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No. 13-5300

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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SAFARI CLUB INTERNATIONAL, Plaintiff-Appellant,

v.

SALLY JEWELL, in her official capacity as  
United States Secretary of the Interior, *et al.*,  
Defendants-Appellees

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On Appeal from the United States District Court for the District of Columbia  
(No. 11-01564)

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**PLAINTIFF/APPELLANT SAFARI CLUB INTERNATIONAL'S  
STATEMENT OF ISSUES ON APPEAL**

Plaintiff/Appellant, Safari Club International (“Safari Club”), submits the following non-binding statement of issues, pursuant to this Court’s Order of October 8, 2013. This case involves Safari Club’s challenge to the U.S. Fish and Wildlife Service’s (“FWS” or “Service”) decision to include U.S. non-native populations of three endangered antelope species, the scimitar-horned oryx, dama gazelle and addax (“three antelope species”), in the endangered listing of the three species in the wild.

Safari Club intends to present the following issues in this appeal:

1. Whether the District Court erred in its determination that the FWS did not act in an arbitrary and capricious manner when it included the U.S.

- non-native populations of the three antelope species in the endangered classification of the species in the wild.
2. Whether the District Court erred in finding that the FWS's decision to include the U.S. non-native populations of the three antelope species was consistent with FWS policy and practice.
  3. Whether the District Court erred in finding that the FWS acted within its discretion to refuse, without explanation, to designate the U.S. non-native populations of the three antelope species as a distinct population segment ("DPS") and classify that DPS differently than populations of the species in the wild.
  4. Whether the District Court erred in finding that the FWS's single statement in its "Final Rule To List the Scimitar-Horned Oryx, Addax, and Dama Gazelle as Endangered," 70 Fed. Reg. 52319, 52320 (Sep. 5, 2005) that "[i]t would not be appropriate to list captive and wild animals separately" qualified as an adequate explanation for the FWS's determination that the U.S. non-native populations of the three antelope species could not be classified differently from those in the wild.
  5. Whether the District Court erred in determining that an endangered classification for the U.S. non-native populations of the three antelope species that would harm and undermine ongoing successful conservation

efforts for the three antelope species was not inconsistent with the conservation purposes of 16 U.S.C. §1531(b) and therefore not in violation of the ESA.

Dated this 24<sup>th</sup> day of October, 2013.

Respectfully submitted,

/s/ Anna M. Seidman

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Counsel for Appellant

Safari Club International

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 24<sup>th</sup> day of October, 2013, a true and correct copy of Plaintiff/Appellant's Statement of Issues on Appeal was electronically filed through the CM/ECF system, which caused all parties to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/ Anna M. Seidman

Anna M. Seidman

Counsel for Appellant

Safari Club International