

# AWI Quarterly

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## SPOTLIGHT

### Court Says Delta Can Ban Hunting Trophies in Hold

Pity the plight of Corey Knowlton, who shot an endangered black rhino and then was incensed to find that Delta Air Lines wouldn't ship the spoils of his hunt home to Texas for him. So what's a poor (actually, quite wealthy) trophy hunter to do? Sue the airline, naturally—which is what Knowlton did.

Knowlton was joined in his suit and spluttering outrage by the Dallas and Houston Safari Clubs, Conservation Force, Campfire Association, and the Tanzania Hunting Operations Association. He claimed that "Delta's embargo threatens the tourist safari hunting industry's entire user-pay, sustainable use-based conservation paradigm." (Here's another threat to this paradigm: its utter ineffectiveness in promoting *actual*

conservation. See page 14 for a critique of "sustainable use" wildlife management.)

The background: In January 2014, Knowlton paid \$350,000 at a Dallas Safari Club auction for the right to kill a black rhino. Despite widespread protest, Knowlton eventually got his wish in May 2015 in Namibia. Not long afterwards, however, fellow American trophy hunter Walter Palmer killed the famed lion "Cecil" in Zimbabwe and, in the ensuing fury, Delta announced an immediate ban on shipments of all lion, leopard, elephant, rhinoceros, and buffalo trophies worldwide as freight. Dozens of other airlines around the globe also quit accepting hunting trophies of Africa's so-called "Big Five."

Alas (read: hallelujah), Knowlton and his trophy-hunting allies were denied relief: In March 2017, the US Court of Appeals for the Fifth Circuit shot a hole in their suit, ruling that Delta is under no legal obligation under federal or state law to carry hunting trophies. Of course, this won't bar Knowlton and his kind from trophy hunting. But by making it harder for them to erect monuments to their malignancy back home, it may reduce the incentives to pursue this ethically challenged and emotionally stunted hobby afar. 🐾

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## Animal Welfare Institute

[www.awionline.org](http://www.awionline.org)



#### ABOUT THE COVER

Each year in the United States, hundreds of thousands of muskrats are trapped for their fur. State wildlife agencies typically set limits on trapping, hunting, and fishing based on "sustainable use" models—how many animals can be removed without causing the species' population to dip below desired numbers. But this reliance on simple replacement numbers ignores the social and ecological contributions of the individual, and often results in a form of "unnatural selection"—an evolutionary monkey wrench that robs the gene pool of its fittest contributors. See page 14 for more on why sustainable use is a suspect concept for managing wildlife. Photograph by Grzegorz Lesniewski/Minden Pictures.



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## ORCA ACT REINTRODUCED

Representative Adam Schiff (D-CA) reintroduced the Orca Responsibility and Care Advancement (ORCA) Act (HR 1584), in March 2017. The original bill—introduced in November 2015—was quite simple: It would have amended the Marine Mammal Protection Act to prohibit the import and export of orcas for public display and the Animal Welfare Act to prohibit breeding of orcas. This would have effectively ended the captive holding of this species over time, as the existing population of captive orcas would eventually die out and not be replaced.

The new bill is substantially the same, with one important addition: The export of orcas would be allowed if the orca is being sent to a seaside sanctuary. In the time since the original bill was written, several seaside sanctuary projects, including the Whale Sanctuary Project ([www.whalesanctuaryproject.org](http://www.whalesanctuaryproject.org)), have been initiated. No sanctuaries for captive cetaceans yet exist, but they will in the near future. HR 1584 would allow orcas in the United States to be retired to such a sanctuary, wherever one is established.

## BILLS AIM TO ELIMINATE US SHARK FIN MARKET

As apex predators, sharks play a vital role in global marine ecosystems. But shark numbers are declining at an alarming rate due to shark finning, the practice of cutting off the fins—often, brutally, while the shark is still alive—and tossing the mutilated body into the ocean. The fins, which command a high price, are used in shark fin soup and traditional medicines. Despite Congress's repeated efforts to curtail this gruesome practice, it continues, annually resulting in the deaths of over 70 million sharks according to estimates. Sharks caught in US

waters must be brought ashore with fins attached (to prevent fishers from killing even more sharks when they only have to make room on board for the severed fins), but the fins can be detached on land and then sold. The United States still plays a major role in the shark fin trade, both importing and exporting fins and serving as a transit country for shipments of shark fins, including those from endangered species. Recognizing that this trade is both cruel and unsustainable, 11 states and three territories have completely banned trade in shark fins. These laws are important, but the only sure way to end the slaughter is to outlaw this trade at the federal level. The Shark Fin Sales Elimination Act (HR 1456) and the Shark Fin Trade Elimination Act (S 793), would ban the possession, sale, and purchase of shark fins throughout the United States. As noted in the Senate bill's text, the abolition of this trade in the United States would also put the country in a "stronger position to advocate internationally for abolishing the fin trade in other countries."

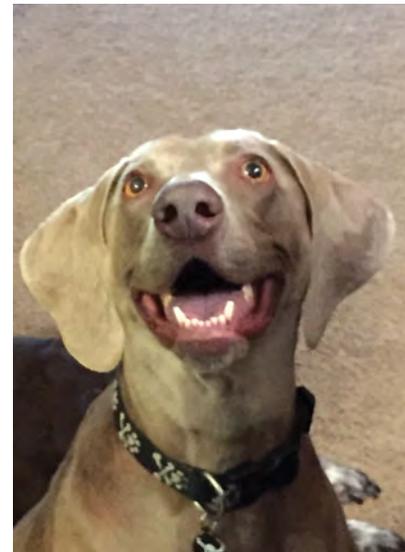
### What You Can Do

It is critically important to keep bringing Congress's attention back to these and other bills to advance animal welfare. Go to AWI's Compassion Index ([www.congressweb.com/awi/takeaction](http://www.congressweb.com/awi/takeaction)) to ask your representative and senators to cosponsor legislation. You can also call their offices (through the Capitol switchboard at 202-225-3121) to convey your interest in these issues.

*Demand for the fins of the oceanic whitetip shark (shown here in the company of pilot fish) has made this once-common species vulnerable to extinction.*



PHILIPPE GUILLAUME



## USDA's Cyanide Bombs Claim More Unintended Victims

**F**ourteen-year-old Canyon Mansfield was walking with Casey, his Labrador retriever, near his house when he noticed what looked like a sprinkler head. Unwittingly, he touched it, causing an explosion that knocked Canyon to the ground and sprayed orange powder into the boy's left eye and onto his clothes. Canyon quickly grabbed some snow to wash his eye out, but Casey had fared worse. The dog had inhaled the bulk of the gas produced by the device—an M-44 cyanide capsule—and within minutes was writhing in pain and convulsing, with a reddish foam gurgling from his mouth. When Canyon's father started to perform mouth-to-mouth resuscitation on Casey, Canyon stopped him, fearing that Casey had been poisoned.

Canyon was right. According to the Centers for Disease Control and Prevention, sodium cyanide “releases hydrogen cyanide gas, a highly toxic chemical asphyxiant that interferes with the body's ability to use oxygen.” Simply put, Casey suffocated.

Casey was not the only unintended victim of an M-44 in March. In Wyoming, two families watched in horror as their respective dogs, Abby and Molly, also died after encountering an apparently unmarked M-44. The group had inadvertently wandered onto unidentified private land in the midst of the public land they were exploring.

Although safer, more humane, and less expensive alternatives are available, the US Department of Agriculture's Wildlife Services program kills millions of wild animals each year,

largely at the behest of ranchers and farmers. In fiscal year 2015, the agency killed over 3.2 million animals, including birds, bears, wolves, coyotes, mountain lions, beavers, and prairie dogs. The program uses M-44s to kill predators—but the intended targets are not always the victims. An award-winning investigation of Wildlife Services by journalist Tom Knudson found that, between 2000 and 2012, over 1,100 dogs were identified as having been killed by M-44s.

After Casey's death, several nongovernmental organizations successfully petitioned the USDA to temporarily ban the use of M-44s in Idaho. They are still deployed elsewhere. Representative Peter DeFazio (D-OR) recently introduced the Chemical Poisons Reduction Act (HR 1817) to prohibit the use of cyanide bombs and other lethal poisons for predator control. He stated, “The use of these deadly toxins by Wildlife Services has led to countless deaths of family pets and innocent animals and injuries to humans. It is only a matter of time before they kill someone. These extreme so-called ‘predator control’ methods have been proven no more effective than non-lethal methods—the only difference between the two is that the lethal methods supported by the ranching industry are subsidized by American tax dollars.” 🐾

*From left to right: Canyon and Casey share a tender moment; Abby (at right in the photo) with sibling Vita (Vita was with Abby when she died, but managed to avoid contact with the M-44 device); Molly*

# THE ENDANGERED SPECIES ACT AND WILDLIFE UNDER ASSAULT

*In Wyoming, a male greater sage-grouse struts to impress the females. One of the many anti-wildlife bills under consideration in Congress would give states veto power over federal efforts to protect this regal bird.*



ALAN KRAKAUER

**AN** influential faction of the 115<sup>th</sup> Congress is expressing a clear animosity toward animal protection measures. Emboldened, perhaps, by an administration that appears sympathetic to their aims, this faction is waging an escalating assault on animal welfare, and seems especially intent on undermining the Endangered Species Act (ESA).

The ESA, by far our nation's strongest conservation law, saves species from extinction and preserves the ecosystems on which they depend. It provides that decisions on whether to list species as endangered or threatened must be based solely on the best scientific and commercial data available.

### **Current Legislative Attacks on the ESA**

By the end of April, more than two dozen bills had been introduced in the 115<sup>th</sup> Congress aimed at weakening the ESA. The latest, and most sweeping, is the *Endangered Species Management Self-Determination Act* (S 935/HR 2134). This bill would, among other things, amend the ESA to require congressional approval before species can be listed as endangered or threatened and automatically remove plants or animals from the endangered/threatened lists after five years unless Congress passed a joint resolution to retain them. It would also require the US Fish and Wildlife Service (USFWS) to obtain the consent of governors before making management decisions that would affect species solely within their states.

Other efforts to undermine the ESA include the following:

- *The Endangered Species Act Settlement Reform Act* (S 375) would make it easier for local governments and affected industries to intervene in ESA citizen lawsuits and block court-mandated settlement agreements to benefit species.
- *The Listing Reform Act* (HR 717) would require that the economic cost of adding species be taken into account before any species is listed under the ESA (the ESA currently mandates that only science be used to inform the listing process) and removes mandatory deadlines for all listing decisions.
- *The Regulations from the Executive in Need of Scrutiny Act* (HR 26) would require the executive branch to get approval from Congress for significant new environmental, food safety, and other rules.
- *The Federal Land Freedom Act* (S 335) would waive compliance with the ESA for all oil and gas and other energy development activities.
- *The State, Tribal, and Local Species Transparency and Recovery Act* (S 735/HR 1274) would elevate data submitted by tribal, state, and county authorities to "best available science" status (even if it is not) and require all data used to support species' listings to be run by the states first—so as to create further obstacles to an already long and difficult process.
- *The Litigation Relief for Forest Management Projects Act* (S 605) would exempt already-approved land management plans from ESA Section 7 consultations (by which federal agencies ensure that the actions they take, fund, or authorize do not jeopardize listed species) when new species are listed or critical habitat is designated.
- *The Stop Taxpayer Funded Settlements Act* (HR 1525) would block attorneys' fees settlements for environmental law (including ESA) cases.
- *The Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act* (HR 200) would override the ESA whenever the ESA triggers fishing restrictions and transfer implementation of such restrictions to the mechanisms set forth in HR 200.
- *The African Elephant Conservation and Legal Ivory Possession Act* (HR 226) would weaken some of the restrictions on ivory import/export currently in place under the African Elephant Conservation Act and the ESA.
- *The Mexican Gray Wolf Recovery Plan Act* (S 368) would allow states hostile to Mexican wolves to participate in forming the species' recovery plan, regardless of what best available science indicates.
- *The Gray Wolf State Management Act* (S 164/HR 424) would reissue the 2011 and 2012 USFWS rules to delist wolves in the Great Lakes and Wyoming without judicial review.
- *The Greater Sage-Grouse Protection and Recovery Act* (S 273/HR 527) would allow state governors to block provisions within federal sage-grouse conservation plans that do not align with state-approved conservation strategies.
- *Rider to the concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026* (S Amdt. 151 to S Con. Res. 3) would prevent the USFWS from listing the sage-grouse under the ESA for at least 10 years and transfer oversight of federal lands where sage-grouse is found to Western states.
- *The Gaining Responsibility on Water Act* (HR 23) would exempt water diversion projects in the Sacramento and San Joaquin Rivers from compliance with the ESA.
- *The Sacramento Valley Water Storage and Restoration Act* (HR 1269) would replace the USFWS with the Bureau of Reclamation as the lead federal agency for purpose of reviews, approvals, or decisions for water infrastructure improvements in the Sacramento Valley.



# THE ESA IN COURT

Fortunately, there have been two recent (and very important) victories for threatened and endangered species in the courts. On March 29, the 10<sup>th</sup> Circuit Court of Appeals overturned a decision by the district court and ruled that the federal government has the authority to protect threatened and endangered species that inhabit a single state. The ruling was in response to a 2015 challenge arguing that because the Utah prairie dog exists solely in Utah, the USFWS cannot regulate the ability of landowners to eliminate the prairie dogs from their land. Had the appellate court agreed with this argument, the result could have been disastrous, given that close to 70 percent of species protected under the ESA inhabit a single state. AWI and allies had filed an amicus brief supporting protections for the prairie dog. (Of course, this

ruling only means that the USFWS *can* move to protect such species. Under the current administration, it is doubtful that the USFWS actually will take appropriate action.)

That same day, the United States District Court for the District of Arizona set aside the dangerous “significant portion of the range” policy finalized by the USFWS in 2014 that made it very difficult for species at risk to gain federal protection. The ESA defines an endangered species as one that is “in danger of extinction throughout all or a significant portion of its range.” The draft policy, however, effectively declared that a species endangered in a portion of its range would only gain recognition as endangered under the ESA if the loss of that population threatened the survival of the species as a whole.

# CONGRESS, ADMINISTRATION ACT QUICKLY TO REMOVE WILDLIFE WINS

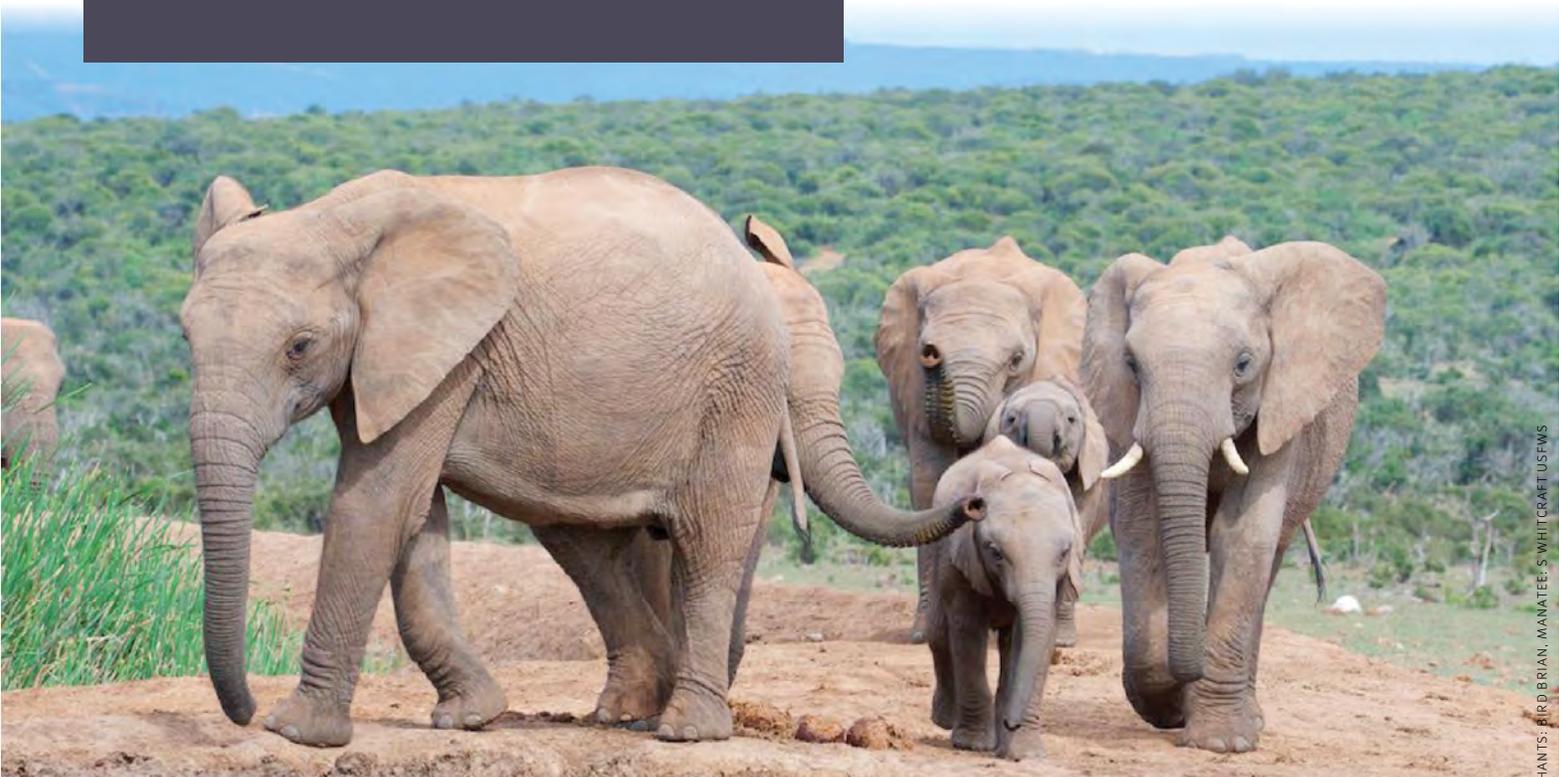
Wild animals have already taken several hits under the current administration and Congress. The Congressional Review Act, enacted in 1996, allows Congress to use an expedited legislative process to review and overturn new federal regulations. In March, Congress used this power to pass H Joint Res. 69, striking a rule enacted during the waning days of the Obama administration that prohibited particularly brutal hunting practices targeting predators within national wildlife refuges in Alaska—practices that include the killing of black and brown bears cubs and mothers with cubs, killing of bears with traps or snares, killing wolves and coyotes with pups during their denning season, and same-day shooting of bears observed from aircraft. H Joint Res. 69 was signed by President Trump on April 3.

In addition, the West Indian manatee has been downlisted from endangered to threatened under the ESA, and the scarlet-chested and turquoise parrots have been delisted (actions proposed by the USFWS during the Obama administration). There are indications that grizzly bears in the Northern Rockies could be the next to lose ESA protections.



## What You Can Do

It is more important than ever that constituents urge their elected officials to stand up for the ESA, which includes advocating for adequate funding under the law. A strong ESA is necessary if we expect endangered animals and the healthy ecosystems we all depend upon to endure. To tell your senators and representative you want them to support the ESA and oppose efforts to weaken wildlife protections, visit AWI's website at [www.awionline.org/ESA-attacks](http://www.awionline.org/ESA-attacks) or contact their offices through the Capitol switchboard at 202-225-3121. 🐾



## GUNNING FOR GRAY WOLVES

Wolves are still in the crosshairs of some in Congress and state governments. After a federal court lifted endangered species protection for wolves in Wyoming, the state's Game and Fish Department reported that it plans this fall to hold the first wolf hunt in four years. The hunt itself would take place in northwestern Wyoming, just outside Yellowstone and Grand Teton National Parks. Elsewhere throughout the state, wolves could be shot on sight at any time, year-round.

In May, however, gray wolves in the Great Lakes states were granted a reprieve when environmental and endangered species champions in Congress prevented the addition of dangerous riders to the budget agreement funding the federal government through September. Between the House and Senate bills, there were more than 75 riders attacking various environmental and wildlife protection measures, including multiple provisions that affected the listing status of gray wolves under

the Endangered Species Act. Even greater effort will be needed to keep these same riders from appearing in appropriations bills for the fiscal year starting in October.

## FLORIDA BLACK BEAR HUNT HALTED

In 2015, Florida's black bears suffered an estimated 20 percent population decline amidst the first state-authorized hunt since 1994. In 2016, the controversial hunt was put on hold for a year. This spring, Florida wildlife officials went further, announcing that they wouldn't consider holding another hunt until 2019 at the earliest, in large part due to significant opposition from the public—including many letters sent by AWI members. The Florida Fish and Wildlife Commission reported that close to 90 percent of the more than 4,000 emails the commission received were opposed to holding another hunt.

The Black Bear Habitat Restoration Act (SB 1304), a bill to protect the bears and their habitat, passed the

Florida Senate's Commission on Environmental Preservation and Conservation this spring, but died in the Appropriations Subcommittee on the Environment and Natural Resources. AWI will continue to encourage Florida to pursue reasonable measures, such as mandatory bear-resistant garbage containers, instead of allowing hunters to indiscriminately kill hundreds of bears.

## STUDY SHOWS SUFFERING OF CANIDS TRAPPED IN NECK SNARES

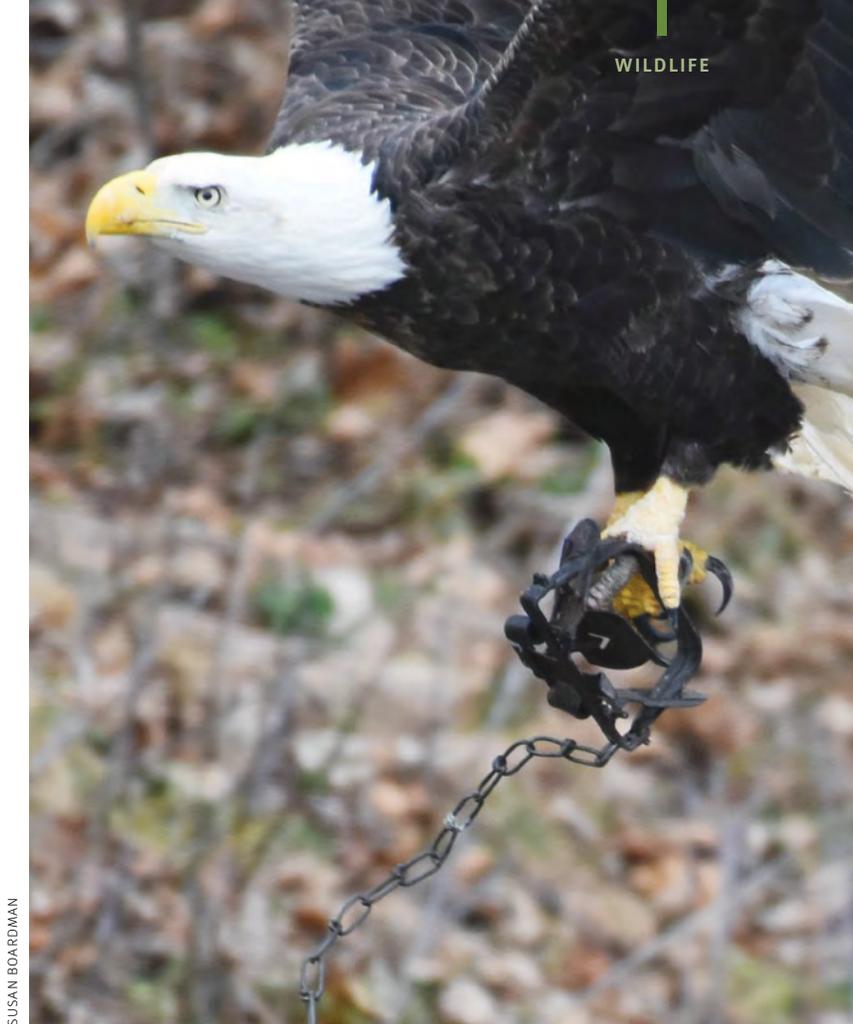
"Jelly head" is a term frequently used to describe animals who have been caught in neck snares. The name refers to trapped animals who experience such severe edema (swelling as a result of excess fluid collecting in the animal's head) that the victim's head and neck swell grotesquely. According to a new paper published in the *Journal of Applied Animal Welfare Science* by Gilbert Proulx and Dwight Rodtka, canids who are strangled by these devices suffer a brutal death and may take days to die. As they struggle to escape, the animals break their teeth on the snare cables and sustain deep cuts through the flesh around their necks, in addition to the extreme swelling of their heads. If caught by the abdomen rather than the neck, the animal may be disemboweled.

Neck snares are permitted throughout much of Canada and in many US states. The authors hope to bring national and international attention to the inhumaneness of these traps so that they will be banned.

*After a protracted lawsuit, wolves in Wyoming lost their Endangered Species Act protections this spring. The state lost no time announcing it will open up hunting of the animals.*



ROBERT WARRINGTON



## Eagle Rescued from Steel-Jaw Leghold Trap

In 1782, the bald eagle became America's national bird when its image was emblazoned on the country's Great Seal. Legend has it that a group of bald eagles circled over a battlefield during the Revolutionary War, emitting raucous calls the Americans took to be cries for freedom. At that time, as many as 100,000 nesting eagles were thought to exist.

Being a national symbol did not translate into protection, however. By 1963, shooting deaths, DDT exposure, and lead ingestion had taken a heavy toll, and bald eagle numbers had fallen to fewer than 490 nesting pairs. Fortunately, the protections afforded

by the Endangered Species Act (as well as the earlier Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act) and a ban on DDT saved the species from extinction. Nearly 9,800 nesting pairs were estimated to exist in the contiguous United States in 2006, along with 40,000–50,000 more in Alaska.

Despite this recovery, bald eagles continue to suffer injury or death as a result of human activities—such as the use of steel-jaw leghold traps. It is well established that such traps capture, maim, and kill nontarget species, including eagles.

This fact was illustrated by an incident near Bonneauville, Pennsylvania, in early February, in which a bald eagle was photographed with a trap affixed to her foot. The photographs, featured in multiple news stories, triggered a

local search for the eagle in hopes of finding her in time to remove the trap before it could cause serious injury or starvation due to the eagle's inability to hunt.

Three days later, an eagle with a trap on her foot was found by a hiker, entangled high in a tree on the Fort Indiantown Gap US Army facility in Lebanon County, Pennsylvania. Military installation staff were able to remove the trap, after which the eagle flew to the ground before flying away, reportedly without serious injury. Often, however, the extent of such an injury (which can restrict blood supply and lead to gangrene and loss of toes or an entire foot, making it virtually impossible to catch prey) is not immediately apparent.

The trap was turned over to the Pennsylvania Game Commission for inspection. It did not include a trapper identification tag, which is required by Pennsylvania law, making it unlikely that the trapper will be found or cited. A comparison of the trap to the photographs from Bonneauville led PGC officials to conclude they were dealing with the same bird (although others, including some local wildlife rehabilitators, did not agree, given the considerable distance between Fort Indiantown Gap and Bonneauville).

In the end, the eagle (and possibly another) experienced what an untold number of raptors and other wildlife experience every year: suffering grievous injury or death to become another "nontarget species" statistic of the trapping industry. Steel-jaw leghold traps are barbaric and have been banned or subject to severe restrictions in more than 100 countries. The only way to ensure that our nation's symbol and countless other target and nontarget animals are no longer caught in such cruel devices is for us to ban them, too. 🐾

## WOEFUL WELFARE FOR ANIMALS AT ARKANSAS ATTRACTION

An unaccredited, family-run zoo in northwestern Arkansas has run afoul of the US Department of Agriculture over the treatment of its animals. In early 2017, the USDA filed a complaint against Wild Wilderness, Inc., alleging that the Gentry, Arkansas, tourist attraction had “willfully violated” the Animal Welfare Act (AWA). After AWI called public attention to the situation, several news outlets in the state broadcast the story.

Wild Wilderness features a four-mile drive-through “safari” featuring black bears, wolves, big cats, zebras, and a host of other exotic animals. The facility, which as of 2016 reportedly held nearly 900 animals, also offers a walk-through area with petting parks.

Numerous disturbing incidents are described in the USDA complaint, including a young lion found strangled to death by his own collar, a spider monkey who lost several digits to frostbite, and an olive baboon who chewed off the end of his tail. A visitor is said to have required medical attention after being bitten and scratched by a lion cub. Other visitors and employees reportedly have also suffered significant injuries.

Unfortunately, this is not Wild Wilderness’s first serious run-in with the authorities. In January 2012, the company was issued an official warning by the USDA for alleged AWA violations. Previous fines were levied by the USDA in 1992, 1998, 2002, and 2008. In 2002, park operator Freddy Wilmoth was sentenced to a six-month home confinement and a three-year probation and ordered to pay \$10,000 in restitution after pleading guilty to violating the Endangered Species Act over the sale of four tigers who were

subsequently killed for their hides and other body parts.

The Wilmoth family (though not Freddy) still owns and operates Wild Wilderness. In light of this latest complaint and the facility’s checkered history, AWI is calling on the USDA to impose a significant fine against Wild Wilderness and revoke its exhibitor’s license.

## R.I.P. CANDY THE CHIMP

Candy, a chimpanzee who spent most of her 50 plus years as an amusement park curiosity at Fun Fair Park and later at Dixie Landin’ in Baton Rouge, Louisiana, has died. Candy was only 6 months old when she was purchased by the Haynes family of Louisiana. In her younger days, she appeared on a local children’s television show. But once she got too old to perform for the show, she sat, year after year, alone in barren metal cages. Occasionally, visitors would toss lit cigarettes into her enclosure for her to smoke.

For decades, Holly Reynolds, Cathy Breaux, and other activists had been trying to free Candy from this impoverished environment. The 1985 mandate under the Animal Welfare Act for “a physical environment adequate to promote the psychological well-being of primates” should have provided a means for Candy to enjoy the company of other chimpanzees, but the US Department of Agriculture’s interpretation of the law provided a loophole, condemning Candy to continued solitary confinement. However, in 2015, following adoption of a federal rule that stipulated that captive chimps are entitled to the same protection under the Endangered Species Act as wild chimps, the Animal Legal Defense Fund sued the longtime owner of the park, Samuel Haynes, Jr., on behalf of Candy’s advocates.

The plaintiffs had asked that Candy be moved to Chimp Haven, a wooded Louisiana sanctuary where she could enjoy wide open spaces and the company of other chimpanzees. Alas, before Candy could win her release in court, she was released in death.



ANIMAL LEGAL DEFENSE FUND

# AWI HELPS KENYA WILDLIFE SERVICE TAKE WING TO WARD OFF POACHERS



Eighty elephants were killed by poachers in Kenya during 2016. Since 2013, a total of 642 elephants have been killed—none during daylight hours.

AWI has been working to help the Kenya Wildlife Service (KWS) suppress nighttime poaching. Some months ago, we shipped a consignment of quality Gen III night vision goggles to KWS, and these are now distributed among ranger units responsible for intercepting and arresting poaching gangs. The goggles provide an important advantage and have contributed to a reduction in poaching.

Night really isn't the poacher's favorite time to go hunting. It is dangerous for anyone, including poachers, to wander around out in the bush after the sun sets. These are the hours when buffalos and hippopotamuses are most aggressive, and lions, leopards, and hyenas are on the prowl.

The only reason poachers do their dirty work at night is because their risks are even greater during the daytime. A key factor in KWS's suppression of daytime poaching has been an effective air-ground strategy. KWS Airwing launches patrols above the country's 59 national parks and reserves and over the countryside beyond park borders. A pilot need only sight an indicator of poacher presence—human footprints, for example, along a muddy river bank—and an immediate radio call providing GPS coordinates to the nearest ranger patrol on the ground can activate a very prompt response. This response is so effective that poachers essentially have abandoned daytime poaching.

KWS flies light, two-seat patrol airplanes into harm's way. These flights are the nemesis of the poacher. KWS patrol flights have been shot at, and some have been hit by ground fire from poachers. Fortunately, none have been shot down.

The risks accepted by KWS pilots can be mitigated somewhat by providing good, reliable equipment and regular in-service training in flight safety and proficiency. As this issue goes to press, AWI is in the final stages of acquiring and shipping three aircraft engines from the Lycoming factory in Williamsport, Pennsylvania, to the KWS Airwing hangar at Nairobi Wilson Airport. There, the engines will be mounted on three Husky patrol airplanes that have worn out their previous engines after thousands of hours on patrol.

Chasing poachers is not the only mission assigned to KWS pilots. They are key to counting the herds of wild animals, and reporting the location of these herds to park management—which can then deploy ranger units more effectively. Airwing Huskys can land on a surprisingly short stretch of open ground and deliver the vital 3Bs (beans, bullets, and bandages) to ranger units on patrol. They also pick up sick, injured, or wounded rangers who need prompt medical evacuation. And often enough, they're called upon for search and rescue operations—finding tourists who have gone astray, suffered flat tires, gotten stuck in the mud, run out of gas, or simply gotten lost in the vastness of a beautiful African park. KWS Airwing pilots—protectors of wildlife and domestic humans alike—always come to the rescue. 🐾

# SUSTAINABLE USE AND “SURPLUS” ANIMALS: SABOTAGING NATURAL SELECTION



**FOR** many government officials and scientists responsible for the management of the planet's wildlife species, "sustainable use" is synonymous with "perpetual exploitation." It is a dogma that insists wildlife cannot be protected unless people can profit.

Sustainable use is broadly applied to wildlife management around the world. Deer and duck populations are commonly managed via models based upon a sustainable use concept. So too is muskrat trapping, seal hunting, trophy hunting, and many other means of large-scale wildlife killing. Sustainable use treats wildlife as if it were a crop to be raised—where the primary considerations are whether enough of the crop will grow back every year to meet demand, and whether there is money to be made in the harvest.

Two fundamental notions underlie the concept of sustainable use: that most wild animals tend to reproduce more offspring than are needed to replace the parent generation and that populations are more important than individuals. If such growth is not suppressed by natural or anthropogenic factors, there eventually are more animals than a habitat can comfortably support, resulting in impacts perceived to be adverse by many wildlife managers.

Sustainable use assumes that "surplus" animals can be killed without harming the population. The individual is inconsequential, regardless of that animal's potentially valuable genetic profile, role in the herd or pack, or personality. Often, wildlife managers intentionally manage wildlife populations to maximize productivity—such as allowing the killing of a higher percentage of males (since a single male can breed with many females) or reducing predator populations so as to leave more prey species for human hunters.

### **CONSIDER THE MUSKRAT**

The muskrat is an ideal species to illustrate the deficiencies with the twin concepts of surplus animals and sustainable use. Wildlife managers might look at 20 muskrats and think they could "harvest" half of them to keep the habitat "in balance." They could even sell trapping permits to kill the muskrats. And the fur of the harvested muskrats could provide some modest income for trappers. This practice could continue in perpetuity (or, in their terminology, "sustainably") by periodically culling the muskrat population in a particular area to 10 individuals, while generating agency revenue and a steady stream of income for the local community.

Of course, the number of muskrats killed annually in North America is well in excess of 10 animals. Indeed, in 2014 alone, over 820,000 muskrats were killed in 34 US states according

to data compiled by the Association of Fish and Wildlife Agencies. At a single fur auction held in Ontario, Canada, in March 2017—a total of 361,084 skins of trapped animals were heaped onto the auction tables. Of these, 150,808 belonged to muskrats. Pitifully, the auction's official record notes that the furs of those 150,808 muskrats went "mainly unsold" (raising the question as to what exactly was "sustained" by their deaths).

The suffering inherent to the exploitation of any wildlife species is important, and should not be ignored. Nearly all muskrats are caught in steel-jaw leghold traps or Conibeare traps set near or in water, causing the animals to drown if they are not killed by the clamping force of the trap itself. But muskrats have evolved important adaptations to aquatic life and can hold their breath for several minutes, ensuring an extended period of pain and terror before death.

Beyond the vital questions concerning how much we are making animals suffer (and why), there is the question as to whether the very concepts of surplus population and sustainable use should be the basis for wildlife management. Charles Darwin was aware that nature tends to be prolific, and produces more offspring of nearly every species than their habitats can possibly support. Understanding this phenomenon allowed him to develop his concept of "natural selection" which, in turn, became a core element of his theory of evolution.

Darwin observed that with such abundance, competition naturally arose among conspecifics (animals of the same species) for limited amounts of food, shelter, and other resources. In this competition, the fitter individuals survived and passed their genes to future generations, and the less fit did not.

But what confers fitness to any particular animal? Today, we understand this to be the sum of advantageous morphological and behavioral characteristics that are genetically determined and ultimately lead to production of surviving offspring. These characteristics are the result of evolution.

Some 5 million years ago, during the Lower Pliocene, the ancestor of today's muskrat was quite a different animal. But gradually, there were advantageous genetic mutations that benefitted certain individuals. For example, one mutation provided for thicker enamel in the animal's teeth, and that mutation helped the proto-muskrat chew on tough cattails. This improved the animal's fitness, and the gene for thicker enamel was passed to following generations. Another gene governed an increase in adult body weight. Five million years ago, the muskrat's ancestor weighed less than four ounces,



but today's adult muskrat generally weighs between two and four pounds. Heavier muskrats with more enamel on their teeth were more successful, survived longer, and reproduced more than their lighter kin with thinner enamel.

Other advantageous genetic mutations also occurred. For example, the ability to hold their breath for a quarter-hour, the development of partially webbed hind feet, the development of relatively short, thick fur (which can trap air and contribute to buoyancy) are just some of the beneficial genetic changes found in today's muskrats.

All living organisms impact the habitats in which they live. In wildlife management, impacts attributed to "overabundant" wildlife are often perceived as adverse when, in fact, they may be consistent with natural ecosystem processes and there may be positive effects that outweigh the adverse. Life itself is a dynamic process, and everything alive—whether a microscopic amoeba or the assemblage of species within an Amazonian ecosystem—is in constant change. There is no stasis in life. Absolute equilibrium does not exist in living things.

Muskrats are largely vegetarian, dining on (among other things) cattails, sedges, rushes, water lilies, and pond weeds. This dietary preference contributes to the ecological dynamics of the ecosystems where they live. For example, targeted grazing of cattails, including invasive cattail species, helps to maintain open areas in marshes. These open areas, in turn, are very important for the survival of many aquatic birds. An abundance of muskrats is also beneficial for foxes, hawks, wolves, owls, and many other carnivores who prey on them. These dynamics work best when all parts of an ecosystem that co-evolved together are present.

#### UNNATURAL SELECTION

Notably, however, human-created, or "anthropogenic" devices, such as leghold or Conibear traps, are not substitutes for natural predators who have co-evolved with muskrats. This predator-prey relationship has been influenced by natural selection, while trapping of muskrats results in a type of "unnatural selection" that poses enormous problems, especially in the context of sustainable use.

With few exceptions, allegiance to sustainable use contributes to unnatural selection by permitting the use of anthropogenic management tools like traps, firearms, and snares that are not in the target animal's evolutionary history. Such tools diminish the efficacy of the target animal's natural defenses—including acute sense perception, speed, or even the ability to hold one's breath. Animals' natural defenses may even hinder their survival when confronted with the human tools of exploitation. For example, other influences being equal, the animal with the most acute olfactory senses will detect bait in a trap first, likely being caught as a consequence. In such a case, the acute olfactory senses that evolved over time contributed to the animal's death. When such human interference is excessive, natural fitness-enhancing processes are compromised, to the detriment of the species.

Sustainable use management of wildlife often harms the very animals that natural selection would otherwise protect. Among elephants, for example, herds normally are matriarchies, usually led by the oldest, most experienced female. Because ivory grows throughout the life of the elephant, the matriarch usually has the largest tusks. If elephant hunting is permitted, a hunter generally prefers to kill the largest elephant and, in so doing, destroys

the herd's experienced leadership. Studies on the impact of hunting on elephant herds have documented that killing the matriarch almost inevitably leads to serious demographic stress that threatens the herd's viability and adversely impacts the surviving herd members. Close family bonds and social structures encompassing generations are suddenly ripped apart.

It isn't just elephants. Trophy hunters commonly target the most robust animal of any species—the lion with the most impressive mane, the stag with the largest antlers, the buffalo with the most massive horns. Indeed, hunting organizations keep detailed records of who killed the largest, longest, broadest, and heaviest victims of sustainable use. Usually, these are animals with inherited traits that would have favored a longer life, allowing these traits to be passed on to future generations. Hunters are not known to seek out the weak, the crippled, or the sickly—the individual natural predators usually target.

The persistent removal of the most robust animals from any population, coupled with artificial suppression of those populations to support maximum sustainable use, ultimately has consequences to the fitness of survivors, their herds, populations, and entire species. But as evolution is a long-term process, it is very difficult to anticipate significant effects, and it takes many, many generations for related morphological changes to be documented. Similar to concerns over global warming, the indicators of unnatural selection can appear almost trivial, but the long-term ramifications can be catastrophic.

Depending upon its intensity, the application of sustainable use in wildlife management diminishes, and even eliminates, competition among conspecifics. If there are fewer animals of a particular species in a given habitat, there is hardly any competition among them. The elimination of this competition removes the principal mechanism for identifying and testing the value of any genetic mutation. Consequently, when it comes to wildlife, abundance is not prodigal or

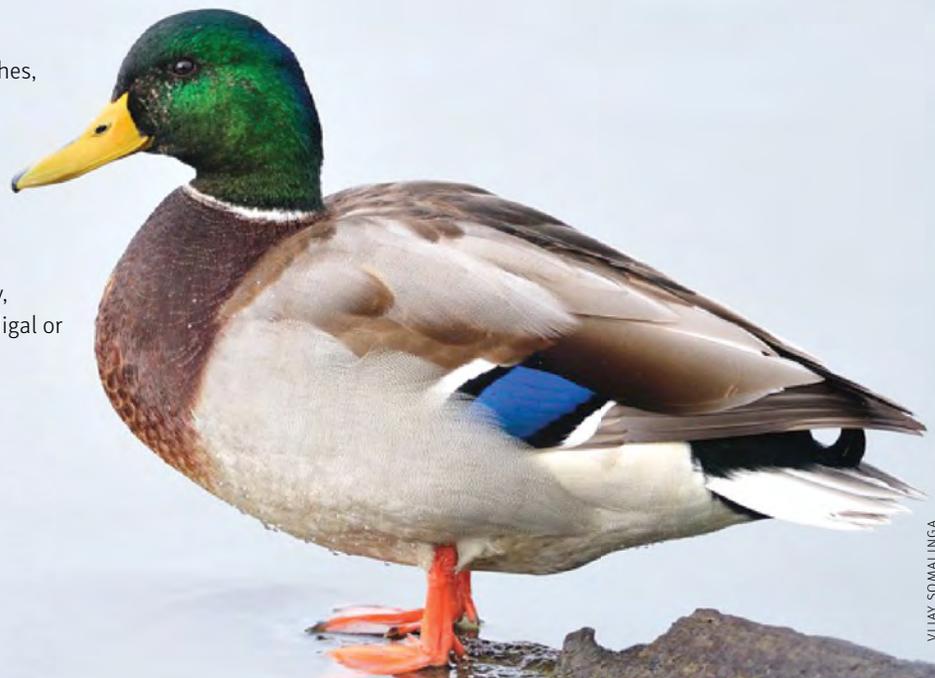
*In deciding how many muskrats, mallards, and other animals can be killed each year, wildlife managers often calculate how much loss the population can withstand. But a blind focus on numbers doesn't account for what is actually lost when populations are manipulated in this way.*

extravagant, it is a necessity: an indispensable ingredient for the process of evolution itself.

Invariably, sustainable use involves someone planning to obtain a benefit or make a profit from the misfortune of animals. This profit incentive is dressed up as legitimate conservation. It is not. At a fundamental level, sustainable use diminishes the direct, indirect, and cumulative benefits that wildlife provide to people and nature.

For some species, like bobcat, python, and many others listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), trade is ostensibly permitted only if it is “non-detrimental” to the species in the wild. In other words, such trade must be “sustainable.” Nevertheless, with approximately 70,000 bobcat pelts, 500,000 python skins, and 7.7 million pounds of reptile skins overall (much of it from Appendix II-listed reptile species) traded annually, it is very difficult to imagine that such pervasive unnatural selection against the wild populations of so many animals could lack evolutionary implications.

We humans have assumed the stewardship of nature. With this stewardship comes an implicit responsibility to avoid doing harm. Anthropogenic impacts fall not only on individual animals, but also on the overall integrity of ecosystems, and on nature itself. 🐾



VIJAY SOMALINGA

## COWNOSE RAYS GET REPRIEVE

Maryland has placed a two-year moratorium on killing contests targeting cownose rays. The new law also directs the Maryland Department of Natural Resources to create a fishery management plan for the species by the end of 2018. AWI submitted testimony to both houses of the Maryland legislature in favor of the bill (SB 268/HB 211).

In the past, participants in the contests shot the rays with arrows and hauled them up to bludgeon them. Once the contest was over, the dead rays were most often discarded.

Cownose rays have been blamed for oyster declines in the Chesapeake Bay. But a report from a 2015 workshop at the National Aquarium indicated that oysters are not a major part of their diet. In 2016, a Florida State University study indicated the oyster declines were actually due to disease, overharvesting, and habitat loss.

## RUSSIA-CHINA ORCA TRADE EXPANDS

In 2012, the animal protection community was shocked to learn that an orca (later named Narnia) had been captured in the Sea of Okhotsk, Russia. This was a huge step backward in a world otherwise progressing rapidly toward ending the display of orcas. By 2015, at least 19 orcas from the region had been taken from their families. Three of these are performing in Moscow; four are set to go on display this summer in Shanghai. Nine are in

a single facility—Chimelong Ocean Kingdom in Zhuhai, China.

Chimelong imported these whales between 2013 and 2015. Yet none were ever displayed, and concern arose that not all survived the transport or the period since. However, in February 2017, all nine were unveiled in what Chimelong called a “breeding program.” The trainers are being supervised by a European who had only two years of experience working with orcas when he was brought to China.

Through its work with the China Cetacean Alliance, AWI will monitor this disturbing situation. CCA has spoken out on social media regarding the risks facing the orcas (who come from a mammal-eating population) and the inexperienced trainers.

## WTO RULES AGAINST DOLPHIN-SAFE TUNA LABEL (AGAIN)

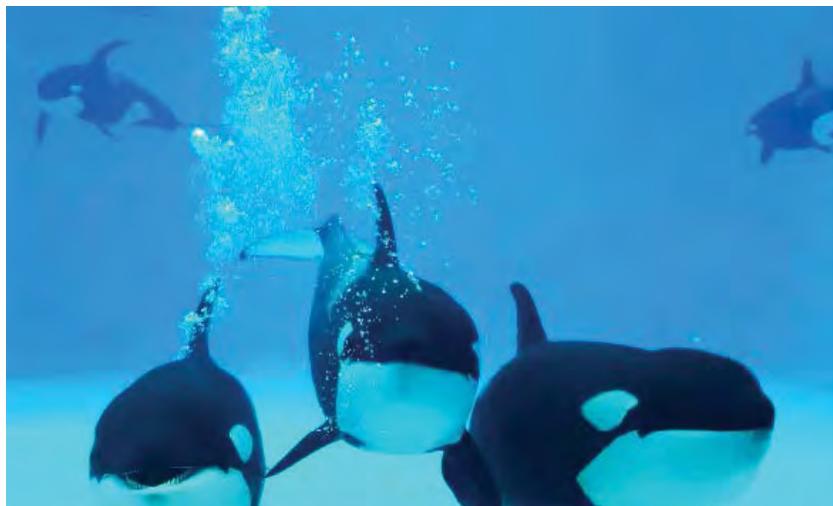
On April 25, a World Trade Organization arbitrator ruled that Mexico can pursue retaliatory measures against the United States for the \$163 million a year Mexico claims to lose because of US import restrictions on tuna not caught in accordance with US “Dolphin-Safe”

standards. The Mexican government says it will retaliate by targeting US imports, which could include tariffs on goods.

Responding to an earlier WTO ruling in Mexico’s favor, the United States last year introduced a more even-handed approach to its scrutiny of tuna fishers’ compliance with the Dolphin-Safe label (including monitoring seas where other nations, not just Mexico, fish for tuna). Mexico, however, continues to insist that the Dolphin-Safe requirements discriminate against its fishers.

To sell tuna labeled as Dolphin-Safe into the lucrative American market, fishers must not have intentionally encircled dolphins with nets during the entire fishing trip in which that tuna was caught, or killed or injured dolphins when setting the tuna nets. Instead of agreeing to these restrictions to protect dolphins, since 2008 Mexico has pursued trade discrimination claims through the WTO.

Another WTO decision is due in July—on whether the changes in US monitoring practices have stopped the discrimination. The last chapter in this long-running dispute remains unwritten.



*These wild-born orcas, captured in Russia, are now said to be part of a breeding program in Zhuhai, China.*

*Dr. Carole Carlson (gesturing, in gray) speaks with passengers during a whale-watch excursion off the coast of Provincetown, MA.*

## IN REMEMBRANCE: CAROLE CARLSON

Dr. Carole Carlson, a valiant advocate for the conservation of whales and their marine environment, died on March 24 in Provincetown, Massachusetts, of pancreatic cancer. She was 69. Carole was among the pioneering researchers who developed a nonlethal method to study humpback whales using photo-identification of the unique patterns on the underside of individual whales' flukes. A research associate at the College of the Atlantic in Maine, as well as an adjunct scientist at the Center for Coastal Studies in Provincetown, Carole helped develop and maintain the first humpback whale catalog; through her studies she grew to know several generations of North Atlantic humpbacks.

She was also a key proponent of responsible whale watching as a viable economic alternative to whaling. She helped found the Sub-Committee on Whalewatching in the International Whaling Commission's Scientific Committee and eventually served as its co-chair. As director of research and education for the Dolphin Fleet Whale Watch in Provincetown, she trained hundreds of young naturalists in benign research methods. Carole's generosity of spirit extended well beyond the United States, as she shared her knowledge with researchers and whale-watch companies in dozens of countries, including Iceland. Her positive influence was especially felt in the Caribbean, where she advanced cetacean protection in the region by helping to draft the Marine Mammal Action Plan for the UN's Protocol Concerning Specially



BILL ROSSITER, CSI

Protected Areas and Wildlife (SPAW Protocol)—the primary international treaty for the protection of wildlife in the Wider Caribbean Region.

While AWI mourns her passing, we know that Carole leaves behind a strong legacy that will continue to promote whale protection well into the future.

## ICELAND ICES FIN WHALING ANOTHER YEAR

For the second year in a row, Kristján Loftsson, CEO of the Icelandic whaling company Hvalur, stated that there will likely be no commercial fin whale hunt this summer. For the past several years, AWI, in conjunction with the Don't Buy from Icelandic Whalers Coalition ([www.DontBuyFromIcelandicWhalers.com](http://www.DontBuyFromIcelandicWhalers.com)), has encouraged seafood companies to refrain from buying products from suppliers tied to Hvalur. In March, the coalition received word that another company is supporting the campaign: One Source Proteins wrote that it has discontinued its purchase of Hvalur-linked products, does not support

any commercial whaling or trade in whale products, and would now require suppliers not to engage in such activities.

Unfortunately, minke whaling *will* take place this year, with two vessels sharing a quota of more than 200 animals. The quota is issued by the Icelandic government, and is not approved by the International Whaling Commission (IWC)—thus, the quota undermines the effectiveness of the IWC's commercial whaling moratorium. In March, Iceland's fisheries minister indicated to the nation's parliament that it cannot provide data on times to death in the minke whale hunt, a serious failure to ensure that animal welfare concerns are being addressed.

Iceland's whale-watch industry continues to thrive, however, with more than 354,000 people participating in whale-watch trips in 2016. Hopefully, as this business grows, it will eventually prove to the Icelandic government that responsible whale watching is far more important for Iceland's economy and image than whaling.

# AWI Calls for Mexican Shrimp Boycott on Behalf of Vaquita

Mexico implemented a two-year ban on gillnets in April 2015 throughout the Upper Gulf of California to reduce vaquita deaths. Despite this, three of the tiny porpoises were found dead in March 2016, another three in March 2017, all during the spawning season for Gulf corvina and the endangered totoaba. The latter is targeted by poachers for its swim bladder, which is sold for astronomical prices on the black market. (See *AWI Quarterly*, summer 2015.) The most recent scientific reports estimate that fewer than 30 vaquita remain.

Mexico amended its penal code in April 2017 to impose stricter punishments and higher fines for trafficking in endangered aquatic species. But totoaba poachers have used the corvina fishery as cover, taking advantage of a loophole in the 2015 ban that allowed continued gillnet fishing for corvina. Vaquita drown when caught in totoaba fishing gear, and the dead porpoises found in the last two years showed signs of scarring consistent with entanglement.

Shrimp boats and other vessels continue to fish illegally in the Vaquita Refuge Area. The Sea Shepherd Conservation Society has been patrolling the waters of the Upper Gulf, looking for poachers and hauling up active and derelict fishing gear. The organization has found hundreds of illegal nets in the past three years.

In March 2017, with the expiration of the ban looming, AWI, the Center for Biological Diversity (CBD), and the Natural Resources Defense Council, in cooperation with over 50 other organizations, launched the Boycott Mexican Shrimp campaign. The campaign calls on people to pledge not to purchase shrimp from Mexico until a full—and fully enforced—gillnet ban is in place. A campaign website includes information on how to contact Mexican officials.

Mexico's Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) subsequently extended the ban until May 31, 2017, to allow time for discussions on the draft regulation. Fishery representatives said the extension will allow Mexico's National Fisheries Institute to make new, vaquita-safe fishing gear available. The failure to provide viable alternatives for the fishing communities of the Upper Gulf has been a common concern for fishers and conservationists. SAGARPA also posted a draft regulation on gillnets in the Upper Gulf. At press time, the draft still allowed corvina gillnet fishing, and failed to adequately define which gear and fisheries would be covered. AWI joined with a number of Mexican and US NGOs to comment on the proposal.

Meanwhile, Mexico's Secretariat of Environment and Natural Resources is leading a plan to capture a number of vaquita this fall and place them in sea pens. Although this plan is born of a desperate desire to save the animal, many, including AWI, believe that it is extremely risky, and must not replace the efforts to clear vaquita habitat of gillnets and illegal fishing.

A team of experts from the United Nation's World Heritage Committee (WHC) visited Mexico in late April to determine whether the Upper Gulf of California warrants an "in danger" listing, following a petition calling for such a listing by AWI and CBD. The team's report will be discussed at the next meeting of the WHC in July. If the area is listed, UN resources would become available to assist Mexico. With fewer than 30 vaquita left, only a truly global effort is likely to be able to keep this unique porpoise from going extinct. 🐾





IVO JANSCH

## Dolphins in Captivity

### St. Lucia to Decide on Dolphinarium

In the early 2000s, every time animal advocates turned around, it seemed there was a new proposal for a dolphinarium in the Caribbean. We fought every one—some were halted; others went forward. Then everything went quiet for a few years. However, earlier this year, Dolphin Discovery, a company based in Mexico, submitted a proposal to the St. Lucia government to build a new swim-with-dolphin attraction within a national park.

AWI is working with dedicated local allies and other international animal groups to convince the powers-that-be on the island that a dolphinarium, far from being a boon to the economy, would probably harm the island's image as a tourist destination. We have written detailed letters, armed our allies with information, and spoken out in local media, including talk radio (a prominent format in the Caribbean), to let the public, the press, and the government know that dolphinariums are becoming less popular and now is not the time to invest in a new facility.

Our initial efforts paid off, as the St. Lucia National Trust, which has considerable influence with decision-makers on proposals that will affect the environment, voted against supporting the proposal in March. The prime minister is in favor of it, however, so our work is not done. We will continue to coordinate with local activists to prevent any new expansion of the dolphinarium industry in the Caribbean.

### Virgin Holidays Takes Another Step Forward

In 2014, AWI was invited by Virgin Holidays—one of the world's biggest tourism companies—to take part in a stakeholder process through which Virgin intended to fine tune its policy on swim-with-dolphin attractions. Dolphinarium operators also participated. The final result of this process, in which AWI played an active role, was that Virgin no longer works with tourist attractions that acquire dolphins from the wild.

After additional consultation with these stakeholders (including AWI), Virgin Holidays has further revised its policy to stipulate that it will not work with new attractions featuring captive dolphins performing or swimming with tourists. It will also support the creation of seaside sanctuaries, where former performing cetaceans can retire. And it will continue to work with its existing attractions to improve their welfare practices.

AWI looks forward to continuing to assist Virgin Holidays and other tourism companies in their efforts to refine policies on interacting with wildlife, including captive cetaceans.

*Dolphins perform in their enclosure on a Caribbean island—so close to their ocean home, yet so utterly removed from it. AWI is fighting an effort to site a new dolphinarium on St. Lucia.*

# Compassion in the Classroom

by Nancy Kellum Brown

One of my personal goals every school year is to teach my students about compassion—not just what it is, but how to live compassionately. Compassion is such a great word. It has such a simple, yet powerful, meaning, defined by Merriam-Webster as *sympathetic consciousness of others' distress together with a desire to alleviate it*.

If we plan to change the world, compassion will need to play a significant role in our lives. Overwhelmingly, our children are taught to watch out for number one, and to do what is convenient, not right. We are teaching them that it is normal to destroy the fragile balance on this Earth, our home.

In an attempt to steer youth in a compassionate direction, I integrate environmental and biodiversity-based projects that allow students to see and understand the issues our planet is facing. The goal is to encourage them to make more informed, thoughtful decisions about their actions and become better overseers of the planet.

Teaching teenagers the importance of biodiversity in all the world's biomes is critical if we want to make a change in how they view their connection to the natural world. Every six weeks, I give my students a two- to three-day environmental project that is completed in class. This work is in addition to their normal curriculum. These projects are fun and educational. They are my attempt to instill a true sense of what is happening to wildlife around the world and the catastrophic impact humans are having on this planet. Some of the topics have included invasive species, disappearing apex predators, overfishing/bycatch, disappearing wetlands, bees, the palm oil industry, big game hunting, and chemical run-off.

Students perform research for a couple of days and create a project that allows them to express how they feel about the situation from their perspective. They are required to complete a small write-up, and then complete a creative expression of their choosing. Some students write a report. Others

have created comic books, children's books, songs, poems, speeches, paintings, and sculptures of wood or papier-mâché.

I also always offer extra credit for activities that benefit living things or expand the students' knowledge about environmental or conservation issues. I encourage my students to take action and make a difference. Some have picked up trash on the streets and creeks/rivers, planted native plants, volunteered at our community animal shelter, collected donations for wildlife rehabilitation centers, built bat houses, and volunteered at green festivals. I also encourage students to watch documentaries about wildlife and the environment and create short reports or make their own video or documentary for extra credit. Most of the time, students want to add an art project and share their knowledge with classmates. Many have chosen to write to lawmakers about pending legislation concerning animal welfare and environmental laws, and several have become very passionate about the conservation of wolves and bears in the United States.

After our state testing is completed at the beginning of May, my class completes a conservation project that is mainly focused on animals. This final assignment is a two- to three-week project in which the students must research a topic of their choice, then create a project that is nonacademic—meaning the student has to create something that does not include writing a report or creating a PowerPoint. I urge them to choose a topic they feel passionate about and express it in a way that shows their creative side. This project is my favorite of the year, since I am always amazed with the students' creative thinking and encouraged by the topics they choose. By the end of the year, the students instill hope in me that these adults of tomorrow will not only develop a new perspective, but will also alter the perspective of others and help them consider their own obligations toward the planet.

Students usually have their choice of topics unless there is something specific I would like a student to research. This past May, I challenged one of my students to address a topic that



was near and dear to his father's profession. This student was smart, funny, and respectful, and his father is a well-known and very accomplished taxidermist. He often shows me photographs of his dad's work, which has included a lion, giraffe, elephant, and many other beautiful and endangered animals. I asked him to do his project on the effects of big game hunting.

The projects this year were amazing. I had a young man who created a project on the fur industry. He made a little closet that included tiny (faux) fur coats on little hangers. Inside each fur coat, there was a picture of what really happens to the animals in a furrier. It was eye-opening and brilliantly illustrated the situation.

A young lady completed a project called "Shamu" about the captivity of orca whales. She made all of the whales out of paper and paint. Her creativity was exceptional and her message was powerful.

Dolphin hunting was the topic of another project. It was wonderful. The young lady built the boat out of Popsicle sticks and molded each dolphin out of clay. It was a great visual for such a deplorable event. The little boat made a big statement.

Many of my students chose to do canvas paintings that depicted their interpretation of different types of human impacts on the Earth. I was very impressed that 13- and 14-year-olds were able to create work with such depth. I was so proud that imagination, out-of-the-box thinking, and compassion were evident in their work. I am hopeful the same type of compassion will help them advocate for the speechless in the future.

I am confident that my students will leave with a new love of science, but I am encouraged that my students will also leave with a new respect for our Earth and compassion for all species. I pray that some will become champions for the animal kingdom. 🐾

*Nancy Kellum Brown teaches 8<sup>th</sup> grade science at Charles Baxter Junior High School in Everman, Texas. In 2016, she won the Texas Medical Association's Ernest and Sarah Butler Award for Excellence in Science Teaching and was named to the national honor roll for the Fishman Prize for Superlative Classroom Teaching.*



RACHEL L. DENNIS

## Seeing the Light on Welfare: UV as an Environmental Enrichment for Birds

Birds, including chickens, are commonly used in animal research. However, housing facilities are often optimized for mammals and contain no ultraviolet (UV) light. Unlike mammals, most birds are tetrachromatic, meaning that they can see in both the visible and ultraviolet (UV) spectrum. Facilities lacking UV light deprive birds of a range of colors that are a part of their natural visual repertoire. In our recent study, we examined the importance of UV lighting (specifically UV-A) as an environmental enrichment (EE) on the behavior and well-being of chickens. In addition to normal white light, some birds in the experiment received supplemental UV lighting for two hours each morning and again in the afternoon. Ultraviolet lighting provides an EE that may enhance the birds' ability to visualize and interact with their environment.

Social cues in birds include feather movement and coloration, including UV reflectivity. Gentle feather pecking is a normal social and exploratory behavior in birds. Birds reared with UV lights engaged more in gentle feather pecking than those reared with white lights only. Birds reared with UV light also showed increased distress during short periods of social isolation from their pen mates. These findings suggest that the use of UV lights enhances birds' social behaviors, and is useful in prompting their natural social repertoire.

Reducing fear response to human intrusion is especially important for birds handled regularly in research. Regular human interaction can be extremely stressful to birds fearful of humans. We investigated the impact of UV lighting on fear response to humans by using a flight distance test (measuring the distance a bird flees from a human intruder).

Exposure to UV lights reduced the distance birds flew away from a person entering their pen. Similar to the use of other EEs, the presence of UV lighting in the pen reduces fear during common human-bird interactions.

Birds often forage unsuccessfully through their pen's bedding, even though feed is continuously provided in a feeder. In turkeys, especially, young birds sometimes die of starvation, but are found with a gut full of bedding material. One potential explanation for these behaviors is that birds are unable to discriminate between feed and nonfeed (such as wood shavings). In our study, no birds died of starvation; however, we did see foraging in areas away from the feeder. This foraging behavior was reduced when the UV lights were on, suggesting that chickens use cues in the UV spectrum to help identify food. Proper lighting spectrum allows birds to fully and efficiently explore and interact with their environment.

Ultraviolet light is an important part of the environment of wild birds. Our findings indicate that this does not change for domestic species and that the use of UV lighting can be a vital addition to their housing environment. Our findings suggest that UV lighting can be used as an EE to enhance social behaviors and reduce fear of humans, and should be considered when developing avian research housing facilities to maintain the best welfare of laboratory animals. 🐾

*By Dr. Rachel L. Dennis, Assistant Professor, Department of Animal and Avian Sciences, University of Maryland. This study was supported by an AWI Refinement Grant.*



# happy home

## FOR RESCUED BEAGLES



**I**N 2010, nearly 200 dogs and over 50 cats were saved from a North Carolina animal testing facility, after an undercover investigation exposed callous treatment and even malicious abuse of the animals by laboratory personnel. (See *AWI Quarterly*, fall 2010.) The lab was shut down and AWI and other animal welfare organizations were given a scant few days to find homes for the animals to save them from being euthanized. We enlisted over a dozen no-kill shelters and rescue groups from New Jersey to Florida to take in all the dogs and cats. One such group was the Associated Humane Societies (AHS) of New Jersey, which took in nearly three dozen beagles and subsequently adopted them out. The last two to leave AHS—Moxie and Huckleberry—were adopted by the family of Carol Vinzant. Six years later, Carol wrote to AHS to provide the following update:

*Moxie and Huck live in constant companionship—and chaos.*

*They are still always cuddling—or stealing from each other.*

*We thank you for trusting us with these two sweeties when we had just an apartment in Manhattan. This year we moved to a house in the suburbs*

*and for the first time they have their own fenced yard. Huck is still confused by having a whole house and sometimes runs to the basement to find us when the doorbell rings. But he loves gardening; it's winter and he still runs to his tomato patch, hoping for one last one to steal.*

*We made Moxie a Snoopy dog house, which she jumps on for a treat. Moxie was the hit of the Sleepy Hollow Halloween parade, riding her dog house all the way. She was so shy when we got her, but now she loves showing off and getting fussed over. . . .*

*The beagles spread happiness wherever they go. They inspired us to take in a foster beagle . . . from the group Saving Older Beagles. . . . Our daughter Ginger is now 5. She was born nine months after we adopted [Moxie and Huck] and has been raised by beagles. She calls us the Beagle family. When Moxie disappears at night, we find her sleeping with Ginger. We are all so lucky to have them.*

AWI is pleased that we could contribute to this rescue and rehoming effort, and tickled to hear Moxie and Huckleberry's heartwarming "happily ever after" story. 🐾

## AVMA MAY OK GRISLY KILLING METHODS FOR FLU-EXPOSED BIRDS

Avian influenza (“bird flu”) returned to the United States in 2017, two years after the disease was responsible for the worst animal disease outbreak in US history, with the loss of 50 million chickens and turkeys. Thus far, the 2017 outbreak has been far more limited, affecting birds at approximately one dozen poultry operations in the South and upper Midwest.

Birds exposed to avian influenza are typically ordered killed by the US Department of Agriculture. The most common methods used to “depopulate” flocks are carbon dioxide gas (for killing caged egg-laying hens) and water-based foam (for killing floor-reared birds, including chickens and turkeys). Both methods are known to be stressful to animals and can lead to a prolonged time until death. Following the 2017 outbreak, the USDA approved the use of an even more inhumane method—ventilation shutdown—where producers turn off the ventilation system and turn up the heat to 120 degrees Fahrenheit. The birds die from heat stress, likely after experiencing extreme suffering lasting up to three hours.

This truly gruesome method of killing animals is not sanctioned by any veterinary authority. That may change. In January, the American Veterinary Medical Association (AVMA) released draft guidelines for the depopulation of animals. Because the USDA generally relies on the AVMA for guidance, it is likely that these guidelines will determine the methods used to kill animals during future disease outbreaks. Not only do the guidelines allow for the use of ventilation shutdown to kill birds, they also permit ventilation shutdown for the killing of pigs, and live burial of birds.

Even though this is a matter that impacts all Americans, comments on the proposal were only accepted from AVMA members. Therefore, AWI worked with other animal welfare organizations to generate comments from veterinarians in opposition to the proposed guidelines. These veterinarians are telling the AVMA that the lack of understanding of the methods’ effect on the welfare of animals should rule out their use, and that less inhumane methods exist.

## REPORT EXAMINES CORPORATE COMMITMENTS TO FARM ANIMAL WELFARE

The Business Benchmark on Farm Animal Welfare (BBFAW) released a report in early 2017 that scored restaurants, producers, and grocery stores on their commitment to farm animal welfare. The report showed

that there is increased attention to animal welfare among corporations. Compared to other corporate social responsibility concerns, however, it is still in its early stages.

The report placed companies in tiers from 1 (“Leadership”) to 6 (“No evidence that [animal welfare is] on the business agenda”). No US-based company made it into tier 1. Only one US company (Kraft Heinz) fell all the way to tier 6, however. A majority of US companies landed in tiers 4 (29 percent) and 5 (40 percent).

Reports like the BBFAW are important. Although companies across the world continue to announce that they are improving animal living conditions, it is often hard to measure actual corporate commitments. The BBFAW promotes increased transparency and more serious engagement on animal welfare issues.





JACK F

## SOME COMPANIES PROMISE IMPROVEMENTS IN CHICKEN WELFARE

In other corporate responsibility news, restaurants and producers are beginning to make commitments to improve the lives of chickens raised for meat (known to the industry as “broiler” chickens). For instance, Panera Bread, Chipotle, and Starbucks announced that they aspire to improve birds’ living conditions by 2024 by providing more space per bird, environmental enrichments, and better lighting conditions.

Similar to the cage-free movement for egg-laying hens, it will be hard to ensure that companies stick to commitments. Unlike companies promising to go cage free, however, these companies are declaring that they will report progress on a regular basis. Additionally, they plan to pursue third-party certification to ensure that birds are raised to these new standards. In the United States, almost 9 billion birds are slaughtered for food each year. These new commitments, if widely adopted, could have a monumental impact on the welfare of birds. Currently, there are no legal requirements for how birds (or

any other farm animals) are raised, and industry standards allow for overcrowded, barren, dimly lit barns in which welfare is extremely poor. It will be years before the impact of these commitments are truly known, but it is a positive sign that some companies are promising not only change but also transparency.

## USDA DECLINES TO IMPROVE SLAUGHTER REGULATIONS

At a slaughterhouse in Pennsylvania last year, an employee made three attempts to render a pig unconscious with a rifle, with the animal vocalizing after each shot to the head. The plant did not have an appropriate backup stunning device available, so one of the employees drove to his home to retrieve another rifle, returning 10 minutes later to finally put the animal out of his misery.

In May 2013, AWI submitted a petition to the USDA that reviewed more than 1,000 records of incidents similar in nature—animals suffering because slaughterhouses didn’t have proper procedures in place. (See *AWI Quarterly*,

*A few major restaurant chains are committing to better treatment of “broiler” chickens. While AWI feels chickens should be raised outdoors on pasture, the living quarters shown at left are at least a step up from the horrendous conditions most factory-farmed chickens endure.*

spring 2017.) The petition provided the department with easy steps to prevent such gratuitous suffering, and requested that it write regulations codifying these steps. For example, AWI asked that the USDA Food Safety and Inspection Service require slaughterhouses to develop a written systematic humane handling plan, routinely train employees on humane handling, and maintain at least one backup stunning device. The USDA ignored AWI’s petition—until AWI sued the department in December 2016 for its unreasonable delay.

In February, two months after AWI filed its lawsuit, the USDA finally responded, denying AWI’s petition. The denial acknowledged that the USDA has the authority to write regulations to improve handling and slaughter practices, but indicated that the department elects not to do so at this time. Instead, the USDA will continue business as usual: promoting voluntary compliance programs, which have resulted in refinements at some slaughter establishments, but have clearly not fixed the problems (as illustrated by the Pennsylvania incident).

Because the USDA’s response—unsatisfactory as it was—addressed the delay, AWI withdrew its complaint. However, AWI intends to continue to monitor the USDA’s enforcement records and will consider further legal action if these inhumane handling incidents continue. See page 28 for more on AWI’s efforts to decrease suffering at slaughter.

# AWI Report: Humane Slaughter Enforcement up, but Serious Problems Remain

**In** 1996, animal scientist Dr. Temple Grandin conducted an audit of 24 federal slaughter plants for the US Department of Agriculture. She found that only 30 percent of the plants were able to effectively render cattle insensible to pain with one stunning shot, as required by the federal humane slaughter law. In the late 1990s, as part of its transition to a new food safety monitoring program known as Hazard Analysis Critical Control Points, the USDA eliminated its procedural code for tracking humane slaughter violations. Consequently, the number of times plants were temporarily shut down for inhumane slaughter incidents dropped to nearly zero.

The *Washington Post* published a slaughterhouse exposé in April 2001, prompted by an undercover investigation of a major cattle slaughter plant in Washington state by the Humane Farming Association. The investigation suggested that inadequately stunned and still-conscious animals were routinely being dismembered. In response, Congress passed a resolution expressing that the USDA should fully enforce the federal humane slaughter law; enforcement increased slightly as a result.

In early 2008, another slaughterhouse investigation by animal advocates revealed multiple incidents of egregious cruelty to nonambulatory cattle at the Westland-Hallmark Meat Packing Company in Chino, California, resulting in widespread public outrage and the largest beef recall in US

history. Congress held multiple oversight hearings in the aftermath, and the USDA took several actions to step up its enforcement of the humane slaughter law.

In addition to its decades of work with Congress to achieve humane slaughter, AWI has conducted several surveys of federal and state enforcement of humane slaughter laws. In 2008, AWI published *Crimes Without Consequences*, a report that documented very low levels of humane slaughter enforcement, particularly at state-inspected plants, for the period 2002 to 2004. *Humane Slaughter Update: Comparing State and Federal Enforcement of Humane Slaughter Laws*, published in 2010, found that both federal and state humane slaughter enforcement increased dramatically following the Westland-Hallmark investigation.

AWI has published a new report, *Humane Slaughter Update: Federal and State Oversight of the Welfare of Farm Animals at Slaughter*, which looks at enforcement for the six-year period, 2010 through 2015. (The report does not cover the slaughter of poultry, which was addressed by another AWI report: *The Welfare of Birds at Slaughter*, published in April 2016.) Major findings of the most recent humane slaughter report include the following:

**Federal and state humane slaughter enforcement continues to rise, particularly in terms of the number of plant suspensions and threatened suspensions for egregious violations of the humane slaughter law.**

During the Obama administration, the number of plant suspensions and threatened suspensions increased roughly tenfold from the previous level (see figure at right). In addition, the number of citations for less serious offenses continues to increase under state enforcement.

**Although state enforcement is up overall, the level of enforcement varies dramatically by state.** For example, half of the states operating meat inspection programs have issued no plant suspensions for humane slaughter violations since at least 2002, when AWI began monitoring state enforcement. States receiving the highest rating from AWI on humane enforcement were Maine, North Carolina, and South Carolina, while Indiana, Montana, and Utah were rated the lowest. One state—Louisiana—provided no evidence that it has taken any enforcement actions for humane slaughter violations since at least 2002.

**Repeat federal and state violators present a major enforcement problem.** These are cases where individual slaughter plants are cited for multiple violations in a

relatively short period of time. Numerous examples of repeat violators were found, including a federal plant with five suspensions and 34 noncompliance records for inhumane slaughter within one year, and a state plant with one suspension and 13 noncompliance records within one year.

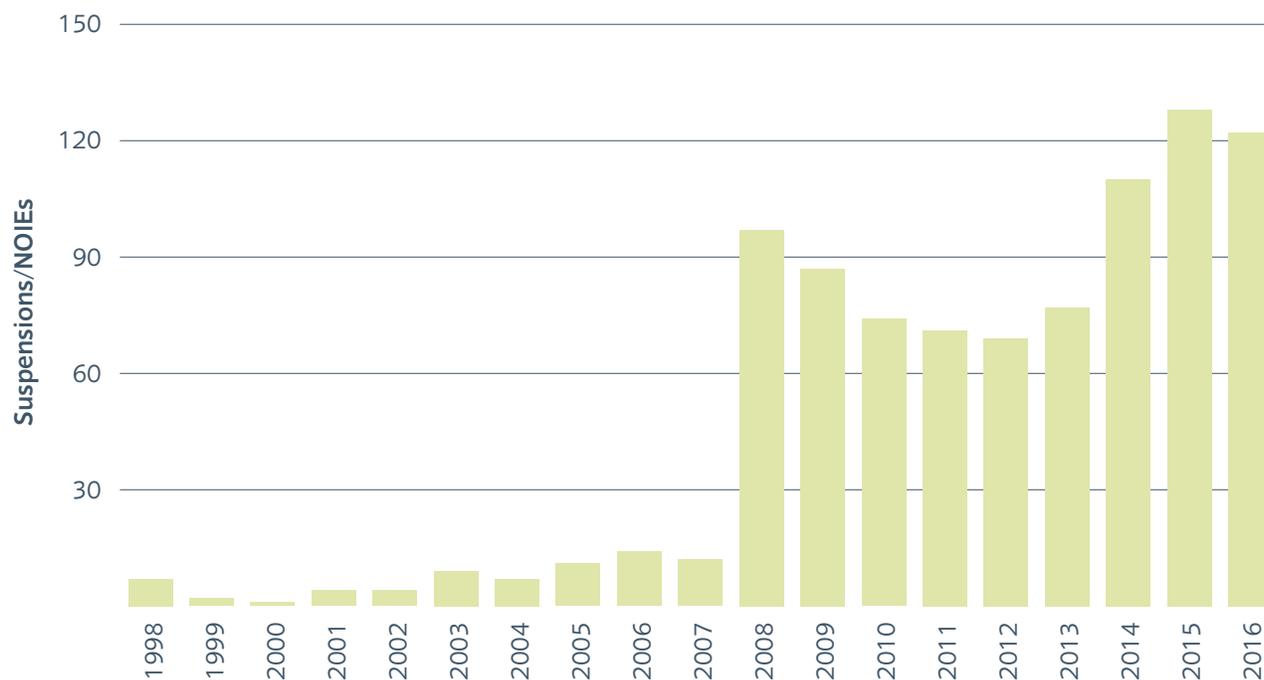
**Federal and state inspection personnel continue to demonstrate unfamiliarity with humane slaughter enforcement by their failure to take appropriate enforcement actions.** State inspection programs issue fewer suspensions and threatened suspensions compared to the number of less serious actions that they take for inhumane slaughter incidents. The lower suspension rate for state programs indicates that state inspectors either witness less serious offenses, generally, or they impose a lower penalty than what is called for. From reviewing state enforcement records, AWI has determined that the latter is true: State inspection programs take inadequate enforcement actions more frequently than the federal inspection program.

**While humane slaughter enforcement was up at both the federal and state levels, it remains low in comparison with other aspects of food safety enforcement.** For example, between 2010 and 2015, only 2.4 percent of all federal food safety verification procedures were conducted for humane handling and/or slaughter. Moreover, less than 1 percent of all food safety citations were issued for humane handling

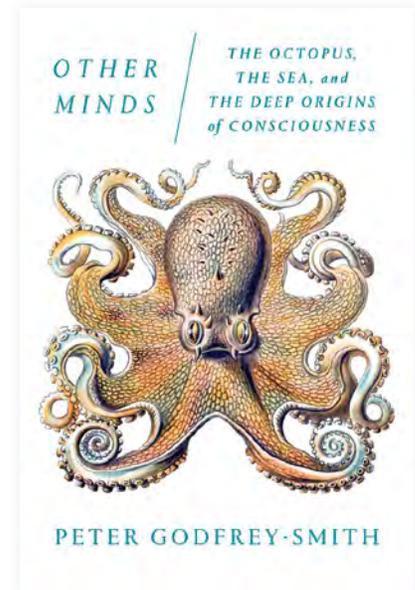
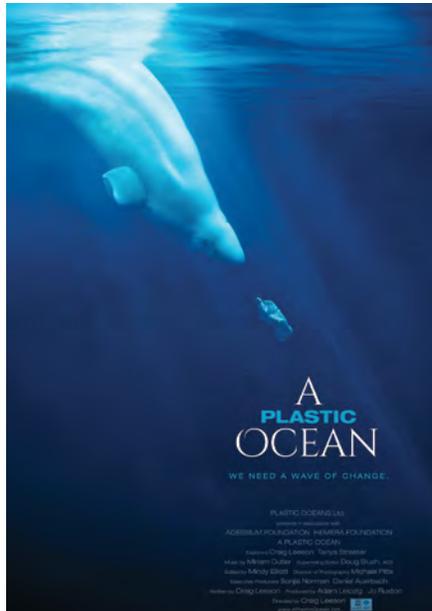
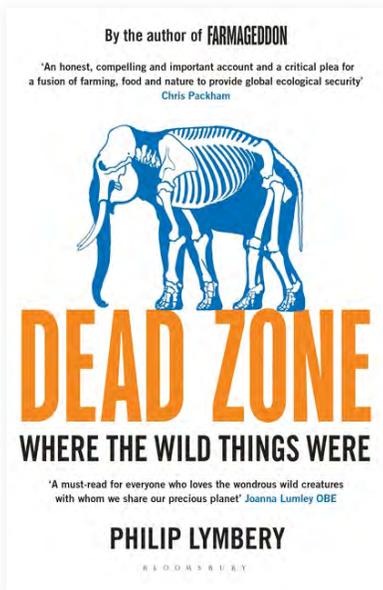
violations. Resources devoted to humane handling at the federal level continue to constitute only 2.0 to 2.5 percent of total funding for food safety inspection.

Based on its continued research into humane slaughter enforcement, AWI has offered the following recommendations to federal and state meat inspection programs: 1) The allocation of federal and state resources to humane handling oversight efforts should be increased. 2) The USDA should more closely monitor state programs to ensure that their enforcement actions are consistent with federal directives. 3) The USDA should remove meat inspection accreditation from the state of Louisiana. 4) The USDA should establish escalating penalties for repeat violators. 5) Federal and state agencies should cooperate in the pursuit of criminal animal cruelty charges for incidents of willful animal abuse. 6) The USDA should make more enforcement records available to the public on its website. 7) The USDA should revise the federal humane slaughter regulations to address the most common causes of violations. 🐾

*Federal suspensions and threatened suspensions for egregious humane slaughter violations increased dramatically following an undercover investigation at a California slaughter plant in early 2008. Below: Suspensions and notices of intended enforcement (NOIEs) from 1998 to 2016.*



Source: USDA-FSIS Quarterly Enforcement Reports



## DEAD ZONE: WHERE THE WILD THINGS WERE

Philip Lymbery / Bloomsbury Publishing / 384 pages

In *Dead Zone*, Philip Lymbery takes readers along as he explores the lives of elephants in Sumatra, jaguars in Brazil, and barn owls in the United Kingdom, and examines the driving forces behind their dwindling numbers. While the author recognizes climate change and other well-known causes of biodiversity and habitat depletion, he digs deeper to reveal a less publicized root cause: factory farming.

Each chapter of the book highlights a particular species that is impacted by intensive animal agriculture. Lymbery seeks out animals in their natural habitat (or what is left of it), and talks to members of communities that are also impacted by factory farming. In Sumatra, for instance, the author met with frightened and exasperated villagers who had lost crops to raiding elephants—a relatively common occurrence as the elephants are pushed out of their forest homes. According to Lymbery, almost half of Sumatra's dense forests have been replaced with monoculture palm plantations, and the destruction continues. Palm oil and kernels are shipped across the world to feed factory-farmed animals, as well as create

processed foods and beauty products for humans. Low prices fuel demand for these products, which leads to deforestation and threatens elephants and local communities.

*Dead Zone* beautifully debunks the assertion that factory farms are needed to feed the world's growing population by showing the consequences of factory farming and how, if we continue down this path, we will end up depleting our world of its resources. Lymbery believes that consumers have the power to change the system with their purchasing habits, such as reducing meat consumption and buying pasture-raised, higher-welfare animal products. Readers also hear from farmers and experts who offer their own solutions to monoculture cropping and factory farming.

The book is an eye-opening look at the interconnections between humans, nonhuman animals, and the environment we share. It paints a dire picture of factory farming and how it impacts the state of our planet. Fortunately, *Dead Zone* also provides hope through examples of farmers renouncing intensive agricultural practices and committing to sustainable farming. These examples demonstrate the resilience of the Earth and how land and biodiversity replenish when farmers work symbiotically with the land and animals.

## A PLASTIC OCEAN

2016 / Craig Leeson / [www.plasticoceans.org](http://www.plasticoceans.org)

A beached Bryde's whale writhes in distress, then slowly grows still. It is death by plastic: The whale's stomach is tightly packed with bags and other plastic debris that must have looked like prey.

This is just one of the distressing scenes in *A Plastic Ocean*, a compelling documentary by filmmaker Craig Leeson. Albatross chicks and other animals are shown dying or dead from plastic ingestion, or incapacitated by plastic wrapped tightly around their bodies. Necropsied stomachs are emptied and the contents put on display—dozens upon dozens of brightly colored bits of human society's flotsam. According to the film, more than 250 oceanic species have ingested or become entangled in plastic; 92 percent of seabirds globally are estimated to have plastic in their bodies.

Every year, humans deliberately and accidentally dump more than 8 million tons of plastic into the ocean. It doesn't go away. Some of it coalesces into massive gyres. Some is eaten by animals. Much of it breaks apart into tiny fragments, forming a sort of plastic smog that permeates the food chain, embedding itself into the bodies of plankton, fish, sea turtles, birds, marine mammals and, eventually, humans.

Leeson and his team, which includes world record free-diver Tanya Streeter, traveled the world to shed light on the consequences (not just for ocean life but for human communities, as well) of a global culture awash in disposable plastic. The film also showcases workable technology and proven policy solutions that, if widely implemented, could help get us out of this synthetic stew we are in. Above all, *A Plastic Ocean* shows quite vividly why we can ill afford to continue burying our heads in the sand (which is littered with plastic pellets at one beach shown in the film), ignoring the problem.

## OTHER MINDS: THE OCTOPUS, THE SEA, AND THE DEEP ORIGINS OF CONSCIOUSNESS

Peter Godfrey-Smith / Farrar, Straus and Giroux / 272 pages

In this compelling work, distinguished philosopher of science and scuba diver Peter Godfrey-Smith writes of his experiences studying the minds of cephalopods, particularly octopuses and cuttlefish, and the minds of highly intelligent animals of other classes, honing in on the evolutionary paths forged by mammals and birds on the one hand, and cephalopods on the other.

Godfrey-Smith does not write through the lens of animal welfare, and he seems untroubled by the captive use of octopuses for research. It is somewhat reassuring, however, that he states that he was "determined to interfere with the octopuses as little as possible"—only interacting with them when they wanted to interact, never pulling them from their dens to observe or work with them.

Humorous highlights include the story of one captive octopus who waited to dump an unwanted snack—a piece of thawed squid—down the drain until the exact moment the researcher who provided it stopped again in front of the tank; another involved the author and a giant cuttlefish engaged in an underwater "existentialist game of chicken." Similarly intriguing are his explanations of certain realities, like the fact that most types of octopuses, despite their complex (and from our perspective, oddly configured) brains, live short lives of only two to four years. Additionally, while most octopuses are solitary creatures, there exists a colony of octopuses off Australia, known as "Octopolis," believed to have formed after a large metal object that had fallen to the sea floor turned into a "valuable piece of real estate."

*Other Minds* is a great read for fans of science and philosophy who are interested in sea life.

### Bequests

If you would like to help assure AWI's future through a provision in your will, this general form of bequest is suggested: I give, devise and bequeath to the Animal Welfare Institute, located in Washington, DC, the sum of \$ \_\_\_\_\_ and/or (specifically described property).

Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax-deductible. We welcome any inquiries you may have. In cases in which you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.



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## USDA STILL STONEWALLING ON ACCESS TO ENFORCEMENT RECORDS

After the public outcry regarding the US Department of Agriculture's scrubbing of inspection records and other important enforcement documents from its website, the department began to restore selected records online. These included annual reports for research facilities and inspection reports for some registrants and licensees.

The bulk of the data remains missing, however. The USDA has not posted a single enforcement record (e.g., warning letter, stipulated penalty, or complaint) since August 2016. Also remaining offline are about two-thirds of the inspection reports that the USDA says "may contain personal information implicating the privacy interests of individuals and closely-held businesses." These pertain to thousands of regulated entities (breeders, dealers, exhibitors, and others licensed or registered under the Animal Welfare Act).

This withholding appears to be related to the department's questionable interpretation of the Privacy Act—an interpretation asserted by the plaintiffs in *Contender Farms v. USDA*. (See *AWI Quarterly*, spring 2017.) The USDA, in

capitulation to the walking horse industry, appears to have adopted this argument as a rationale for pulling the records from its website—and is stonewalling the public regarding this decision. When *BuzzFeed*, which consulted with AWI for an April 28 story on the issue, filed a Freedom of Information Act request for records pertaining to the site scrub, the USDA provided 1,771 pages of records with every single page completely blacked out—all information redacted.

Puppy mills, which came under scrutiny in a scathing 2010 report by the USDA Office of the Inspector General concerning lax enforcement against problematic dealers, are benefiting from this data scrub: Various states rely on the USDA inspection reports to carry out their own enforcement actions. Without the records, their efforts are thwarted.

The USDA claimed in February that the site scrub was part of its "commitment to being transparent"—a patently ridiculous statement. AWI will continue to fight for greater accountability, not only from the USDA but also from those who believe they can now abuse animals in secret. 🐾

