



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply Refer To:
FWS/AIA/DMA

Memorandum

To: The File

From: Chief, Branch of Permits

Date: MAR 26 2015

Subject: Enhancement Finding for African Elephants Taken as Sport-hunted Trophies in Zimbabwe On or After January 1, 2015.

The African Elephant (*Loxodonta africana*) is listed as threatened under the U.S. Endangered Species Act (ESA) and is regulated under an ESA section 4(d) special rule [50 CFR 17.40(e)]. The 4(d) special rule gives the requirements for the import of sport-hunted trophies. Under paragraph 17.40(e)(3)(iii)(C), in order for the U.S. Fish and Wildlife Service (Service) to authorize the import of a sport-hunted elephant trophy, the Service must make a finding that the killing of the animal whose trophy is intended for import would enhance the survival of the species in the wild. In evaluating the available data on elephant hunting in Zimbabwe, the Service has determined that it is unable to make a finding that the killing of elephants in Zimbabwe, on or after January 1, 2015, whose trophies are intended for importation into the United States, would enhance the survival of the African elephant in the wild. Therefore, the trophies, part or products, of elephants taken in Zimbabwe during the 2015 hunting season and future hunting seasons, will not be allowed to be imported into the United States. The suspension on importation of trophies taken during calendar year 2015 or future hunting seasons could be lifted if additional information on the status and management of elephants in Zimbabwe becomes available, including utilization of revenue generated through sport-hunting by U.S. hunters, which satisfies the conditions of the 4(d) special rule under the ESA.

General considerations:

As stated in previous findings, in evaluating whether the killing of the animal whose sport-hunted trophy is intended for import into the United States contributes to the enhancement of African elephants within a country, the Service looks at a number of factors. We evaluate whether a country has a valid national or regional management plan and if the country has the resources and political will to enact the plan. If there is a plan, what government entities

implement the plan and how often is it reviewed and updated? Does the plan have clear, achievable objectives? Are the objectives measurable and are they being achieved? Is there an adaptive management approach within the plan so that enacting agencies can quickly respond to changing environmental or social issues?

The Service also evaluates the status of the elephant population within a country and trends over time. Particularly, we are interested in population numbers, sex and age-class distribution, and mortality rates (both natural and human-induced). Are standardized surveys being conducted and, if so, what are the timing, census methodology, and coverage? Since elephant populations can move across international borders, what level of cooperation is there between neighboring countries in management and surveying efforts for shared populations? How is poaching accounted for within survey efforts?

The Service takes into account all forms of offtake when evaluating population viability and sustainability, including human-elephant conflicts, problem animal control, poaching, and sport-hunting. While recognizing that there may be limited resources available for elephant management, the Service considers what national policies are in place to address human-elephant conflicts and problem elephant control. Is there a policy on culling surplus animals and removal of nuisance animals? Does domestic harvesting of elephants occur for local consumption or use? The amount of protected area either set aside for elephants or managed for elephant populations and the level of protection provided are also important in the Service's evaluation of whether imports of trophies could be authorized.

Finally, the Service considers the country's sport-hunting program and whether it contributes to the conservation and management of the species. Is the hunting program scientifically based and has it been incorporated into national/regional management strategies, particularly in light of data on population numbers and trends and levels of utilization (both legal and illegal)? Are the funds generated by hunters going directly to in-situ conservation and management efforts or deposited into a general treasury fund? How are hunting quotas distributed? If there are concession areas, how are they managed and allocated? Do U.S. hunters, through their participation in the hunting program, contribute sufficient funds to address management needs of the species, and are those funds utilized in a meaningful manner?

In short, the Service is looking to determine if a country has sufficient numbers of elephants to support a hunting program, if the country has a management plan and adequate laws and regulations to effectively implement a hunting program, and if the participation of U.S. hunters in the program provides a clear benefit to the species to meet the requirements for the import of sport-hunted trophies under paragraph 17.40(e)(3)(iii)(C).

Basis for Finding for Zimbabwe:

In the April 4, 2014, finding, and the revised finding of April 17, 2014, the Service stated that it was unable to make a positive finding to allow imports, primarily due to the limited information available to the Service at that time. On April 4, 2014, the Fish and Wildlife Service sent a letter

to the Zimbabwe Parks & Wildlife Management Authority (ZPWMA) with a series of questions that would assist the Service in making a final determination on trophy imports. On April 14, 2014, the Director-General of ZPWMA sent a letter to the Service expressing concerns over our decision to establish a temporary suspension. On April 17, 2014, the Director-General sent a response to the Service inquiry. Several weeks later, the Service received a number of documents, including copies of Zimbabwean laws, and other items referenced in the ZPWMA response. In addition, on June 6, 2014, the Service received additional information from Conservation Force, a U.S.-based conservation and hunting non-governmental organization (NGO). In its July 17, 2014 finding, as revised on July 22, 2014, the Service stated that it continued to be unable to make a positive finding to allow imports. Since that time, the Service has received a number of comments from individuals and associations connected to the hunting industry in Zimbabwe or southern Africa. On October 21, 2014, the Service received additional comments from Conservation Force. Further information was provided by Conservation Force on January 19, 2015. After reviewing this information, the Service delivered a second letter, dated October 31, 2014, to ZPWMA while attending the 13th Annual African Wildlife Consultative Forum in Ethiopia. This letter requested clarification of information submitted to the Service, and also requested additional information to address questions that were raised from our review of available information. The Service received a response to this inquiry on December 10, 2014. Safari Club International also provided supplemental information on December 17, 2014, and January 23, 2015. This finding is the result of an analysis of all of this information. Based on the information available to the Service, we are unable to make a finding that the killing of elephants in Zimbabwe, on or after January 1, 2015, whose trophies are intended for importation into the United States, would enhance the survival of the African elephant in the wild. As noted above, the suspension on importation of trophies taken during calendar year 2015 or future hunting seasons could be lifted if additional information on the status and management of elephants in Zimbabwe becomes available which satisfies the conditions of the 4(d) special rule under the ESA.

Management Plans: In its April 4, 2014, letter, the Service asked whether Zimbabwe had a current national management plan for elephants. In the ZPWMA response, Zimbabwe responded that the “management plan” consisted primarily of The Policy and Plan for Elephant Management in Zimbabwe (1997) and Elephant Management in Zimbabwe, third edition (July 1996). In addition, ZPWMA stated that they also implement other plans: “The African Elephant Action Plan” (CoP15 Inf. 68), SADC Protocol on Wildlife, and Elephant and Rhino Security Plan. In the ZPWMA response, ZPWMA stated that all of the protected areas in Zimbabwe have “specific aspects of elephant monitoring programs that are implemented and reviewed on an annual basis”. ZPWMA stated that information on the status of the elephant is derived from aerial surveys, water hole counts, walking transects, visitor observation, and ranger-based monitoring. In addition, ZPWMA stated that they are regularly monitoring the status of the elephant population, including poaching, at two sites through the CITES “Monitoring the Illegal Killing of Elephants” (MIKE) program.

According to their initial response, ZPWMA is the sole legal authority, under the terms of the Parks and Wildlife Act, Chapter 20:14, for administering the management plans and overall

management of elephants in Zimbabwe. Through an adaptive management approach, ZPWMA stated that aspects of the elephant management plan are “reviewed through annual stakeholder consultative national workshops” with government, NGO, local community, safari operator, and private sector participation.

Elephant Management in Zimbabwe provides a historical review of elephant status in Zimbabwe prior to 1996. The document also identifies three major management goals for ZPWMA: maintain at least four demographically and genetically viable populations; maintain numbers and densities below levels that will not compromise biodiversity; and maintain or increase elephant range at or above 1996 levels. However, the document primarily focuses on intentional reduction of elephant populations through culling rather than on maintenance or increase of populations under threat. While the Service recognizes the potential role of culling as part of a management program, Elephant Management in Zimbabwe is largely irrelevant since it does not establish specific measurables or management actions that need to be taken. Instead, it largely presents a philosophical discussion of the merits of culling and efforts that must be taken to ensure that culls meet the desired management results. The document did make one relevant statement that when managing elephant males for sport hunting, it is essential to account for all adult males removed from a population, including animals taken through problem animal control and poaching. The document goes on to state that the “sport hunting quota should be reduced, to zero if necessary, if more than 0.75% of the populations [per annum] is being killed in other ways.”

The Policy and Plan for Elephant Management in Zimbabwe was the outcome of a “Zimbabwe Elephant Management Framework” workshop held on January 13, 1997, in Harare. The document summarizes the issues that were affecting elephant populations in Zimbabwe at the time, and recommended policy statements on elephant management. While the document states a clear goal and establishes ten objectives with management actions identified, it does not sufficiently expand on any methodology to meet the objectives or complete management actions. Without a plan to take specific actions to meet the objectives, or at least a clear framework on how adaptive management efforts would be monitored to ensure that they are meeting the stated objectives, it is not clear to the Service how this document could serve as a “management plan”. Given the general nature of the stated objectives, it could be stated that the objectives and, possibly, the management actions of this 1997 document are still valid, but without specific measurable outcomes identified to implement these goals and actions, the document is insufficient to address the management of elephants. Further, while the material received from Conservation Force and the ZPWMA in response to the Service’s April 4, 2014, and October 31, 2014, inquiries provided some information related to the objectives, the Service has not received sufficient information to indicate, since the inception of this document in 1997, which objectives are being met or how they are being met.

Other documents provided by ZPWMA in response to our inquiries, e.g. “The African Elephant Action Plan” (CoP15 Inf. 68), SADC Protocol on Wildlife, and Elephant and Rhino Security Plan also establish broad policy goals and objectives, but provide very little with regard to specific management actions or measurables. At a December 2014, three-day workshop, hosted by ZPWMA, to review Zimbabwe’s Elephant Conservation Policy and Management Plan, the participants discussed the SADC Protocol, which went into effect in 2003. According to the

information from this workshop, the participants felt that the protocol was a good framework for Southern African countries to work together on law enforcement and anti-poaching efforts. It is not clear, however, how successful Zimbabwe has been in implementing this protocol (limited information has been provided supporting or refuting Zimbabwe's implementation of the Plan). The Zimbabwe Policy for Wild Life is a general framework, published in November 2000, on how ZPWMA would be managed to ensure that Zimbabwe's wildlife and their habitats are appropriately managed. This document specifically acknowledges that "[I]t is intended that [this] policy will be followed by detailed management plans and enabling legislation for those issues which merit them." It is not clear if detailed management plans for elephants have not been developed because ZPWMA does not believe that elephants merit such plans, or if detailed plans have been developed, but were not provided to the Service.

Finally, the National Environmental Policy and Strategies, published in June 2009, is a general policy framework for all environmental issues in Zimbabwe. The document, while addressing ways to maintain environmental integrity, social issues, economic issues, and environmental management, establishes "guiding principles" and "strategic directions" for addressing biodiversity (Guiding Principle #9 and 10), flora (#11 and 12), fauna (#13), genetic resources (#14), protected areas(#15), natural resource management (#43), and wildlife and fisheries (#45). However, these guiding principles and corresponding strategic directions are only broad guidance and do not identify any specific management activities.

Without a management plan or plans, or other guiding document, with specific, measurable goals and actions, it is very difficult for the Service to determine if ZPWMA is implementing the well-articulated, but general, goals and objectives that appear in Elephant Management in Zimbabwe, The Policy and Plan for Elephant Management in Zimbabwe, and other Zimbabwean policy documents. It should also be noted that both elephant management plans are more than 15 years old.

In several documents available to the Service, ZPWMA stated that they do not have a proscriptive management plan because they utilize an adaptive management approach to elephant conservation and management. However, no information has been provided that indicates how this adaptive management approach is carried out. While the Service acknowledges the value of such an approach generally, a clear framework or guidance would be necessary to ensure consistent implementation on a national basis. Even if the documents mentioned above were the overarching guidance for the country and adaptive management was carried out independently for each of the four subpopulations (North West Matabeleland, Zambezi Valley, Sebungwe, and Gonarezhou (or South-East Lowveld)), it would stand to reason that each subpopulation would need guidance that is more specific. In both of the ZPWMA responses to the Service, they spoke of "devolving wildlife management authority to local branches, private conservancies, and CAMPFIRE's RDC [rural development councils]". The Service does not disagree with a regional or local management approach, however, since the Service has been informed that elephants in Zimbabwe are managed at a national level, there needs to be a national approach and understanding of the basis of this adaptive management and that the country, as a whole, is taking a logical, scientifically based approach to reaching the agreed upon end result.

In December 2014, ZPWMA hosted a three-day workshop at Hwange Safari Lodge in Zimbabwe to review Zimbabwe's Elephant Conservation Policy and Management Plan. The workshop was attended by the ZPWMA Director General, the Permanent Secretary for Environment, Water and Climate, members of the Zimbabwe Parks and Wildlife Board, Executive Directors of Rural District Councils, and various NGOs. Both the Permanent Secretary and the Director General acknowledged at the workshop that the 1997 management plan was outdated and has been overtaken by events at the global, regional, and local level and cannot address current challenges.

The workshop participants agreed on a framework for the upcoming management plan. The proposed revised management plan has the same long-term vision of the 1997 plan and basically the same target goals (i.e., maintain at least 4 demographically and genetically viable populations; maintain or increase elephant range; maintain numbers/densities of elephants at levels that do not adversely impact biodiversity conservation goals while contributing to economically viable and sustainable wildlife-based land uses). The workshop participants identified the beginnings of strategic objectives and outputs, as well as some key activities. The outcome of the workshop appears to be a starting point for reevaluating the current management plan(s). However, according to the Proceedings, there was insufficient time at the workshop to complete the section on means of verifying the key performance indicators. A schedule was agreed upon: by Dec. 15, 2014, ZPWMA would appoint a drafting team to write up the management plan; the 1st draft of the plan would be ready by Jan. 30, 2015; the Elephant Management Plan Coordinating Committee would be convened by ZPWMA by Feb. 28, 2015; Final draft of management plan by April 30, 2015; and Operational annual management plans for 4 sub-regions by May 30, 2015.

Overall, ZPWMA has not provided, and the Service has not otherwise received, any information regarding the 2014 or future hunting seasons that indicates that Zimbabwe is implementing appropriate management of the national elephant population. While the Service does not have adequate information to conclude that the current management regime is sufficient to meet the criteria under 50 CFR 17.40(e)(3)(iii)(C), a revised national plan that includes specific goals and measures with specific actions to be taken is a necessary first step towards a re-evaluation of this finding in the future.

Population Status: To manage any population to ensure an appropriate population level and determine whether sport-hunting is having a positive effect, it is vital to have sufficient data on population numbers and population trends to base management decisions. Elephant Management in Zimbabwe states that sport-hunting quotas should be reduced or eliminated if the overall offtake of male elephants, from all sources, is greater than 0.75% of the total population per annum. Without current population data, it is not clear how one can calculate the number to offtake. Without information on population demography and mortality, it is not possible to determine accurately what impact hunting, in conjunction with other offtakes, including problem animal control and poaching, is having on Zimbabwe's elephant population. However, Rowan Martin, author of this document, stated in comments submitted to the Service that he wished he could "disavow one's own writing". Dr. Martin stated that "It [the document] is correct in saying that close attention should be paid to problem animal control and illegal hunting...[but] my current thinking is that trophy hunting should continue regardless and the management thrust should be on reducing illegal hunting and problem animal control. A well-functioning trophy hunting industry

could be the one factor that reduces number of elephants killed illegally and as problem animals.” While the Service agrees that a well-functioning hunting industry can provide financial benefits, we also believe that a clear understanding of all off-take is necessary and hunting should not continue without adequate population data.

At the time the Service made its April and July 2014 findings, we relied heavily on population information in the IUCN SSC African Elephant Database report “2013 Africa”. According to this report, the elephant population in Zimbabwe in 2007 was estimated to be 99,107, of which 85% (84,416) was classified as “definite”, although less than 1% of these animals were identified by aerial or direct counts, and only 0.3% (291) was classified as “speculative”. While the total population in 2012 was estimated at 100,291, only 47% (47,366) was classified as “definite” and 45% (45,375) was classified as “speculative”. Only 304 “definite” animals were counted by aerial or ground counts (less than 1% of the definite animals), while 41,840 of these animals were counted through sample counts or dung counts, a less accurate methodology than properly conducted aerial surveys, and the remaining 5,222 were estimated through “other guesses”. According to this report, 23 of 40 population estimates included in 2012 are older than 10 years, undermining the quality of the data. Further, according to the report, only eight of the 40 estimates used in the “2013 Africa” report were the result of repeated surveys. As noted in that report, “this lack of systematic and updated monitoring data is of serious concern for possibly the third largest elephant population in Africa.” However, in a November 3, 2014, letter to the Service, the IUCN/SSC African Elephant Special Group stated that data had been inadvertently left out of the 2013 provisional report. Specifically, a 2007 survey of Hwange National Park was left off, although it was recorded under “New Surveys” on their website. The results of this survey would have added an additional 30,000 elephants to the “definite” category (from the “speculative” category), while not changing the overall population estimate. Nonetheless, the majority of surveys that contributed to the overall population estimate of 100,291 were more than 10 years old. Given the current circumstances in Zimbabwe and across the continent (e.g., poaching, habitat loss, human population expansion), this information is outdated and cannot be relied upon to show the current status of elephants.

In 2012-2013, according to information provided by ZPWMA, two surveys were conducted in Save Valley Conservancy and in Gonarezhou National Park (and surrounding areas). In Aerial Survey of the Larger Herbivores, Save Valley Conservancy, Zimbabwe, a report compiled in September 2013 by the Technical Advisory Committee of the Save Valley Conservancy, 1,538 elephants were counted. Based on nine years of aerial surveys (2004-2010 and 2012-2013), not all of which covered all of the Save Valley Conservancy, there does appear to be a short-term increase in elephant population density of 9.5%. However, trend analysis of the last three aerial surveys indicated only a 2.2% population increase in elephants. Further, the 2012-2013 surveys were only partial surveys and conditions were such that some double counting may have occurred.

In October 2013, additional aerial surveys were conducted in Gonarezhou National Park, Malapati Safari Area, and adjacent communal lands. From these surveys, it was estimated that there were 10,151 elephants in the Gonarezhou National Park area, the highest estimate since sample surveys began there in 1975. The estimated total number of elephant carcasses in the entire survey was 513. The “1+2” carcass ratio (fresh carcasses (category 1) and recent carcasses (category 2)),

however, was 0.39% in the entire survey area. The Service recognizes that the apparent elephant population increase in Gonarezhou National Park is excellent news. However, a carcass ratio of less than 4%, which is the expected carcass level due to natural mortality alone, is low. This low number could be an indication that the aerial survey method did not accurately detect all carcasses.

In 2014, the Pan African Aerial Elephant Survey (<http://www.greatelephantcensus.com/>) was carried out over a significant portion of the elephant's range in Africa. Preliminary results from the Pan African survey report a provisional estimate for elephant abundance in Zimbabwe to be between 82,000 and 83,000 individuals. This represents a 6% decline since 2001 surveys. This decline in elephant abundance is important when compared to 5% increase in elephant abundance per annum during the time period immediately prior to the 2001 survey. This overall downward decline in elephant abundance in Zimbabwe is troubling, as an example if elephant abundance in Zimbabwe was predicted to be 99,107 in 2007 and had a constant growth rate of 5% per annum, the Zimbabwe population would be predicted to exceed 139,454 by 2014.

Figures presented at the 16th Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora in Bangkok, Thailand, March 3-14, 2013 (CoP16 Doc. 53.1) indicated that, during 2002 – 2010, the percentage of illegally killed elephants (PIKE) in the Chewore area (Mana Pools and Chewore Safari Park) Zimbabwe was circa .24, whereas in 2011 that number jumped to .67. A PIKE level of 0.5 or higher (half or more of all carcasses were the result of illegally killed elephants) means that the elephant population is very likely to be in net decline. At the 65th meeting of the Standing Committee, updated PIKE data were provided for Zimbabwe (SC65 Inf.1). PIKE numbers from the two MIKE sites in Zimbabwe showed an increase in 2012 to 0.79 (out of 43 carcasses found) and 0.27 (out of 52 carcasses found). In 2013, the PIKE rates reported for the same two sites were 0.4 (91 carcasses found) and 0.22 (36 carcasses found). From these data, it appears that there was an increase in elephant poaching in 2012, but the poaching level might have declined in 2013 to below the 2011 level. According to the preliminary results from the Pan African Aerial Survey, carcass counts in Mid Zambezi Valley were estimated at 553 (4.3% of live population); Sebungwe had an estimated 1,424 (28.2%). North West Matabeleland was estimated at 4,087 (7.6%) and Gonarezhou National Park at 523 (4.6%) carcasses. There are no estimates available as to the proportion of these carcasses that were the result of poaching.

Regulations and Enforcement: The regulatory mechanisms for ZPWMA and its programs have been established under the Parks and Wild Life Act. This law includes sections on virtually every aspect of ZPWMA, including requirements for annual financial audits and reporting to the central government. The law also provides for substantial penalties for the unlawful possession of or trading in ivory. The first offense carries a minimum of 5 years and a maximum of 15 years in prison. The second offense carries a minimum prison term of 7 years and a maximum of 15 years. However, according to the response from ZPWMA to our April 4, 2014, inquiry, the General Laws Amendment Act (No. 5) of 2010 provides for a mandatory imprisonment of not less than nine years for poaching. If properly enforced, it appears these penalties would be a sufficient deterrent to poaching. However, we did not receive any information on the number of poaching crimes that are prosecuted nor the average sentence or penalty.

In January 1996, the Government of Zimbabwe approved the establishment of the Parks and Wild Life Conservation Fund, a statutory "Fund" that provides for financing wildlife operations directly from revenues generated through wildlife related activities. However, only revenues generated through sport-hunting conducted on state and private lands are used to finance ZPWMA; to our knowledge, no other government funding is provided, and only limited outside funding from NGOs or other governments appears to be available. The 1997 CITES Panel of Experts raised concerns as to the status of ZPWMA relating to its weak financial base, lack of management skills, inadequate and old equipment, and poor infrastructure. While the concerns raised by the Panel of Experts are dated, no new information was provided by ZPWMA or other sources regarding these concerns in response to the Service's April 4, 2014, inquiry.

Based on their December 10, 2014, letter, ZPWMA has a current operating budget in excess of US\$28 million. In 2013, ZPWMA reported having revenues of US\$29 million against expenditures of US\$26 million. According to the letter, "...except for activities like game water supplies in Hwange NP and aerial surveys, there is no budget specifically to manage elephant because ZimParks takes a holistic approach to conservation of all wildlife resources including elephants." ZPWMA also stated that elephant hunting contributes in excess of US\$14 million annually and that approximately 30% of ZPWMA's revenue is from hunting, of which the elephant is the major contributor. Besides these statements, however, we do not have adequate information about how much money is generated by elephant hunting, how these funds are distributed, or how these funds impact the ability of ZPWMA to adequately enforce the Parks and Wild Life Act, day-to-day management, or anti-poaching efforts.

That being stated, the Service received documents written by Rowan B. Martin entitled "Ban on Import of Elephant Trophies into the USA from Tanzania and Zimbabwe: Costs of Protection of Elephant Areas." The undated documents discussed the budget requirements for protecting wildlife areas in Zimbabwe based on calculations developed by Mr. Martin in 1996 and 2004. The documents stated that for Zimbabwe, given the total elephant range within the areas controlled by ZPWMA, the annual budget required to protect the elephant range would be US\$21 million. In 2013, ZPWMA requested \$28 million from the Treasury, the major part of which was intended for anti-poaching efforts. They were allocated only \$1.5 million. According to Martin, this amount, along with the revenue from trophy hunting licenses, is not sufficient to provide the needed level of protection for land under ZPWMA's authority. However, in their December 10, 2014, letter, ZPWMA stated that they did not accept Dr. Martin's evaluation and did not consider it accurate. Dr. Martin also presented at the December workshop on this issue. According to the proceedings from the workshop, Dr. Martin suggested that ZPWMA would need US\$5,275,480 to protect the National Parks, US\$7,055,268 to protect safari areas, and US\$3,891,536 for forest areas annually. In addition, communal lands would need US\$6,101,101 and private land \$3,826,770. Since we have not received a communication from ZPWMA since their December 10, 2014, letter, it is unclear if they agree or disagree with these numbers.

In evaluating the resources available to ZPWMA and their ability to implement regulations and enforcement, we also considered documents from recent Meetings of the Conference of the Parties to CITES. At the 15th Meeting of the Conference of the Parties to CITES, a report on the Elephant Trade Information System (ETIS) was presented (CoP15 Doc. 44.1 Annex). In the report,

Zimbabwe was specifically identified with regard to illicit ivory trade. The report noted the existence of organized criminal activities within Zimbabwe, including reports of the involvement of politicians, military personnel, and Chinese nationals in illicit wildlife trade. The report goes on to state that the law enforcement effort ratio within the countries grouped for the analysis had dropped to 40%, a decline of 4% from the CoP14 analysis. This decline indicates a less than average performance and was attributed to the situation in Zimbabwe.

At the 16th Meeting of the Conference of the Parties to CITES, the report on ETIS (CoP16 Doc. 53.2.2) expressed concerns about Zimbabwe with regard to illegal trade in ivory. The report stated that, as a group, Zimbabwe, Botswana, and Namibia were in the middle range, when compared to 64 other consumer or producer countries of elephant ivory, in terms of the mean number of seizures identified, but ranked fifth in the measure of scale, indicating that most of the seizures were in the 10-100 kg class (i.e., an average number of seizures that were predominately smaller in size). The report noted that 65% of the ivory trade between 2006 and 2011 had occurred since 2009, indicating that illegal ivory trade is increasing. Governance indicators were mixed, with a much lower than average World Bank “rule of law” score, but the second highest law enforcement ratio of any group of countries evaluated. The report, however, supports the Service’s governance concerns by specifically identifying Zimbabwe as pulling these scores down in both cases, “especially in the ‘rule of law’ score, indicating that far greater challenges exist in that country.” The report also noted that Zimbabwe was the source of nearly two tons of worked ivory seized in Cape Town, South Africa, in 2009.

In several letters sent to the Service by Zimbabwean safari outfitters and hunting guide organizations, it was stated many times that the presence of hunters, specifically U.S. hunters since they appear to make up the vast majority of sport-hunters in Zimbabwe, and subsequently the professional hunters and safari outfitters guiding the hunters, are the major deterrent to poaching in Zimbabwe. Several specific incidents were reported where safari outfitters and hunters, and not the ZPWMA rangers, thwarted poachers. In at least one incident, the 2013 Hwange National Park poisoning, it was reported that the safari outfitter paid for all of the anti-poaching efforts, including paying for all transportation for the ZPWMA rangers and feeding them. We would expect that the presence of anyone in the field, particularly armed hunters, could deter poachers from carrying out illegal activities where the likelihood of being captured is heightened. However, no evidence was presented to the Service that supports the belief that, without hunters, specifically U.S. elephant hunters, poaching in Zimbabwe would significantly increase. Based on the information provided, we believe that it is not likely that legal hunting for elephants or other wildlife is widespread enough or at a high enough density level to reduce significantly poaching levels in and of itself. This is particularly true for national parks, where hunting is not allowed.

Various statements about trophy hunters and outfitters being a major deterrent to poaching raise concern about existing ZPWMA funding levels and funding utilization. First, concerns center on the ability of ZPWMA to generate sufficient funds to support adequately their stated mission. Secondly, there is concern about ZPWMA’s ability to utilize existing funding to support on-going activities. Without additional information on ZPWMA’s funding sources (or income) and operating expenses, the Service is unable to determine if Zimbabwe has adequate resources to

enforce existing laws and regulations.

Even with the revised December 10, 2014, information regarding the current ZPWMA budget, we continue to lack sufficient information regarding funding levels or any indication that the financial base, management skills, equipment, or infrastructure have improved. It is possible, of course, that recent and upcoming events, such as the Hwange meeting in December 2014 and other meetings scheduled for early 2015, may lead to a clearer understanding of funding levels and the utilization of ZPWMA revenue. As noted previously, the Service can re-evaluate this finding, and the suspension on importation of trophies taken during calendar year 2015 or future hunting seasons could be lifted, if additional information on the status and management of elephants in Zimbabwe becomes available which satisfies the conditions of the 4(d) special rule under the ESA.

Sustainable Use: We have not been provided with adequate information regarding offtake in Zimbabwe, including basic fundamental information like the number of elephants that have been sport-hunted annually and the number of elephants that have been legally killed for the hide trade. For both the 2014 and 2015 hunting seasons (January – December), Zimbabwe has established an annual export quota of 500 elephants (1000 tusks). This is the same quota that Zimbabwe has reported to the CITES Secretariat since 2004. According to available information, it does not appear that Zimbabwe actually fills this quota each year, but due to variation in how trophies are categorized in CITES trade data, it is difficult to categorically identify the actual numbers of hunted elephants that are exported each year. Information provided by ZPWMA in response to our April 4, 2014, inquiry did not identify the number of trophies exported annually. Several statements from safari outfitters indicated that approximately 160 elephants are taken annually, but this number is not supported by any documentation.

ZPWMA categorizes offtake into six categories: Cropping (hunting and population control, which may include meat supply to rural communities and live animals to breeders), Natural Mortality (found dead of natural causes), Accidents (killed by trains, landmines, or vehicles), Poaching (illegal take), Problem Animals (elephants killed to protect human life and property), and Management Offtake (offtake due to other management decisions). No information was given on the number of elephants that are taken in each of these categories. It does not appear that Zimbabwe is currently conducting any culling operations, besides trophy hunting if considered a “cull”.

According to information from ZPWMA, 293 elephants were poached in 2013, including the 105 elephants poisoned in Hwange National Park.¹ Of the five years of data ZPWMA provided in their April 17, 2014, response, an average of 190 elephants were identified as being poached annually. In 2009 and 2010, there was an average of 111 elephants poached; however, between 2011 and 2013, the average more than doubled to 243 elephants. It is not clear what stimulated this significant increase. Many countries have experienced a marked increase in poaching, due to the increase in demand for ivory. It is also possible that shifts in land tenure, governance,

¹ In our April 4, 2014, finding, we incorrectly stated that over 300 elephants had been poisoned.

ZPWMA's limited financial resources, or economic factors contributed to the increase. Further, while the number of animals poached in Zimbabwe does not appear to be as high as in other countries, information that was presented at CoP16 (CoP16 Doc. 53.1) indicates that there has been a steep rise in poaching incidents. Without more definitive population data, like what should come from the Pan African Aerial Elephant Survey when all of the data are released, there is no way to determine whether these numbers, combined with other offtake, are sustainable.

While the number of elephants taken as problem animals was not elucidated in material provided by ZPWMA in April 2014, it appears, based on their response and documentation provided by Conservation Force, that a large number of elephants are taken each year. ZPWMA reported that in a 3-year period (2009-2011), there were 372 human-elephant conflict cases for four "hot spot" districts. It is not clear if elephants were removed in each of these cases. However, the Service has anecdotal evidence suggesting that the number of problem animals may equal or exceed the number of elephants taken through sport-hunting.

The December 10, 2014, letter from ZPWMA, however, included some further information on off-takes. According to this letter, the percentage breakdown of all off-takes was as follows: 5% from problem animal control, 55-60% from hunting, and 35% from poaching and natural mortality. While specific numbers were not provided, the letter also stated that an average of 40 elephants was taken annually as problem animals. Therefore, if these percentages are correct, hunting off-take would be 440-480 animals, and poaching/natural mortality would be approximately 280 animals. However, the December letter also stated that management offtake (culling, training exercise, and meat production for park staff) was approximately 95 elephants annually. Based on these numbers and with a reported 3-year average of 180 elephants taken annually due to poaching (the 2013 Hwange incident of 105 elephants being poisoned was not included in this average), the natural mortality of elephants in Zimbabwe is approximately 100 animals/year or 0.12% annually. Since this is far below the likely natural mortality rate of healthy elephant populations, we question the accuracy of the percentage breakdown provided by ZPWMA in their letter.

African elephants in Zimbabwe are listed in CITES Appendix II, with an annotation that allows trade in hides. According to CITES trade data, at least 2,373 hides were exported in 2010, 3,204 in 2011, and 4,675 in 2012. It should be noted that these numbers probably do not equate to whole animals, but include whole hides and parts of hides. Some of these hides may have been obtained from sport-hunted trophies, problem animal control, or culling operations. Based on these reported numbers, it is not possible to determine the elephants taken specifically for the hide trade, however. While the Service asked about the export of hides in its October 31 letter, ZPWMA did not directly address the issue in its response letter. They did state that the export of hides was authorized under the annotation for African elephants and that all hides that are exported are legally obtained.

We continue to have fundamental questions regarding how the number of elephants to be hunted in an area is decided. In addition to questions about how the overall offtake is determined, we also have not received an adequate explanation on how the quota is allocated spatially. According to information from ZPWMA, and from safari outfitters and professional hunters associations, the principle form of utilization of the elephant in Zimbabwe is sport-hunting.

Quotas are apparently set to maximize the sustainable production of high-quality trophies without detriment to the population. However, it appears that the national export quota of 500 elephants may be the primary driver when establishing individual quotas for each hunting area, as opposed to determining the best quota to facilitate management goals for those areas. According to the material provided to the Service, it appears that the annual national quota of 500 elephants is divided up and allocated to each area based on recommendations from ZPWMA ecologists, field staff, safari operators, other stakeholders, and technical specialists through “multiple stakeholder participatory quota setting”. According to information provided by ZPWMA, on an annual basis, stakeholders use available population data to propose a particular quota for an area to a Quota Setting Workshop. At this workshop, it is determined if the proposed quota should be adopted or modified in relation to other proposed quotas. Factors that are considered each year include population estimates, growth rates of populations, size of hunting areas, status of habitat, and target elephant population size.

While the material provided to the Service lays out the general process, the Service did not receive any specific information on how quotas are established in practice. ZPWMA provided the District Quota Setting Toolbox and the Quota Setting Manual, published in 2000 and 1997, respectively. While these documents are useful training material, they only provide a general overview of quota setting for all species in Zimbabwe. In establishing a quota, one must take into consideration not only the habitat, population size, and size of the hunting area, but other offtakes and environmental impacts that may be affecting the species. Nothing that ZPWMA provided addresses these elements specifically. Further, if ZPWMA starts with the premise that the sum of all established quotas must equal the national export quota, it is not clear if the science is driving the quota-setting process or if the social/economic benefits derived from hunting is the driving force. Finally, without current population data and information on the distribution of elephants across the country, both of which would come from scientifically based population surveys, it would appear that establishing a scientifically viable quota, either higher or lower than previous years, would be impossible. The current quota-setting process utilized by ZPWMA may take into consideration issues raised in this document, but without providing an explanation of the system used and describing the calculations, the Service cannot determine if sport-hunting quotas are reasonable or beneficial to elephant populations, and therefore whether sport-hunting is enhancing the survival of the species.

One of the aspects of whether current elephant management facilitates long-term sustainability of hunting programs is the length of hunting leases. There is a general consensus, supported by antidotal evidence, that shorter leases do not give safari operators an incentive for long-term planning. A representative of the Safari Operators Association of Zimbabwe (SOAZ) and the Zimbabwe Professional Hunters and Guides Association (ZPHGA) at the 2014 workshop, stated that the “present 5-year leases are not working as areas are being abused at the expense of wildlife” and that “[l]onger leases will provide better protection and investment in such areas. All leases must be open and transparent.” In addition, he expressed that “[a]t present, large fixed quotas are forcing concession holders to take young animals that should not be shot, to recoup moneys paid for leases and trophy fees. Authorities need to stop transfers of quotas from one area to another for elephant and for all trophy species.” He spoke of the need for taking smaller,

non-trophy bulls that are conducting crop raids to compensate local communities. He also spoke of stopping commercial hunts in the national parks and “most of all, keep the South Africans out – they are abusing our wildlife”. He recommended that ZPWMA allocate all quotas by December 1 each year so that operators can market their hunts effectively. He also called for greater communication between ZPWMA and SOAZ and ZPHGA.

A second presenter at the workshop representing the Zambezi Society, stated in the working session on Coordination, Monitoring, Reporting, and Annual Adaptive Management that “we are looking at managing a multi-million dollar resource and what is a major project but appointing a part-time coordinator to attempt to pull together a multitude of stakeholders with a result that will fail”. The speaker further stated, “[t]he way elephant conservation has been managed over the last several years in the face of an escalating poaching threat has clearly failed. ...The four sub-regions have differing characteristics and problems and separate plans are required for each sub-region” and called for a professional project manager to head the elephant conservation and management program in Zimbabwe, “otherwise it will not succeed.”

While the above comments were made by two individuals at the workshop, since both individuals represented National organizations, their statements could be taken as an indication that additional work is needed to better coordinate professional hunters, safari outfitters, and NGOs with ZPWMA and communities. Without this “partnership” long-term sustainability of the hunting program could be affected and the role that U.S. hunters play could be questioned.

Revenue Utilization: On communal lands in Zimbabwe, the protection of elephants falls primarily under the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE), which encourages reductions in human-elephant conflicts through conservation-based community development. The program was established in 1989 as a means of providing an economic incentive and return to rural communities while encouraging tolerance for the elephant and sustainable use of natural resources. This program has been the model for community-based conservation efforts in several other African countries and identified as an innovative program in the past. Under this program, there are currently 29 Rural District Councils (RDCs) that have been granted Appropriate Authority status under the Parks and Wild Life Act. Based on several CAMPFIRE documents presented to the Service, between 12 and 16 RDCs with exploitable wildlife resources make up the core of the CAMPFIRE program. While the Service recognizes that CAMPFIRE plays a role in elephant management, we did not receive clear information on the significance they play in elephant conservation (e.g., amount of elephant habitat occurring on RDC land or the percentage of elephant trophies taken on RDC lands).

According to the Revised CAMPFIRE Revenue Sharing Guidelines, which were incorporated into the Constitution of the CAMPFIRE Association in 2007, at least 55% of generated revenue from hunting should be devolved to producer communities, no more than 26% and 15% for management and overhead at RDC level, respectively, and 4% as a levy to the CAMPFIRE Association. According to an undated document (but presumably produced in late 2014) produced by CAMPFIRE (CAMPFIRE report undated) at least 10 RDCs comply with the Revenue Guidelines. As reported in this document, data were presented in an October 2013

report stating an estimated US\$2,496,349 was generated by 15 RDCs in 2012 from hunting revenue. While this report states that 5 out of 13 RDCs contributed 84% of the hunting revenue, the supporting table to this statement does not reflect this number. Further, the report states that an assessment of 18 main CAMPFIRE districts allocated hunting quotas for 2014 shows that 106 out of 167 bull elephant hunts were booked by U.S. hunters and that elephant hunting contributes more than 70% of the income to the CAMPFIRE program, and that 90% of all CAMPFIRE revenue comes from all hunting.

The CAMPFIRE report (undated) reported that in the Community Based Natural Resources Management Stocktaking Assessment Report by Mazambani and Dembetembe (2010) [Service does not have a copy of this report], between 1989 and 2006, US\$88.9 million in gross revenue was realized by key stakeholders in the CAMPFIRE program. Of this revenue, 55% went to safari outfitters, 23.4% to producer communities, 19.8% to RDCs, and 1.8% to CAMPFIRE Association. (The Service has no additional documentation or information to validate these figures.)

CAMPFIRE may well provide a “multiplier effect” concerning ecosystems goods and services. According to information received by the Service, in 2007, an estimated 777,000 households from 37 RDCs benefited directly or indirectly from CAMPFIRE. According to an estimate by CAMPFIRE officials (CAMPFIRE report undated), given that 58 RDCs now participate in CAMPFIRE (other sources state that there are 60 RDCs in CAMPFIRE), it has been extrapolated that over 1 million households now benefit from CAMPFIRE.

Several reports provided to the Service identify a large number of community projects funded by CAMPFIRE. These reports indicate CAMPFIRE programs contribute to employment at a local level – CAMPFIRE managers and officers, timber measurers, office clerks, game scouts; community projects employ resource monitors, tour guides, preschool teachers, grain millers, bookkeepers; and safari operators employ managers, scouts, trackers, drivers, cooks, camp minders, and professional staff such as bookkeepers and professional hunters.

On 17-18 November 2014, a workshop titled “CAMPFIRE Stakeholder’s workshop: Towards the Development of a New Elephant Management Plan and Policy” was held in Zimbabwe. The discussions and recommendations touched on the effectiveness of the CAMPFIRE concept and its relationship to tourist hunting. At the workshop, Charles McCallum Safari reported that they had contributed over \$349,000 to CAMPFIRE wards and the RDC in 2013 – U.S. elephant hunters contributed 40% of this total (\$132,870). In 2014, the total was up to \$400,995 but contributions due to U.S. hunters dropped to 27% (\$100,800) – all elephant hunting was only 32% of the total (\$118,425). It appears that the workshop may have been a good starting point to address issues faced by RDCs and to improve the effectiveness of CAMPFIRE. However, according to Conservation Force, represented at the workshop, CAMPFIRE needs to find a balance between a large elephant population and human population pressures, as well as ensure that revenue from tourist hunting and other resource uses continue to flow to local communities. The 2014 Pan African survey preliminary results appear to confirm that elephant populations in the Zambezi Valley and in Sebungwe have decreased significantly. These areas include

communal land. The declines indicate that the persistence of elephants in these areas may be in question in future years if the trend is not halted or reversed.

Dr. Martin states in his “Third Report: Potential Financial Returns from Trophy Hunting” (pg. 19, 21) that “when the results from all the available hunting areas in Zimbabwe are added up, there is sufficient income from trophy hunting to meet the conservation budgets for all the areas [of the elephant range]...” This may very well be true, but no such data was provided to the Service. We received reports from some private areas, conservancies, and RDCs, but even in these cases, insufficient information was provided. We received generalized reporting of hunting as a whole, without a breakdown of elephant vs. other species, or U.S. hunter vs. all hunters. Although there is some indication that some benefits are occurring, insufficient information has been provided to show that revenues generated by U.S. elephant hunters satisfy the conditions of enhancement under the ESA.

FWS does not disagree that local communities can benefit from well-managed resource management programs, but we are unable to determine how much revenue is generated by elephant hunting, how those funds are distributed within Zimbabwe, and what portion of that budget is accounted for by US hunters? SCI indicates, in their January 23, 2015 letter, that the inability to import trophies in 2014 resulted in an increase in human-elephant conflicts in CAMPFIRE RDCs from 412 incidents in 2013 to 597 in 2014. No data was provided to document a link between the increase in human-elephant conflicts indicated by SCI and the suspension of imports in 2014.

Local conservation efforts: Conservation Force and other commenters emphasized the economic impact of the suspension to local conservation efforts being carried out by individual landowners and leaseholders, safari outfitters, and conservancies. Effective conservation work is being carried out in some independently managed areas. Individuals may be impacted by a suspension of elephant trophy imports, however, it is unknown whether and to what extent these individuals would reduce their conservation efforts based on the inability of U.S. hunters to import a sport-hunted trophy. In addition, the information available to the Service on the conservation work being carried out by non-governmental entities, at this time, is limited, and is not the norm for Zimbabwe as a whole. While these pockets of conservation are greatly needed, there does not appear to be a mechanism in place, such as government support, tax incentives, or land tenure security, to promote or sustain these efforts across Zimbabwe’s elephant range. The Service was made aware of several workshops that will be held or were held in the beginning of 2015. According to Conservation Force, a workshop on anti-poaching strategies for Mana Pools National Park was held on 26-29 January 2015. The workshop appears to have been sponsored by ZPWMA with NGO, safari operators, and some RDC representation; however, we have not received any information on the purpose of the workshop or any results. In addition, a workshop in Sebungwe was held sometime in January or February 2015. Again, we are not clear on the purpose of the workshop or any results. However, if these and other workshops were held that bring ZPWMA, RDCs, and safari operators together to discuss elephant conservation and management, it would appear that steps are being made to move forward in increasing communication and addressing issues.

Therefore, with the information made available to us, the Service cannot at this time determine that these limited activities would provide the enhancement required under the ESA to allow imports of trophies taken throughout Zimbabwe.

Summary: The issue before us is whether the killing of an elephant in Zimbabwe whose trophy is intended for import into the United States would enhance the survival of the species in the wild. When the Service announced the interim suspension on the import of elephant trophies from Zimbabwe on April 4, 2014, we based the decision on the lack of information available to the Service at that time that would enable us to make a positive finding. In response to our April 4, 2014, announcement and letters sent to the Government of Zimbabwe on April 4 and October 31, 2014, we received a large volume of information directly from ZPWMA, Conservation Force, Safari Club International, and a number of safari outfitters and professional hunter associations. Some information indicated that hunting in Zimbabwe was providing a benefit to elephants, while other information raised questions that were not answered. Many of our specific questions were not answered with the information provided. Based on our review of all of this information, we are unable to find that the killing of an elephant whose trophy is intended for import would enhance the survival of the species in the wild due to the following factors:

- Zimbabwe's current elephant management plan consists of two primary documents drafted in 1996 and 1997. Although the documents provide a well-developed list of goals and objectives, there is no information on whether these goals and objectives have been met or could be met. This is supported by statements from ZPWMA that the plans are outdated and need to be revised.
- Now that the Pan African Elephant Aerial Survey has been conducted in Zimbabwe and preliminary findings have been announced, ZPWMA and RDCs have a better elephant baseline population abundance estimate to assess future off-take quotas, management efforts, and anti-poaching activities. This is a significant, positive, step forward in Zimbabwe having adequate information to establish scientifically defensible hunting quotas, particularly in light of the limited information on other means of off-take, such as poaching and problem animal control. If this information is incorporated into ZPMWA management activities in a scientifically sound manner, the Service may have a better basis to re-evaluate our finding with regard to importation of elephants taken in the future.
- There appear to be adequate laws and regulations in place to address elephant management, but it is not clear if or to what extent ZPWMA is able to successfully implement them. Since the central Zimbabwean Government is not allocating funding to ZPWMA and the vast majority of funding must come from hunting revenues, ZPWMA, and CAMPFIRE need to document more fully the amount of revenue generated and how it is utilized. For the 2014 hunting season, the Service received limited evidence to support a positive enhancement finding. If accounting mechanisms are in place or are put in place that document hunting revenue and details are provided on how those funds are used for resource protection such that the Service would be able to find that hunting revenues generated

through sport-hunting of elephants in Zimbabwe whose trophies are intended for import into the United States would enhance the survival of the species in the wild, the Service could re-evaluate our finding with regard to importation of elephants taken during the 2015 hunting season or future hunting seasons.

- According to the information provided, Zimbabwe has established hunting quotas for all areas of the country. However, the Service did not receive specific information on how these quotas are established, whether other forms of offtake, such as poaching and problem animal control, were taken into account, or to what extent biological factors are taken into consideration (as opposed to economic and societal considerations).
- While CAMPFIRE has provided conservation benefits in the past and improved tolerance of wildlife in rural communities, the program has more recently come under criticism relating to excessive retention of generated funds by district councils, resulting in diminished benefits to communities. Sport-hunting may be an important tool that gives these communities a stake in sustainable management of the elephant as a natural and economic resource and offsets the costs of conflict with wildlife. However, without current information on how funds are utilized and the basis for hunting off-takes, the Service is unable to confirm whether revenue generated through sport-hunting actually provides an incentive to local communities to conserve elephants. The Service was pleased to hear about the November workshop and acknowledges that additional work is needed by CAMPFIRE to address current management concerns. Again, if additional information is forthcoming regarding activities in 2015, the Service may be able to revisit this finding.
- As stated in the previous finding, there are “bright spots” regarding elephant conservation efforts, particularly those carried out by non-governmental entities that are providing a benefit to elephants in some areas. However, there are not enough of these “bright spots” to overcome the problems currently facing Zimbabwe elephant populations and to support a finding that sport-hunting is enhancing the survival of the species. Without more support from the Central Government and Rural District Councils, these efforts are not likely to be fully successful or to compensate for the management deficiencies described above.

Therefore, based on this finding, no elephants harvested in Zimbabwe on or after January 1, 2015 may be imported into the United States.