



Animal Welfare Institute

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January 28, 2013

BY ELECTRONIC MAIL (via www.regulations.gov)

Attn: Public Comments Processing
Attn: FWS-R9-ES-2012-0025
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive
MS 2042-PDM
Arlington, VA 22203

RE: Endangered and Threatened Wildlife and Plants: 90-Day Finding on a Petition to List the African Lion Subspecies as Endangered

To Whom It May Concern:

On behalf of the Animal Welfare Institute (AWI), please accept the following comments on the above-referenced U.S. Fish and Wildlife Service (hereafter FWS or the Service) decision to initiate a status review to determine if the full protections of “endangered” status under the Endangered Species Act (ESA or the Act) should be extended to the African lion throughout its range.

The purpose of the status review is to determine if there is sufficient scientific and legal evidence to classify African lions (*Panthera leo leo*) as “endangered” under the ESA. AWI strongly supports the intent of the petition submitted by animal welfare and wildlife conservation organizations and asserts that the content of the petition clearly and indisputably demonstrates that the petitioned action is warranted. Ultimately, listing the subspecies *Panthera leo leo* as endangered will better provide for its conservation under the ESA by prohibiting the commercial exploitation and trophy hunting of the subspecies, ending the interstate sale and trade of its parts and products in the U.S., and demonstrating to the world that the U.S. is fully committed to the actions necessary to protect and recover African lions.

This comment letter strongly supports, pending completion of this status review, FWS’ publication of a proposed rule to list African lions as endangered under the ESA. This designation is necessary to address the documented decline in wild lion populations. As reported in the scientific literature, lions have disappeared from 75% of their historic range, and their populations have dropped by more than 50% in the last three decades.¹ In addition, the threats facing African lions today are numerous and expanding. They include habitat destruction and

¹ Riggio, Jason, Jacobson, Andrew, Dollar, Luke, Bauer, Hans, Becker, Matthew, Dickman, Amy, Funston, Paul, Groom, Rosemary, Henschel, Philipp, Iongh, Hans, Lichtenfeld, Laly, Pimm, Stuart. 2012. The size of savannah Africa: a lion’s (*Panthera leo*) view. *Biodiversity and Conservation*.

fragmentation, disease, decline or loss of traditional prey species, hunting, and conflict with humans. Notably, in regard to the impact of hunting on the subspecies, the United States is by far the world's largest importer of both commercially traded African lion parts and lion trophies and this trend is only increasing.²

The ESA mandates that listing determinations be made solely on the best scientific and commercial data available.³ The Act was amended to “prevent non-biological considerations from affecting listing decisions,” including the economic costs associated with protecting species.⁴ Moreover, in keeping with the overall purposes of the statute, even where the best available scientific evidence leaves some doubt as to the status of the species, the Service is required to “give the benefit of the doubt” to the species.⁵

Background on Status & Threats/Overutilization for Commercial Purposes:

African lions are threatened by many factors, including retaliatory killing by livestock owners/herders, loss of habitat and prey, over-utilization for recreational and commercial purposes, disease, and inadequate legal protection measures.⁶

These threats are of substantial concern to the conservation and very survival of this subspecies – often referred to as “The King of the Jungle” in Africa. Sadly, the U.S. is complicit in this conservation challenge due to its role in facilitating the hunting of these animals. The original analysis presented in the petition shows that between 1999 and 2008, 28,197 African lion specimens (lions, dead or alive, and their parts and derivatives), the equivalent of at least 10,902 lions, were traded internationally for all purposes.⁷ The U.S. is also the world's largest importer of lion parts as hunting trophies, having imported 64 percent of the global total from 1999 to 2008.⁸ During the same time frame, the U.S. imported lions and lion parts from 12 countries where lion off-take was found to be unsustainable.⁹

In 2008, the International Union for the Conservation of Nature (IUCN) once again classified the African lion as Vulnerable with a declining population trend, which means it is considered to be

² CITES trade statistics derived from the CITES Trade Database, UNEP World Conservation Monitoring Centre, Cambridge, UK, Retrieved from <http://www.unep-wcmc-apps.org/citestrade/> on 30 July 2010.

³ 16 U.S.C § 1533(b)(1)(A).

⁴ H.R. Conf. Rep. No. 97-835 at 19 (1982).

⁵ *Conner v. Burford*, 858 F.2d 1441, 1454 (9th Cir. 1988).

⁶ Henschel, P., Azani, D., Burton, C., Malanda, G., Saidu, Y., Sam, M., Hunter, L. 2010. Lion status updates from five range countries in West and Central Africa. *CatNEWS*52, Spring 2010, 34-39; Bauer, H., Nowell, K., & Packer, C. (2008). *Panthera leo*, IUCN 2010. IUCN Red List of Threatened Species. Version 2010.4. Retrieved from <http://www.iucnredlist.org/apps/redlist/details/15951/0>.

⁷ Petition to List the African Lion as Endangered Pursuant to the U.S. Endangered Species Act, March 1, 2011, page 22.

⁸ CITES trade statistics derived from the CITES Trade Database, UNEP World Conservation Monitoring Centre, Cambridge, UK, Retrieved from <http://www.unep-wcmc-apps.org/citestrade/> on 30 July 2010.

⁹ CITES, 2010 and Bauer, H., De Iongh, H.H., Princee, F.P.G., & Ngantou, D. (2003). Research needs for lion conservation in West and Central Africa. *Comptes Rendus Biologies*, 326, S112-S118.

facing a high risk of extinction in the wild.¹⁰ The African Lion Working Group has estimated, based on recent surveys, that the population estimate is as low as 23,000, and the status continues to deteriorate.¹¹ As cited in the petition, populations of African lion that are both viable and exist in largely Protected Areas, occur in only about 5 percent of their currently occupied range and 1.1 percent of their historical continent-wide range.¹² Thus, the African lion is endangered both across a significant portion (approximately 95 percent) of its current range and across a significant portion (approximately 99 percent) of its historical range.¹³

Human population growth has been specifically identified as the root cause of many problems associated with the conservation of the African lion because of increasing human settlement in lion habitat and associated human activities such as agriculture and livestock production.¹⁴ Human population growth has been specifically identified as the root cause of many problems associated with the conservation of African lions because of increasing human settlement in lion habitat and associated agriculture and livestock production,¹⁵ as livestock depredation and attacks on humans are the main conflict between people and African lions.¹⁶ As a result, retaliatory killing, as a consequence of livestock losses and threat to human life, is common throughout all of sub-Saharan Africa.¹⁷

Loss of habitat and corresponding loss of prey are also serious threats to the survival of the African lion.¹⁸ These threats are principally driven by human activity, including conversion of lion habitat for agriculture and grazing as well as human settlement.¹⁹ Other related threats include the bushmeat trade, civil unrest and desertification.²⁰ The expanding human population has resulted in increased consumption of bushmeat which has severely reduced some lion prey species, causing conflict between African lions and humans competing for the same resources.²¹ Civil unrest within sub-Saharan Africa degrades otherwise suitable lion habitat through the overharvesting of wildlife and vegetation.²² Land degradation through desertification is also predicted to lead to the loss of two-thirds of arable land in Africa by 2025, which will further increase competition between humans and African lions.²³

¹⁰ *Id.*

¹¹ Bauer and Van Der Merwe 2004. 2012. *Panthera leo*. In: IUCN 2012. IUCN Red List of Threatened Species. Version 2012.2. <www.iucnredlist.org>. Downloaded on 25 January 2013.

¹² Petition to List the African Lion as Endangered Pursuant to the U.S. Endangered Species Act, March 1, 2011, page 7.

¹³ *Id.*

¹⁴ *Id.* at 20.

¹⁵ *Id.* at 6.

¹⁶ *Id.* at 53.

¹⁷ *Id.*

¹⁸ *Id.* at 7.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

Recent analysis included in the petition has also shown that trophy hunting has likely contributed to the decline of lion populations in many areas.²⁴ Consistent hunting intensity should yield consistent hunting off-take; therefore a decline in off-take indicates a decline in species population.²⁵

Existing Regulatory Mechanisms are Inadequate:

The petition demonstrates that the U.S. regularly allows imports of lion specimens accompanied by export permits issued by countries where lion off-take is unsustainable. Because the African lion is listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) with other Felidae species, the exporting country must make a determination that the export is not detrimental to the species; a finding that is clearly not possible considering evidence that such removals are unsustainable.²⁶ This evidence demonstrates why the mere listing of the species in Appendix II of CITES is inadequate to protect the African lion from unsustainable international trade.²⁷ Moreover, despite the fact that the African lion has been listed on CITES Appendix II since 1976, CITES has not adopted any special measures, such as export quotas, for the subspecies.²⁸

In this regard, an endangered listing under the ESA would ensure that specimens can only be imported to the U.S. if the import enhances the survival or propagation of the species or is for scientific purposes. As a result, if the African lion were to be listed as endangered under the Act, the importation of lions and their parts—whether commercial or not—would be generally prohibited which would eliminate the role the U.S. is currently playing in the species' demise.

Conclusion:

African lions are in danger of extinction throughout their range, primarily from overutilization for commercial purposes. Listing of the African lion under the ESA could provide significant

²⁴ Petition to List the African Lion as Endangered Pursuant to the U.S. Endangered Species Act, March 1, 2011, page 24.

²⁵ The petition described that, over the past 25 years, the steepest declines in the number of lions killed by hunters occurred in African countries with the highest hunting intensity. While Tanzania has the largest lion population of any country on the Continent, it also has the highest lion off-take through trophy hunting. Within Tanzania, hunting areas in the Selous Game Reserve with the highest lion off-take showed the steepest declines between 1996 and 2008, as did hunting regions outside of the Selous with the highest off-take. Across all of Tanzania, off-take has declined by 50 percent over the past 13 years despite increasing demand and hunting effort. This declining off-take cannot be attributed to habitat loss or to human-lion conflict, but rather suggests that lion populations in the hunting areas declined as a direct consequence of overhunting. *Id.*

²⁶ Regulations promulgated under the Act make clear that the USFWS does not consider hunters who import their personal sport-hunted trophies to be involved in a commercial activity (USFWS, 2007). Consequently, hunters who wish to import trophies of Threatened, CITES Appendix II species only require an export permit issued by the country of export. The Act would therefore not protect a threatened foreign species from detrimental trade in cases where a CITES export permit has been granted without a scientifically-based Non-Detriment Finding having been made. *Id.* at 9.

²⁷ *Id.*

²⁸ *Id.* at 50.

benefits to the species and help to compel lion conservation internationally. The petition demonstrates that the African lion meets the statutory criteria for an endangered listing under the ESA: destruction of habitat, overutilization, disease, inadequacy of existing regulatory mechanisms, and other natural or manmade factors. Accordingly, AWI respectfully requests that the Secretary of the Interior act to halt and reverse the current trends towards extinction for the African lion by listing the subspecies as endangered under the ESA. Listing African lions will provide them with much needed regulatory protection, and will serve as an important measure to lessen the threat of extinction.

Thank you in advance for providing this opportunity to comment on this status review and for considering these comments. Please send any future correspondence or information about this proposed status upgrade to: Tara Zuardo, Wildlife Legal Associate, Animal Welfare Institute, 900 Pennsylvania Ave., SE, Washington, DC 20003.

Sincerely,

A handwritten signature in black ink that reads "Tara Zuardo". The signature is written in a cursive, flowing style.

Tara Zuardo
Wildlife Legal Associate