

In Reply Refer To:
FWS/AIA/DMA/PRT-83758

Mr. Harold L. Ahlberg
(b) (6)
Irving, Texas (b) (6)

Dear Mr. Ahlberg:

This responds to your request for reconsideration of the January 22, 2003 decision by the Division of Management Authority to deny your application for a permit to import a personal sport-hunted cheetah (*Acinonyx jubatus*) trophy taken in Namibia. Given the length of time since the original denial and the number of discussions that have occurred between the U.S. Fish and Wildlife Service and hunting organizations, I would assume that you are already aware that we are unable to issue import permits for sport-hunted cheetah trophies at this time. However, to fully ensure that you are afforded all of the appeal rights granted under our regulations, it is important that we formally deny your request for reconsideration. Therefore, after reviewing your original application and the additional information provided in support of your request, it is my decision to uphold the denial of your application.

As you know, the cheetah is listed in Appendix I of the Convention of International Trade in Endangered Species of Wild Fauna and Flora and as endangered under the U.S. Endangered Species Act. To authorize import of a cheetah sport-hunted trophy two biological findings must be made. The Division of Scientific Authority must find that the import would be for purposes that are not detrimental to the species under CITES, but was unable to do so for this import. This office must find that the import would enhance (benefit) the survival of the species under the ESA, as discussed below, but was also unable to make a positive finding for this import.

Under the ESA, prior to an import permit being authorized, a determination must be made that the import of the cheetah trophy will enhance (benefit) the survival of and reduce the threat of extinction facing the species. The definition of conservation of an endangered species in Section 3 of the ESA states that conservation may include taking (i.e., harass, harm, pursue, hunt, shoot, wound, kill) and the subsequent importation of a trophy provided that the overall activity is in line with the principles of the ESA. However, at the time that you hunted, there was no reliable scientifically based estimate available of the number of cheetahs in Namibia. Estimates of the cheetah population have been based on anecdotal information and on voluntary reports of the number of cheetahs killed as real or potential threats to domestic livestock or ranch game. Population estimates for Namibia vary widely from 6,000-7,000 to the published estimate by Dr. Laurie Marker of the Cheetah Conservation Fund of about 2,500. Thus, it is very difficult to determine if the cheetah population is increasing or decreasing, or has stabilized.

In the past, the Namibian Ministry of Environment and Tourism had hired a carnivore biologist and apparently instituted surveys of predator populations in the country. Although the surveys began in 1998, they still have not produced data that would allow a scientifically based population estimate. In 2003, the Predator Conservation Trust released the first of its study results under the title Namibian Large Carnivore Atlas. This atlas has been based totally on the receipt of sighting forms from the public (including tourist guides). In its 4th edition, the compilation of sightings since the study began in 1999 and through 2004 tallied only 701 cheetahs. The Service believes that, once a satisfactory census method has been established, multiple years of data generated from surveys are necessary to establish the stability of the population.

To date, there is no indication that the cheetah population of Namibia is isolated from that of adjoining countries and it is apparent that animals regularly cross these boundaries. Very little is known regarding the extent of shared populations between Namibia, Botswana, Zimbabwe, Zambia, and South Africa. Botswana and South Africa do not allow trophy hunting of cheetah, and Zambia does not have an approved CITES export quota for the species. The difference in the status and protection for the species over this area and the lack of inclusive population and movement data complicate any decision that would affect cheetah populations. A South African report states that, while the number of cheetah legally taken for depredation were low in 2001-2002, they represented 10% of the cheetah actually taken, and the remaining 90% were illegally taken. It is possible that a similar ratio of reported to unreported kills could be applied to Namibia.

The World Conservation Monitoring Centre has provided information on the export of cheetahs from Namibia for the period from 1991 through 2001. Four hundred and eighty-eight cheetah trophies were exported in that time. The trophy fee for a cheetah hunt in Namibia at the time you hunted was about US \$2,000 and may be less if part of a larger organized hunt. We have been unable to determine that any portion of the fees derived from these exports are used for cheetah conservation. The Namibian Professional Hunters Association, with the assistance of the Cheetah Conservation Fund, did establish at one time a voluntary fund derived from trophy fees for cheetah taken on NPHA lands. The contribution to the fund has been set at N\$1000 (approximately US \$140), but is restricted for the most part to U.S. hunters. Based on available information, less than \$10,000 Namibian dollars have gone into this fund with no indication of how these funds have been spent. The NPHA has provided no updated information on their program, and recent discussions between the NPHA and the Service did not include this topic. In sharp contrast, the trophy fee for argali sheep, with populations in the range of 10,000 +, is at least \$5,000, and that fee supports the entire management program in the range states in which hunting is allowed.

It is our understanding that the Namibian Large Carnivore Monitoring Program, or some version of it, continues to work to obtain data. Although the cheetah remains at risk, it is allowed to be killed whenever it is thought to be a possible threat to livestock or game. A workshop held outside Namibia in 2005 reviewed the methodologies available for monitoring large predators; Namibian government officials were not present. A 2002 study of the effect of hunting on the conservation of cheetah states that, while 68% of farmers and ranchers in Namibia continue to remove cheetah on their land, only 13% of these have restricted this killing to trophy hunting. Only 23% of Namibian farmers and ranchers removed no cheetah from their land between 1991 and 2001. The rate of off-take of cheetah from private land has not declined significantly since trophy hunting began and the export of live animals was halted. For both the 2007-2008 and 2008-2009 season, the cheetah trophy take exceeded

the quota to the extent that the professional hunters association asked to have the season closed. The Service is therefore unable to find that there is adequate scientifically based management of the cheetah population or control of the killing of cheetahs, nor are we able to find that the import of a sport-hunted cheetah trophy from Namibia will enhance the survival of the species. Consequently your request for reconsideration is denied.

As provided in 50 CFR 13.29(e) (copy enclosed), you may submit a written appeal of this decision to the Director of the Fish and Wildlife Service, through this office: Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. This appeal must be submitted to this office within 45 calendar days of the date this letter and must state the reason(s) and issue(s) upon which the appeal is based. Your written appeal must address how the decision to deny the reconsideration of your request was based upon a misinterpretation of the information provided in your request for reconsideration, or it must present a clarification of this information. Should you supply new information that changes the content of your original request for reconsideration (e.g., add or remove specimens, alter where the shipment will go), a new application will need to be submitted to this office before such information can be considered.

If you have any questions, please contact Senior Biologist Michael Carpenter of this office: Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, or by calling 703-358-2104, extension 1970.

Sincerely,

Robert R. Gabel, Chief
Division of Management Authority

Enclosures

**cc: DMA Surname, Mike C.
FWS/DMA/BOP/CarpenterM:7/21/2011:S:\DMA\BOP\Appeals,denials,
reconsiderations\Reconsiderations\cheetah reconsideration 2011 letter**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



AUG 22 2013

In Reply Refer To:
FWS/AIA/PMT0000003

Mr. Harold L. Ahlberg

(b) (6)

Irving, Texas (b) (6)

Dear Mr. Ahlberg,

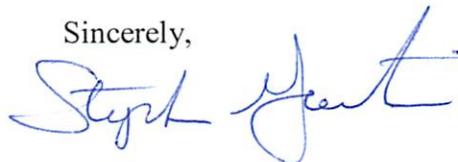
This letter responds to a request submitted on September 9, 2011, by your representative, John J. Jackson, III, to appeal the decision to deny your application for a permit under the U.S. Endangered Species Act (Act) to import a personally sport-hunted trophy of cheetah (*Acinonyx jubatus*) hunted in Namibia. We apologize for the delay in responding to your appeal, which had been misplaced until recently.

As you know, the cheetah is listed as endangered under the Act which prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered species listed under the Act (50 CFR 17.21). In order to issue a permit under the authority provided in 50 CFR 17.22, we must be able to demonstrate that the import of a sport-hunted cheetah trophy into the United States would enhance the propagation or survival of the affected species in the wild. As documented by the recent issuance of an import permit for a sport-hunted black rhinoceros taken in Namibia, we have determined that there are situations under which a trophy of an endangered species can be imported when it has been taken as part of a scientifically based management program that contributes to the conservation of the species. However, at the time you hunted the cheetah in Namibia, there was a lack of clear evidence that sport hunting of cheetahs in that country helped to ensure the long-term survival of the species in the wild. While Namibia had made some progress toward addressing some concerns that we identified in previous letters to you, there was no reliable estimate of the number of cheetahs in Namibia at the time you took the trophy. Estimates of the cheetah population at that time were based on anecdotal information and on voluntary reports of the number of cheetahs killed as real or potential threats to domestic livestock or ranched game. Therefore, it is very difficult to determine if the cheetah population was increasing or decreasing, or even stable when you hunted.

Further, neither the Government of Namibia nor individual landowners had established clear management plans to address the long-term survival of the species. Instead, there was largely a lack of management or protections for cheetahs, with most attention directed toward immediate concerns about livestock depredation. Therefore, based on the best available information regarding the status of cheetahs in Namibia at the time you hunted, we do not have a basis to alter our previous decision to deny your application for a permit to import a sport-hunted cheetah. Thus, the decision to deny your application, PRT 823758, is upheld.

This letter represents the final administrative action with regards to your request for a permit. If you have questions regarding this decision, you may contact Mr. Bryan Arroyo, Assistant Director, International Affairs at (202) 208-6394.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Yeart". The signature is fluid and cursive, with a long horizontal stroke at the end.

Deputy DIRECTOR

In Reply Refer To:
FWS/AIA/DMA/PRT-008213

Mr. Neil Chamberlain
(b) (6)
Linwood, Michigan (b) (6)

Dear Mr. Chamberlain:

This responds to your request for reconsideration of the March 28, 2003 decision by the Division of Management Authority to deny your application for a permit to import a personal sport-hunted cheetah (*Acinonyx jubatus*) trophy taken in Namibia. Given the length of time since the original denial and the number of discussions that have occurred between the U.S. Fish and Wildlife Service and hunting organizations, I would assume that you are already aware that we are unable to issue import permits for sport-hunted cheetah trophies at this time. However, to fully ensure that you are afforded all of the appeal rights granted under our regulations, it is important that we formally deny your request for reconsideration. Therefore, after reviewing your original application and the additional information provided in support of your request, it is my decision to uphold the denial of your application.

As you know, the cheetah is listed in Appendix I of the Convention of International Trade in Endangered Species of Wild Fauna and Flora and as endangered under the U.S. Endangered Species Act. To authorize import of a cheetah sport-hunted trophy two biological findings must be made. The Division of Scientific Authority must find that the import would be for purposes that are not detrimental to the species under CITES, but was unable to do so for this import. This office must find that the import would enhance (benefit) the survival of the species under the ESA, as discussed below, but was also unable to make a positive finding for this import.

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the quota to the extent that the professional hunters association asked to have the season closed. The Service is therefore unable to find that there is adequate scientifically based management of the cheetah population or control of the killing of cheetahs, nor are we able to find that the import of a sport-hunted cheetah trophy from Namibia will enhance the survival of the species. Consequently your request for reconsideration is denied.

As provided in 50 CFR 13.29(e) (copy enclosed), you may submit a written appeal of this decision to the Director of the Fish and Wildlife Service, through this office: Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. This appeal must be submitted to this office within 45 calendar days of the date this letter and must state the reason(s) and issue(s) upon which the appeal is based. Your written appeal must address how the decision to deny the reconsideration of your request was based upon a misinterpretation of the information provided in your request for reconsideration, or it must present a clarification of this information. Should you supply new information that changes the content of your original request for reconsideration (e.g., add or remove specimens, alter where the shipment will go), a new application will need to be submitted to this office before such information can be considered.

If you have any questions, please contact Senior Biologist Michael Carpenter of this office: Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, or by calling 703-358-2104, extension 1970.

Sincerely,

Robert R. Gabel, Chief
Division of Management Authority

Enclosures

**cc: DMA Surname, Mike C.
FWS/DMA/BOP/CarpenterM:7/21/2011:S:\DMA\BOP\Appeals,denials,
reconsiderations\Reconsiderations\cheetah reconsideration 2011 letter**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



AUG 22 2013

In Reply Refer To:
FWS/AIA/PMT0000005

Mr. Neil Chamberlain

(b) (6)

Linwood, MI (b) (6)

Dear Mr. Chamberlain,

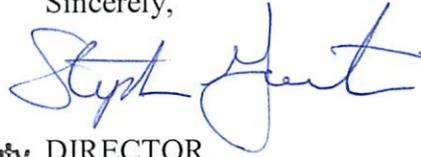
This letter responds to a request submitted on September 9, 2011, by your representative, John J. Jackson, III, to appeal the decision to deny your application for a permit under the U.S. Endangered Species Act (Act) to import a personally sport-hunted trophy of cheetah (*Acinonyx jubatus*) hunted in Namibia. We apologize for the delay in responding to your appeal.

As you know, the cheetah is listed as endangered under the Act, which prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered species listed under the Act (50 CFR 17.21). In order to issue a permit under the authority provided in 50 CFR 17.22, we must be able to demonstrate that the import of a sport-hunted cheetah trophy into the United States would enhance the propagation or survival of the affected species in the wild. As documented by the recent issuance of an import permit for a sport-hunted black rhinoceros taken in Namibia, we have determined that there are situations under which a trophy of an endangered species can be imported when it has been taken as part of a scientifically based management program that contributes to the conservation of the species. However, at the time you hunted the cheetah in Namibia, there was a lack of clear evidence that sport hunting of cheetahs in that country helped to ensure the long-term survival of the species in the wild. While Namibia had made some progress toward addressing some concerns that we identified in previous letters to you, there was no reliable estimate of the number of cheetahs in Namibia at the time you took the trophy. Estimates of the cheetah population at that time were based on anecdotal information and on voluntary reports of the number of cheetahs killed as real or potential threats to domestic livestock or ranched game. Therefore, it is very difficult to determine if the cheetah population was increasing or decreasing, or even stable when you hunted.

Further, neither the Government of Namibia nor individual landowners had established clear management plans to address the long-term survival of the species. Instead, there was largely a lack of management or protections for cheetahs, with most attention directed toward immediate concerns about livestock depredation. Therefore, based on the best available information regarding the status of cheetahs in Namibia at the time you hunted, we do not have a basis to alter our previous decision to deny your application for a permit to import a sport-hunted cheetah. Thus, the decision to deny your application, PRT 008213, is upheld.

This letter represents the final administrative action with regards to your request for a permit. If you have questions regarding this decision, you may contact Mr. Bryan Arroyo, Assistant Director, International Affairs at (202) 208-6394.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steph Hart", written in a cursive style.

Deputy DIRECTOR

In Reply Refer To:
FWS/AIA/DMA/PRT-008283

Mr. Steven Chancellor
(b) (6)
Evansville, Indiana (b) (6)

Dear Mr. Chancellor:

This responds to your request for reconsideration of the June 23, 2003 decision by the Division of Management Authority to deny your application for a permit to import a personal sport-hunted cheetah (*Acinonyx jubatus*) trophy taken in Namibia. Given the length of time since the original denial and the number of discussions that have occurred between the U.S. Fish and Wildlife Service and hunting organizations, I would assume that you are already aware that we are unable to issue import permits for sport-hunted cheetah trophies at this time. However, to fully ensure that you are afforded all of the appeal rights granted under our regulations, it is important that we formally deny your request for reconsideration. Therefore, after reviewing your original application and the additional information provided in support of your request, it is my decision to uphold the denial of your application.

As you know, the cheetah is listed in Appendix I of the Convention of International Trade in Endangered Species of Wild Fauna and Flora and as endangered under the U.S. Endangered Species Act. To authorize import of a cheetah sport-hunted trophy two biological findings must be made. The Division of Scientific Authority must find that the import would be for purposes that are not detrimental to the species under CITES, but was unable to do so for this import. This office must find that the import would enhance (benefit) the survival of the species under the ESA, as discussed below, but was also unable to make a positive finding for this import.

Under the ESA, prior to an import permit being authorized, a determination must be made that the import of the cheetah trophy will enhance (benefit) the survival of and reduce the threat of extinction facing the species. The definition of conservation of an endangered species in Section 3 of the ESA states that conservation may include taking (i.e., harass, harm, pursue, hunt, shoot, wound, kill) and the subsequent importation of a trophy provided that the overall activity is in line with the principles of the ESA. However, at the time that you hunted, there was no reliable scientifically based estimate available of the number of cheetahs in Namibia. Estimates of the cheetah population have been based on anecdotal information and on voluntary reports of the number of cheetahs killed as real or potential threats to domestic livestock or ranched game. Population estimates for Namibia vary widely from 6,000-7,000 to the published estimate by Dr. Laurie Marker of the Cheetah Conservation Fund of about 2,500. Thus, it is very difficult to determine if the cheetah population is increasing or decreasing, or has stabilized.

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Sincerely,

Robert R. Gabel, Chief
Division of Management Authority

Enclosures

**cc: DMA Surname, Mike C.
FWS/DMA/BOP/CarpenterM:7/21/2011:S:\DMA\BOP\Appeals,denials,
reconsiderations\Reconsiderations\cheetah reconsideration 2011 letter**

In Reply Refer To:
FWS/AIA/DMA/PRT-829683

Mr. Howard Lysne
(b) (6)
Evergreen, Colorado (b) (6)

Dear Mr. Lysne:

This responds to your request for reconsideration of the January 22, 2003 decision by the Division of Management Authority to deny your application for a permit to import a personal sport-hunted cheetah (*Acinonyx jubatus*) trophy taken in Namibia. Given the length of time since the original denial and the number of discussions that have occurred between the U.S. Fish and Wildlife Service and hunting organizations, I would assume that you are already aware that we are unable to issue import permits for sport-hunted cheetah trophies at this time. However, to fully ensure that you are afforded all of the appeal rights granted under our regulations, it is important that we formally deny your request for reconsideration. Therefore, after reviewing your original application and the additional information provided in support of your request, it is my decision to uphold the denial of your application.

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In the past, the Namibian Ministry of Environment and Tourism had hired a carnivore biologist and apparently instituted surveys of predator populations in the country. Although the surveys began in 1998, they still have not produced data that would allow a scientifically based population estimate. In 2003, the Predator Conservation Trust released the first of its study results under the title Namibian Large Carnivore Atlas. This atlas has been based totally on the receipt of sighting forms from the public (including tourist guides). In its 4th edition, the compilation of sightings since the study began in 1999 and through 2004 tallied only 701 cheetahs. The Service believes that, once a satisfactory census method has been established, multiple years of data generated from surveys are necessary to establish the stability of the population.

To date, there is no indication that the cheetah population of Namibia is isolated from that of adjoining countries and it is apparent that animals regularly cross these boundaries. Very little is known regarding the extent of shared populations between Namibia, Botswana, Zimbabwe, Zambia, and South Africa. Botswana and South Africa do not allow trophy hunting of cheetah, and Zambia does not have an approved CITES export quota for the species. The difference in the status and protection for the species over this area and the lack of inclusive population and movement data complicate any decision that would affect cheetah populations. A South African report states that, while the number of cheetah legally taken for depredation were low in 2001-2002, they represented 10% of the cheetah actually taken, and the remaining 90% were illegally taken. It is possible that a similar ratio of reported to unreported kills could be applied to Namibia.

The World Conservation Monitoring Centre has provided information on the export of cheetahs from Namibia for the period from 1991 through 2001. Four hundred and eighty-eight cheetah trophies were exported in that time. The trophy fee for a cheetah hunt in Namibia at the time you hunted was about US \$2,000 and may be less if part of a larger organized hunt. We have been unable to determine that any portion of the fees derived from these exports are used for cheetah conservation. The Namibian Professional Hunters Association, with the assistance of the Cheetah Conservation Fund, did establish at one time a voluntary fund derived from trophy fees for cheetah taken on NPHA lands. The contribution to the fund has been set at N\$1000 (approximately US \$140), but is restricted for the most part to U.S. hunters. Based on available information, less than \$10,000 Namibian dollars have gone into this fund with no indication of how these funds have been spent. The NPHA has provided no updated information on their program, and recent discussions between the NPHA and the Service did not include this topic. In sharp contrast, the trophy fee for argali sheep, with populations in the range of 10,000 +, is at least \$5,000, and that fee supports the entire management program in the range states in which hunting is allowed.

It is our understanding that the Namibian Large Carnivore Monitoring Program, or some version of it, continues to work to obtain data. Although the cheetah remains at risk, it is allowed to be killed whenever it is thought to be a possible threat to livestock or game. A workshop held outside Namibia in 2005 reviewed the methodologies available for monitoring large predators; Namibian government officials were not present. A 2002 study of the effect of hunting on the conservation of cheetah states that, while 68% of farmers and ranchers in Namibia continue to remove cheetah on their land, only 13% of these have restricted this killing to trophy hunting. Only 23% of Namibian farmers and ranchers removed no cheetah from their land between 1991 and 2001. The rate of off-take of cheetah from private land has not declined significantly since trophy hunting began and the export of live animals was halted. For both the 2007-2008 and 2008-2009 season, the cheetah trophy take exceeded

the quota to the extent that the professional hunters association asked to have the season closed. The Service is therefore unable to find that there is adequate scientifically based management of the cheetah population or control of the killing of cheetahs, nor are we able to find that the import of a sport-hunted cheetah trophy from Namibia will enhance the survival of the species. Consequently your request for reconsideration is denied.

As provided in 50 CFR 13.29(e) (copy enclosed), you may submit a written appeal of this decision to the Director of the Fish and Wildlife Service, through this office: Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. This appeal must be submitted to this office within 45 calendar days of the date this letter and must state the reason(s) and issue(s) upon which the appeal is based. Your written appeal must address how the decision to deny the reconsideration of your request was based upon a misinterpretation of the information provided in your request for reconsideration, or it must present a clarification of this information. Should you supply new information that changes the content of your original request for reconsideration (e.g., add or remove specimens, alter where the shipment will go), a new application will need to be submitted to this office before such information can be considered.

If you have any questions, please contact Senior Biologist Michael Carpenter of this office: Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, or by calling 703-358-2104, extension 1970.

Sincerely,

Robert R. Gabel, Chief
Division of Management Authority

Enclosures

**cc: DMA Surname, Mike C.
FWS/DMA/BOP/CarpenterM:7/21/2011:S:\DMA\BOP\Appeals,denials,
reconsiderations\Reconsiderations\cheetah reconsideration 2011 letter**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



AUG 22 2013

In Reply Refer To:
FWS/AIA/PMT0000001

Mr. Howard Lysne

(b) (6)

Evergreen, Colorado (b) (6)

Dear Mr. Lysne,

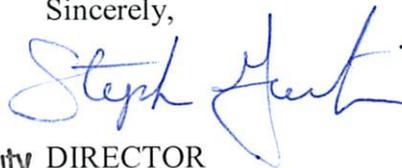
This letter responds to a request submitted on September 9, 2011, by your representative, John J. Jackson, III, to appeal the decision to deny your application for a permit under the U.S. Endangered Species Act (Act) to import a personally sport-hunted trophy of cheetah (*Acinonyx jubatus*) hunted in Namibia. We apologize for the delay in responding to your appeal.

As you know, the cheetah is listed as endangered under the Act which prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered species listed under the Act (50 CFR 17.21). In order to issue a permit under the authority provided in 50 CFR 17.22, we must be able to demonstrate that the import of a sport-hunted cheetah trophy into the United States would enhance the propagation or survival of the affected species in the wild. As documented by the recent issuance of an import permit for a sport-hunted black rhinoceros taken in Namibia, we have determined that there are situations under which a trophy of an endangered species can be imported when it has been taken as part of a scientifically based management program that contributes to the conservation of the species. However, at the time you hunted the cheetah in Namibia, there was a lack of clear evidence that sport hunting of cheetahs in that country helped to ensure the long-term survival of the species in the wild. While Namibia had made some progress toward addressing some concerns that we identified in previous letters to you, there was no reliable estimate of the number of cheetahs in Namibia at the time you took the trophy. Estimates of the cheetah population at that time were based on anecdotal information and on voluntary reports of the number of cheetahs killed as real or potential threats to domestic livestock or ranched game. Therefore, it is very difficult to determine if the cheetah population was increasing or decreasing, or even stable when you hunted.

Further, neither the Government of Namibia nor individual landowners had established clear management plans to address the long-term survival of the species. Instead, there was largely a lack of management or protections for cheetahs, with most attention directed toward immediate concerns about livestock depredation. Therefore, based on the best available information regarding the status of cheetahs in Namibia at the time you hunted, we do not have a basis to alter our previous decision to deny your application for a permit to import a sport-hunted cheetah. Thus, the decision to deny your application, PRT 829683, is upheld.

This letter represents the final administrative action with regards to your request for a permit. If you have questions regarding this decision, you may contact Mr. Bryan Arroyo, Assistant Director, International Affairs at (202) 208-6394.

Sincerely,



Deputy DIRECTOR

In Reply Refer To:
FWS/AIA/DMA/PRT-844465

Mr. John R. Monson
(b) (6)
Bedford, New Hampshire (b) (6)

Dear Mr. Monson:

This responds to your request for reconsideration of the January 22, 2003 decision by the Division of Management Authority to deny your application for a permit to import a personal sport-hunted cheetah (*Acinonyx jubatus*) trophy taken in Namibia. Given the length of time since the original denial and the number of discussions that have occurred between the U.S. Fish and Wildlife Service and hunting organizations, I would assume that you are already aware that we are unable to issue import permits for sport-hunted cheetah trophies at this time. However, it fully ensures that you are afforded all of the appeal rights granted under our regulations, it is important that we formally deny your request for reconsideration. Therefore, after reviewing your original application and the additional information provided in support of your request, it is my decision to uphold the denial of your application.

As you know, the cheetah is listed in Appendix I of the Convention of International Trade in Endangered Species of Wild Fauna and Flora and as endangered under the U.S. Endangered Species Act. To authorize import of a cheetah sport-hunted trophy two biological findings must be made. The Division of Scientific Authority must find that the import would be for purposes that are not detrimental to the species under CITES, but was unable to do so for this import. This office must find that the import would enhance (benefit) the survival of the species under the ESA, as discussed below, but was also unable to make a positive finding for this import.

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To date, there is no indication that the cheetah population of Namibia is isolated from that of adjoining countries and it is apparent that animals regularly cross these boundaries. Very little is known regarding the extent of shared populations between Namibia, Botswana, Zimbabwe, Zambia, and South Africa. Botswana and South Africa do not allow trophy hunting of cheetah, and Zambia does not have an approved CITES export quota for the species. The difference in the status and protection for the species over this area and the lack of inclusive population and movement data complicate any decision that would affect cheetah populations. A South African report states that, while the number of cheetah legally taken for depredation were low in 2001-2002, they represented 10% of the cheetah actually taken, and the remaining 90% were illegally taken. It is possible that a similar ratio of reported to unreported kills could be applied to Namibia.

The World Conservation Monitoring Centre has provided information on the export of cheetahs from Namibia for the period from 1991 through 2001. Four hundred and eighty-eight cheetah trophies were exported in that time. The trophy fee for a cheetah hunt in Namibia at the time you hunted was about US \$2,000 and may be less if part of a larger organized hunt. We have been unable to determine that any portion of the fees derived from these exports are used for cheetah conservation. The Namibian Professional Hunters Association, with the assistance of the Cheetah Conservation Fund, did establish at one time a voluntary fund derived from trophy fees for cheetah taken on NPHA lands. The contribution to the fund has been set at N\$1000 (approximately US \$140), but is restricted for the most part to U.S. hunters. Based on available information, less than \$10,000 Namibian dollars have gone into this fund with no indication of how these funds have been spent. The NPHA has provided no updated information on their program, and recent discussions between the NPHA and the Service did not include this topic. In sharp contrast, the trophy fee for argali sheep, with populations in the range of 10,000 +, is at least \$5,000, and that fee supports the entire management program in the range states in which hunting is allowed.

It is our understanding that the Namibian Large Carnivore Monitoring Program, or some version of it, continues to work to obtain data. Although the cheetah remains at risk, it is allowed to be killed whenever it is thought to be a possible threat to livestock or game. A workshop held outside Namibia in 2005 reviewed the methodologies available for monitoring large predators; Namibian government officials were not present. A 2002 study of the effect of hunting on the conservation of cheetah states that, while 68% of farmers and ranchers in Namibia continue to remove cheetah on their land, only 13% of these have restricted this killing to trophy hunting. Only 23% of Namibian farmers and ranchers removed no cheetah from their land between 1991 and 2001. The rate of off-take of cheetah from private land has not declined significantly since trophy hunting began and the export of live animals was halted. For both the 2007-2008 and 2008-2009 season, the cheetah trophy take exceeded

the quota to the extent that the professional hunters association asked to have the season closed. The Service is therefore unable to find that there is adequate scientifically based management of the cheetah population or control of the killing of cheetahs, nor are we able to find that the import of a sport-hunted cheetah trophy from Namibia will enhance the survival of the species. Consequently your request for reconsideration is denied.

As provided in 50 CFR 13.29(e) (copy enclosed), you may submit a written appeal of this decision to the Director of the Fish and Wildlife Service, through this office: Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. This appeal must be submitted to this office within 45 calendar days of the date this letter and must state the reason(s) and issue(s) upon which the appeal is based. Your written appeal must address how the decision to deny the reconsideration of your request was based upon a misinterpretation of the information provided in your request for reconsideration, or it must present a clarification of this information. Should you supply new information that changes the content of your original request for reconsideration (e.g., add or remove specimens, alter where the shipment will go), a new application will need to be submitted to this office before such information can be considered.

If you have any questions, please contact Senior Biologist Michael Carpenter of this office: Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, or by calling 703-358-2104, extension 1970.

Sincerely,

Robert R. Gabel, Chief
Division of Management Authority

Enclosures

**cc: DMA Surname, Mike C.
FWS/DMA/BOP/CarpenterM:7/21/2011:S:\DMA\BOP\Appeals,denials,
reconsiderations\Reconsiderations\cheetah reconsideration 2011 letter**

In Reply Refer To:
FWS/AIA/DMA/PRT-818660

Mr. Jimmie C. Rosenbruch
(b) (6)
Santa Clara, Utah (b) (6)

Dear Mr. Rosenbruch:

This responds to your request for reconsideration of the January 22, 2003 decision by the Division of Management Authority to deny your application for a permit to import a personal sport-hunted cheetah (*Acinonyx jubatus*) trophy taken in Namibia. Given the length of time since the original denial and the number of discussions that have occurred between the U.S. Fish and Wildlife Service and hunting organizations, I would assume that you are already aware that we are unable to issue import permits for sport-hunted cheetah trophies at this time. However, to fully ensure that you are afforded all of the appeal rights granted under our regulations, it is important that we formally deny your request for reconsideration. Therefore, after reviewing your original application and the additional information provided in support of your request, it is my decision to uphold the denial of your application.

As you know, the cheetah is listed in Appendix I of the Convention of International Trade in Endangered Species of Wild Fauna and Flora and as endangered under the U.S. Endangered Species Act. To authorize import of a cheetah sport-hunted trophy two biological findings must be made. The Division of Scientific Authority must find that the import would be for purposes that are not detrimental to the species under CITES, but was unable to do so for this import. This office must find that the import would enhance (benefit) the survival of the species under the ESA, as discussed below, but was also unable to make a positive finding for this import.

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the quota to the extent that the professional hunters association asked to have the season closed. The Service is therefore unable to find that there is adequate scientifically based management of the cheetah population or control of the killing of cheetahs, nor are we able to find that the import of a sport-hunted cheetah trophy from Namibia will enhance the survival of the species. Consequently your request for reconsideration is denied.

As provided in 50 CFR 13.29(e) (copy enclosed), you may submit a written appeal of this decision to the Director of the Fish and Wildlife Service, through this office: Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. This appeal must be submitted to this office within 45 calendar days of the date this letter and must state the reason(s) and issue(s) upon which the appeal is based. Your written appeal must address how the decision to deny the reconsideration of your request was based upon a misinterpretation of the information provided in your request for reconsideration, or it must present a clarification of this information. Should you supply new information that changes the content of your original request for reconsideration (e.g., add or remove specimens, alter where the shipment will go), a new application will need to be submitted to this office before such information can be considered.

If you have any questions, please contact Senior Biologist Michael Carpenter of this office: Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, or by calling 703-358-2104, extension 1970.

Sincerely,

Robert R. Gabel, Chief
Division of Management Authority

Enclosures

**cc: DMA Surname, Mike C.
FWS/DMA/BOP/CarpenterM:7/21/2011:S:\DMA\BOP\Appeals,denials,
reconsiderations\Reconsiderations\cheetah reconsideration 2011 letter**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



AUG 22 2013

In Reply Refer To:
FWS/AIA/PMT0000002

Mr. Jimmie C. Rosenbruch
(b) (6)
Santa Clara, Utah (b) (6)

Dear Mr. Rosenbruch:

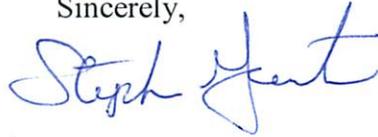
This letter responds to a request submitted on September 9, 2011, by your representative, John J. Jackson, III, to appeal the decision to deny your application for a permit under the U.S. Endangered Species Act (Act) to import a personally sport-hunted trophy of cheetah (*Acinonyx jubatus*) hunted in Namibia. We apologize for the delay in responding to your appeal.

As you know, the cheetah is listed as endangered under the Act which prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered species listed under the Act (50 CFR 17.21). In order to issue a permit under the authority provided in 50 CFR 17.22, we must be able to demonstrate that the import of a sport-hunted cheetah trophy into the United States would enhance the propagation or survival of the affected species in the wild. As documented by the recent issuance of an import permit for a sport-hunted black rhinoceros taken in Namibia, we have determined that there are situations under which a trophy of an endangered species can be imported when it has been taken as part of a scientifically based management program that contributes to the conservation of the species. However, at the time you hunted the cheetah in Namibia, there was a lack of clear evidence that sport hunting of cheetahs in that country helped to ensure the long-term survival of the species in the wild. While Namibia had made some progress toward addressing some concerns that we identified in previous letters to you, there was no reliable estimate of the number of cheetahs in Namibia at the time you took the trophy. Estimates of the cheetah population at that time were based on anecdotal information and on voluntary reports of the number of cheetahs killed as real or potential threats to domestic livestock or ranched game. Therefore, it is very difficult to determine if the cheetah population was increasing or decreasing, or even stable when you hunted.

Further, neither the Government of Namibia nor individual landowners had established clear management plans to address the long-term survival of the species. Instead, there was largely a lack of management or protections for cheetahs, with most attention directed toward immediate concerns about livestock depredation. Therefore, based on the best available information regarding the status of cheetahs in Namibia at the time you hunted, we do not have a basis to alter our previous decision to deny your application for a permit to import a sport-hunted cheetah. Thus, the decision to deny your application, PRT 818660, is upheld.

This letter represents the final administrative action with regards to your request for a permit. If you have questions regarding this decision, you may contact Mr. Bryan Arroyo, Assistant Director, International Affairs at (202) 208-6394.

Sincerely,

A handwritten signature in blue ink that reads "Steph Jent". The signature is written in a cursive style with a large, stylized "S" and "J".

Deputy, DIRECTOR

In Reply Refer To:
FWS/AIA/DMA/PRT-829682

Ms. Carolyn Lysne
(b) (6)
Evergreen, Colorado (b) (6)

Dear Ms. Lysne:

This responds to your request for reconsideration of the January 22, 2003 decision by the Division of Management Authority to deny your application for a permit to import a personal sport-hunted cheetah (*Acinonyx jubatus*) trophy taken in Namibia. Given the length of time since the original denial and the number of discussions that have occurred between the U.S. Fish and Wildlife Service and hunting organizations, I would assume that you are already aware that we are unable to issue import permits for sport-hunted cheetah trophies at this time. However, to fully ensure that you are afforded all of the appeal rights granted under our regulations, it is important that we formally deny your request for reconsideration. Therefore, after reviewing your original application and the additional information provided in support of your request, it is my decision to uphold the denial of your application.

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In the past, the Namibian Ministry of Environment and Tourism had hired a carnivore biologist and apparently instituted surveys of predator populations in the country. Although the surveys began in 1998, they still have not produced data that would allow a scientifically based population estimate. In 2003, the Predator Conservation Trust released the first of its study results under the title Namibian Large Carnivore Atlas. This atlas has been based totally on the receipt of sighting forms from the public (including tourist guides). In its 4th edition, the compilation of sightings since the study began in 1999 and through 2004 tallied only 701 cheetahs. The Service believes that, once a satisfactory census method has been established, multiple years of data generated from surveys are necessary to establish the stability of the population.

To date, there is no indication that the cheetah population of Namibia is isolated from that of adjoining countries and it is apparent that animals regularly cross these boundaries. Very little is known regarding the extent of shared populations between Namibia, Botswana, Zimbabwe, Zambia, and South Africa. Botswana and South Africa do not allow trophy hunting of cheetah, and Zambia does not have an approved CITES export quota for the species. The difference in the status and protection for the species over this area and the lack of inclusive population and movement data complicate any decision that would affect cheetah populations. A South African report states that, while the number of cheetah legally taken for depredation were low in 2001-2002, they represented 10% of the cheetah actually taken, and the remaining 90% were illegally taken. It is possible that a similar ratio of reported to unreported kills could be applied to Namibia.

The World Conservation Monitoring Centre has provided information on the export of cheetahs from Namibia for the period from 1991 through 2001. Four hundred and eighty-eight cheetah trophies were exported in that time. The trophy fee for a cheetah hunt in Namibia at the time you hunted was about US \$2,000 and may be less if part of a larger organized hunt. We have been unable to determine that any portion of the fees derived from these exports are used for cheetah conservation. The Namibian Professional Hunters Association, with the assistance of the Cheetah Conservation Fund, did establish at one time a voluntary fund derived from trophy fees for cheetah taken on NPHA lands. The contribution to the fund has been set at N\$1000 (approximately US \$140), but is restricted for the most part to U.S. hunters. Based on available information, less than \$10,000 Namibian dollars have gone into this fund with no indication of how these funds have been spent. The NPHA has provided no updated information on their program, and recent discussions between the NPHA and the Service did not include this topic. In sharp contrast, the trophy fee for argali sheep, with populations in the range of 10,000 +, is at least \$5,000, and that fee supports the entire management program in the range states in which hunting is allowed.

It is our understanding that the Namibian Large Carnivore Monitoring Program, or some version of it, continues to work to obtain data. Although the cheetah remains at risk, it is allowed to be killed whenever it is thought to be a possible threat to livestock or game. A workshop held outside Namibia in 2005 reviewed the methodologies available for monitoring large predators; Namibian government officials were not present. A 2002 study of the effect of hunting on the conservation of cheetah states that, while 68% of farmers and ranchers in Namibia continue to remove cheetah on their land, only 13% of these have restricted this killing to trophy hunting. Only 23% of Namibian farmers and ranchers removed no cheetah from their land between 1991 and 2001. The rate of off-take of cheetah from private land has not declined significantly since trophy hunting began and the export of live animals was halted. For both the 2007-2008 and 2008-2009 season, the cheetah trophy take exceeded

the quota to the extent that the professional hunters association asked to have the season closed. The Service is therefore unable to find that there is adequate scientifically based management of the cheetah population or control of the killing of cheetahs, nor are we able to find that the import of a sport-hunted cheetah trophy from Namibia will enhance the survival of the species. Consequently your request for reconsideration is denied.

As provided in 50 CFR 13.29(e) (copy enclosed), you may submit a written appeal of this decision to the Director of the Fish and Wildlife Service, through this office: Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. This appeal must be submitted to this office within 45 calendar days of the date this letter and must state the reason(s) and issue(s) upon which the appeal is based. Your written appeal must address how the decision to deny the reconsideration of your request was based upon a misinterpretation of the information provided in your request for reconsideration, or it must present a clarification of this information. Should you supply new information that changes the content of your original request for reconsideration (e.g., add or remove specimens, alter where the shipment will go), a new application will need to be submitted to this office before such information can be considered.

If you have any questions, please contact Senior Biologist Michael Carpenter of this office: Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, or by calling 703-358-2104, extension 1970.

Sincerely,

Robert R. Gabel, Chief
Division of Management Authority

Enclosures

**cc: DMA Surname, Mike C.
FWS/DMA/BOP/CarpenterM:7/21/2011:S:\DMA\BOP\Appeals,denials,
reconsiderations\Reconsiderations\cheetah reconsideration 2011 letter**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/AIA/PMT0000004

AUG 22 2013

Ms. Carolyn Lysne

(b) (6)

Evergreen, Colorado (b) (6)

Dear Ms. Lysne,

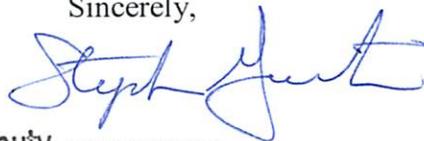
This letter responds to a request submitted on September 9, 2011, by your representative, John J. Jackson, III, to appeal the decision to deny your application for a permit under the U.S. Endangered Species Act (Act) to import a personally sport-hunted trophy of cheetah (*Acinonyx jubatus*) hunted in Namibia. We apologize for the delay in responding to your appeal.

As you know, the cheetah is listed as endangered under the Act, which prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered species listed under the Act (50 CFR 17.21). In order to issue a permit under the authority provided in 50 CFR 17.22, we must be able to demonstrate that the import of a sport-hunted cheetah trophy into the United States would enhance the propagation or survival of the affected species in the wild. As documented by the recent issuance of an import permit for a sport-hunted black rhinoceros taken in Namibia, we have determined that there are situations under which a trophy of an endangered species can be imported when it has been taken as part of a scientifically based management program that contributes to the conservation of the species. However, at the time you hunted the cheetah in Namibia, there was a lack of clear evidence that sport hunting of cheetahs in that country helped to ensure the long-term survival of the species in the wild. While Namibia had made some progress toward addressing some concerns that we identified in previous letters to you, there was no reliable estimate of the number of cheetahs in Namibia at the time you took the trophy. Estimates of the cheetah population at that time were based on anecdotal information and on voluntary reports of the number of cheetahs killed as real or potential threats to domestic livestock or ranched game. Therefore, it is very difficult to determine if the cheetah population was increasing or decreasing, or even stable when you hunted.

Further, neither the Government of Namibia nor individual landowners had established clear management plans to address the long-term survival of the species. Instead, there was largely a lack of management or protections for cheetahs, with most attention directed toward immediate concerns about livestock depredation. Therefore, based on the best available information regarding the status of cheetahs in Namibia at the time you hunted, we do not have a basis to alter our previous decision to deny your application for a permit to import a sport-hunted cheetah. Thus, the decision to deny your application, PRT 829682, is upheld.

This letter represents the final administrative action with regards to your request for a permit. If you have questions regarding this decision, you may contact Mr. Bryan Arroyo, Assistant Director, International Affairs at (202) 208-6394.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steph Gunt". The signature is fluid and cursive, with the first name "Steph" and the last name "Gunt" clearly distinguishable.

Deputy, DIRECTOR