



“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

The Truth About That Polar Bear Petition

A 169-page petition to list all polar bear under the US Endangered Species Act was filed on February 16, 2005 by the Center for Biological Diversity. Regulations of the USF&WS give the Service 90 days to determine if the listing “may be” warranted. If it may be warranted, then the Service has two years to notice the public for comments and to complete its review. Though the title of the petition states that it is a petition to list polar bear as “threatened,” the petition content clearly asks multiple times that it be listed as “threatened or endangered.”

No polar bear population is currently listed under the ESA, though readers may be confused about that, given the difficulty they have had with trophy importation. Those problems have arisen from the species listing under the Marine Mammal Protection Act, not the ESA. If any population becomes listed as “endangered” under the ESA, then trophies of those will not be importable under the 32-year-old practices of the USF&WS. Of course,

we have been working to change that too.

The petition demands the separate review of the status of each of the 20 currently recognized polar bear populations of the world. It incorrectly alleges that at least seven of the 20 popu-



lations are declining or of unknown number. The petition is also full of legal traps for the USF&WS. It alleges each of the recognized 20 polar bear populations meets the “distinct population segment” criteria under the ESA, and asserts that each must be individually and comprehensively considered

separately for listing. The ESA provides that a species is “threatened” if it is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” The petition argues that the “foreseeable future” reasonably means 100 years and that every separate one of the 20 populations independently is a “significant part of its range.” Both points, “foreseeable future” and “significant portions of range,” are fertile legal issues today.

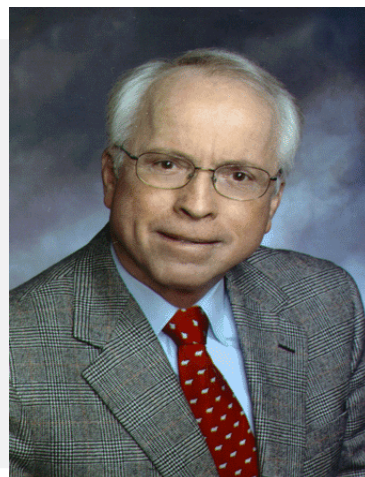
The primary cause of the threat to polar bear is alleged to be “global warming.” The petition alleges that greenhouse gases will raise Arctic temperatures by 13.6° F over the next 100 years, which will in turn cause summer sea ice to decline by 50 to 100 percent. This speculative projected loss of habitat (melting away) and its effect on polar bear prey animals will cause “severe endangerment and likely extinction in the wild by the end of the century.” The extreme projections of an Arctic ice meltdown are over 40 pages of the petition, which is the larg-

est assertion. An additional 60 pages are directed to six other classes of threat, beginning with 1.) oil and gas exploration, 2.) hunting, 3.) contaminants, 4.) disease, 5.) predation and 6.) scientific research and collecting, in that order. Imagine, even scientific collecting is alleged to be a threat!

The petition is based on extreme projections and assumptions, not the best scientific evidence and not present conditions. In our studied view, no population in the world is likely to be

found “threatened,” much less “endangered” in the foreseeable future. Though the Marine Mammal Protection Act has express provisions partially exempting Native Alaskans, the ESA does not.

The allegations against hunting fall into two categories: First, the Center for Biological Diversity alleges that quotas should be set more conservatively in light of the projected deterioration of habitat and prey. Second, they allege that the January 2005 in-



JOHN J. JACKSON, III
Conservation Force

● News...News...News ●

US Fish & Wildlife Service Director Resigns: Was Hunter-Friendly

■ Director Steve Williams resigned from the US Fish & Wildlife Service in early March. He was the Director for the first term of the Bush Administration, but only served three years because of delays in his initial confirmation. He was the first Director to come from a state wildlife agency rather than from within the USF&WS in many years. He openly recognized hunters and anglers for their important wildlife conservation contribution, from the start during the Congressional confirmation hearings until his resignation. He never missed an opportunity to credit sportsmen and sportswomen for their longstanding role in America’s conservation paradigm.

It was sobering to witness the transition within many sectors of the USF&WS during his Directorship. Sobering to realize how estranged hunters’ and anglers’ relations had become within the USF&WS. Today, traditional conservationists are once again treated as natural and necessary partners and many agency personnel who favor hunting and fishing have come out of the closet. Hunters and anglers are once again acknowledged as a critical part of the conservation formula, instead of as a nuisance and part of the problem. Director Williams’ almost daily recognition of sportsmen greatly revitalized the profile of hunting. If we regress, it is wildlife conservation that will suffer. It is the nature of top-down bureaucratic management systems to

distance and disenfranchise local interests no matter how important those interests may be. It remains to be seen if President Bush can wisely select such a Director again, but we have good reason to believe that a new Director will be chosen with the same ideals. This Administration wants the good work to continue.

Director Williams is to be the new President of the Wildlife Management Institute (WMI). WMI has been the leading professional “think tank” in US natural resource circles for nearly a century. It has been hosting the North American Wildlife and Natural Resources Conference for 70 years. Recently, it lost some important funding. Hopefully, Steve Williams can re-garner support for this prominent organization that has been such an important player and representative of hunters’ interests in America. There is virtually no domestic conservation matter of importance that they have not had a hand in.

Matt Hogan is serving as the Acting Director of the USF&WS until a new Director is selected and confirmed. He had been serving as an Assistant Director and is very capable. Matt is a hunter with a long wildlife conservation record. Many readers may remember him from his position within SCI or the Congressional Sportsmen’s Foundation. I am proud to say that I tapped him for SCI at the end of my Presidency of SCI on the sound advice of Ron Marlenee.



“SERVING THE HUNTER WHO TRAVELS”

World Conservation Force Bulletin

Editor/Writer

John J. Jackson, III

Publisher

Don Causey

Copyright 2004© 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.

crease in hunting quotas in Nunavut from 403 bears to 518 bears, just over 25 percent, is threatening the bear in itself. These allegations are only one page of the petition, but are supported by a 15-page Appendix on “The Impacts of Hunting.” In our view, there is no substance to these misleading allegations whatsoever. The extreme projections of changes in habitat and prey base are so distant in time as to hardly be relevant to current quotas. There is no evidence that quotas will not be adaptively adjusted if and when necessary under existing regulatory mechanisms. There is undisputed, longstanding evidence that the hunting quotas generate social, economic and even biological conservation benefits that enhance the survival of polar bear. In short, the hunting provides a net benefit, which means the bear will be worse off if they are listed. The ESA generally does not provide benefits for recovery of foreign species as it does for domestic species. The new quotas are still historically low and more selective than in past decades. They also have less biological impact because of targeting male bears. There is reason to believe that the bear population in Nunavut is increasing as the local people and authorities believe. The shift from native to tourist hunting with the concomitant decrease in female harvest over a decade ago should have caused an increase in the number of bears. It is no surprise. The hunting conservation strategy has caused the increase, as expected. The Inuits have every reason to complain as they get

overrun by females and cubs, as the population responds to the successful decade-old management strategy. It is only right that the quota be increased to keep up with the successful, projectable increase in bear.

The petition singles out the alleged “over harvest” in the McClintock Channel that led to its closure, but that too is misleading. A mistaken overestimate of that population’s numbers resulted in a mistaken quota, which has already been adaptively adjusted. The underlying problem is solved and the



consequences of the mistake were not as great as they otherwise would have been had most of the harvest not been males which, biologically speaking, are minimally relevant to the rate of reproduction according to the IUCN Polar Bear Specialist Group and other experts.

Gulf of Boothia

■ The question remains: What effect will the listing petition have on Conservation Force’s petition to permit importation of trophies of Gulf of Boothia polar bear? The Center for

Biological Diversity specifically attacks hunting in the Gulf of Boothia, but its allegations are wholly incorrect. It alleges that the population is only 900, that the population is “stable” but that the quality of that population estimate is “poor,” and that the recent increase in the quota from 41 bears to 74, a 33 percent increase, can’t be justified. It concludes that “over hunting is now likely impacting this population.” The problem with these assertions is that they are all based upon an outdated population estimate from more than a decade ago. Conservation Force’s petition to permit trophy imports from the Gulf of Boothia is based upon a newer, top-quality estimate of 1,500 bears not 900.

The Center for Biological Diversity is a relatively small environmental organization that takes credit for having added 225 species to the ESA list. Its web address, where a copy of the petition can be found, is: www.biologicaldiversity.org. In January, an Arizona jury awarded a \$600,000 judgment against the Center for Biological Diversity for defaming an Arizona landowner by making false, unfair, libelous and defamatory statements about his grazing allotment.

We will follow this challenge closely and coordinate our efforts with the Canadian Wildlife Service, Northwest Territory provincial authorities and Nunavut interests. We need contributions to meet this new challenge and to see through our petition to approve Gulf of Boothia polar bear trophy imports.

Briefly Noted

An interesting proposal: The USF&WS has published a Federal Register Notice proposing a substantial change in the way it will treat possession and hunting of scimitar-horned oryx, addax and dama gazelle if and when the Service lists them as endangered—70 FR 5117 (Feb. 1, 2005). It also has a draft Environment Assessment on the impact of that proposal.

The proposed new regulations for these three non-indigenous game spe-

cies exempts them from some of the customary prohibitions when they are captive-bred within the US. The proposal provides that they can still be hunted and traded alive or as trophies if they are listed. The substantial populations that are being captive-bred in the United Arab Emirates (UAE) and in South Africa are not proposed to receive the exemption.

The Service found that the “[c]aptive breeding in the United

States has enhanced the propagation and survival of the scimitar-horned oryx, addax and dama gazelle worldwide by rescuing these species from near-extinction and providing the founder stock necessary for reintroduction.” “Sport hunting of surplus captive-bred animals generates revenue that supports these captive breeding operations and relieves hunting pressure on wild populations.”

The Service has found that captive

“Serving The Hunter Who Travels”

breeding by both zoos and hunting interests has saved the three species. In the case of the scimitar-horned oryx, which is totally extinct in the wild, the Service found that, “but for captive breeding, the species would be extinct.” Large private ranches such as those in Texas “can accommodate a larger number of specimens than can most urban zoos” for possible reintroduction in the future. There is a need to “protect that habitat” and to “facilitate that captive breeding.” “[B]ut for captive breeding, it would be difficult, or in some cases impossible, to restore the species in the wild, particularly for species that have become extinct in the wild.”

At Conservation Force, we are ecstatic with the Service’s recognition and acknowledgement that the hunting of these species in the US “has enhanced the propagation and survival” of these three species and should be “facilitated” for that purpose. The Service specifically noted “the vital role of captive breeding” and that “[s]port hunting of surplus captive-bred animals generates revenue that supports these captive breeding operations and relieves hunting pressure on wild populations.” Sport hunting of captive-bred populations such as in Texas “reduces the threat of the species’ extinction.” These and the many other find-

ings made by the Service are consistent with our comment and recommendation to the Service. The Service engaged three special experts to assist in analyzing the comments filed, which has led to this long overdue change of practice.

The findings in the proposal are of even greater interest because they contradict an anti-hunting bill currently before Congress. That is Senate Bill



S.304 that would prohibit the interstate commerce of exotic animals intended to be killed for trophies in captive facilities (canned). The bill is entitled the “Sportsmanship in Hunting Act of 2005” and was introduced by Senators Frank Lautenberg (NJ) and is co-sponsored by thirteen others: Senators Daniel Akaka (HI), Jon Corzine (NJ), Richard Durbin (IL), Dianne Feinstein (CA), Herb Kohl (WI), Carl Levin (MI),

Charles Schumer (NY), Joseph Biden (DE), Christopher Dodd (CT), Russell Feingold (WI), Edward Kennedy (MA), Mary Landrieu (LA), and Barbara Mikulski (MD). It only applies to exotics. Humane Society of the US (HSUS) takes credit for the bill; and Senator Lautenberg, who introduced it, is quoted as saying: “In an era when we are seeking to curb violence in our culture, canned hunts (of exotics) are certainly one form of gratuitous brutality that does not belong in our society.” Wayne Pacelle, CEO of HSUS, stated that “Canned hunts are a disgrace, and it is time for the federal government to crack down on the practice of moving exotic animals in interstate commerce for the purpose of being shot for a trophy in a confined setting.” Under the proposed rule, the USF&WS may exempt hunting from ESA prohibitions to save them while Congress may prohibit the same hunting for other reasons. Here at Conservation Force, we think that the first and highest ethic is conservation of the species, particularly the survival of endangered species. Consequently, we long ago established some of the most intensive and comprehensive programs to save endangered exotic species that exist in the world. Like it or not, their survival arises from hunting captive populations. – John J. Jackson, III.

Monument To Argali And Hunting

■ Rick Taylor is a true legend in the world of wildlife art. He has completed seven bronze monuments of different big game animals and installed them around the world in locations and cities closely identified with each. Each is a magnificent statement about the animal portrayed and the hunting world’s devotion to its conservation. The Mongolian Ambassador to Canada, Batsukh Galsan, was interested in having a monument made of the world’s biggest sheep, the mighty Altai argali (*Ovis ammon ammon*). Consequently, Rick, Galsan, Mongolian Travel, and Conservation Force have embarked upon a project to create and install a magnificent monument in downtown Ulaanbaatar, Mongolia,

where it will stand before all as a symbol of greatness. A bronze plaque will name all sponsors.



John Jackson, III (L). Rick Taylor (R).

It is being funded by the sale of 25 smaller bronze sculptured versions of the monument. A number have been

auctioned by our supporting organizations, including the Conklin Foundation and International Sheep Hunters Association, and all have sold for up to \$15,000. They are available for a contribution/sponsorship of \$10,000, most of which is tax-deductible payable to Conservation Force for the “King of the Altai” monument and likeness sculpture. For more details, call Rick Taylor at: 250-353-7735. E-mail: wildworld@netidea.com. A percentage of each contribution goes to Conservation Force to keep the giant sheep in the mountains and hunters in there with them. The tentative unveiling of the monument is 14 to 16 September 2006 in Ulaanbaatar and donors are welcome to attend.