

## **Frequently Asked Questions Straight-horned Markhor (*Capra falconeri megaceros*)**

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

The Service is combining two subspecies of markhor currently listed as endangered under the Endangered Species Act (ESA), the straight-horned markhor (*Capra falconeri jerdoni*) and Kabul markhor (*C. f. megaceros*), into one subspecies, the straight-horned markhor (*C. f. megaceros*), based on a taxonomic change, and listing this subspecies as threatened under the ESA. The Service is also finalizing a rule under section 4(d) of the ESA that allows the import of sport-hunted straight-horned markhor trophies under certain conditions.

For additional information on listing foreign species under the ESA, please see the Ecological Services program's Branch of Foreign Species fact sheet: [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 straight-horned markhor being listed as threatened?**

Today, the straight-horned markhor occurs in small, scattered populations in the mountains of Balochistan and Khyber Pakhtunkhwa provinces, Pakistan. Although the Service has found reports that this subspecies survives in Afghanistan, the agency believes it has likely been extirpated. In general, markhor populations are reported as declining and have likely not increased since 1975. However, one exception to this declining population trend is the Torghar Hills population in the Toba Kakar Range. Due to the implementation of the Torghar Conservation Project (TCP), which is supported by revenue from trophy hunting, the Torghar Hills population has increased from fewer than 200 in the mid-1980s to 3,518 currently.

Although most remaining populations of straight-horned markhor are critically low, continue to face threats from unregulated overhunting and habitat loss, and may likely continue to decline, the Torghar Hills population has continued to increase since the inception of the TCP and, today, is the stronghold of the species. Implementation of the TCP has eliminated threats from hunting and habitat loss in the Torghar Hills. The success of the program has served as an incentive for tribal groups in several other regions in Baluchistan to explore similar markhor conservation programs. Because of the protective measures provided to the Torghar Hills population by the TCP, The Service believes that the identified threats are not of sufficient imminence, intensity or magnitude to indicate that the subspecies is presently in danger of extinction, and, therefore, does not meet the definition of "endangered" under the ESA.

The Torghar Hills population is considered to be currently increasing; based upon 2011 population surveys in the TCP, the markhor population and domestic livestock have minimal range-use overlap, and the markhor's habitat is secure under current management. However, the straight-horned markhor occupies a narrow geographic range and threats acting on those critically low populations outside Torghar Hills are likely to continue in the foreseeable future. Moreover, within the foreseeable future, pressures on habitat in the Torghar Hills and interactions between livestock and markhor are likely to increase with the growth of domestic livestock herds, the biannual migration of local tribes, and the expansion of markhor populations in the TCP, resulting in the subspecies as a whole being at risk of extinction due to the strong likelihood of a catastrophic or stochastic event (e.g., disease) impacting the Torghar Hills

population. Should such an event occur, this single population would likely not provide a sufficient margin of safety for the subspecies. Thus, these factors indicate that the straight-horned markhor, while not at risk of extinction now, will likely become in danger of extinction in the foreseeable future due to continuing threats.

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

Species that are listed as endangered receive full protection as provided by section 9 of the ESA. The Service's regulations for threatened wildlife (50 CFR 17.31) include the section 9 prohibitions for endangered wildlife, except when a 4(d) rule is included with the listing. 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 4(d) rule for straight-horned markhor?**

The 4(d) rule maintains all of the prohibitions and exceptions of the ESA, however, import of sport-hunted straight-horned markhor trophies taken from established conservation programs may be authorized without a threatened species permit issued under the ESA, provided that the following criteria are met:

1. Populations of straight-horned markhor within the conservation program's areas can be shown to be sufficiently large to sustain sport-hunting, and the populations are stable or increasing.
2. Regulatory authorities have the capacity to obtain sound data on populations.
3. The conservation program can demonstrate a benefit to both the communities surrounding or within the area managed by the conservation program and the species, and the funds derived from sport hunting are applied toward benefits to the community and the species.
4. Regulatory authorities have the legal and practical capacity to provide for the long-term survival of the populations.
5. Regulatory authorities can determine that the trophies have been legally taken from the populations under an established conservation program.

The Service Director may, consistent with the purposes of the ESA, authorize (by publication of a notice in the *Federal Register*) the importation of personal sport-hunted straight-horned markhor, taken legally from the established conservation program after the date of such notice, without a threatened species permit, provided that the applicable provisions of 50 CFR parts 13, 14, 17, and 23, which includes obtaining appropriate Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) export and import permits, have been met.

### **Why does the straight-horned markhor need a 4(d) rule?**

The 4(d) rule for the straight-horned markhor is intended to support existing conservation programs and encourage local communities to conserve additional populations of straight-horned markhor through sustainable-use management programs. In the case of the markhor, the revenue generated by hunters directly supports a community-based conservation program and has resulted in measurable improvements in straight-horned markhor populations.

Furthermore, by setting criteria in the 4(d) rule that programs must also benefit the local community to be eligible, the Service is ensuring that U.S. hunters are participating in conservation programs that truly benefit the species by providing economic incentives that promote community-based conservation of markhor. In essence, the 4(d) rule, provided the criteria are met, ensures that local communities will have sufficient incentives to conserve and protect the species. Thus, this 4(d) rule contains measures that are necessary and advisable for the conservation of the species.

**Is a permit required to import a sport-hunted straight-horned markhor trophy?**

Yes. While it may be possible to exempt importations from the requirements of a permit issued under the ESA at 50 CFR 17.32 if the criteria under the 4(d) rule are met, the Service must still implement CITES requirements. As the markhor (*Capra falconeri*) is listed in CITES Appendix I, straight-horned markhor imports must meet the criteria under 50 CFR 23, including CITES permits issued by both the exporting and importing countries.

Before issuing an export permit, the exporting country must determine that the export would not be detrimental to the survival of the species and that the trophy was legally taken. Before issuing an import permit, the Service, as the CITES authority in the United States, must find that the import will be for purposes that are not detrimental to the survival of the species, and that the specimen will not be used for primarily commercial purposes. For additional information on importing sport-hunted trophies, please visit: <http://www.fws.gov/international/permits/by-activity/sport-hunted-trophies.html>.

**Why has the Service decided to allow the hunting of threatened straight-horned markhor?**

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. However, the ESA does regulate import of listed species, and the 4(d) rule authorizes the import of sport-hunted straight-horned markhor from established conservation programs that meet certain criteria. Regardless of U.S. import regulations, sport hunters are able to participate in straight-horned markhor hunts in countries that allow it.

**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 import of an Appendix-I species generally requires the issuance of both an import and export permit. Import permits for Appendix-I species are issued only if findings are made that the import would be for purposes that are not detrimental to the survival of the species, and that the specimen will not be used for primarily commercial purposes.

Export permits for Appendix-I species are issued only if findings are made that the specimen was legally acquired and trade is not detrimental to the survival of the species, and if the issuing authority is satisfied that an import permit has been granted for the specimen. Selling such a trophy after import constitutes a violation of the ESA. Import, export, re-export and foreign and interstate commerce of straight-horned markhor would be prohibited without a permit to ensure that any markhor or their parts or products, including hunting trophies, would not illegally enter

into commerce. Violations under the ESA 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, including import, export, take and interstate or foreign commerce 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 and leopards – both 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 International Affairs program'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, MS IA  
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>