced by animal rights organizations in their administration of the ESA. Those people are against all animal use. They strongly prefer that the animals no longer survive or exist, rather than be used. That is contrary to the propagation and survival goals of the ESA and our organization’s goal to propagate game.

“We are also concerned that many popular conservation organizations today have no practical experience in sustainable use. Many specialize in protection, environmentalism or non-game wildlife. They are

not the game conservation or sportsmen’s organizations and state agencies that practice sustainable use day in and day out. They have not been in the business of propagating game for over a hundred years. Their opinions are rather academic and, we expect, over-precautious. It is really outside of their area of expertise, but they are bound to send in their opinions. Though well meaning, their opinions should not be given undue weight. It can be surprising how little management experience they have....

“The issuance of permits can also be a reward to those foreign programs that are deserving. That, in turn, can be a model and example for other countries to imitate. This is a preferred alternative to permit deni-



als that discourage foreign programs and obstruct their revenue streams and devalue their resources. At least help us save the game animals that are listed. If the underlying foreign program enhances the species, so does the permit to import the related trophy ... You can count on Dallas Safari Club and Dallas Ecological Foundation to help increase the net benefit that is bound to arise from the improved permitting practices.”

The highly regarded Wildlife Management Institute (WMI) that holds the North American Wildlife Conference each year also supported the Draft Policy: “WMI commends the USF&WS for drafting this policy, which enhances the ability of the Endangered Species Act to be used as an important tool to encourage wildlife conservation in foreign countries ... [P]ermitting the impor-

tation ... provides an opportunity for the Service to encourage nations to manage, protect and conserve those species, as well as their habitats.” It warned the Service that “holding a range country to an unreasonably high initial standard may undermine long-term conservation efforts. We recommend that adaptive management principles be applied when evaluating the sufficiency of a particular program, and some consideration should be granted to a program’s likelihood for improving. In many range countries, the ability to issue permits may be the only mechanism to fund programmatic growth.” It concluded: “While this policy may be contentious, its long-term benefits to wildlife conservation far outweigh the controversy that it may generate. Congratulations on moving in this direction.”

The International Foundation for the Conservation of Wildlife stated that the past practice “has had the perverse effect of depriving wildlife conservation agencies in developing countries from direly-needed financial resources to carry out their mandate of conserving wildlife and its habitats from the well-known pressures brought upon them by poachers, expansion of agriculture, livestock, forestry plantations, etc.”

The International Council for Game and Wildlife Conservation also expressed concern about the past “practice” of not issuing any permits and denying permits by subterfuge finding: “Indifference towards and inconsideration of African range nations’ programs is contrary to the plain wording of the ESA. The practice of denying or delaying the issuance of permit applications of trophies taken in regulated hunting activities that are important components of African range nations’ conservation programs is not ‘cooperation’, ‘encouragement’, or ‘consideration’. We respectfully suggest that USF&WS does not send intrusive messages that berate African countries’ demonstrated conservation successes or belittle these countries’ expertise, achievements and dignity.

Encouragement means recognition and reward, not insult. Denials, comments and conditions that demean are counter-productive.”

Resource Africa (formerly of Africa Resources Trust) provided: “We have strong evidence to show that total trade bans can be highly counterproductive. Many species need protection but can thrive with controlled trade ... the past ‘proscriptive’ approach of the ESA conflicts with common-sense ... the ESA actually works against conservation.” As an example, the Resource Africa of Cambridge said, “[G]overnments cannot enforce conservation without local support. A total ban may deprive local populations of any lawful source of income from their wildlife. In contrast, well-regulated offtake can provide sizeable economic incentives to local populations, thus encouraging conservation.”

All the responding foreign governments supported the Draft Policy. The Northwest Territories and also the Fort Providence Resource Management Board both cited the benefits of the higher revenue from guided international hunts. The Wildlife and Fisheries Director of NWT wrote that a limited sport-hunt by international hunters was part of the “recovery goals” of wood bison and more was needed “to encourage the establishment of long-term cooperative management programs for wood bison in which rural communities and aboriginal people play an integral role.”

The Director of the Yukon Fish and Wildlife Branch of Yukon Environment wrote that its herd of wood bison (ESA endangered) has met Canada’s National Wood Bison Recovery Plan’s recovery goal since 1988 and “is growing at an annual rate of 15 percent to 18 percent.” Harvest, through hunting, is an important component of our wood bison management strategy.”

The Permanent Secretary of the Ministry of Environment & Tourism of Namibia really put it well: “[E]very attempt should be made to

support their (range states’) conservation efforts, rather than place barriers that undermine these programs. The proposed policy change will encourage and facilitate the conservation of foreign species listed under the ESA through the economic incentives for conservation that can be created through the sustainable use of such species. The hunting of such



species under controlled conditions is a low-impact and economically favorable way of achieving such use, but is of course dependent on the ability of non-resident hunters to import trophies ...

“We also consider it to be very important that practical criteria be used to determine those species for which imports will be allowed, to

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*The Hunting Report* and Conservation Force would like to thank International Foundation for the Conservation of Wildlife (IGF) for generously agreeing to pay all of the costs associated with the publishing of this bulletin. IGF was created by Weatherby Award Winner H.I.H Prince Abdorreza of Iran 25 years ago. Initially called The International Foundation for the Conservation of Game, IGF was already promoting sustainable use of wildlife and conservation of biodiversity 15 years before the UN Rio Conference, which brought these matters to widespread public attention. The foundation has agreed to sponsor *Conservation Force Bulletin* in order to help international hunters keep abreast of hunting-related wildlife news. Conservation Force’s John J. Jackson, III, is a member of the board of IGF and Bertrand des Clers, its director, is a member of the Board of Directors of Conservation Force.



International Foundation for the Conservation of Wildlife

avoid the burden of proof becoming too cumbersome for range States and thereby effectively invalidate the objectives of this change in policy, if adopted.

“In the context of Namibia, I wish to emphasize that our most serious challenge is in maintaining our great diversity of wildlife on land outside formally proclaimed protected areas, in the face of increasing demands on land by an essentially poor rural population. Our approach is thus based on developing the best possible incentives for people to retain wildlife, through maintaining the highest possible values on wild species and natural landscapes. Without these values and a competitive contribution from these resources for the development and well-being of our nation, we will not be able to stop the progressive loss of wildlife habitat to other forms of land use.

“Namibia has made considerable progress in this regard and species which can be used commercially and exported without undue constraint are thriving on land outside parks where our community-based programs are operational. We believe that the time is right to expand this working incentive-based system to other species as well, and we congratulate the Fish and Wildlife Service for proposing this particular policy amendment. We remain fully committed to manage our wildlife resources sustainably and with the participation of disadvantaged rural communities, as provided for under our own policy and legal frameworks. We give our strong commitment to cooperate with the Fish and Wildlife Service to make this policy change a success and an effective conservation mechanism.”

Space does not permit more. In conclusion, this is not about hunting for itself. It is about building conservation infrastructure, incentives, budget and recovery revenues. It is about enhancement and encouragement versus devaluation, punitive barriers and discouragement. It is about saving wildlife, finally. – *John J. Jackson, III.*