

## **Frequently Asked Questions Proposed Rule Listing the African Lion as Threatened with a Rule under Section 4(d) of the ESA**

### **What action is the U.S. Fish and Wildlife Service taking?**

Following review of the best available scientific and commercial information, the U.S. Fish and Wildlife Service (Service) is proposing to list the African lion (*Panthera leo leo*) as threatened under the Endangered Species Act (ESA). The Service received a petition to list the subspecies as endangered in March 2011. In the 12-month finding on the petition, the Service has determined that listing the African lion as threatened throughout its range under the ESA is warranted. The agency's analysis found that lions are in danger of extinction in the foreseeable future. The Service will accept comments for 90 days on the proposal.

In addition to proposing ESA protections, the Service is also proposing a rule under section 4(d) of the ESA. The rule, if finalized, will establish a permitting mechanism for the importation of sport-hunted lion trophies, provided that the lions originate from countries with a scientifically sound management plan for African lions. Sport-hunting was not found to be a threat to the species at this time.

For additional information on listing foreign species under the ESA, please see the Ecological Services program's Branch of Foreign Species fact sheet at [http://www.fws.gov/endangered/esa-library/pdf/foreign\\_species.pdf](http://www.fws.gov/endangered/esa-library/pdf/foreign_species.pdf).

### **Why is the Service proposing to list African lions as threatened?**

After reviewing the best scientific and commercial data available, the Service found the lion is impacted by a number of factors actively contributing to its population decline throughout Africa. The three main factors are habitat loss (fragmentation and degradation), loss of prey base and human-lion conflict.

In the past several decades, an expanding human population has led to large decreases in lion habitat, and likely lion numbers, resulting in an extremely large reduction in the species' range. As the human population continues to rise, the amount of land required to meet its needs is constantly increasing. Human settlements and agricultural and pastoral activities have expanded into lion habitat and even protected areas, increasing exposure of livestock and humans to lions. Additionally, lion prey is being depleted due to competition for bushmeat by humans. Because many wildlife species are being depleted, lions have turned to livestock and humans as an alternative food source. This human-lion conflict and associated pre-emptive and retaliatory killing of lions by humans is the greatest threat to remaining lion populations.

The African lion is widespread throughout a large range and exists in 10 strongholds containing approximately 24,000 lions (70 percent of the current African lion population). Most lion populations in protected areas of eastern and southern Africa have been essentially stable over the last three decades. However, because the majority of the human population's livelihoods within the lion's range depend on agriculture and livestock, loss and degradation of lion habitat is expected to accompany rapid human population growth. Given the predicted rapid increase in human population in Africa by 2050, we can expect habitat loss, prey availability and human-lion conflict to continue and likely worsen. Therefore the Service finds that the African lion is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and is proposing to list this subspecies as threatened.

For more information on the African lion and the Service's proposal, please visit [http://www.fws.gov/endangered/what-we-do/african\\_lion3.html](http://www.fws.gov/endangered/what-we-do/african_lion3.html)

### **Are the protections provided to endangered species different than those provided to threatened species?**

Species that are listed as endangered receive full protection as provided by section 9 of the ESA. The Service's implementing regulations for threatened wildlife (50 CFR 17.31) include the section 9 prohibitions for endangered wildlife, except when a 4(d) rule is promulgated. Section 4(d) of the ESA allows the Service to specify the prohibitions and any exceptions to those prohibitions that are necessary and advisable to provide for the conservation of the species.

### **What is the proposed 4(d) rule?**

The proposed 4(d) rule, if finalized, will establish a permitting mechanism to allow importation of sport-hunted African lion trophies into the United States provided that they are established as originating from countries with a scientifically sound management plan for African lion. Permits may also be issued for scientific purposes, activities that enhance the propagation or survival of the subspecies in the wild, zoological exhibitions, educational purposes or other purposes consistent with the ESA.

### **Why does the lion need a 4(d) rule?**

Section 9(c)(2) of the ESA sets out an exemption to the general import prohibition for threatened, Appendix-II wildlife, both live and dead, when: (1) The taking and export meet all provisions of CITES; (2) all other import and reporting requirements under section 9 of the ESA are met; and (3) the import is not made in the course of a commercial activity. Since the African lion is currently listed in Appendix II of CITES, if the African lion is listed as threatened under the ESA, this ESA exemption will generally be applicable. Because a sport hunted trophy is not a specimen obtained or imported in the course of a commercial activity, the section 9(c)(2) ESA exemption would typically apply to the import of sport-hunted trophies, provided that all other requirements of section 9(c)(2) of the ESA are met.

This proposed 4(d) rule, if finalized, will create a permit process to regulate the import of lions and lion products into the United States. It will allow for importation of sport-hunted trophies, provided they are permitted by the Service as originating from countries with effective lion conservation programs. The proposed 4(d) rule is intended to promote additional conservation efforts by authorizing only activities that would provide a direct or indirect benefit to lions in the wild. By providing incentives, through the permitting process to countries and individuals who are actively contributing to lion conservation, the Service will be able to leverage a greater level of conservation than may otherwise be available.

To determine whether to allow such imports, the Service considers factors such as the biological needs of the species; possible threats to the populations; current population estimates; management plans; legal protection (for sport-hunted trophies this includes hunting regulations and any applicable quotas); local community involvement; and, if any funds are generated by the import, how those funds are used for conservation. This rigorous evaluation process ensures that sport hunting is part of an overall conservation program supported by strong governance and management practices. By allowing imports from countries that are making strong efforts to conserve their lions, the Service will promote these countries' programs over those less willing to address long-term lion conservation.

### **What information is the Service seeking?**

The Service is requesting public comment concerning the proposed listing rule and 4(d) rule for 90 days. We are specifically seeking information and comments on the following subjects:

- (1) The subspecies' biology, range and population trends, including:
  - (a) Genetics and taxonomy.
  - (b) Historical and current range, including distribution;
  - (c) Historical and current population levels.
  - (d) Information pertaining to range countries' regulatory mechanisms, including specific laws and regulations pertaining to loss of habitat, loss of prey base and human-lion conflict.
  - (e) Information pertaining to range countries' management plans, including information on management and implementation of hunting concessions, conservation measures in place for this subspecies and its habitat, community education and outreach programs that address lion conservation, revenue gained from trophy hunting and how it is allocated, and any information pertaining to long-term conservation of lions and their habitat and prey base.
  - (f) Potential threats not already identified, such as extractive activities.
- (2) The factors that are the basis for making a listing determination for a species or subspecies under section 4(a)(1) of the ESA (16 U.S.C. 1531 *et seq.*), which are:
  - (a) The present or threatened destruction, modification or curtailment of its habitat or range.
  - (b) Overutilization for commercial, recreational, scientific or educational purposes.
  - (c) Disease or predation
  - (d) The inadequacy of existing regulatory mechanisms.
  - (e) Other natural or manmade factors affecting its continued existence.
- (3) The potential effects of climate change on the subspecies and its habitat.

### **Where can I find the information that is being reviewed on the African lion?**

This information is available at <http://www.regulations.gov> at Docket ID: FWS-R9-ES-2012-0025.

### **How can I stay informed about the process?**

To obtain future updates about the status of the African lion review, you can sign up for alerts at <http://www.regulations.gov> at Docket ID: FWS-R9-ES-2012-0025.

### **How can the public submit information on the African lion proposal?**

This finding published in the *Federal Register* on October 29, 2014, and more information can be found online at: [http://www.fws.gov/endangered/what-we-do/african\\_lion3.html](http://www.fws.gov/endangered/what-we-do/african_lion3.html).

Comments on this proposed rule must be received within 90 days, on or before January 27, 2015.

### **If this proposal is finalized, will a permit be required to import a sport-hunted African lion trophy?**

Yes. If finalized, the proposed 4(d) rule for African lions will require issuance of a permit from the Service for the import of a sport-hunted African lion trophy. While there is evidence that many of the range countries have implemented or will implement best management practices, the Service wants to promote those practices to the extent it can. By requiring import permits, we can ensure these imports enhance the conservation of the African lion in the range countries by supporting well-managed, scientifically based conservation programs that include trophy hunting of lions. For additional information on importing sport-hunted trophies, please visit <http://www.fws.gov/international/permits/by-activity/sport-hunted-trophies.html>.

African lions are also listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As such, a CITES export permit is required from the country where the trophy was taken. Contact the CITES authorities in that country for additional information and instruction. Click [here](#) for a list of national CITES contacts.

**What criteria must be met for the Service to consider issuing a permit for the import of a sport-hunted African lion trophy?**

The permitting program would allow importation of sport-hunted African lion trophies only from range countries that have management plans that are based on scientifically sound data and are being implemented to address the threats that are facing lions within that country.

Such management plans would be expected to address, but are not limited to, evaluating population levels and trends; the biological needs of the species; quotas; management practices; legal protection; local community involvement; and use of hunting fees for conservation. In evaluating these factors, we will work closely with the range countries and interested parties to obtain the best available scientific and commercial data. By allowing entry into the United States of African lion trophies from range countries that have scientifically based management plans, the range countries would be encouraged to adopt and financially support the sustainable management of lions that benefits both the species and local communities.

**How long will it take to process an application for the import of a sport-hunted African lion trophy?**

Although the issuance of permits may initially be delayed because we lack the necessary information on which to judge whether a country's management program for lions provides sufficient enhancement, we are already seeking information on the African lion management programs of the range countries, and if the 4(d) rule is finalized, we will strive to make the required determinations as quickly as possible. If we have the necessary information from the range country where the hunting will occur, we are generally able to process permits within 30 to 60 days from the time of application.

**Why has the Service decided to allow the hunting of threatened African lions?**

The Service is not allowing hunting of African lions through this proposed rule. Hunting, or take, of a wholly foreign species in its native country is not regulated by the ESA because the action is not subject to the jurisdiction of the United States. Regardless of U.S. import regulations, sport hunters are able to participate in African lion hunts in countries that allow it. However, many African lions are taken by U.S. hunters, and conditioning the continued importation of sport-hunted trophies upon a demonstration that they originate from a country with a scientifically sound management program will encourage effective management for the species in the wild. In addition, a scientifically based management plan that includes sport hunting will likely provide economic incentives for the range country and local communities to protect and expand lion populations and habitat.

**What measures are in place to ensure that hunting trophies would not enter into illegal trade?**

In the United States, CITES-implementing regulations clearly state that an Appendix-II, threatened species sport-hunted trophy may only be used for non-commercial purposes. Selling such a trophy after import constitutes a violation of the ESA. If the rule is finalized, import, export, re-export and foreign and interstate commerce of lions would be prohibited without a permit to ensure that any lions or their parts or products, including hunting trophies, would not illegally enter into commerce. ESA violations carry a maximum penalty of one year in prison and a \$100,000 fine; conviction under the Lacey Act is punishable by a prison term of up to 5 years and a \$250,000 fine.

**Does the United States issue permits for the import of other sport-hunted trophies from endangered or threatened species?**

Yes. Under the ESA, otherwise prohibited activities may be permitted if the Service finds that the activity will enhance the propagation or survival of the affected species and is found to be consistent with the purpose of the law. The Service has found that the import of trophies of bontebok, an endangered antelope from South Africa, as well as African elephants, leopards and straight-horned markhor – all threatened species – can benefit those species by supporting the overall species management programs established within the species' native range. As a result, the Service has issued import permits for these species.

**How do I apply for a permit and who do I contact for questions regarding permits?**

Permit applications may be obtained from the Service's website or by contacting the Service's Division of Management Authority. Applicants should allow at least 45 days for processing of any application involving a threatened species. For additional information on permits, or to submit an application, please contact:

U.S. Fish and Wildlife Service

Division of Management Authority

5275 Leesburg Pike

Falls Church, Virginia 22041

Phone: 703-358-2104 or 1-800-358-2104

Fax: 703-358-2281

Email: [managementauthority@fws.gov](mailto:managementauthority@fws.gov)

<http://international.fws.gov>

<http://permits.fws.gov>