



HUMANE SOCIETY
INTERNATIONAL



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Via Electronic Mail

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Re: *Request for Reconsideration of Decision to Issue Black Rhinoceros Trophy Import Permit Application (PRT-31792C)*

Dear Secretary Zinke, Acting Director Kurth, and Branch Chief Cogliano,

The Humane Society of the United States, Humane Society International, the Center for Biological Diversity, and Humane Society Legislative Fund strongly urge the U.S. Fish and Wildlife Service to reconsider their unlawful decision to grant a permit to Lacy James Harber (PRT-31792C) to import a black rhinoceros (*Diceros bicornis*) hunting trophy from Namibia.¹

As you know from our previous comments (attached and hereby incorporated by reference) we dispute that permits can be issued under the Endangered Species Act (“ESA”) for sport-hunted trophies of endangered or threatened species. Section 10 of the ESA authorizes the permitting of actions that enhance the survival of a species,² and killing a critically endangered rhinoceros and importing the trophy clearly does not benefit the species. Instead, trophy hunters advocate that the U.S. Fish and Wildlife Service (“FWS” or “Service”) should consider the alleged benefits of the money they pay for a trophy of an imperiled species. However, the Service’s “pay-to-play” permitting scheme is unlawful.

However, even if such a permit could legally be issued under the ESA, for several reasons this permit should not. First, according to the government of Namibia itself, as stated in its Namibia Black Rhinoceros (*Diceros bicornis bicornis*) Management Strategy (September 2017), “[s]ince 2014, the increase in poaching has placed an

¹ See 83 Fed. Reg. 535 (Jan. 4, 2018).

² 16 U.S.C. § 1539(a)(1)(A).

additional strain on the system and available resources, and shows no sign of abating.”³ The Strategy contains a chart (Figure 1) that shows nearly zero black or white rhinos were poached in Namibia until 2014, when more than 10 were poached; the number poached increased exponentially after that, and exceeded 80 in 2016; the vast majority of rhinos poached in Namibia are black. To our knowledge, official government figures for rhino poaching in Namibia in 2017, and 2018 to date, have not been provided to the public.

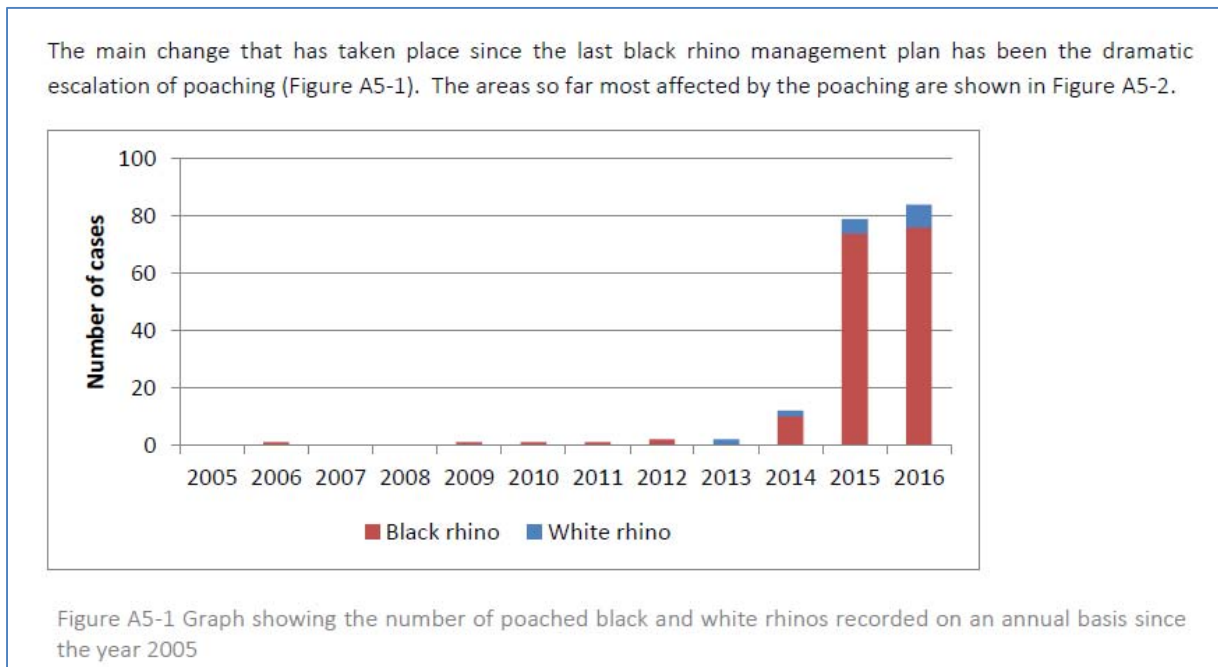


Figure 1: Text and graph from Namibia Black Rhinoceros (*Diceros bicornis bicornis*) Management Strategy. Draft - Version 4 (September 2017), Annex 5, p. 46.

The escalation of rhino poaching in Namibia clearly indicates that the government is failing to protect the black rhino from criminals. As detailed in our previous comments, there are serious questions whether Namibia has an updated black rhino management plan that is fully implemented, adequate laws to prevent poaching and trafficking, and adequate enforcement and implementation of those laws. Namibia has admitted, in a report to the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”), that there are obstacles to securing successful prosecutions:

Although amendments were made on penalties and prosecutions regarding illegal possession and trade of controlled wildlife products, some prosecutors still gives lenient penalties and imprisonments to offenders, which encourage offenders to repeat a similar offence. In addition, release

³ Namibia Black Rhinoceros (*Diceros bicornis bicornis*) Management Strategy. Draft - Version 4 (September 2017), p. VII.

of suspects on bail is also contributing to wildlife crime, as offenders commit similar crime as they wait for long time to be prosecuted.⁴

A July 2018 investigative news report may shed further light on the problem: It found that wealthy Namibian businessmen recruit men from poor communities in Angola, Zimbabwe and Zambia close to the Namibian border, supplying them with training and firearms that they use to poach rhinos in Namibia.⁵ The businessmen even post bail for the poachers if they are arrested.

Indeed, the recent report submitted to the CITES Standing Committee by its Working Group on Rhinoceroses recommended that Namibia be considered for inclusion among the Countries for Priority Attention “because of the recent escalation of rhino poaching.”⁶ One of the reasons for inclusion of Namibia as a country for priority attention is its need to report illegal trade to the Secretariat of CITES. This escalation in poaching occurred, despite American trophy hunters having paid nearly 1 million U.S. dollars to Namibia, from 2009-2015, in order to hunt black rhinos. This clearly demonstrates that such payments are not benefitting the survival of the species.

In addition, we note that this is the first instance in which a trophy from a black rhino on a private reserve in Namibia would be authorized for importation under the ESA and CITES. There are serious concerns regarding these private populations of rhinos, and whether they actually contribute to the conservation of the species, given their lack of connection to free-roaming wild populations.

The concerns over rhino mortality in Namibia cannot be readily dismissed. Beyond poaching, corruption in the trophy hunting industry is rampant, and there is no evidence that Namibia’s outdated rhinoceros management plan takes into account the most recent scientific information. Issuing this permit to allow the importation of the trophy of this black rhino would not enhance the propagation or survival of the species as required by law and therefore the Service must reconsider its arbitrary, capricious, and unlawful decision to issue the permit. Black rhinos are a critically endangered species and as the President of the United States recognized that allowing such imperiled species to be trophy hunted is a “horror show.”⁷

Authorizing trophy imports of ESA-listed species also sends the message that killing rhinos—whether for their horns for the black market or to hang in a living or in someone’s personal museum—is acceptable. With CITES having urged its Parties to reduce demand for illegally traded CITES-specimens,⁸ such as rhino parts, authorizing the killing and importation of such a highly imperiled species sends the wrong and conflicting message, especially to rhino horn consumer states, while we are in the midst of a rhino poaching crisis. For all these reasons and those detailed in our previous comments, granting this permit would undermine rhino conservation efforts and would

⁴ <https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-56-A9.pdf>, p. 7.

⁵ <https://www.dailymaverick.co.za/article/2018-07-27-wealthy-businessmen-prey-on-indigent-namibians-to-poach-rhino-for-international-syndicates/>

⁶ <https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-56.pdf>

⁷ <https://twitter.com/realDonaldTrump/status/932397369655808001>

⁸ Resolution Conf. 17.4.

violate the Service's duties under the ESA and its implementing regulations.⁹ Thus, we ask that you reconsider your decision and deny this application.

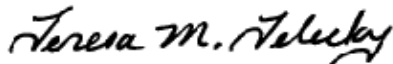
Further, we demand that the Service immediately make publicly available the enhancement finding and non-detriment finding that the Service produced in support of its decision to issue this permit. Although the ESA requires that the Service conduct the permitting process with transparency and public input¹⁰, the Service has not publicly released its justification for finding that this application warrants issuance. Indeed, our request to the permit biologist for such records was rebuffed as requiring submission of a formal Freedom of Information Act ("FOIA") request; however, FWS has failed to comply with its duty to timely release records under FOIA and it is wholly unacceptable to shield these documents of critical conservation concern from the public.

We thank you for providing notice of issuance requested¹¹ and we stand ready to answer any questions you may have. Thank you for your consideration and we urge you to deny the permit.

Sincerely,



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⁹ 16 U.S.C. § 1539; 50 C.F.R §§ 17.21, 17.22.

¹⁰ 16 U.S.C. § 1539(c).

¹¹ Per 50 C.F.R. § 17.22(e).