

January 4, 2023

U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041

Re: Proposed revisions to the Section 4(d) rule for African elephant

Dear Director Williams:

The undersigned organizations, representing millions of hunters, anglers, wildlife professionals, and outdoor enthusiasts, write to respectfully request the U.S. Fish and Wildlife Service (Service) fulfill its obligations to consult with the range states that will be affected by the proposed rule to revise the Section 4(d) rule for African elephant sport-hunted trophies. Specifically, the undersigned organizations request that the Service extend the comment period, and use that opportunity to consult with range states regarding the proposed rule.

Consultation is an essential part of the Service's obligations under the Endangered Species Act (ESA) and the Convention on International Trade in Endangered Species (CITES). Just as the Service would consult with a State before taking any action that affects the State's wildlife resources, the Service should provide the same courtesy to the elephant range states. In fact, CITES Res. Conf. 6.7 encourages an importing state to "*make every reasonable effort*" to consult with affected range states before adopting any stricter domestic measures, like the proposed rule. The undersigned organizations request that the Service make every reasonable effort, including by extending the comment period, to engage the range states in southern Africa in fulsome consultation on the impact of the proposed rule on their conservation programs.

Southern Africa is a leader in biodiversity conservation and habitat protection. Countries that rely on regulated hunting as part of their conservation success are home to the world's largest populations of elephants, leopards, lions, black and white rhino, and many other listed species. Put simply, wildlife populations are healthiest in the countries where they are hunted—and this is no coincidence. Rather, it is the result of national management plans and conservation systems that give wildlife great value, especially for the local people who most directly compete with wildlife as a land use in these countries.

Despite the success of these conservation programs, the proposed rule for elephant imposes the Service's views on the range states. Yet in most of the countries where elephant are hunted, the species is not at risk. The required certifications are not only unnecessary, but they will negatively impact the conservation programs in these countries. Likewise, the proposal to prohibit import of elephant trophies from range states not in "Category I" of the CITES National Legislation Project purports to address a problem that does not exist. The range states have effective legal systems for managing elephant and export permitting.

The Endangered Species Act directs the Service to “encourage” and support successful foreign conservation programs. This proposal does not fulfill that directive. And it is inconsistent with the Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities.

The undersigned organizations encourage the Service to incorporate the successful wildlife management policies of foreign range states and underserved communities in their decision-making processes, instead of imposing its own perceptions of how wildlife should be managed in range states. The current January 17th deadline for comments does not afford the Service time to adequately consult on this issue; nor will range states have sufficient opportunity to provide robust comments to the proposed rulemaking, in particular because of holiday time off in December and January. Accordingly, the undersigned organizations request that the Service extend the comment period so the Service has more opportunity to engage with range states on this issue.

California Waterfowl
Congressional Sportsmen’s Foundation
Conservation Force
Dallas Safari Club
Houston Safari Club
National Rifle Association
National Shooting Sports Foundation
Orion: The Hunter’s Institute
Pope & Young Club
Professional Outfitters and Guides of America
Safari Club International
Whitetails Unlimited