



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003 • www.awionline.org
telephone: (202) 337-2332 • facsimile: (202) 446-2131

March 22, 2012

BY ELECTRONIC AND REGULAR MAIL

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Public Comments Processing
Attn: FWS-R9-IA-2011-0093
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

Dear Sir or Madame:

RE: Endangered and Threatened Wildlife and Plants' Publishing Notice of Receipt of
Captive-Bred Wildlife Registration Applications (77 Fed Reg. 9884)

On behalf of the Animal Welfare Institute (AWI), please accept the following comments on the above-referenced U.S. Fish and Wildlife Service (FWS) invitation to comment on amending the regulations that implement the Endangered Species Act (ESA) by establishing public notice and comment procedures for applications to conduct certain otherwise prohibited activities under the ESA within the Captive Bred Wildlife (CBW) regulations.

While AWI appreciates that FWS is adding procedural requirements to the processing of applications for registration under CBW registration which provides the public with notice of receipt of applications for CBW registration and an opportunity to comment and assess the eligibility of the applicant, we urge FWS not to automatically allow each registration to remain effective for 5 years for persons registering under the CBW Program. Given the potential for applicants' proposed actions to fail to provide any genuine conservation benefits to the species, as is legally required under the ESA and implementing regulations,¹ it is imperative that FWS maintain greater oversight of these permit applications to monitor commercial captive hunting operations that are detrimental to endangered species. This will be compromised if the effective duration of the permits is extended to five years, as proposed.

Most captive breeding wildlife registration programs, particularly those involving large mammalian species on U.S. facilities that allow for commercial captive hunting operations, do not help preserve the species in the wild. In fact, though the CBW registration system was established to facilitate the captive breeding of endangered and threatened species in order to enhance the conservation of the species in the wild, the vast majority of CBW registrants breed

¹ 16 U.S.C. § 1539; 50 C.F.R. § 17.21(g) & § 17.22.

species in captivity with no intent to ever reintroduce any of their animals into the wild. Instead, in an attempt to meet the “conservation” requirement for obtaining or renewing a CBW registration, they make donations to in-situ conservation programs.

It is entirely unknown, however, if these programs are legitimate and, other than accepting information submitted by the applicant that he/she supports such programs financially, it would appear that neither the applicant nor the FWS engages in any objective assessment of the legitimacy or effectiveness of the in-situ conservation program. Furthermore, in many cases the donated funds appear to be distributed to a third party which then allocates the monies to the conservation program. Yet, again, it is unclear what proportion of the funds are ultimately allocated to the program, how they are used by the program, and what conservation benefit has been achieved. Assuming that providing such donations is a sufficient means of meeting the conservation requirement imposed in the CBW program (versus actually engaging in the reintroduction of bred animals as can be argued was the original intent of the program), there must be some auditing mechanism established to ensure that a conservation benefit is being achieved to justify the issuance of CBW registrations or renewals.

More broadly, considering the ongoing decline in the wild of many of the species (see examples summarized below) subject to CBW registration, said registrations are not meeting the intent of the CBW process.

The Scimitar-horned oryx (*Oryx dammah*) was declared endangered in 1986, critically endangered in 1996, and extinct in the wild by 2000.² There has been no definite evidence of the survival of this species in the wild for more than 15 years.³ Overhunting and habitat loss, including competition with domestic livestock, have been reported as the main reasons for the extinction of the wild population of Scimitar-horned oryx.⁴ As part of planned reintroduction projects, animals have been released into fenced protected areas in Tunisia (Bou Hedma National Park 1985, Sidi Toui National Park 1999, Oued Dekouk National Park 1999), Morocco (Souss-Massa National Park 1995), and Senegal (Ferlo Faunal Reserve 1998, Guembuel Wildlife Reserve 1999). Reintroduction is currently also planned at a site in Niger.⁵ The reintroduction projects that release animals into native habitat are more appropriately designated as enhancing the survival of the affected

² IUCN SSC Antelope Specialist Group 2008. *Oryx dammah*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/15568/0>>. Downloaded on 18 March 2012.

³ IUCN SSC Antelope Specialist Group 2008. *Oryx dammah*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/15568/0>>. Downloaded on 18 March 2012.

⁴ IUCN SSC Antelope Specialist Group 2008. *Oryx dammah*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/15568/0>>. Downloaded on 18 March 2012.

⁵ IUCN SSC Antelope Specialist Group 2008. *Oryx dammah*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/15568/0>>. Downloaded on 18 March 2012.

species than animals held on private game ranches in the U.S., which are simply hunted and disappear from the population altogether.

Addax nasomaculatus is similarly in peril and should not be kept and hunted on U.S. hunting ranches. The species was declared endangered in 1986 and critically endangered in 2000.⁶ The species is believed to have undergone a decline well exceeding 80% over the past three generations (21 years).⁷ The total wild population is estimated at less than 300 individuals across the range, with the majority of the population in the Termit/Tin Toumma region of Niger.⁸ The population continues to decline due to ongoing threats of hunting and habitat loss.⁹ Along with the Dama gazelle (*Nanger dama*), this species is considered to be the Saharan bovid species at highest risk of extinction in the near future.¹⁰ With less 300 individuals comprising the total wild population, these animals absolutely should not be hunted on U.S. ranches as part of the captive-bred wildlife registration, as this will not enhance their propagation or survival.

Similarly, the sustained decline in the Dama gazelle (*Nanger dama*) is due to uncontrolled hunting by nomads, military and Arab hunting parties and habitat loss and degradation due to overgrazing by domestic livestock has continued and is now estimated to have exceeded 80% over 10 years, with the total population numbering less than 500 individuals.¹¹ The Dama gazelle is following the same trail into extinction in the wild as the Scimitar-horned Oryx.¹² Listed as vulnerable in 1986, endangered in 1990,

⁶ Newby, J. & Wachter, T. 2008. *Addax nasomaculatus*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. < <http://www.iucnredlist.org/apps/redlist/details/512/0>>. Downloaded on 18 March 2012

⁷ Newby, J. & Wachter, T. 2008. *Addax nasomaculatus*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. < <http://www.iucnredlist.org/apps/redlist/details/512/0>>. Downloaded on 18 March 2012

⁸ Newby, J. & Wachter, T. 2008. *Addax nasomaculatus*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. < <http://www.iucnredlist.org/apps/redlist/details/512/0>>. Downloaded on 18 March 2012

⁹ Newby, J. & Wachter, T. 2008. *Addax nasomaculatus*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. < <http://www.iucnredlist.org/apps/redlist/details/512/0>>. Downloaded on 18 March 2012

¹⁰ Newby, J. & Wachter, T. 2008. *Addax nasomaculatus*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. < <http://www.iucnredlist.org/apps/redlist/details/512/0>>. Downloaded on 18 March 2012

¹¹ Newby, J., Wachter, T., Lamarque, F., Cuzin, F. & de Smet, K. 2008. *Nanger dama*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/8968/0>>. Downloaded on 18 March 2012.

¹² Newby, J., Wachter, T., Lamarque, F., Cuzin, F. & de Smet, K. 2008. *Nanger dama*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/8968/0>>. Downloaded on 18 March 2012.

and critically endangered in 2006, with subpopulations probably number around 20 individuals in all cases, are separated by hundreds of kilometers.¹³

The Barasingha (*Rucervus duvaucelii*) was similarly listed as endangered as of 1986 and vulnerable in 1996. The species is assumed to be still in decline by at least 10% over 24 years¹⁴ and its range is now highly fragmented, with evidence for fewer than 10 viable populations.¹⁵ Mortality is largely by predation, flooding and poaching.¹⁶ Scientists have estimated that this species is reliant upon hands-on management in protected areas and changes in management style could see a resumption of very rapid declines echoing those of the mid-twentieth century.¹⁷ Poaching must be tackled through local communities and habitat degradation curbed by reducing and eventually ceasing grazing of domestic stock within protected areas.¹⁸

The Eld's deer (*Rucervus eldii*), listed as Critically Endangered since 1996, face an estimated rate of decline exceeding 50% in three generations.¹⁹ This population decline is due primarily to hunting which in addition to local consumption of meat in Cambodia, Lao PDR, Viet Nam and Myanmar is driven by a thriving and probably increasing trade in bushmeat, a national, regional and East Asian market for traditional medicinal products derived from the species, a regional international market for trophy antlers (only exacerbated by hunting activities on U.S. game ranches), as well as widespread habitat

¹³ Newby, J., Wachter, T., Lamarque, F., Cuzin, F. & de Smet, K. 2008. *Nanger dama*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2.

<<http://www.iucnredlist.org/apps/redlist/details/8968/0>>. Downloaded on 18 March 2012.

¹⁴ Duckworth, J.W., Samba Kumar, N., Chiranjibi Prasad Pokheral, Sagar Baral, H. & Timmins, R.J. 2008. *Rucervus duvaucelii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4257/0>>. Downloaded on 18 March 2012.

¹⁵ Duckworth, J.W., Samba Kumar, N., Chiranjibi Prasad Pokheral, Sagar Baral, H. & Timmins, R.J. 2008. *Rucervus duvaucelii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4257/0>>. Downloaded on 18 March 2012.

¹⁶ Duckworth, J.W., Samba Kumar, N., Chiranjibi Prasad Pokheral, Sagar Baral, H. & Timmins, R.J. 2008. *Rucervus duvaucelii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4257/0>>. Downloaded on 18 March 2012.

¹⁷ Duckworth, J.W., Samba Kumar, N., Chiranjibi Prasad Pokheral, Sagar Baral, H. & Timmins, R.J. 2008. *Rucervus duvaucelii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4257/0>>. Downloaded on 18 March 2012.

¹⁸ Duckworth, J.W., Samba Kumar, N., Chiranjibi Prasad Pokheral, Sagar Baral, H. & Timmins, R.J. 2008. *Rucervus duvaucelii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4257/0>>. Downloaded on 18 March 2012.

¹⁹ Timmins, R.J. & Duckworth, J.W. 2008. *Rucervus eldii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4265/0>>. Downloaded on 18 March 2012.

loss.²⁰ The habitats of the deer have been encroached for grazing, cultivation, and fish farming.²¹

To make matters worse, the hunting of “surplus” or “excess” captive wildlife bred under a CBW registration can lead to the trade in their body parts which, in turn, can have a negative impact on wild populations by increasing demand for such products. Such demand may be met by “legal” sources or, given the high potential for profit, low chance of detection and capture, and generally light penalties if captured, said products can be obtained through the killing of the species in the wild and subsequent smuggling of the parts/products in demand. Since the CBW program has been in place for decades, its alleged benefits must now be measurable. The FWS, however, has not provided evidence in the proposed rule or elsewhere documenting the effectiveness of this program in enhancing the survival of the registered species in the wild. Instead, it is expecting the public to simply believe that a CBW registration translates into enhancement of one or more species when there is no evidence of such a positive correlation. If anything, as indicated above, the decline of many CBW registered species in the wild demonstrates that the CBW registration process is largely a means of raising exotic species for wealthy hunters to shoot in a highly controlled setting and far from a conservation program.

Furthermore, FWS should not increase the registration period from 3 years to 5 years in order to “reduce the workload on the Service” and the “paperwork burden” because of the need for routine and frequent accounting of CBW registrants to ensure that they are complying with all relevant requirements including the health and humane handling standards and that they are actually providing a conservation benefit to the species (which is not the case at the moment). Extending the duration of the CBW registration to five years, even though the annual reporting requirement will remain, will reduce FWS oversight and will allow CBW registrants to become more careless or lax in meeting their requirements as they will surmise that, with a five year window, few will notice any violations or bother to investigate or enforce existing standards.

Conclusion

AWI supports the proposed rule as it seeks to increase transparency and provide the public with a chance to review and comment on applications filed within the CBW Program. However, to ensure the humane and healthful treatment of the animals involved in the program, FWS should not reduce its oversight capabilities by extending the registration period from 3 years to 5 years.

The very act of breeding most CBW registered animals in captivity and placing them on private game facilities to be hunted is detrimental to the species as a whole, including wild populations. Unfortunately, programs like captive-bred wildlife registration as they exist today have become

²⁰ Timmins, R.J. & Duckworth, J.W. 2008. *Rucervus eldii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4265/0>>. Downloaded on 18 March 2012.

²¹ Timmins, R.J. & Duckworth, J.W. 2008. *Rucervus eldii*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <<http://www.iucnredlist.org/apps/redlist/details/4265/0>>. Downloaded on 18 March 2012.

an end in themselves – not a means to conservation. Although it is characterized as potentially preserving species survival and diversity, it does not contribute to the enhancement of the species in the wild and may, in fact, be counter-productive to such conservation.

Thank you in advance for providing this opportunity to comment on this proposed rule and for considering these comments. Please send any future correspondence or information about this issue to: Tara Zuardo, Wildlife Program Associate, Animal Welfare Institute, 900 Pennsylvania Ave., SE, Washington, DC 20003.

Sincerely,

A handwritten signature in cursive script that reads "Tara Zuardo".

Tara Zuardo
Wildlife Program Associate