Oral Argument Scheduled for October 3, 2014

No. 14-5152

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

SAFARI CLUB INTERNATIONAL and NATIONAL RIFLE ASSOCIATION OF AMERICA, Plaintiffs-Appellants,

v.

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

On Appeal from the United States District Court for the District of Columbia (No. 14-00670-ABJ)

REQUEST TO SUPPLEMENT THE APPENDIX BY PLAINTIFFS/APPELLANTS SAFARI CLUB INTERNATIONAL AND NATIONAL RIFLE ASSOCIATION OF AMERICA

In accordance with D.C. Circuit Rule 30(e), Plaintiffs-Appellants Safari Club International and the National Rifle Association of America ("SCI/NRA") seek leave to supplement the Appendix that they filed in this case on July 18, 2014 in conjunction with the filing of their opening brief in this appeal. SCI/NRA's appeal seeks review of a District Court denial of their motion for a preliminary injunction. The lower court based its ruling exclusively on the determination that

SCI/NRA had not demonstrated sufficient irreparable harm. SCI/NRA included in the Appendix all documents they considered relevant to their appeal.

Defendants-Appellees, Jewell *et al.*'s ("Federal Appellees") Answering Brief, filed on August 18, 2014, includes challenges to SCI/NRA's Article III standing. In particular, Federal Appellees assert that SCI/NRA lack standing as to their Tanzania claims because their members did not file for an importation permit before filing suit. Federal Appellees disagree with SCI/NRA about the futility of resorting to the permit process. In making their arguments disputing futility, Federal Appellees relied on documents beyond the pleadings filed in the court below. Federal Appellees' Answering Brief at 39. To adequately respond to Federal Appellees' attack on their standing, SCI/NRA need to reference a document that they did not originally include in the previously filed Appendix.

The document that SCI/NRA seek to add to the Appendix is a letter dated April 4, 2014 from FWS Assistant Director of International Affairs Bryan Arroyo to Tanzania's Minister of Natural Resources and Tourism Lazaro Nyalandu. Attached as Exhibit A. Federal Appellees are already familiar with this letter as they provided it to SCI in response to a Freedom of Information Act Request SCI submitted to the U.S. Fish and Wildlife Service on April 8, 2014. The document was also included in the Administrative Record that Federal Appellees served on SCI/NRA in accordance with an order of the Court below. SCI/NRA have already

referenced this letter in proceedings in the Court below and attached it as an exhibit to their Motion to Compel Production of the Administrative Record, filed on June 17, 2014. Dkt. 28-1. In that motion, SCI/NRA explained to the District Court that they consider the letter relevant to show "the futility of SCI/NRA members applying for importation permits for elephants from Tanzania." Dkt. 28, 7-8.

As Federal Appellees' Answering Brief to SCI/NRA's appeal focuses, in part, on standing and on the issue of futility of any applicable administrative process, SCI/NRA seek leave to supplement the Appendix with a document that is material to those newly raised issues.

WHEREFORE, SCI/NRA respectfully ask the Court to allow them to supplement the Appendix with the April 4, 2014 letter from Bryan Arroyo, Assistant Director for the U.S. Fish and Wildlife Service to Lazaro Nyalandu, Tanzania's Minister of Natural Resources and Tourism. SCI/NRA intend to reference the letter to support arguments in their reply brief, which is due to be filed on Monday, August 25, 2014 per the expedited briefing schedule set by this Court.

Dated: August 22, 2014

Respectfully submitted,

/s/Anna M. Seidman
Anna M. Seidman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd day of August 2014, a true and correct copy of the Request to Supplement the Appendix of Safari Club International and National Rifle Association of America 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 Appellants,
Safari Club International

Safari Club International v. Jewell *et al.*

No. 14-5152

Request to Supplement the Appendix

Exhibit A

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/AIA/057087

APR 04 2014

Honorable Lazaro Nyalandu, Minister
Ministry of Natural Resources and Tourism
Wizara ya Maliasili na Utalii
S.L.P. 9372
Dar es Salaam
United Republic of Tanzania

Dear Honorable Lazaro Nyalandu:

As part of the U.S. Government's implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the U.S. Endangered Species Act (ESA), the U.S. Fish and Wildlife Service has conducted evaluations that are required to issue import permits for sport-hunted African elephants taken in the United Republic of Tanzania (Tanzania) in 2014. As you are aware, for U.S. implementation of CITES, we must make a finding that the import of sport-hunted trophies of Appendix-I African elephants is for purposes that are not detrimental to the survival of the species. Under the U.S. Endangered Species Act, we must determine that the import of all sport-hunted elephant trophies will enhance the propagation or survival of the species.

The U.S. Government is gravely concerned about the escalation in poaching activity throughout Tanzania over the past several years, and we have expressed this concern in our CITES findings over the past few years. With new information now showing significant declines in key elephant populations in Tanzania, we are unable to make positive findings required by CITES and the ESA to allow import of elephant trophies taken in Tanzania during calendar year 2014 (see attachments). We recognize that sport-hunting, as part of a sound management program, can provide benefits to the conservation of species. However, because of the rampant elephant poaching in Tanzania, we are concerned that the additional killing of elephants, even if legal, is not sustainable and would not support effective management and community programs that enhance the survival of the species in Tanzania.

We will reevaluate the situation in Tanzania for elephant trophies taken in calendar year 2015 and beyond. When we receive information that indicates a significant improvement for elephants in Tanzania, we will re-consider the import suspension. In order to allow elephant trophies to be imported in the future, documented total offtake from the elephant population (i.e., all sources of elephant deaths, including poaching, sport-hunting, problem animal control, and natural mortality) would need to be below the elephant's annual population growth rate, requiring the

poaching rate to be significantly reduced. We will look to the following sources of information to provide us with this documentation:

- New population census information, demographic surveys, and carcass analyses;
- Monitoring of Illegal Killing of Elephants (MIKE) and Elephant Trade Information System (ETIS) reports; and
- Other relevant sources of information.

In addition, in response to the drastic population decline, we hope that the Government of Tanzania will appropriately adjust its quotas downward and take management actions to address the poaching crisis, such as increased capacity for law enforcement. We would appreciate receiving information on how funds generated from the sport-hunting of elephants are used to support the long-term survival of the species. Such support could be in the way of on-the-ground conservation efforts, such as surveys and anti-poaching efforts, or more indirect support through community development projects that can be tied to the benefits that can be generated by maintaining healthy elephant populations.

We recognize the significant challenges that Tanzania and other African countries face in protecting elephants and other wildlife, given increasing poaching pressure. The U.S. Government works to actively assist the Government of Tanzania in protecting its wildlife resources through U.S. Agency for International Development investments in the wildlife management areas program, through U.S. Department of the Interior/U.S. Fish and Wildlife Service technical support, and through financial and technical support for capacity building and other key conservation and management objectives through the African Elephant and the Rhino/Tiger Conservation Funds. We are eager to discuss how we can further assist Tanzania in improving security for elephants.

If you have any questions, please feel free to contact me by mail, email, or telephone (Bryan_Arroyo@fws.gov; (202) 208-6394).

Sincerely,

Bryan Arroyo,
Assistant Director, International Affairs

Enclosures

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

FEB 21 2014

MEMORANDUM

To: Chief, Division of Management Authority

From: Chief, Division of Scientific Authority Rosemarie Gnam

Subject: General Advice on Importation of Sport-hunted Trophies of African Elephants taken in Tanzania in the Calendar Year 2014

This General Advice represents our CITES finding for permit applications that you might receive for the import of sport-hunted trophies of African elephants (*Loxodonta africana*) taken in the United Republic of Tanzania (Tanzania) in calendar year 2014.

Please be advised that, based on the available information, we are **unable** to determine that the importation of sport-hunted trophies of African elephants taken in Tanzania during calendar year 2014 will be for purposes that are not detrimental to the survival of the species.

If permit applications are received that include new or additional information showing that elephant management practices by the Government of Tanzania have led to the sustainability of its elephant population on a nation-wide basis, these applications should be referred to the Division of Scientific Authority for consideration on a case-by-case basis.

BASIS FOR ADVICE:

Since our analysis for the General Advice issued for calendar year 2013, several sources of information have become available indicating a significant decline in Tanzania's elephant population primarily due to poaching for ivory, including:

- *Aerial census of large animals in the Selous-Mikumi ecosystem, population status of African elephant* (TAWIRI 2013a);
- *Aerial census of large animals in the Ruaha-Rungwa ecosystem, population status of African elephant* (TAWIRI 2013b);
- A written report, *Recognition and tackling of the current elephant poaching crisis in Tanzania* (TEPS 2013a) and PowerPoint presentation, *Tackling the elephant poaching crisis in Tanzania* (TEPS 2013b), by the Tanzania Elephant Protection Society (TEPS) Task Force presented to the Parliamentary Committee of Land, Natural Resources and Environment, April, 2013;

- A report to the African Elephant Summit (Botswana, 2013), *Status of African elephant populations and levels of illegal killing and the illegal trade in ivory: A report to the African elephant summit* (CITES Secretariat *et al.* 2013);
- A report to the 16th Meeting of the CITES Conference of the Parties (CoP16 - Bangkok, Thailand, 2013), providing an update on Monitoring the Illegal Killing of Elephants (MIKE) (CoP16 Doc. 53.1), posted 11/30/2012, with an Addendum posted 2/19/2013; and
- A report to CoP16 (Bangkok, Thailand, 2013), providing an update on monitoring of illegal trade in ivory and other elephant specimens (CoP16 Doc. 53.2.2 (Rev. 1)), originally posted 12/12/2012, with a revision of the document posted 2/8/2013.

The new information provided by these sources is discussed below as it relates to our finding for the 2014 calendar year.

Conservation and Management

1. As recently as a few years ago, African elephants were considered to be widely distributed throughout Tanzania. As of 2009, they covered about 39% of the country's total land surface area (~370,000 square kilometers (km^2) (TAWIRI 2010) within six ecosystems, including: Tarangire-Manyara, Serengeti, Selous-Mikumi, Ruaha-Rungwa, Katavi-Rukwa, and Moyowosi-Kigosi (CoP15 Doc. 68, Annex 6a). The Selous-Mikumi ecosystem represented about 40% of the total elephant population in Tanzania (CoP15 Doc. 68, Annex 6a). At 31,040 square miles, the Selous-Mikumi ecosystem is Africa's largest protected area, and historically held East Africa's largest elephant population, followed by Ruaha-Rungwa (13,384 square miles) (Jones and Nowak 2013).

2. According to the Government of Tanzania, about 50% of the elephant's range in that country is in protected areas (PA) (CoP16 Prop. 11). This proportion of protected range is relatively high compared to other African elephant range countries (Blanc *et al.* 2007). These protected areas comprise about 28% of the country's land area, and elephants receive full protection in 19% of Tanzania's total land surface area (CoP16 Prop. 11). The network of PAs includes national parks (NP), Ngorongoro Conservation Area, game reserves (GR), game controlled areas (GCA), and wildlife management areas (WMA) in village lands. In the year 2012, Tanzania put into place Wildlife Management Area Regulations (2012), which provided a legal mechanism to promote the establishment of wildlife conservation areas outside of PAs administered by the central government. These regulations allow local communities to establish wildlife management areas in village lands that offer conservation potential for wildlife. This legal mechanism has the potential to enable local communities to contribute to wildlife conservation and to benefit from conservation activities on their land (CoP16 Prop. 11). Concerns have been raised, however, that WMAs have not effectively contributed to conservation (TEPS 2013a). The legal process developed by the Wildlife Department has been criticized as being complicated, overregulated, and lengthy, resulting in high transaction costs and making

compliance difficult. It is suggested that in order to make the WMA approach successful, it will need to be simplified (Baldus and Hahn 2009).

3. Historically, there have been transboundary elephant populations in the Kilimanjaro-Amboseli, the Serengeti-Mara, and Tsavo-Mkomazi ecosystems along the Tanzania-Kenya border (Blanc *et. al.* 2003), and elephants have moved between the Selous in Tanzania and the Niassa in Mozambique (Mpanduji *et al.* 2002). Tanzania also shares elephant populations with Rwanda – the Burigi Game Reserve in Tanzania and Akagera National Park in Rwanda (TAWIRI 2010). Tanzania cooperates with transboundary countries, especially Kenya and Mozambique, in cross-border law enforcement efforts (CoP16 Prop. 11); however, concern has been raised over the lack of effectiveness of cross-border cooperation in anti-poaching efforts (Baldus and Hahn 2009).

4. According to the Government of Tanzania (Tarimo, Severre, and Mduma, *in litt.* 2011), the following legal instruments govern wildlife conservation in Tanzania:

- Wildlife Policy, 2007, which provides guidelines for the management of African elephants through the development, review, and updating of specific management plans (CoP15 Doc. 68, Annex 6a);
- Wildlife Conservation Act No. 5 of 2009;
- Tanzania National Parks Act CAP. 282 (RE 2002); and
- Ngorongoro Conservation Area Act CAP. 284 (RE 2002).

5. Four different institutions have authority for management of wildlife in Tanzania:

- Tanzania National Parks (TANAPA), a Parastatal organization that manages 15 national parks (total area of 50,872 km^2);
- Ngorongoro Conservation Area Authority (NCAA), a Parastatal organization that manages the Ngorongoro Conservation Area (NCA) (total area of 8,300 km^2);
- Wildlife Division, an institution that manages 28 game reserves with an area of 112,564 km^2, about 38 game controlled areas with an area of about 161,521 km^2, and RAMSAR sites covering 249,856 km^2; and
- District Councils, local government institutions that collaborate with the Wildlife Division on wildlife conservation issues and facilitate the establishment and management of WMAs on village land (Tarimo, Severre, and Mduma, *in litt.* 2011).

6. Tanzania developed its country-level strategy and action plan, the "Tanzania National Elephant Management Plan 2010-2015" in 2010, and the plan was endorsed by the Minister for Natural Resources and Tourism on January 15, 2011. This plan provides updated information on several biological and ecological topics, including: distribution and range, abundance, population trends and demography, elephant corridors, and human-elephant conflicts. It identifies nine different strategic objectives, as well as numerous specific objectives and their associated targets, actions, timelines, actors, and indicators. The strategic objectives include: Human-Elephant Conflict, Elephant Corridors, Law Enforcement, Benefits and Sustainable Utilization, Ivory Stockpile and Management System, Research and Monitoring, Elephant Health

and Welfare, Cross-border Cooperation, and Elephant Information Management (TAWIRI 2010). It is unclear whether or to what extent the National Elephant Management Plan has been implemented to date.

7. The Tanzania National Elephant Management Plan 2010-2015 (TAWIRI 2010) identified that a substantial decrease in funding is an important factor that has influenced the protection of the elephant population in the Selous ecosystem. Prior to 2005, a Revenue Retention Scheme was being implemented in which 100% of the revenue from photographic tourism and 50% from hunting operations was retained for management of the Game Reserve (TAWIRI 2010). By 2003, the revenue had risen to USD 2,800,000, but following national budget reductions in 2004, the amount retained by the Reserve had dropped to about USD 800,000 by 2008 (UNEP 2008, as cited in TAWIRI 2010). The timing of the decrease in funding coincides with increased poaching in the Reserve, suggesting that anti-poaching operations are greatly under-funded (TAWIRI 2010). It has been reported that the Tanzanian Government terminated the Selous Revenue Retention Scheme following the end of the Tanzanian-German Selous Conservation Program in 2003 (Baldus and Hahn 2009).

8. In addition to concerns about the implementation of Strategic Objective 3, Law Enforcement, we are concerned about implementation of Strategic Objective 8, Elephant Utilization, which includes as an action item to, "Set realistic hunting quotas." Since 2007, the annual CITES export quota for Tanzania has been 400 tusks (sport-hunting quota of 200 elephants). During 2003-2006, the quota was 200 tusks from 100 individuals, while during 1997-2002 the quota was 100 tusks from 50 individuals (http://www.cites.org/eng/resources/quotas/index.php). Based on the available information, Tanzania's elephant population is now less than 70,000 elephants nation-wide (see paragraph 16), and according to the population trends shown in the Tanzania National Elephant Management Plan 2010-2015 (p. 10), the population has not been this low since the 1990's. According to the graph, the population in 1999 was estimated at about 75,000 elephants (TAWIRI 2010). During this time period, the quota was 100 tusks from 50 individuals, and the population appeared to be showing an increasing population trend. Despite the ongoing population decline and current estimated population figure, Tanzania has not adjusted its national export quota downward in response.

9. In Tanzania, the only consumptive use of African elephants is sport hunting (CoP16 Prop. 11), which is covered by The Wildlife Conservation (Tourist Hunting) Regulations, 2010 (Government of the United Republic of Tanzania 2010). These regulations control hunting by concession area, season, minimum trophy sizes (18 kg and 160 cm per tusk), annual quotas, post-hunt reporting, trophy registration, marking, and export requirements (CoP15 Doc. 68 Annex 6a; Part V, Regulation 24.-(5)(b)). According to the Government of Tanzania, sport hunting quota determinations for different areas take into account the density of elephants in those ecosystems (CoP16 Prop. 11).

10. According to Tanzania's proposal submitted (and later withdrawn) to CoP16 (CoP16 Prop. 11), 25% of the revenue accrued from the sport hunting and 100% of the revenue from resident

hunting goes to District Councils to support community development projects and conservation activities. In addition, 65% of the revenue from photographic tourism and 75% of the block fee in WMAs is given back to local communities. More than 90% of the revenue of the Tanzania Wildlife Protection Fund is generated from fees associated with sport-hunting and the sale of trophies. Law enforcement activities for wildlife and wildlife products, including ivory, are largely subsidized by the Tanzania Wildlife Protection Fund (CoP16 Prop. 11).

11. Despite the legal and management tools available to Tanzania for managing its elephant populations, population trends and data collected under the CITES program known as Monitoring the Illegal Killing of Elephants (MIKE) show, as discussed below, that elephant populations throughout Tanzania are declining, primarily due to rampant poaching. This ongoing crisis raises questions about the effectiveness of Tanzania's management and governance to protect elephants, particularly with respect to Strategic Objective 3, Law Enforcement, in the National Elephant Management Plan. In its findings on Tanzania's CoP15 (2010) proposal to down-list its elephant population from CITES Appendix I to Appendix II (Note: the proposal was rejected), the Panel of Experts questioned the commitment by Tanzania to combat poaching, raising concerns over the financial mechanism by which the Wildlife Division was funded. The Wildlife Division's revenue share is paid directly to the central Treasury, and the Treasury is then supposed to distribute the budgeted monies to the Wildlife Division. The Panel of Experts raised the concern that over a 3-year period (2007-2009), the Wildlife Division had received only 63% (USD 2,634,975 per year) of its approved budget from the central Treasury. The Panel noted that given these funding limitations, the Wildlife Division would not be able to meet its needs and obligations regarding the conservation, management, and protection of African elephants. The Panel of Experts also noted, however, that between 2005 and 2009, the Tanzania Wildlife Protection Fund contributed on average a total of USD 12,894,564 annually to the Wildlife Division. According to the Panel of Experts, these funds, when combined with the Treasury allocations, should have put the Wildlife Division in a "strong position" to meet its enforcement obligations, including containment of threats to elephants in the Selous-Mikumi ecosystem (CoP15 Doc. 68, Annex 6a). Reported elephant poaching levels in the Selous-Mikumi ecosystem, however, suggest that enforcement was inadequate.

12. Tanzania's high Proportion of Illegally Killed Elephants (PIKE) values indicate high poaching rates, which suggests weak governance in Tanzania (see paragraph 16 for PIKE values). Repeated analyses under the CITES MIKE program have identified that at the national level, governance, as measured by Transparency International's Corruption Perceptions Index (CPI), is the factor most strongly correlated with PIKE. Poaching levels are higher in countries where governance is weaker, and vice versa. It is suggested that poor governance likely facilitates the illegal killing of elephants and movement of illegal ivory by ineffective law enforcement and/or "active aiding and abetting by unscrupulous officials" (CITES Secretariat *et al.* 2013).

13. The MIKE analyses are consistent with information available from the Elephant Trade Information System (ETIS), a global illegal elephant trade tracking system operated by

TRAFFIC on behalf of the CITES Parties. According to an analysis of data from the ETIS presented at CITES CoP16, Tanzania was implicated as a significant player in the illegal ivory trade. In the ETIS analysis presented at CoP15, Tanzania was already identified as a country of concern with respect to large consignments of illicit ivory leaving the African continent. In the intervening three years, the ETIS data show that both Kenya and Tanzania continued to be the primary conduits for large shipments of ivory exported to Asia, together accounting for nearly half of the 34 large-scale ivory seizures by number and 58% of the associated weight of such seizures during the period 2009-2011(CoP16 Doc. 53.2.2 (Rev. 1). A recent TRAFFIC news article, drawing on ETIS data, reports that since 2009 Tanzania has made or been implicated in 18 large-scale ivory seizures (i.e., seizures that involved 500 kg or more in a single shipment). Of these seizures, Tanzania only made five, while the other 13 seizures were made outside of the country. In total, these seizures represented nearly 43 tons of ivory, representing the death of about 4,000 elephants (http://www.traffic.org/home/2014/1/27/tanzania-reshuffled-cabinet-should-address-poaching-urgently.html). Such large-scale transactions of ivory represent higher-level criminal activity, and the ETIS report to CoP16 suggests that governance issues could be responsible for Tanzania's low seizure and reporting rates (CoP16 Doc. 53.2.2 (Rev. 1)).

Population Distribution, Status and Trends

14. New census information was made publicly available in early 2014. The results of back-to back aerial surveys of the Selous-Mikumi and Ruaha-Rungwa ecosystems in October through November of 2013 show significant population declines (TAWIRI 2013a and 2013b) in both of these ecosystems. The Selous-Mikumi survey revealed an estimate of 13,084 (±1,816 SE) elephants, the lowest figure reported in this area since surveys began in 1976 (TAWIRI 2013a). This figure is down from an estimated 38,975 (± 2,644 SE) elephants in 2009 (TAWIRI 2009, *as cited in* TAWIRI 2013a), a decline of about 66%, which is significant (d-test = 8.07, p>0.05) (TAWIRI 2013a). The Ruaha-Rungwa survey revealed an estimate of 20,090 (±3,282 SE) elephants (TAWIRI 2013b), down from an estimated 31,625 (±2,890 SE) elephants in 2009 (TAWIRI 2010, *as cited in* TAWIRI 2013b), a decline of about 36.5%, which is significant (d-test = 2.6, p>0.05) (TAWIRI 2013b).

15. The latest update to Tanzania's population information in the African Elephant Database (http://www.elephantdatabase.org/preview_report/2013_africa/Loxodonta_africana/2012/Africa/Eastern_Africa/Tanzania) provides a best estimate for the year 2012, but does not reflect the new survey information discussed above from 2013. According to the 2012 estimate, the "definite" category estimate was 95,351 elephants, in addition to 10,278 "probable," 10,927 "possible," and 900 "speculative" category estimates. The new survey information would reduce the population estimate by about 37,426 individuals. Additional information below suggests that an updated population estimate would be revised downward even further.

16. Other information that indicates elephant populations are declining throughout Tanzania, includes:

a) Demographic surveys of the Katavi-Rukwa and Ugalla populations in 2009-2010 suggested that these populations were in distress. Survey results revealed that in each of these populations, the proportion of the herd less than 5 years of age was below 30% (TAWIRI 2010). These results are indicative of low recruitment and growth rates, suggesting one or more population stressors, such as higher infant mortality or increased stress associated with human-elephant conflict or illegal activity (i.e., poaching) (CoP15 Doc. 68, Annex 6a).

b) Anecdotal reports presented at a stakeholders meeting[1] held in Dar es Salaam (January 2013) to address elephant and other wildlife poaching issues in Tanzania (TEPS 2013a and 2013b) indicate that:
   - the Moyowosi population in northwest Tanzania may have been extirpated;
   - the population in the Ugalla ecosystem in western Tanzania is becoming unviable, with less than 500 elephants left;
   - the Katavi-Rungwa-Ruaha population in central Tanzania has been decimated by poachers;
   - elephants are almost absent from the Matambwe photo-tourism sector of the Selous Game Reserve and from the Kilombero Valley in southern Tanzania;
   - elephants in the southern Selous Game Reserve and Selous-Niassa corridor are being decimated by poachers;
   - Tanzania has lost 50% of its elephant population since 2007; and
   - the national population estimate is <70,000[2] elephants (*versus* 109,000 elephants in 2009 (TAWIRI 2010) and that if this rate of poaching continues, it is estimated that elephants will be extirpated from Tanzania within seven years.

c) Although Tarangire National Park in northeast Tanzania was cited in 2010 as having one of the highest growth rates (6%) ever recorded for an African elephant population (Foley and Faust 2010), it has been reported that since December 2011, there has been ongoing massive organized poaching within the park that has resulted in the illegal killing of at least 30 elephants in the year 2012 alone (Kideghesho *et al.* 2013). Demographic surveys of elephants from the Serengeti ecosystem during 2009-2010 were also indicative of good growth rates; however, the January 24, 2014, seizure of six pieces of elephant tusks in the Tarime District bordering the northern part of Serengeti National Park is an indication that not even the Serengeti ecosystem is free from poachers (http://allafrica.com/stories/201402070291.html).

d) Consistent with the population and anecdotal information available, recent information from the CITES MIKE program also suggests widespread population declines in

[1] This meeting was convened by the Tanzanian Elephant Protection Society (TEPS) and was attended by representatives from the Tanzania Ministry of Natural Resources and Tourism (Wildlife Division, Tunduru District Council, Morogoro Region), Tanzania National Parks (NP) (Udzungwa Mountains NP, Ruaha NP, and Mikumi NP), Wildlife Management Areas (WMA), photographic safari operators, hunting safari operators, researchers, NGOs, foreign donors, the press, and other interested individuals (TEPS 2013a).

[2] Note: this estimate was suggested prior to receipt of new information resulting from the 2013 aerial surveys of the Selous-Mikumi and Ruaha-Rungwa ecosystems.

Tanzania due to poaching. MIKE collects data at representative sites throughout Asia and Africa in order to measure trends in the levels of illegal killing of elephants and identifies factors associated with those trends. MIKE evaluates relative poaching levels based on the Proportion of Illegally Killed Elephants (PIKE), which is calculated as the number of illegally killed elephants found divided by the total number of elephant carcasses encountered by patrols or through other means, aggregated by year for each site (CITES Secretariat *et al.* 2013). A PIKE level of 0.5 or higher translates to a level of illegal annual offtake that is likely to be higher than the annual natural birth rate and, therefore, indicates that the elephant population is very likely to be in net decline (CoP16 Doc. 53.1). Within Tanzania, PIKE values suggest widespread population declines due to poaching. At the Selous-Mikumi MIKE site, Tanzania's sole World Heritage site, the 2011 PIKE was 0.64 (based on 224 carcasses), a nearly 27% increase over the 2002-2010 average of 0.50. At the Ruaha- Rungwa MIKE site, the 2011 PIKE was 0.94 (based on 34 carcasses), the highest ever recorded for that site. The PIKE was 0.86 (based on 29 carcasses) at the Katavi-Rukwa MIKE site (CoP16 Doc. 53.1).

17. Aside from concerns about population numbers, we are also concerned about the mobility of the African elephant populations in Tanzania. The Panel of Experts noted, for example, that associated human settlements were increasing in size and number around protected areas and were accompanied by increasing human-elephant conflicts. These settlements and the associated conflicts were probably the most important factors limiting the elephants' mobility and range. It was the opinion of the Panel of Experts that -- at the rates of habitat change and land conversion at the time -- the corridors that still remained in Tanzania would be converted to unsuitable habitat in less than 5 years (CoP15 Doc. 68, Annex 6a).

18. According to Jones *et al.* (2009), Tanzania was working to minimize risks to African elephants, other wildlife, people, and property through improvements in spatial planning involving the identification, maintenance, and restoration of wildlife corridors. The Tanzania National Elephant Management Plan lays out a strategic objective to restore lost corridors and to increase protection for corridors that are still in use (TAWIRI 2010). We do not have updated information on the status of the implementation of this strategic objective, but based on the information available we are particularly concerned about the viability of the Selous (Tanzania)-Niassa (Mozambique) corridor. According to the 2013 survey of the Selous ecosystem only 32 elephants were counted within the Selous portion of the corridor, resulting in an estimate of 1,006 ± 810 (SE) elephants (TAWIRI 2013a). In addition, poaching in the Niassa Reserve has reached crisis levels, as evidenced by high carcass ratios (18%; population of 12,000 elephants) observed during October 2011 aerial surveys (WCS Mozambique *in litt.* 2014) (see paragraph 24 for an explanation of carcass ratios).

Sustainability of Offtake

19. In Tanzania, African elephant deaths occur as a result of several factors, including: 1) natural mortality; 2) trophy hunting; 3) problem animal control; and 4) poaching. In order to

evaluate whether offtake from trophy hunting is sustainable, all losses to the African elephant population must be considered.

Legal Offtake

20. Since 2007, the annual CITES export quota for Tanzania has been 400 tusks (sport-hunting quota of 200 elephants). During 2003-2006, the quota was 200 tusks from 100 individuals, while during 1997-2002 the quota was 100 tusks from 50 individuals. Tanzania, however, typically has not exported its full quota allotment in sport-hunted trophies or African elephant tusks. This may be an indication that the quota is set too high.

21. Although complete records on natural mortality for the entire country or on the killing of problem elephants were not available, the Panel of Experts were able to estimate the level of such offtake by analyzing the data from the ivory store databases of Tanzania. Based on 21 years of data for that country, an average of 231 elephants died annually from natural mortality, while another 287 individuals died annually from elephant control measures (CoP15 Doc. 68, Annex 6a). These annual mortality rates continue to be the best estimates available for Tanzania and are cited and used by the Government of Tanzania (TAWIRI 2010).

22. Based on a sport-hunting quota of 200 African elephants, as well as the estimates cited earlier for natural mortality and problem animal control in Tanzania, the overall legal offtake of African elephants in Tanzania is about 718 elephants annually. Considering the current population estimate to be 70,000 elephants, which we believe is a significant over-estimate because it did not consider the most recent survey figures, the legal annual offtake would be estimated at about 1% of the population. This figure is less than the annual population growth rate of 3-5% (CoP15 Doc. 68, Annex 6a) and in itself would be considered sustainable; however, sustainability is measured against total offtake, including illegal offtake, discussed below.

Illegal Offtake

23. Based on the MIKE report presented to CoP16 (Bangkok, Thailand, 2013), the levels of illegal killing across the African elephants' range are of serious and increasing concern. There has been an ongoing increase in the levels of illegal killing of elephants in Africa since 2006, with 2011 showing the highest levels of poaching since MIKE records began in 2002. The increase in poaching between 2010 and 2011 is statistically significant. As highlighted in paragraph 16, within Tanzania, PIKE values suggest widespread population declines due to illegal offtake. At the Selous-Mikumi MIKE site, Tanzania's sole World Heritage site, the 2011 PIKE was 0.64 (based on 224 carcasses), a nearly 27% increase over the 2002-2010 average of 0.50. At the Ruaha- Rungwa MIKE site, the 2011 PIKE was 0.94 (based on 34 carcasses), the highest ever recorded for that site. The PIKE was 0.86 (based on 29 carcasses) at the Katavi-Rukwa MIKE site (CoP16 Doc. 53.1). A PIKE level of 0.5 or higher translates to a level of illegal annual offtake that is likely to be higher than the annual natural birth rate, indicating that the elephant populations are very likely to be in net decline (CoP16 Doc. 53.1). In other words,

the illegal offtake is unsustainable at these sites. Recent information presented at the African Elephant Summit (Botswana, 2013) indicates that in 2012 and the first six months of 2013, the trend in PIKE levels for Eastern Africa stabilized at levels close to those of 2011(CITES Secretariat *et al.* 2013), indicating that unsustainable illegal offtake levels are continuing.

24. Carcass analyses resulting from the 2013 Selous-Mikumi and Ruaha-Rungwa aerial surveys are consistent with MIKE data. Based on the surveys, there were an estimated 6,516 (± 534 SE) elephant carcasses in the Selous-Mikumi, spanning three years. Carcass analyses indicate that more than two thirds (67%) of these elephants were killed 18 to 30 months prior, with much fewer elephants being killed within the last 18 months (<5%). The carcass ratio for the Selous-Mikumi was calculated at 30%, which indicates unnaturally high mortality (TAWIRI 2013a). Natural mortality is represented by a ratio of about 7-8% (Douglas-Hamilton and Burrill 1991, *as cited in* TAWIRI 2013a). In the Ruaha-Rungwa ecosystem, there were an estimated 3,496 (±342 SE) elephant carcasses, spanning over a ten-year period. Carcass analyses indicate that relatively fewer elephants were killed in the last 12 months (<13%). The carcass ratio for the Ruaha-Rungwa was calculated at 14.6%, which indicates unnaturally high mortality (TAWIRI 2013b).

25. It is expected that data showing high levels of poaching would be concurrent with data showing high levels of illegal trade, and this is the case with Tanzania. As noted in paragraph 16, a recent TRAFFIC news article reports that since 2009 Tanzania has made or been implicated in 18 large-scale ivory seizures (i.e., seizures that involved 500 kg or more in a single shipment). Of these seizures, Tanzania only made five of these seizures, while the other 13 seizures were made outside of the country. In total, these seizures represented nearly 43 tons of ivory, representing the death of about 4,000 elephants (http://www.traffic.org/home/2014/1/27/tanzania-reshuffled-cabinet-should-address-poaching-urgently.html). Although information on the origin of ivory from these seizures is not yet available, a significant proportion of the large seizures of ivory made in Asia in 2006 have been traced by forensic DNA work to elephants killed in the Selous-Niassa ecosystem (Wasser *et al.* 2009).

Sustainability of All Offtake

26. In its findings on Tanzania's CoP15 (2010) proposal to down-list its elephant population from CITES Appendix I to Appendix II (Note: the proposal was rejected), the Panel of Experts noted that illegal hunting can reduce the sustainability of legal offtakes, potentially negatively impacting the population as a whole. The Panel raised concerns that the poaching in the Selous-Mikumi ecosystem, which was happening at that time, could affect the long-term population sustainability. While the Panel concluded that the level of offtake in the Selous-Mikumi ecosystem was not sustainable at the time, the Panel asserted that legal and illegal offtake appeared to be sustainable for other elephant ecosystems where populations were stable or increasing, namely the Tarangire-Manyara, Ruaha-Rungwa, Katavi-Rukwa, Moyowosi-Kigosi and Serengeti (CoP15 Doc. 68, Annex 6a). In recent years our findings have been made under the supposition that the populations mentioned above were stable or increasing, rendering the

overall Tanzania elephant population to be sustainable. New information, however, indicates that the population decline is no longer restricted to the Selous-Mikumi ecosystem, but is occurring throughout Tanzania. Estimates are that Tanzania is losing about 30 elephants per day to poaching, a rate far greater than replacement through natural reproduction (TEPS 2013a and 2013b). This loss rate has recently been cited by TANAPA's Director General, Allan Kijazi (http://allafrica.com/stories/201402041257.html).

Conclusion

27. Although Tanzania has put into place legal instruments, wildlife management authorities, and a National Elephant Management Plan, the national elephant population has plummeted, primarily due to the ongoing illegal killing of elephants. Indications are that management resources have not been fully utilized and that governance in Tanzania is weak. In its findings on Tanzania's CoP15 (2010) proposal to down-list its elephant population from CITES Appendix I to Appendix II, the Panel of Experts raised concerns about the mechanism Tanzania used for funding the conservation, management, and protection of African elephants; however, after reviewing the actual allocations to the Wildlife Division between 2005 and 2009, the Panel concluded that sufficient funding was available for Tanzania to meet its enforcement obligations during that time period. The Panel of Experts also raised concern that the levels of offtake in the Selous-Mikumi ecosystem due to poaching was not sustainable at the time and could potentially affect long-term population sustainability. At the time, the Panel asserted that legal and illegal offtake appeared to be sustainable for other ecosystems where elephant populations were stable or increasing, namely the Tarangire-Manyara, Ruaha-Rungwa, Katavi-Rukwa, Moyowosi-Kigosi and Serengeti.

28. Our recent non-detriment findings followed the rationale laid out by the Panel of Experts and concluded that the import of sport-hunted trophies from Tanzania would be for purposes that are not detrimental to the survival of the species. However, now new information indicates that the elephant declines in Tanzania are no longer restricted to the Selous-Mikumi ecosystem, but are occurring throughout the country. MIKE analyses showing high levels of poaching at sites throughout Tanzania and ETIS data showing rampant, large-scale illegal ivory trade involving Tanzania, point to weak governance.

29. We recognize that sport-hunting, as part of a sound management program, can provide benefits to wildlife conservation and that sport-hunting of elephants is not the primary cause of the decline of elephant populations in Tanzania. However, given the significant decline in the elephant population due to uncontrolled poaching and questionable management and governance, we are concerned that additional killing of elephants, even if legal, is not sustainable and will not support effective elephant population recovery efforts in Tanzania.

30. Therefore, we are **unable** to find that the importation of sport-hunted trophies of African elephants taken in Tanzania during calendar year 2014 will be for purposes that are not detrimental to the survival of the species.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/AIA/DMA

Memorandum

MAR 27 2014

To: The File

From: Chief, Branch of Permits

Subject: Enhancement Finding for African Elephants Taken as Sport-hunted Trophies in Tanzania during 2014

The African Elephant (Loxodonta africana) is listed as threatened under the U.S. Endangered Species Act (Act) with a special rule [50 CFR 17.40(e)]. In addition to other items, the special rule gives the requirements for the import of sport-hunted trophies. Under paragraph 17.40(e)(3)(iii)(C), the U.S. Fish and Wildlife Service (Service) must make a finding that the sport-hunting of elephants will enhance the survival of the species in the wild.

In a meeting in Washington, D.C. on February 17, 2011 between the Service and the Tanzania Ministry of Natural Resources and Tourism (MNRT), the Service was provided with a copy of Tanzania's Elephant Management Plan 2010 – 2015, signed and endorsed by the Minister for Natural Resources on January 15, 2011 (the last National Elephant Management Plan for Tanzania had been produced in 2001). The 2010 Elephant Plan identified nine (9) Strategic Objectives which needed to be address for the effective management of Tanzania's elephant population. The Plan also identified three major issues impacting Tanzania's ability to manage its elephants. The first was the growth in Tanzania's human population which had doubled in size since 1984, putting increased pressure on the country's natural resources and creating challenges in conserving its elephants, (e.g., increased human-elephant conflicts). The second was the threat to healthy and sustainable elephant populations from an increasing loss of connectivity between important wildlife habitat areas in Tanzania. Existing wildlife corridors where under increased pressure from expansion of agriculture lands, increased human settlement, and habitat destruction caused by logging and charcoal production. The third issue was the ability to provide increased protection for Tanzania's elephant population. There had been an upsurge in elephant poaching occurring across eastern and central African over the past three to five years, apparently fueled by the increased demand for ivory in Asia. This increase in demand had also impacted several distinct elephant populations within Tanzania. A 2009 national elephant census showed an overall decline in Tanzania's elephant population for the first time since 1989.

Since that time, the Service has received more recent population surveys and biological

information to indicate a continued decline in Tanzania's elephant population. One example is the Selous-Mikumi ecosystem that was once an elephant stronghold representing the second largest elephant population in Africa and approximately 40% of Tanzania's elephant population. An October 2013 population survey of that ecosystem indicated that an 80% population decline has occurred in the last three years, from a population of approximately 40, 000 to 13,000. Of further concern are the numerous reports of questionable government activities relating to how the elephant hunting program is being managed. While the Service recognizes that a well-managed hunting program could provide a conservation benefit to Tanzania's elephant population, there are indications that Tanzania's program is being managed in a manner whereby participation by U.S. hunters may no longer provide a conservation benefit to the species as is required under the Act. In addition, information regarding financial resources and infrastructure indicates that the Tanzania Government may no longer have the ability to effectively manage and protect its elephant population. We have also received information to indicate that ivory poaching has continued to increase in some parts of the country, and that human-elephant conflict has continued to rise with an ever increasing human population and settlement into elephant habitat for agriculture use and livestock grazing. Therefore, the Service is ***unable to find*** that the taking of sport-hunted elephant trophies in Tanzania will enhance the survival of the species.

Basis for Finding:

Management Plan: On March 21, 2007, the Division of Management Authority (DMA) sent a letter to the Wildlife Division, MNRT, requesting updated information relating to their current management program for African elephants. This request was stimulated due to the Service not having any substantive communication with the government of Tanzania regarding their elephant management program and elephant hunting in Tanzania for several years. The DMA request related specifically to the following areas: (1) existence of an elephant management plan; (2) current population status of Tanzania elephants; (3) existing legislation and programs relating to elephant conservation and management; (4) elephant trophy hunting quotas for Tanzania; (5) threats of poaching and human-elephant conflicts; (6) revenue generated by trophy hunting; and (7) operations involving trophy hunting in Tanzania. The Service received an email response to this letter on July 1, 2008. While this communication indicated that Tanzania's original response had been sent to DMA on October 29, 2007, by an acting Director of Wildlife, Mr. F. Lyimo, the Service had no record of this official response having been received.

The 2008 e-mail indicated that Tanzania had an approved Policy and National Management Plan for African Elephant that was developed in 2001. This plan was also reviewed on a regular basis to accommodate new insight and other issues deemed pertinent to the conservation of the African elephant. The identified objectives of this elephant management plan were to increase elephant numbers and restore age and sex structures; promote economic value of elephants through tourist game viewing and sustainable harvest through tourist hunting; control elephant numbers where necessary and appropriate (mitigate human-elephant conflict); and incorporate community-based conservation whereby local communities realize a direct benefit from the sustainable utilization and management of elephants. This plan was intended to be implemented throughout the entire country.

More recently, a February 17, 2011, meeting between the Service and the MNRT occurred in Washington, D.C. to discuss concerns by the Government of Tanzania and the Tanzania Hunting Operators Association (TAHAO) relating to potential changes the Service might implement regarding import permits issued to clients intending to hunt elephants in Tanzania in 2011. These concerns were based primarily on the July 23, 2010, Convention on International Trade in Endangered Species (CITES) non-detriment finding prepared by the Service's Division of Scientific Authority (DSA). In that finding, DSA raised several concerns, the first being the availability of future resources to the Wildlife Division to combat poaching in Tanzania, especially in the Selous-Mikumi ecosystem. The second involved the threats to wildlife corridors within Tanzania which allows for elephant movement throughout Tanzania and transboundary populations. These corridors were under increased pressure due to the rising human population in Tanzania, loss of these corridors due to the expansion of agricultural lands, and human expansion into elephant habitat. During this meeting, the Service received a copy of Tanzania's Elephant Management Plan 2010 - 2015, prepared by the Tanzania Wildlife Research Institute (TAWIRI) with the financial support of the Government of Tanzania. This document was endorsed by the Minister for Natural Resources and Tourism on January 15, 2010. The document identified nine key strategic objectives for a management plan: (1) human-elephant conflict; (2) elephant corridors; (3) law enforcement; (4) benefits/sustainable utilization; (5) management of ivory stockpiles; (6) research and monitoring; (7) elephant health and welfare; (8) cross-border cooperation; and (9) elephant information management.

In the 2011 meeting, Mr. Eramus Tarimo, Director of Wildlife, MNRT, provided a summary of the strategic objectives under the national elephant plan. Mr. Tarimo noted the many challenges to the plan, including: low human resources and financing; the large area covered by Tanzania; the high demand for ivory; an increase in poverty; increased frequency of human-elephant conflicts due to human population growth; political resistance to maintaining wildlife corridors; reversing attitudes people have towards elephants; and providing local communities with a stake in managing, protecting, and conserving elephants as both a natural and economic resource. Mr. Tarimo stated that major reforms were underway to improve the management of wildlife outside National Parks and the Ngorongoro Conservation Area and Game Reserves. He also stated that trophy hunting played a major role in wildlife conservation in Tanzania. Mr. Tarimo went on to state that the Government of Tanzania was in need of United States support to help strengthen their law enforcement capabilities in protected areas and to assist with anti-poaching operations.

Based on this discussion and the document provided to the Service, we have concluded that the "Elephant Management Plan 2010-2015" was a very good starting point for Tanzania, provided that the country strived to overcome the challenges presented by Mr. Tarimo and strived to fully implement the plan throughout Tanzania. However, the presences of a plan, particularly a plan that is not fully implemented, was not sufficient in and of itself to meet the criteria established by the ESA or CITES.

Population Status: Tanzania's Protected Area (PA) network for wildlife includes six ecosystems: Tarangire-Manyara, Serengeti, Selous-Mikumi, Ruaha-Rungwa, Katavi-Rukwa; and Moyowosi-Kigosi. In 2006, the Tanzania Wildlife Research Institute (TAWIRI 2007, as cited in CoP15 Doc. 68, Annex 6a) estimated the African elephant populations in these six ecosystems

within Tanzania at 139,915 ± 12,338 (SE) animals, based on census surveys covering 227,328 sq.km using both total and sample counts. This estimate was not significantly different from the 111,475 ± 18,728 (95% CL) elephants estimated in 2000-2003. It was noted that the 2006 estimate did not include 2,873 additional elephants from areas that had not been previously surveyed, providing a country-wide "best estimate" of 142,788 ± 12,405 (SE) elephants in 2006 (CoP15 Doc. 68, Annex 6a). According to the IUCN SSC African Elephant Status Report 2007 (Blanc *et al.*, 2007), the 2006 elephant population in Tanzania was categorized as being an estimated 108,816 elephants identified as "definite," 27, 937 "probable," 29,350 "possible", and 900 "speculative". These estimates were based upon aerial or ground counts, direct sample counts, reliable dung counts, and informed guesses. This was a reported increase from the 2002 report, which estimated 92,453 elephants as "definite," an increase of 16,363 elephants. The report attributed this increase largely due to the results of new estimates from methodologically comparable surveys. The report stated that although over 60% of the country's estimated elephant range was covered by good quality counts, over a third of the estimated range still remained unassessed. According to the 2007 IUCN report, an aerial survey of the Ruaha-Rungwa Ecosystem conducted by the Tanzania Wildlife Research Institute (TAWIRI, 2007), found an estimated 35,409 ± 11,507 (95% CL) elephants. An aerial survey of the Selous Ecosystem (TAWIRI, 2007), found an estimated 70,406 ± 24,843 (95% CL) elephants. These areas account for the two largest elephant populations within Tanzania and Tanzania alone accounted for about 80 % of Eastern Africa's regional population.

In 2009, a similar survey was conducted across the same six ecosystems covering 229, 318 sq.km. This census produced a total population estimate of 105,439 ± 6, 080 (SE) African elephants (TAWIRI 2010a, as cited in CoP15 Doc. 68, Anex 6a). A "best estimate", which included an additional 3,583 elephants, provided a country-wide estimate of 109,022 ± 6,135 (SE) elephants in 2009. The results of this survey suggested a significant decline compared to the 2006 estimate of 142,788 elephants and that the decline could be attributed in large part to a downward population trend recorded in the Selous-Mikumi ecosystem (CoP15 Doc. 68, Annex 6a). According to the 2013 IUCN SSC Provisional African Elephant Status Report (AESR 2013), the 2012 elephant population in Tanzania was categorized as being an estimated 95,351 elephants defined as "definite," 10,278 "probable," 10,927 "possible," and 900 "speculative." These survey numbers were based upon the same methodology used in the 2007 report. There was a clear decrease in population from the 2007 report, which estimated 108,816 elephants as "definite," 13,465 elephants. According to the 2013 IUCN report, the 2009 aerial sample counts of the Ruaha-Rungwa and the Selous-Mikumi Ecosystems (TAWIRI, 2009), replaced the 2006 survey of those systems. The Rauha-Rungwa survey found an estimated 31,625 ± 5,665 (95% CL) elephants and the Selous-Mikumi survey found an estimated 38,997 ± 5,183 95% CL) elephants. Both surveys represented a decline in those populations, with the Selous-Mikumi ecosystem experiencing a significant decline of more than 30,000 elephants. According to TAWIRI, there were methodological issues during the 2006 survey that is believed to have resulted in an overestimate of this population. Taking several factors into account, TAWIRI estimated the actual population in the Selous ecosystem would have been approximately **50,000 elephants in 2006**. This still represents a significant decline (**approximately 11,000 elephants**) most likely resulting from illegal killing taking place in this area.

Two more recent aerial surveys were undertaken by TAWIRI during the 2013 dry season, again looking at the Ruaha-Runga and Selous-Mikumi Ecosystems. The preliminary results of those surveys show a continued decline in those two populations. The census of the Ruaha-Rungwa ecosystem covered 50,889 sq.km. The results of this survey produced a total population estimate of 20,090 + 3,282 (SE) elephants. This represents a significant decline (over 11,500 elephants) from the 2009 estimates. This estimate was derived from a count of 1,247 live elephants recorded along 119 transects. In addition, a total of 214 elephant carcasses were also recorded during this survey. Using these two figures, the carcass ratio for the Ruaha-Rungwa ecosystem was 14.6%. This carcass ratio is indicative of a population suffering from unnaturally high mortality. A carcass ratio of about 7 to 8% is considered to represent natural mortality (Douglas-Hamilton and Burrill 1991).

The census of the Selous-Mikumi ecosystem covered 87,421 sq.km. The results of this survey produced a total population estimate of 13,084 $\pm$ 1,816 (SE) elephants, the lowest numbers ever recorded in this ecosystem. This represented another significant decline (over 25,000 elephants) from the 2009 estimates. This estimate was derived from a count of 712 live elephants recorded along 203 transects. In addition, a total of 314 elephant carcasses were also recorded during this survey. With these figures, the carcass ratio for the Selous-Mikumi ecosystem was calculated at 30%, twice that recorded in Ruaha-Rungwa, indicating an unnaturally high rate of mortality in the two most significant elephant populations within Tanzania. These numbers indicate significant and unsustainable levels of illegal killing taking place within the two largest elephant populations found in Tanzania.

Based on the most recent surveys, it seems apparent that Tanzania has experienced a significant increase in illegal offtake due to poaching and the increased demand for ivory in the Asian market. In response to the current conditions in Tanzania and the urgent need for wildlife protection, the Service, in collaboration with USAID-TZ, awarded $200,310 in U.S. Government funds, matched by $378,443 from other partners, to fund four African Elephant Conservation Fund (AFE) projects that will get underway in 2014. The first project will assess patterns of poaching risk in relation to resource-constrained distribution of Mikumi elephants, for a long-term elephant protection and management strategy in partnership with the Animal Behavior Research Unit in Mikumi National Park. This project will support TANAPA to help improve their ability to protect elephants by assessing elephant distribution and habitat use, threats and poaching activity, and deploying patrol efforts effectively within Mikumi National Park.

The second project will monitor the long-term effects of poaching of elephants in southern Tanzania in partnership with the Udzungwa Elephant Project. This organization, in response to widespread elephant poaching throughout southern Tanzania, is working to protect a key population near Tanzania's elephant strongholds of Selous and Ruaha. Activities will include training staff from TAWIRI, assessing four elephant populations for early warning signs of decline, and training national park staff in monitoring elephant populations and conducting anti-poaching activities.

The third project will support aerial operations and law enforcement activities for the Selous Game Reserve in partnership with the Frankfurt Zoological Society/Grzimek's Help for

Threatened Wildlife, Inc., and the Tanzania Wildlife Division. The Selous, formerly the second most numerous elephant population in Africa, has been heavily impacted by poaching for the past decade with the most recent survey indicating a population of only 13,084 elephants, the lowest levels ever recorded in that area. This project will reinvigorate anti-poaching efforts in the Selous by supporting operating expenses for an aircraft to conduct aerial surveillance, for patrol vehicles, and for basic equipment for rangers throughout the reserve.

The final project will support village game scouts on the Waga Wildlife Management Area, in the Ruaha ecosystem. This will be done in partnership with the Wildlife Conservation Society. In order to improve patrol efficiency, this project will fund village game scout anti-poaching patrols and the pilot phase of a spatially explicit law enforcement monitoring technique, SMART (Spatial Monitoring and Reporting Tool), in the community-owned Waga Wildlife Management Area bordering Ruaha National Park in Tanzania.

The significant decline in the elephant population throughout Tanzania raises grave concerns over the impact of any additional offtake, including sport-hunting, on the country's elephants and its continued survival in the country. These declines must be taken into consideration with any finding made by DMA in regards to trophy imports to ensure that U.S. hunters, while operating under the best intentions, do not adversely contribute to further elephant population declines in Tanzania.

Regulations and Enforcement: In Tanzania, wildlife resources are protected under several Acts of Parliament, providing the authority for all aspects of wildlife management, including law enforcement. The Wildlife Conservation Act (WCA) of 2009, which replaced the original WCA of 1974, provides the legal framework for operation of the Wildlife Division under the MNRT, including the appointment of the Director, as well as the establishment of Game Reserves, Game Controlled Areas, Wildlife Management Areas, and other protected areas such as wildlife corridors (not including national parks). The WCA also provides for the establishment of a Wildlife Authority to address the management of wildlife occurring outside the National Parks or the Ngorongoro Conservation Area, with the added responsibility for meeting international obligations involving wildlife conservation. There is also a Wildlife Protection Unit that is granted paramilitary status under the WCA, with the duty of protecting wildlife against unlawful utilization.

In addition, the National Parks Act (CAP 282 RE 2002) establishes the legal authority for the creation and management of national parks, granting powers to the Director General to enable maintenance and security within national parks, as well as the responsibility for the protection of their wildlife resources. The Ngorongoro Conservation Act (CAP 284 RE 2002) provides the legal framework for the existence of the multiple land use in the Ngorongoro Conservation Area and its management Authority under the direction of the Conservator, and also provides the authority for its maintenance and security. The Tanzania Wildlife Institute (TAWIRI, CAP 260 RE.2002), grants powers to the Director General who is responsible for research involving wildlife, and for providing this information to the Wildlife Authorities. The TAWIRI also functions as the CITES Scientific Authority for Tanzania.

The responsibility for managing Tanzania's wildlife falls under four institutions. The first is the Tanzania National Parks (TANAPA). This Parastatal Organization is responsible for managing 15 National Parks with a total area of 50,872 sq.km. In the national parks, only the non-consumptive utilization (tourism game viewing) of wildlife resources is allowed. The second is the Ngorongoro Conservation Area Authority (NCAA). This is also a Parastatal Organization which is responsible for management of only one area, the Ngorongoro Conservation Area covering 8,300 sq.km. It is the only multiple land use wildlife area in Tanzania in which the consumptive utilization of wildlife is not permitted.

The Wildlife Division under the MNRT is responsible for the management of 28 Game Reserves (GRs) with an area of 112,564 sq.km., approximately 38 Game Controlled Areas (GCAs) covering about 161,521 sq.km, and Ramsar sites covering 249,856 sq.km. There are also District Councils, Local Government institutions that work in collaboration with the Wildlife Division. These Councils oversee wildlife conservation issues and facilitate the establishment and management of Wildlife Management Areas (WMAs) on village lands that are outside Protected Areas (PAs). The framework for WMAs was outlined in Tanzania's Wildlife Policy of 1998 (revised in 2007), with legislation established under the Wildlife Management Areas Regulations of 2002, authorizing the formal establishment of WMAs. The goal of this policy is to allow for rural communities and private land holders to manage wildlife on their land for their own benefit and to transferring management responsibilities of settled and unsettled areas outside PAs to rural people and the private sector.

The WMAs are used by communities for conservation and benefit sharing in conjunction with the Wildlife Division. These local communities run the WMAs as a business venture. However, 50% of any hunting revenue generated is retained by the Wildlife Division which also sets quotas and tariffs for any hunting that occurs in the WMAs. The facilitation of these WMAs commenced in 2003, with 12 of 16 original proposals achieving Authorized Association (AA) status. As of June 2010, there were an additional 12 proposals in process. The establishment of these WMAs has resulted in an additional 23,700 sq.km. of Tanzania's land area being added to its conservation network and increased capacity for protected area management through the training of village game scouts and WMA managers. As of June 2010, six out of the ten WMAs with user-rights had entered into business agreements with the private sector worth over $3.3 million, however, it appears that only a small proportion of this money is being been made available to the local communities. Over $1.7 million was allocated to nine WMAs and several districts in which hunting took place between 2005 -2008. However, there appears to be ongoing challenges that need to be addressed. Investment in training and capacity development needs to be increased as there is a shortage of qualified personnel with relevant skills to be able to manage the Community-based Organizations (CBOs) and AAs. The ability of the community to hold the CBO management accountable and ensure transparent decision-making processes is an issue. There is also a pressing need to increase the economic benefits realized by local communities from utilization of wildlife resources. Overall, the WMAs have a low capacity for generating income for socio-economic development, and as such, do not provide an incentive to local communities to support or even tolerate wildlife as a potential source of renewable revenue.

Both the consumptive and non-consumptive utilization of wildlife resources contributes to about

10% of Tanzania's annual Gross National Product. The tourist industry generates approximately 1.3 billion per year with about 80 million annually going to TANAPA, NCAA, and the Wildlife Division to fund their operations. The two parastatal organizations, TANAPA and NCAA retain 100% of their revenue share. As a result, both TANAPA and NCAA are generally self-sustaining and consequently, National Parks and equivalent areas such as Ngorongoro Conservation Area, with an area covering approximately 57,387 sq.km., or 38% of all PAs in Tanzania, are adequately funded.

By contrast, the Wildlife Division's revenue share is paid to the central treasury, and the Treasury is then responsible for distributing the budgeted monies to the Wildlife Division. The Wildlife Division is responsible for the management and protection of Game Reserves with an area covering approximately 109,471 sq.km., (62% of all PAs). The Wildlife Division over a three year period covering 2007-2009, received only 63% ($2,634,975 per year) of its approved budget from the central Treasury. This is equivalent to US$ 24 per sq.km which, when compared to the generally accepted norm of ca. US$ 200 per sq.km required to protect PAs across southern and eastern Africa (Cummings, 2004), is completely inadequate. With regards to the Selous Game Reserve, the equivalent figure is US$ 19 per sq.km based on an annual actual budget of $928,597. Based on this level of funding, it is apparent that the Wildlife Division has not had adequate resources to be able to meet its obligations to conserve, manage, and protecting Tanzania's wildlife resources.

Of further concern is the situation with the elephant population in the Selous-Mikumi ecosystem. Prior to 2005, a Revenue Retention Scheme was in operation in the Selous Game Reserve. This was an agreement between the Government of Tanzania and the German government aid agency, GTZ, whereby a special project status was granted to Selous GR (IUCN-UNESCO, 2007). This allowed for 100% of revenue from photographic tourism, and 50% of revenue from hunting operations to be retained for management of the area. Over the 10 year period from 1994-2004, this retention scheme provided and operational and development budget totaling $ 15.8 million, an average of $1,576,000 annually. However, following National budget reductions in 2004, this amount retained by the Reserve declined dramatically to approximately $800,000 in 2008. This drop in revenue coincides with a period of increased poaching in the Reserve suggesting that anti-poaching operations are severely underfunded.

The hunting of elephants is permitted in Game Reserves, Game Controlled Areas, and Wildlife Management Areas where designated hunting blocks exist. The trophy hunter is required to pay of a license fee that ranges from $7,500 to $25,000, the fee being determined by the tusk size of the animals shot and the type of weapon used. The minimum tusk size of a trophy animal is 15kg for males and females. In 2007, Tanzania notified the CITES Secretariat that it had established and export quota of 200 elephants (400 tusks), an increase of 100 bull elephants a year. However, since that time, the legal off-take has been less than 50% of the established quota.

U.S. hunters are the primary recipients of licenses in Tanzania. It is the belief of these hunters, as well as the DMA, that the funds generated from these licenses are being used for conservation purposes. If, however, only a limited portion of these funds are actually utilized for conservation,

it raises further concerns that U.S hunters are not actually contributing the level of conservation funding they are led to believe, and therefore, are not likely to meet the ESA criteria of showing that imports of their trophies contribute to the enhancement of the species.

Sustainable Use: The elephant deaths that occur in Tanzania are a result of several factors, including: 1) natural mortality; 2) trophy hunting; 3) problem animal control; and 4) poaching. In considering whether any level of off-take from trophy hunting is sustainable, the level of both legal and illegal take, as well as the rate of natural mortality throughout the country, must be taken into consideration. As previously stated, since 2007, Tanzania has had an established export quota of 200 bull elephants (400 tusks). From 2003-2006, the export quota was set at 100 elephants (200 tusks). During the period from 1997-2002, the quota was set at 50 elephants (100 tusks). Typically, Tanzania has not exported its full quota allotment in sport-hunted trophies or tusks. During the period covering 1997-2009, elephant tusks exported annually amounted to about 40-45 % of the allowed quantities and never exceeded the approved annual quota. In 2010, in conjunction with Tanzania's request to have their elephant populations down-listed to Appendix II, a CITES Panel of Experts was convened to determine whether a down-listing was warranted. At the time, records of natural mortalities covering the entire country were not available and the MNRT Wildlife Division failed to provide data that the Panel requested on the killing of problem elephants. An analysis of the Wildlife Division and TANAPA ivory store databases in 2010 showed the accumulation of 9,705 whole tusks from natural mortality and 12,057 from Problem Animal Control (PAC) in the period from 1989-2009. When averaged over the 21-year period, this was equivalent to 231 elephants dying from natural causes and 287 elephants taken as problem elephants annually. Based on these numbers and the number of trophy animals taken each year, it was estimated that a minimum of 718 elephants were taken annually by legal means. This was equal to 0.7% of the 2009 elephant population estimate of 109,022. Based on what was considered very low carcass detection rates for the country overall, it is likely that the number of natural mortalities was much higher. However, the Panel believed that the level of offtake from legal killings still fell within the expected rate of increase of the elephant population, 3 to 5% annually, which was considered sustainable.

With regards to illegal off-take, official elephant poaching statistics provided to the Panel by the Wildlife Division indicated that 258 reported poaching incidents were documented during 2005-2009, including 82 poaching incidents in 2009. This was the highest reported number of elephants poached in any one year during that time period. The Panel noted, however, that total number of poaching incidents was considered to be greatly underestimated given the low elephant carcass detection rates for the country (CoP15 Doc. 68, Annex 6a). Evidence cited by the Panel showed that poaching had led to elephant population declines in the Selous-Mikumi ecosystem, based in part, on the Proportion of Illegally Killed Elephants (PIKE) values collected at the Selous Mikumi Monitoring Illegal Killing of Elephants (MIKE) site, showing a progressive increase in poaching activities between 2003 and 2009 (CITES Secretariat, 2010). In addition, the joint Wildlife Division/Selous Rhino Project aerial observations and foot patrols recorded more than a threefold increase in encounter rates of recently dead elephant carcasses between 2007 and 2008 (TAWIRI, 2010b). There had also been reports from tourism operators in the northern Selous of increased elephant and other wildlife poaching since 2007/2008, including several incidents close to tourist camps. There were also a significant proportion of the large

seizures of ivory made in Asia in 2006 that were traced by forensic DNA work to elephants killed in the Selous-Niassa area (Wasser et al., 2009). The ivory confiscations served to highlight that the Selous-Mikumi ecosystem was a hotspot for elephant poaching. In the Udzungwa National Park, all ivory collected by wildlife enforcement officials was from confiscations. According to wildlife officials, these confiscations consisted of illegally-sourced ivory coming out of nearby Kilombero Game Controlled Area in the Selous-Mikumi ecosystem. In addition, the highest numbers of tusks confiscated by field-based Wildlife Division offices were found to originate from Morogoro and Lindi, both areas which are adjacent to the Selous-Mikumi ecosystem (CoP15 Doc. 68 Annex 6a). Given these factors, the Panel of Experts came to the conclusion that the level of off-take at that time was not sustainable in the Selous-Mikumi ecosystem, an area containing about 40% of Tanzania's total elephant population. However, the Panel did note that the legal and illegal off-take appeared to be sustainable in the five other elephant ecosystem, including Ruaha-Rungwa, where populations were stable or increasing, but there were concerns that the situation in the Selous-Mikumi ecosystem could affect long-term elephant population sustainability.

MIKE collects data at representative sites throughout Asia and Africa to measure trends in the levels of illegal killing of elephants, as well as identifying factors associated with those trends. MIKE evaluates relative poaching levels based on the PIKE, which is calculated as the number of illegally killed elephants found divided by the total number of elephants carcasses encountered by patrols or through other means, aggregated by year for each site (CITES Secretariat *et. al.* 2013). A PIKE level of 0.5 or higher translates to a level of illegal annual off-take that is likely to be higher than the annual natural birth rate and, therefore, indicates that the elephant population is very likely to be in net decline (CoP16 Doc. 53.1). A more recent analysis of MIKE data indicates that the levels of killing across the African elephants' range are of serious and increasing concern, and populations throughout Tanzania are declining due primarily to rampant poaching. At the Selous-Mikumi MIKE site, the 2011 PIKE level was 0.64 (based on 224 carcasses), a nearly 27% increase over the 2002-2010 average of 0.50. At the Ruaha-Rungwa MIKE site, the 2011 PIKE was 0.94 (based on 34 carcasses), the highest ever recorded for that site. The PIKE was 0.86 (based on 29 carcasses) at the Katavi-Rukwa MIKE site (CoP16 Doc. 53.1). This trend raises concerns as to the effectiveness of Tanzania's management and enforcement capabilities in protecting their elephant populations and the country's wildlife resources in general.

Of additional concern is the distribution of elephants in relation to existing wildlife corridors in Tanzania, and the impact these corridors have on the mobility of these populations. These wildlife corridors are being destroyed by rapid agricultural expansion, unplanned land use, unsustainable resource utilization, and road construction, resulting in increased isolation of protected areas within Tanzania. The Panel of Experts noted that associated human settlements were increasing in size and number around protected areas, the result being increased human-elephant conflicts. These settlements and the associated conflicts were probably the most important factors limiting the elephant's mobility and range. It was the opinion of the Panel at the time, based on the rates of habitat change and land conversion, that those wildlife corridors still remaining in Tanzania would be converted to unsuitable habitat (would disappear) in less than 5 years (CoP15 Doc. 68, Annex 6a). The current National Elephant Management Plan lays

out a strategic objective to restore lost corridors and to increase protection for corridors that are still in use (TAWIRI 2010). The Wildlife Conservation Act (WCA) of 2009, Part IV (b), Section 22. (1-3), provides the legal framework for conserving Tanzania's wildlife corridors. However, it is not clear whether regulations for implementing this section of the Act were ever written, published, or are currently being implemented.

Based on the most current information available, there is particular concern about the viability of the Selous (Tanzania)-Niassa (Mozambique) corridor. The Selous-Niassa ecosystem extends across southern Tanzania and northern Mozambique, and is one of the largest trans-boundary ecosystems in Africa covering ca. 154,000 sq.km of diverse miombo woodland and supporting a rich mammalian and avian fauna (Jones *et al.*, 2009). According to the 2013 survey of the Selous ecosystem, there were only 32 elephants counted within the Selous portion of the corridor, which resulted in an estimate of 1,006± 810 (SE) elephants (TAWIRI 2013a). Additionally, poaching in the Niassa Reserve has reached crisis levels, as evidenced by high carcass ratios (18%; population of 12,000 elephants) observed during October 2011 aerial surveys (WCS Mozambique *in litt.* 2014).

Summary: The most recent national elephant management plan, "Elephant Management Plan for Tanzania 2010-2015", was prepared by TAWIRI with the financial support of the Government of Tanzania. The Plan identified nine strategic objectives to be addressed in order to effectively manage Tanzania's elephant population. The Plan also identified three major issues impacting Tanzania's ability to manage its elephants: (1) the country's increasing human population which is putting pressure on natural resources and presenting challenges to conserving its elephants; (2) the threat to healthy and sustainable elephant populations from an increasing loss of connectivity (wildlife corridors) between important wildlife habitat areas in Tanzania; and (3) the ability to provide increased protection for Tanzania's elephant population. In a meeting between the Service and representatives from Tanzania that took place in Washington, D.C. in 2011, then Director of Wildlife, MNRT, Erasmus Tarimo, acknowledged that there were many challenges to the plan, including: low human resources and financing; the high demand for ivory; increase in the level of poverty; increased human-elephant conflicts related to human population growth; political resistance to maintaining wildlife corridors; and providing local communities with a stake in managing, protecting, and conserving elephant populations in Tanzania. Mr. Tarimo indicated at the time that major reforms were underway to improve the management of wildlife resources outside National Parks and Game Reserves.

However, since that time, the situation involving Tanzania's elephant population has grown increasingly worse based on current information from a number of sources. The most recent aerial surveys undertaken by TAWIRI conducted during the 2013 dry season covered the two most important ecosystems for elephants in Tanzania, the Ruaha-Rungwa and Selous-Mikumi Ecosystems. The resulting data shows a continued and rapid decline in the two largest elephant populations in Tanzania. The census of the Ruaha-Rungwa ecosystem showed a decline of over 11,500 elephants from the 2009 population estimate of 31,625. The census of the Selous-Mikumi ecosystem showed a decline of over 25,000 elephants from the 2009 survey estimate of 38,997. The carcass ratios resulting from the survey data from each area was indicative of populations suffering from unnaturally high mortality, with the Selous-Mikumi ecosystem having

a mortality rate twice that of the Ruaha-Rungwa ecosystem. These ratios indicate significant and unsustainable levels of illegal off-take occurring in these ecosystems.

In 2010, the CITES Panel of Experts, in its findings on Tanzania's CoP15 (2010) proposal to down-list its elephant population from CITES Appendix I to Appendix II, raised concerns that the level of offtake due to poaching in the Selous-Mikumi ecosystem was not sustainable and could potentially affect long-term population sustainability throughout Tanzania. However, the Panel also determined that legal and illegal off-take appeared to be sustainable in other ecosystems where elephant populations were found to be stable or increasing, namely the Tarangire-Manyara, Katavi-Rukwa, Moyowosi-Kigosi, Serengeti, and including the Ruaha-Rungwa ecosystem. However, since that time, new information indicates that the elephant declines in Tanzania are no longer restricted to the Selous-Mikumi ecosystem. A more recent analysis of MIKE data indicates that the levels of killing across the elephant's range are serious and on the rise, and that elephant populations throughout Tanzania are declining due primarily to rampant poaching.

Of further concern are recent reports of political corruption at high levels within the government, as well as allegations of Wildlife Division staff within MNRT being in collusion with poachers in the illegal killing of elephants. In October of 2013, under orders from the President of Tanzania, Jakaya Kikwete, a countrywide anti-poaching operation was undertaken to combat the illegal taking of elephants. However, the operation, named "Operation Tokomeza", was suddenly terminated after human rights violations, including homicide and rape, were reported to have been committed during the operation, mainly by army personnel involved in the operation. The victims were semi-nomadic pastoralists who illegally, but quite often, utilize national parks and reserves for grazing their livestock. It was also reported that livestock was confiscated by force, and that unlawful collection of money from both farming communities and pastoralists occurred. On December 20, 2013, four cabinet ministers, including Ambassador Khamis Kagasheki, the Natural Resources and Tourism Minister, were forced to resign over this incident. Mr. Kagasheki assumed the political responsibility for the misdeeds of the army. However, it is not believed he was responsible for what occurred, based partly on his reputation for wanting to combat rampant poaching in Tanzania. There are concerns being voiced of strong political and business forces within Parliament, and elsewhere, possibly involved in local poaching or actively protecting such illegal operations.

There are also questions as to the ability of the Wildlife Division to combat poaching. It was announced in January of this year that MNRT had suspended 21 Wildlife Division staff for allegedly colluding with poachers to kill elephants. The Deputy Minister, Lazaro Nyalandu, MNRT, stated that investigations had shown certain members of the ministry's staff were directly involved in illegal acts in collaboration with wildlife criminals. The suspended staff were comprised of eleven individuals from the Anti-Poaching Unit in Arusha, four from the Rukwa-Lwari Forest Reserve, one from the Anti-Poaching Unit in Bunda, three from Maswa Forest Reserve, one from Selous Forest Reserve, and one from the Lukwika-Lumesule-Msanjesi Forest Reserve. These recent events put into question the county's commitment and ability to conserve and protect its natural resources, including elephants.

It was announced in early January of 2014, that the government planned to establish a new agency, the Tanzania Wildlife Authority (TWA), charged with the security of wildlife within all game and forest reserves in the country. The TWA would be granted full authority to hire, fire, and carry out official functions as opposed to the present framework under the MNRT. This new body would be charged with eliminating poaching and other illegal acts harmful to the country's natural resources and would be given full autonomy to set its own salaries and provide incentives to staff to perform their duties efficiently and effectively. It would operate as a parastatal organization much like TANAPA and NCAA. It was estimated that over 4,000 new staff would be needed to cover the over 20 game reserves and 50 forest reserves country wide. This new organization awaits Parliamentary endorsement sometime this year. As a result, while hopeful that this organization will greatly improve the situation in Tanzania, it is too soon to determine what impact the creation of TWA will have on anti-poaching efforts in Tanzania.

While the Service recognizes that sport-hunting, when conducted as part of a sound management program, can provide an important conservation benefit to elephant populations, current conditions in Tanzania put into doubt whether any level of legal take is sustainable. The CITES Panel of Experts concluded in 2010, that the level of off-take occurring in the Selous-Mikumi ecosystem could not be considered sustainable based on a decreasing population and the high level of poaching taking place within that ecosystem. The panel further noted that the legal and illegal off-take appeared to be sustainable in the other five elephant ecosystems based on stable or increasing elephant populations, but voiced concerns that this situation could affect the long-term elephant population sustainability. Since that time, data has shown that populations throughout Tanzania are in severe decline and that poaching appears to be out of control. Based on these factors, DMA is **unable to find** that the sport-hunting of elephants in Tanzania in 2014, for import as personal trophies is likely to enhance the survival of the species. The Service will continue to monitor elephant population levels in Tanzania, progress made by the Government in implementing its management plan and addressing the strategic objectives identified in that plan, as well as efforts made to deal with rampant poaching and government corruption that is negatively affecting African elephants in Tanzania.

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