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Joshua Winchell
Council Designated Federal Officer
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041-3803
Via email: joshua_winchell@fws.gov

Re: Comments from Born Free USA and Born Free Foundation (collectively, “Born Free”) Opposing the Establishment of the International Wildlife Conservation Council (No. FWS-HQ-R-2017-N118)

Mr. Winchell,

The United States Department of the Interior (“DOI”) is seeking comments on the establishment of the International Wildlife Conservation Council (the “Council”), which will, inter alia:

- provide advice to the Federal Government, through the Secretary of the Interior, on increasing public awareness domestically regarding the conservation, wildlife law enforcement, and economic benefits that result from U.S. citizens traveling to foreign nations to engage in hunting; and
- advise the Secretary of the Interior on the benefits international hunting has on foreign wildlife and habitat conservation, anti-poaching and illegal wildlife trafficking programs, and other ways in which international hunting benefits human populations in these areas.¹

Born Free strongly recommends that DOI rejects the establishment of the proposed Council, which is not essential and duplicates the role of the existing Wildlife and Hunting Heritage Conservation Council (the “WHHCC”),² is not in the public interest, and would not be fairly balanced in terms of its membership or the advice it would give.

The Council is Non-Essential.

The Federal Advisory Committee Act (“FACA”), under which the Council would be established, requires that “new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary.”³

A pro-hunting Council already exists in the form of the WHHCC, formed in 2010, with a mandate which includes “advising the Secretary of the Interior and the Secretary of Agriculture on wildlife and habitat conservation, and recreational hunting issues.” Membership of the WHHCC is comprised of a large

¹ 82 Fed. Reg. 51,857 (Nov. 8, 2017).

² See <http://www.fws.gov/whhcc/>.

³ 5 U.S.C. Appx. 2, § 2(b)(2).

number of hunting interests, including representatives from big game hunting organizations, and tourism, outfitter and/or guide industries related to hunting and/or shooting sports. The mandate of this existing council (WHHCC) could incorporate the proposed activities of the proposed Council. The creation of a second Council with a broadly similar purpose and mandate is therefore unnecessary, and in violation of FACA.

The Council is Not in the Public Interest.

FACA requires that establishment of such a council be in the public interest.⁴ However, the purpose of the proposed Council is clearly focused on promoting the interests of American trophy hunters who hunt internationally.

International trophy hunting is controversial, and polls suggest that the activity does not enjoy the majority support among the American public.⁵

The proposed 18-person Council would meet twice each year in Washington D.C., incurring significant travel and per diem costs at the taxpayers' expense. Given the American public's (not to mention the world) majority opposition to trophy hunting, and the existence of the established WHHCC, these additional costs would not be in the public interest.

The Council is Not Fairly Balanced.

FACA requires "the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee."⁶

The proposed non ex-officio members of the Council purportedly will include U.S. hunters actively engaged in international and/or domestic hunting, representatives of the firearms or ammunition manufacturing industry, representatives of the archery and/or hunting sports industry, and representatives of tourism, outfitter, and/or guide industries related to international hunting.⁷ These groups clearly have vested interests (including significant financial interests) in promoting international hunting activities and, therefore, will be unlikely to be in a position to provide the Secretary of the Interior with balanced, evidence-based advice.

If the establishment of a council to advise the Secretary of Interior on international trophy hunting issues were to necessary, its membership should be balanced and include biologists, conservationists and economists with a sound knowledge of the issues, and without vested interests in the international trophy hunting industry.

The United States restricts the importation of trophies derived from various species from specified countries, in recognition that trophy hunting can have negative consequences for species conservation, and that the industry is plagued by corruption in many cases with little of the revenues reaching local communities.⁸ Restrictions have been imposed on lion trophy imports at various times throughout the past several decades from Zimbabwe, Zambia and elsewhere; on imports of elephant trophies from Zimbabwe and Tanzania; and on leopard trophy imports from South Africa, among others. The

⁴ 5 U.S.C. Appx. 2, § 9(a)(2).

⁵ See, e.g., http://maristpoll.marist.edu/wp-content/misc/usapolls/us151001/Sports/HBO%20Real%20Sports_Marist%20Poll_Complete%20Survey%20Findings_November%202015.pdf.

⁶ 5 U.S.C. Appx. 2, § 5(b)(2).

⁷ See 82 Fed. Reg. 51,857.

⁸ See attached Annex (providing evidence refuting claims that international trophy hunting is beneficial to species conservation, wildlife and habitat management, or local communities).

responsibility for determining whether American trophy hunters should be allowed to import trophies rests with the Fish and Wildlife Service, and cannot be delegated to a council established under FACA.⁹

Conclusion

The proposed International Wildlife Conservation Council fails to meet FACA requirements that its establishment is “essential” or “in the public interest,” and fails to provide reassurance that its membership and advice would be “fairly balanced.” Born Free therefore strongly urges DOI to reject its establishment. Otherwise, Born Free will seek legal review of this unlawful agency action.¹⁰

Thank you for your consideration of this important matter.



Will Travers
Director, Born Free USA
President, Born Free Foundation



Prashant K. Khetan, Esq.
Chief Executive Officer and General Counsel,
Born Free USA

BORN FREE USA

P.O. Box 32160, Washington, DC 20007
(202) 450-3168 – info@bornfreeusa.org

www.bornfreeusa.org
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⁹ In so doing, the Council would undermine and violate the Endangered Species Act.

¹⁰ Born Free is considering a separate Comment on the composition of the Council by December 8, 2017.

ANNEX: EVIDENCE REFUTING CLAIMED BENEFITS OF INTERNATIONAL TROPHY HUNTING

Claimed financial contribution to wildlife conservation and local community development:

- A 2015 report commissioned by Safari Club International (“SCI”), entitled *“The Economic Contributions of Hunting-Related Tourism in Eastern and Southern Africa,”*ⁱ claims that trophy hunters contribute \$426 million annually to the GDP of 8 African countries, creating 53,000 jobs, and that “hunting provides Africa with significant economic benefits to the countries and communities who host these travelers in total and per hunter.”
- The report seems to equate what hunters spend with their contribution to the GDP of the African countries in the study. The amount claimed is more than double the \$200 million “total spend” estimated for the whole of sub-Saharan Africa back in 2007.ⁱⁱ In a 2017 report,ⁱⁱⁱ Ecolarge stated that “a more realistic estimate is less than \$132 million per year.”
- The SCI report goes on to suggest that: “the estimated contribution to conservation through fees paid to landowners (private, community, and government) alone is estimated to be within the range of \$26.7 million to \$40.2 million each year” (though they themselves recognize that this figure is “imprecise”). However, this figure only represents 6.3-9.4% of their claimed spend by trophy hunters, and given that “fees paid” to private, community and government landowners won’t necessarily all go into conservation, the actual claimed financial contribution to conservation is very small.
- In a 2013 report, entitled *“The \$200 million question,”*^{iv} Ecolarge estimated that only 3% of hunting revenues end up in local communities. Ecolarge also questioned the \$200 million estimate, stating it “should be used with caution.” So there is a big question mark hanging over the \$426 million claim.
- As for where the money goes, Democrats on the House Committee on Natural Resources, in their report *“Missing the Mark,”*^v stated: “Our analysis shows that trophy hunting cannot be assumed to have a conservation benefit on the strength of a guarantee that hunters’ fees will flow to communities or wildlife agencies. Additional oversight is necessary to ensure that importing trophies of ESA listed species is in fact helping those species survive in the wild.”
- In its 2015 report, entitled *“Towards Measuring the Economic Value of Wildlife Watching Tourism in Africa,”*^{vi} the UN World Tourism organization stated that the total international tourism receipts for Africa in 2013 reached \$34.2 billion, the majority of which was wildlife watching oriented, and that international tourist arrivals in Africa are predicted to double in the next decade. The report also outlines many instances where non-consumptive wildlife tourism revenues benefit local communities, and where those communities have been encouraged to protect wildlife for non-consumptive purposes. Examples include the development of birding tourism in South Africa, which has been promoted by community projects supported by NGOs from the tourism sector and has encouraged the development of many small service businesses along birding routes; mountain gorilla viewing tourism in the Bwindi Forest National Park in Uganda; the Kichwa Tembo Masai Mara Tented Camp in Kenya; and turtle watching tourism in many coastal areas.
- Claims relating to job creation seem to assume that all of the people who provide services to hunters would not be employed without the income those hunters bring. This might be true for the relatively small

number of people who directly service the hunters' hunting activities 100% of the time, but in the majority of cases, the service industries will supply services to a wide range of clients, and will not rely entirely on the income from hunters for those jobs. So the estimates of jobs supported is likely to be a gross exaggeration. Ecolarge (2017) estimated that: "Marginal contribution from trophy hunting to employment is not 53,000 jobs, as claimed by Southwick (2015), but more likely in the range of 7,500 - 15,500 jobs."

Claims that trophy hunters only target "old," "surplus" or "problem" animals:

- Palazy^{vii} argued that, for big cats at least: "Because humans value rarity, targeted species that are threatened are likely to be disproportionately hunted, thereby becoming even more vulnerable, which could eventually push them to extinction."
- An IUCN briefing document, entitled "*Informing decisions on trophy hunting*,"^{viii} states: "It is clear that there have been, and continue to be, cases of poorly conducted and poorly regulated hunting both beyond and within the European Union. While 'Cecil the Lion' is perhaps the most highly publicized controversial case, there are examples of weak governance, corruption, lack of transparency, excessive quotas, illegal hunting, poor monitoring and other problems in a number of countries. This poor practice requires urgent action and reform."
- There is a great deal of evidence to show that trophy hunters do not target "very old" animals, but rather target animals in prime condition since they make the best "trophies." Creel^{ix} noted that: "Trophy hunting has had negative effects on lion populations throughout Africa," and that "[h]unting resulted in population declines over a 25-year period for all continuous harvest strategies, with large declines for quotas greater than 1 lion/concession (~0.5 lion/1000 km²) and hunting of males younger than 7 years." The authors concluded that: "Age-restricted harvesting . . . is probably not sufficient to yield sustainability."
- Although Cecil the lion was reported to have been 13 years old at the time he was killed, there is no evidence to suggest he was "past his prime" – indeed, he was reported to have been head of two prides of lions, alongside another lion called Jericho, and to have recently sired cubs at the time he was shot. There was grave concern that the cubs would come under threat from younger male lions trying to take over the pride; while infanticide is a normal part of lion behavior, trophy hunting artificially increases the risk to cubs in prides where the dominant male lions are killed by hunters, and by doing so risks severely disrupting lion societies.

Claims that trophy hunting ensures land is managed for wildlife conservation that would otherwise be used for other non-wildlife purposes:

- The management of wildlife for trophy hunting purposes can result in serious overpopulation of valuable trophy species in some circumstances, leading in turn to poor ecological stability. For example, one can analyze the situation in Buby Valley Conservancy, Zimbabwe, where a reduction in demand for lion trophy hunting has resulted in a claimed overpopulation of lions.^x
- Brink^{xi} examined the lion trophy hunting industry in Tanzania, and found that financial interests and the lure of short-term returns have led to unsustainable offtakes of lions from hunting blocks.
- In its 2016 assessment of *Panthera leo* for its Red List,^{xii} the IUCN stated that "trophy hunting can be a tool for conservation but also a threat, depending on how it is regulated and managed." The assessment goes

on to suggest that trophy hunting may have contributed to lion population declines in Botswana, Namibia, Tanzania, Zimbabwe, Cameroon and Zambia, and cites literature in support.

- Hunting proponents often suggest that trophy hunting, where it is practiced, is the only significant form of wildlife land use and without it, land would be converted for non-wildlife uses. However, this may not be the case across a significant part of land on which trophy hunting is currently permitted. Countries that have banned trophy hunting (*e.g.*, Kenya, Botswana) have not subsequently seen widespread conversion for non-wildlife uses of land on which trophy hunting was previously allowed.
- In a 2016 report to the UK Government, entitled “*Lion Conservation with Particular Respect to the Issue of Trophy Hunting*,” the authors recognize that “in many countries, poor governance and weak regulation can lead to unsustainable trophy hunting.”
- Trophy hunting also makes parts and products from hunted animals available for international trade, which may stimulate demand and have negative consequences for individuals and populations. The increasing international trade in lion bones is, to a significant extent, being fueled by the supply of skeletal products from lions that have been killed in trophy hunts. Trophy hunting has also been utilized as a mechanism for obtaining wildlife products from threatened species for the purpose of illegal trade. “Pseudo-hunting” of rhinoceros in order to obtain horn for illegal trade purposes has been well documented.

ⁱ http://safariclubfoundation.org/wp-content/uploads/2016/06/Southwick-Associates-2015_FINAL.pdf.

ⁱⁱ Lindsey, *et al.* (2007). Economic and conservation significance of the trophy hunting industry in sub-Saharan Africa. *Biological Conservation* 134; 455 – 469.

ⁱⁱⁱ Murray (2017). The lion’s share? On the economic benefits of trophy hunting. A report for the Humane Society International, prepared by Economists at Large, Melbourne, Australia.

^{iv} <http://www.ecolarge.com/work/the-200-million-question-how-much-does-trophy-hunting-really-contribute-to-african-communities/>.

^v [http://democrats-naturalresources.house.gov/imo/media/doc/Missing the Mark.pdf](http://democrats-naturalresources.house.gov/imo/media/doc/Missing%20the%20Mark.pdf).

^{vi} World Tourism Organization (2014). *Towards Measuring the Economic Value of Wildlife Watching Tourism in Africa – Briefing Paper*, UNWTO, Madrid.

^{vii} Palazy L, Bonenfant C, Gaillard J-M, Courchamp F (2011). Cat Dilemma: Too Protected To Escape Trophy Hunting? *PLoS ONE* 6(7): e22424. doi:10.1371.

^{viii} http://cmsdata.iucn.org/downloads/iucn_informingdecisionsontrophyhuntingv1.pdf.

^{ix} Creel, *et al.* (2016). Assessing the sustainability of African lion trophy hunting, with recommendations for policy. *Ecological Applications*. doi: 10.1002/eap.1377.

^x <http://www.techtimes.com/articles/135828/20160224/cecil-effect-leads-to-overpopulation-of-lions-in-zimbabwe-park.htm>.

^{xi} Brink, *et al.* (2016). Sustainability and Long Term-Tenure: Lion Trophy Hunting in Tanzania. *PLoS ONE* 11(9): e0162610. doi:10.1371/journal.pone.0162610.

^{xii} <http://www.iucnredlist.org/details/full/15951/0>.