

March 4, 2004

Chris Nolin, Chief
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Dear Chief Nolin,

As 359 professional scientists, we are writing to express our shared concern about recent proposals by the U.S. Fish and Wildlife Service (FWS) that would allow the importation into the United States of endangered and threatened species killed or collected in the wild for "conservation" purposes. These proposals are set forth in a draft policy on enhancement-of-survival permits published on August 18, 2003 and a proposed rule revising the permit regulations under the Endangered Species Act on September 10, 2003. For reasons explained below, we respectfully urge the FWS to withdraw these proposals and reiterate its commitment to strictly control international trade in globally endangered species.

As set forth in the draft policy and the proposed rule, the FWS is proposing to alter its longstanding interpretation of the Endangered Species Act (ESA) to expand the circumstances under which the importation of endangered species might be allowed. Specifically, the FWS is proposing to significantly expand the "enhancement of survival" exemption under Section 10(a) of the ESA to authorize imports of foreign endangered species for virtually any purpose—including sport hunted trophies, skins and hides for commercial sale, and live specimens for the pet and entertainment industries—if Secretary of the Interior decides the import is "reasonably likely" to have a net conservation benefit for the species. This rule would apply, without limitation, to any of the more than 550 foreign species currently protected by the ESA.

As scientists and wildlife professionals, we recognize the intuitive appeal of sustainable use as a source of much-needed conservation funding, particularly in less-developed countries. However, experience has taught us that the circumstances in which such programs can actually benefit any species are extremely narrow. The history of negative outcomes from such programs counsels strongly against extractive use as a conservation tool for species already in danger of extinction.

Even in programs involving superficially modest harvest levels, the risk of unanticipated and sometimes catastrophic population impacts is well-documented (Freese 1993). For example, trophy hunting programs that preferentially target large males result in sex-biased mortality that bears little resemblance to natural mortality patterns (Ginsberg and Milner-Gulland 1994). If such programs are not properly designed, adequately monitored and strictly controlled, they can have unintended and very negative effects on the population being harvested, including reduced fecundity (Ginsberg and Milner-Gulland), increased infant mortality (Swenson et al. 1997), and harmful disruption of normal behavior patterns in social animals (Slotow et al. 2000). These disruptions can lead to substantial population declines and, in some circumstances, to total population collapse.

When hunting or collection is permitted near protected areas, the "conservation" program can actually become a population sink for legally protected populations. Oxford University's Wildlife Conservation Research Unit recently reported such an outcome in Zimbabwe's Hwange National Park, where sport-hunting of lions on the periphery of the park created a vacuum effect that drew lions away from the protected interior of the park itself (MacDonald 2003).

In addition to such unanticipated impacts, there are more predictable impacts associated with mismanagement and under-enforcement. As Snyder et al. observed, "without truly effective controls over harvesting programmes, attempts at sustainable harvesting run a significant risk of exacerbating conservation problems, rather than solving them" (Snyder et al. 2000). When the program involves legalization of an otherwise prohibited activity, the impacts of poor program design or implementation may be compounded by corresponding increases in poaching and illegal trade. A growing body of evidence, accumulated across many countries and taxa, indicates that legal harvest and trade can lead to increased poaching and illegal trade (Brazaitis et al. 1998; Wright et al. 2001).

Not surprisingly, many researchers have cautioned strongly against the use of such programs for species with small local or global populations because "[o]nce species are viewed primarily as items of legal trade, the primary concerns in free capitalistic economies commonly become maximizing short-term profits, rather than ensuring long-term sustainability" (Snyder et al. 2000). Because past resource exploitation has seldom been sustainable, programs based on claims of sustainability must reliably demonstrate "how the difficulties that have been encountered in past resource exploitation are to be overcome" (Ludwig et al. 1993).

We are deeply concerned that neither the draft policy nor the proposed rule reflects this critical inquiry. Indeed, the FWS has proposed to allow imports of endangered species killed or collected from the wild in the name of conservation without defining any standards by which proposed conservation programs will be evaluated. Nor has FWS identified the mechanisms through which it would monitor the implementation and outcomes of such programs on an ongoing basis. Without clear and detailed criteria relating to all aspects of data collection, program design and implementation, and oversight, neither FWS nor the scientific community can reliably assess the impacts of proposed conservation programs. It is our shared view that opening the door to commercial imports of endangered species without fully defining these parameters will put the hundreds of species potentially affected by this rule at serious risk. We do not believe such risks are acceptable for species already on the brink of extinction.

As currently crafted, the proposal poses a significant threat to the very species it is designed to benefit. For too many of these species, this new threat could mean the difference between survival and extinction. Accordingly, we respectfully urge the FWS to immediately withdraw its draft policy on enhancement-of-survival permits and remove any reference to "in-situ conservation of foreign listed species" from the proposed rule of September 10th.

Sincerely,

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