



HUMANE SOCIETY
INTERNATIONAL



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October 28, 2020

Via Electronic and Certified Mail

Secretary David Bernhardt
U.S. Department of the Interior
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Director Aurelia Skipwith
U.S. Fish and Wildlife Service
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Re: Notice of Intent to Sue for Failure to Issue 12-Month Finding on Petition to Reclassify all Leopards as Endangered Under the Endangered Species Act

Dear Secretary Bernhardt and Director Skipwith,

The Center for Biological Diversity, the Humane Society of the United States, and Humane Society International (collectively, “Conservation Groups”) hereby notify you that we intend to file a lawsuit against the U.S. Department of the Interior and U.S. Fish and Wildlife Service (collectively, “the Service”) for violating the Endangered Species Act (“ESA”) and the Administrative Procedure Act (“APA”). Specifically, the Service: (1) failed to issue a 12-month finding on a July 25, 2016 petition to reclassify all leopards (*Panthera pardus*) as endangered under the ESA (“Petition”); and (2) failed to respond to the Petition’s request to rescind the 4(d) rule¹ allowing the importation of leopard trophies from “southern Africa” without an ESA permit.² We provide this letter pursuant to the ESA’s citizen suit provision, and we intend to seek a judicial order to compel the Service’s action if the Service does not remedy these violations within the next 60 days.³

A. Endangered Species Act

Congress enacted the ESA in 1973, responding to growing concern over the loss of biodiversity from “economic growth and development untempered by adequate concern and conservation.”⁴ To that end, the ESA establishes a comprehensive statutory program to conserve imperiled species and their habitats. The ESA sets forth a process to identify species that are “endangered” or “threatened” with extinction.⁵ The statute then generally bars the “take,” “import,” “export,” and “sale” of endangered species, and it requires agencies to “utilize their authorities” to carry out “programs for the conservation” of listed species and ensure their

¹ 50 C.F.R. § 17.40(f).

² See generally The Humane Society of the United States, et al., Petition to List All *Panthera pardus* as Endangered and to Immediately Restrict Leopard Trophy Imports (2016) (available at <https://www.humanesociety.org/sites/default/files/docs/2016-african-leopard-petition.pdf>).

³ 16 U.S.C. § 1540(g).

⁴ *Id.* § 1531(a).

⁵ *Id.* § 1533(a)-(c).

actions do not jeopardize listed species' continued existence.⁶ The same prohibitions “may” be applied to threatened species, but the Service “shall issue such regulations” that are “necessary and advisable for the conservation of such species.”⁷ Congress described the listing process as “[t]he cornerstone of effective implementation” of the ESA.⁸

The Service is required to list a species as endangered or threatened if it determines that the species is facing extinction due to, *inter alia*, “present or threatened destruction, modification or curtailment of a species’ habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; . . . [or] the inadequacy of existing regulatory mechanisms.”⁹ Under the ESA, a species is “endangered” if it is “in danger of extinction throughout all or a significant portion of its range.”¹⁰ A species is “threatened” if it “is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.”¹¹ In making listing decisions, the Service must rely “solely on the basis of the best scientific and commercial data available.”¹²

“Any interested person” may submit a petition to list a species under the ESA,¹³ which triggers a series of mandatory deadlines for the Service pursuant to ESA Section 4(b).¹⁴ Within 90 days of receiving a petition, the Service must determine whether the petition “presents substantial scientific or commercial information indicating that the petitioned action may be warranted.”¹⁵ If the Service makes a positive 90-day finding, the Service must conduct a full scientific review of the species’ status.¹⁶ Then, within 12 months of the date it receives the petition, the Service “shall” make one of three findings: (1) listing is warranted; (2) listing is not warranted; or (3) listing is warranted but presently precluded by other pending listing proposals, provided other circumstances are met.¹⁷ If the Service finds listing is warranted, the Service must promptly publish a proposed rule to list the species, with a final rule due within one year of that publication.¹⁸

Leopards from Gabon, Congo, Democratic Republic of the Congo (formerly Zaire), Uganda, Kenya, and further south (designated by the Service as “southern Africa”) are listed as threatened under the ESA.¹⁹ This geographic line, which the Service drew in 1982, was not lawfully adopted and remains unsupported by science.²⁰ These leopards have a 4(d) rule that extends ESA Section 9’s protections but exempts hunting trophies from the permitting requirement that the hunt and import must be for “the enhancement of propagation or survival”

⁶ *Id.* §§ 1538(a), 1536(a).

⁷ *Id.* § 1533(d).

⁸ S. Rep. No. 97-418, at 10 (1982); *see also* H.R. Rep. No. 97-567, pt. 1, at 10 (1982), *reprinted in* 1982 U.S.C.C.A.N. 2807, 2810 (describing section 4 of the ESA, 16 U.S.C. § 1533).

⁹ 16 U.S.C. § 1533(a)(1).

¹⁰ *Id.* § 1532(6); 50 C.F.R. § 424.02(e).

¹¹ 16 U.S.C. § 1532(20); 50 C.F.R. § 424.02(m).

¹² 16 U.S.C. § 1533(b)(1)(A); 50 C.F.R. § 424.11(b).

¹³ 50 C.F.R. § 424.14(a).

¹⁴ 16 U.S.C. § 1533(b); *Friends of Animals v. Ashe*, 808 F.3d 900, 903 (D.C. Cir. 2015).

¹⁵ 16 U.S.C. § 1533(b)(3)(A); 50 C.F.R. § 424.14(h)(1).

¹⁶ 16 U.S.C. § 1533(b)(3)(A).

¹⁷ *Id.* § 1533(b)(3)(B); 50 C.F.R. § 424.14(h)(2).

¹⁸ 16 U.S.C. § 1533(b)(3)(B), (6).

¹⁹ 50 C.F.R. § 17.11(h).

²⁰ *See, e.g.*, Petition at 47-50.

of the species, consistent with the ESA's goals.²¹ The existing 4(d) rule fails to conserve leopards. Pursuant to the plain language of the ESA, any special rule the Service promulgates must "provide for the conservation" of the species.²² This means the rule must positively benefit the species' recovery in the wild.²³ As documented in the Petition, the Convention on International Trade in Endangered Species ("CITES") does not provide a sufficient check on the leopard trophy trade, and leopard imports into the United States should no longer be exempted from the ESA's permitting requirements, assuming the species is not up-listed to endangered.

B. The Leopard (*Panthera pardus*)

Leopards, once the most widely distributed big cat in the world, are gravely endangered throughout their range. The African leopard population in particular has lost 48 to 67% of its historical range due to habitat fragmentation, prey depletion, retaliatory killing for livestock depredation, illegal skin trade, and poorly regulated trophy hunting.²⁴ According to the International Union for Conservation of Nature ("IUCN"), leopards are confirmed to be extinct in 13 countries and thought to be extinct in another seven.²⁵

As renowned ethologist and African wildlife expert Jane Goodall stated in her declaration in support of the Petition, "leopards . . . are at greater risk of extinction today than they were in 1982 when the U.S. Fish and Wildlife Service listed southern African leopards as Threatened. Given the precipitous decline of African leopards in recent decades, and because the threats to the continued existence of *Panthera pardus* and its habitat are significant, the United States must ensure that it is not contributing to the imperilment of this species and do all it can to promote the conservation of leopards in Africa."²⁶ In another declaration, award-winning field biologist and leopard expert Derek Joubert added, "[t]he effort to protect leopards from extinction is vital—we no longer have the luxury of time to use or abuse these big cats for our own desires. . . . To allow the trophy hunting of leopards for recreational purposes to continue unchecked is scientifically and ethically unjustified."²⁷

1. Present or Threatened Destruction, Modification, or Curtailment of Habitat

Leopards are imperiled due to the ongoing loss of habitat they are facing, and they should be up-listed to endangered on this basis. African populations of the leopard have experienced significant and ongoing curtailment of their range. *P. pardus pardus*, the African leopard, has lost 48-67% of its range, from a historical range of 19,751,400 km² to between 6,613,000-10,219,200 km² today.²⁸ In North Africa, *P. pardus pardus* has lost 93.9–99% of its historic range; in West Africa, the range loss is 86–95%; in Central Africa, the range loss is 45–66%; in

²¹ 50 C.F.R. § 17.32.

²² 16 U.S.C. § 1533(d).

²³ 16 U.S.C. § 1533(d); *Fund for Animals v. Turner*, No. 91-2201(MB), 1991 WL 206232, at *1 (D.D.C. Sept. 27, 1991); *Sierra Club v. Clark*, 577 F. Supp. 783, 787 (D. Minn. 1984), *aff'd in part, rev'd in part*, 755 F.2d 608 (8th Cir. 1985).

²⁴ See Petition at 17.

²⁵ *Id.*

²⁶ Declaration of Jane Goodall, Petition at Annex A, ¶¶ 8-11.

²⁷ Declaration of Derek Joubert, Petition at Annex B, ¶ 19.

²⁸ Petition at 17.

East Africa, the range loss is 40–60%; and in southern Africa, the range loss is 28–51%.²⁹ The subspecies has been extirpated from nine countries: Mauritania, Togo, and Tunisia; Gambia, Lesotho, and Morocco (possibly extinct); and Algeria, Burundi, and Mali (possibly present).³⁰

Contributing to this immense and ongoing loss of range is the collapse of populations of the leopard's prey due to commercial bushmeat harvest of herbivores, which in addition to outright habitat destruction, also destroys the suitability of habitats for leopards whose density is dependent on the availability of prey.³¹ Thus, the African leopard is in danger of extinction due to habitat loss.

2. Overutilization for Commercial, Recreational, or Scientific Purposes

The leopard is overutilized for commercial and recreational purposes and must be listed as endangered based on this criterion. During the period of 2005 to 2014, 35,421 leopard specimens (leopards, dead or alive, and their parts and derivatives—the equivalent of at least 12,791 leopards) were traded internationally for all purposes.³² The most commonly traded items were derivatives (13,968), trophies (10,211), specimens (4,352), skulls (2,045), and skins (1,928).³³ During this time period, the United States imported 5,575 leopards in the form of live or dead animals or parts, including bodies (14), live specimens (26), skins (741), and trophies (4,794).³⁴ This amount is equivalent to approximately 44% of the global imports in leopards during this period.³⁵

Most leopards in trade are for hunting trophy purposes but there is also an illegal skin trade.³⁶ Recent studies document a significant demand for leopard skins in southern Africa.³⁷ Another recent study of U.S. and European Union documented seizures of trafficked leopard skins noting of the estimated that of 12,405 leopard specimens declared for import into the U.S., approximately 348 specimens were seized by U.S. officials.³⁸

An endangered listing on the basis of the leopard trophy trade is warranted given the ongoing overutilization of the species for this purpose. From 2005 to 2014, 13,721 leopard specimens—representing at least 11,145 individual leopards—were traded for hunting trophy purposes; this equates to 38.7% of the leopard specimens traded over this period (13,721 of

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 18.

³³ *Id.*

³⁴ *Id.* at 38.

³⁵ *Id.*

³⁶ *Id.* at 21.

³⁷ Stein, A.B., et al. 2020. *Panthera pardus* (amended version of 2019 assessment). The IUCN Red List of Threatened Species 2020: e.T15954A163991139. <https://dx.doi.org/10.2305/IUCN.UK.2020-1.RLTS.T15954A163991139.en>; AC30 Inf. 23 (available at: <https://www.cites.org/sites/default/files/eng/com/ac/30/Inf/E-AC30-Inf-23.pdf>).

³⁸ Tittensor, D. P., et al. (2020). Evaluating the relationships between the legal and illegal international wildlife trades. *Conservation Letters*, e12724 (available at: <https://conbio.onlinelibrary.wiley.com/doi/epdf/10.1111/conl.12724>).

35,421) and 87.1% of individual leopards (11,145 of 12,791).³⁹ Leopards are significantly impacted by poorly managed trophy hunting, especially when trophy hunting is concentrated geographically and when it targets individuals in their prime, who are territorial and reproductively active.⁴⁰

As an importer, the United States plays a crucial role in the international leopard hunting trophy trade. From 2005 to 2014, the United States imported almost half of leopard specimens traded internationally for hunting trophy purposes (6,695 or 48.8%); no other country comes near to being as large an importer as the United States.⁴¹ For hunting trophy purposes, a total of 5,447 leopards were imported into the United States during this period: two captive-bred leopard trophies; 175 leopard trophies seized upon import; one ranched leopard skin; and 5,268 wild-sourced specimens, which included 12 bodies, 683 skins, and 4,573 trophies.⁴² The top exporting countries of leopard specimens for hunting trophy purposes were Zimbabwe (3,535 or 25.8%), Tanzania (3,088 or 22.5%), South Africa (2,291 or 16.7%), Namibia (1,917 or 14%), and Mozambique (1,009 or 7.4%); together these five countries export 60.5% of leopard specimens for hunting trophy purposes.⁴³

The overutilization of leopards for hunting trophies has devastating impacts on the species beyond the number of individual animals killed for trophies. Biological factors render leopards sensitive to over-harvesting, as high male turnover causes increased rates of infanticide.⁴⁴ Additionally, female leopards are hunted in some southern African countries (both legally and illegally), removing not only the individual females from the population, but also their potential offspring. Killing younger males is also likely to have cascading impacts on a leopard population.⁴⁵ Multiple studies have shown that unsustainable trophy hunting of leopards has been a “key driver” of leopard population decline.⁴⁶

Therefore, the African leopard is endangered by overutilization for recreational and commercial purposes, particularly for use as hunting trophies, and the United States plays a major role in this unsustainable international trade.

3. Disease or Predation

The leopard is an apex predator in Africa and is not typically preyed upon by animals other than humans. The most significant non-human predator of leopards is leopards themselves.⁴⁷ A study in South Africa identified high rates of infanticide by adult males, which accounted for almost half of cub mortality and caused the death of nearly a third of all leopard offspring.⁴⁸

³⁹ Petition at 21.

⁴⁰ *Id.* at 10.

⁴¹ *Id.* at 21.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* at 23.

⁴⁵ *Id.* at 24-25.

⁴⁶ *Id.* at 22-23.

⁴⁷ *Id.* at 38-39.

⁴⁸ *Id.* at 39.

Most of these adults were male immigrants, so activities that elevate male turnover—such as trophy hunting—may increase infanticide levels.⁴⁹

4. Inadequacy of Existing Regulatory Mechanisms

The existing listings under the ESA and CITES are inadequate to protect leopards. The ESA does not adequately protect leopards because the current 4(d) rule allows trophy hunters to overutilize leopards from southern Africa without sufficient review.⁵⁰ CITES does not fully protect leopards because of its inadequate and antiquated quota system for leopard hunting trophies and skins and range countries' failure to biologically and sustainably manage leopard populations and protect them from overutilization.⁵¹

The ESA listing of certain leopards as threatened and the related 4(d) rule fail to protect this species. The leopard 4(d) rule allows the importation of sport-hunted leopard trophies from southern Africa without an ESA permit.⁵² As previously discussed, the Service's mandate under the ESA is to issue regulations that are "necessary and advisable for the conservation of [threatened] species."⁵³ Special rules must be designed and implemented to actually promote the conservation of the threatened species.⁵⁴

The Service's special rule, however, is not "necessary" or "advisable" for the conservation of the African leopard, as it enables the trophy hunting industry to operate without effective oversight. The vast majority of leopards are traded internationally for hunting trophy purposes,⁵⁵ and the United States imports almost half of all leopard specimens traded for this purpose,⁵⁶ most of which come from southern Africa.⁵⁷ By dispensing with the requirement for an ESA import permit for leopard hunting trophies from southern Africa, the Service has allowed American trophy hunters to exploit leopards with little control.⁵⁸ So, in blatant contrast to the ESA's primary purpose of species conservation,⁵⁹ the Service's 4(d) rule fosters an activity that is unsustainable and a serious threat to the very existence of leopards in Africa.⁶⁰ While the

⁴⁹ *Id.* at 38-39.

⁵⁰ 50 C.F.R. § 17.40(f).

⁵¹ Petition at 23-26; *see also* Díaz, S., et al. (2020). Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (raising concerns with CITES quotas) (available at https://www.ipbes.net/system/tdf/ipbes_global_assessment_chapter_3_unedited_31may.pdf?file=1&type=node&id=35279).

⁵² 50 C.F.R. § 17.40(f).

⁵³ 16 U.S.C. § 1533(d).

⁵⁴ *See Sierra Club*, 755 F.2d at 612-15; 16 U.S.C. § 1531(b) (the primary purpose of the ESA is to "provide a program for the conservation of such endangered species"); 16 U.S.C. § 1532(3) (the term "conservation" means "to use . . . all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary").

⁵⁵ Thirty-eight percent of leopard specimens and 87.1% of individual leopards traded in the period of 2005 to 2014 were for trophy hunting purposes. Petition at 21.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ 50 C.F.R. § 17.40(f).

⁵⁹ 16 U.S.C. § 1531(b).

⁶⁰ Petition at 21-25.

leopard 4(d) rule requires an import permit in accordance with CITES, CITES' provisions also fail to adequately protect leopards.

CITES does not fully protect leopards, despite including the species on Appendix I.⁶¹ While Appendix I listings afford the highest level of protection under CITES, *Panthera pardus* is not adequately protected due to its inadequate quota system for hunting trophies and skins for personal purposes. Leopard trophy hunting quotas have never been based on rigorous quantitative analysis in any African range country.⁶² Management of leopard hunting is hampered by a lack of reliable population data, and leopard hunting quotas are set arbitrarily and not based on science, which has led to population decline.⁶³ For instance, when granting hunting permits, countries might not account for the combined effect of leopard offtake for animal control, poaching for the skin trade, permitted non-tourist hunting, natural mortality, and leopard offtake for trophy hunting, thereby permitting hunting even when it might prove unsustainable in light of other leopard deaths.⁶⁴ Other factors impacting the effective management of leopard hunting include the killing of females and young males.⁶⁵ Considering the inadequacies of the trophy hunting quotas, it is hard to sustain the assertion that trophy hunting enhances the survival of leopards; to the contrary, there are clear indications the activity is unsustainable.⁶⁶

Therefore, the existing regulatory mechanisms under the ESA and CITES leave leopards in southern Africa unprotected against the steady pressures this species has sustained over the past four decades, particularly from the demands of the trophy hunting industry.

5. Other Natural or Manmade Factors Affecting the Species' Existence

a. Prey Depletion

Prey depletion affects the leopard's ability to survive. Leopard population densities are directly related to the presence of medium- and large-sized wild herbivores that have been severely depleted by the unsustainable bushmeat trade, which is considered to be a major threat to the survival of the African leopard.⁶⁷ The existence of suitable habitat in and of itself does not mean that leopards will be present if their prey has been depleted. There has been an estimated 59% average decline in leopard prey populations in 78 protected areas in West, East, and southern Africa between 1970 and 2005 due to commercialized bushmeat trade impacting the leopard's survival.⁶⁸

⁶¹ Appendix I lists all species threatened with extinction which are or may be affected by trade. CITES, Appendices I-II, available at <https://cites.org/sites/default/files/eng/app/2020/E-Appendices-2020-08-28.pdf>.

⁶² Petition at 23-24, 59-78.

⁶³ *Id.* at 23.

⁶⁴ *Id.* at 25.

⁶⁵ *Id.* at 24-25.

⁶⁶ *Id.* at 24.

⁶⁷ *Id.* at 83.

⁶⁸ *Id.* at 84.

b. Human-Leopard Conflict

Retaliatory killings of leopards critically endanger this species. Intense persecution for livestock loss, human deaths, and injury is a major threat to the leopard in Africa.⁶⁹ About 60-70% of Africa's human population rely on agriculture and livestock for their livelihoods.⁷⁰ Along with rising human populations, there will likely also be increasing amounts of human conflict that lead to fewer numbers of leopards. Many sub-Saharan African countries allow farmers to kill predators considered to be a threat to life or property without first obtaining a permit.⁷¹ Because of this, many conflict killings go unreported and the number of leopards killed due to conflicts is unknown.⁷² Leopard densities are lower outside reserves likely as a result of local persecution by landowners.⁷³ Indiscriminate killings such as the poisoning of carcasses aimed at attracting and killing carnivores of any and all types, and the use of snares to kill other species, are also threats to the leopard's survival.⁷⁴

C. The Service Should Repeal the 4(d) Rule for Leopards and Apply the Enhancement Standard to All Leopard Trophy Imports

The Service should repeal the 4(d) rule for leopards so the prohibitions in Section 9 of the ESA (as articulated in 50 C.F.R. §§ 17.21, 17.31) are extended to all leopards. In light of the described severe and relentless pressures impacting the survival of leopards in southern Africa, particularly the demands generated by the trophy hunting industry, rescission of the 4(d) rule waiving the requirement of ESA permits for leopard trophy imports⁷⁵ will help ensure the species is conserved.

Currently, the special rule is neither “necessary” nor “advisable” for leopard conservation, but instead, it essentially grants the trophy hunting industry carte blanche to import leopard trophies into the United States with little oversight and devastating consequences.⁷⁶ Because the United States accounts for almost half of leopard specimens traded internationally for hunting trophies,⁷⁷ the mere rescission of the 4(d) rule, with the resulting requirement of an ESA import permit, would contribute to the conservation of this endangered species.⁷⁸

Notably, the Petition requested the repeal of the 4(d) rule to ensure that the Service applies ESA permit requirements, including the enhancement standard, to all leopard hunting trophy imports.⁷⁹ Since the Conservation Groups submitted the Petition more than four years ago, the Service has amended 50 C.F.R. § 17.31 to no longer automatically apply the protections of 50 C.F.R. § 17.21 to all species listed as threatened under the ESA.⁸⁰ While leopards should

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ 50 C.F.R. §17.40(f).

⁷⁶ 16 U.S.C. § 1533(d).

⁷⁷ Petition at 21.

⁷⁸ 50 C.F.R § 17.31(a); 50 C.F.R. § 17.32.

⁷⁹ Petition at 87.

⁸⁰ *See* 84 Fed. Reg. 44,753 (Aug. 27, 2019).

still qualify for the blanket protections under the new regulations, to respond to the Petition's request, the Service must ensure it applies the protections of 50 C.F.R. § 17.21 to all leopards when it repeals the leopard 4(d) rule, including the permit and enhancement requirements in particular.

The requirement of an ESA import permit is critical to leopard conservation in southern Africa. To issue an ESA import permit, the Service must carefully scrutinize whether the importation of leopard hunting trophies from the relevant range country contributes to the enhancement of propagation or survival of this species.⁸¹ As leopard hunting management is significantly compromised in southern Africa,⁸² this mandate adds a much-needed layer of oversight of an industry that is wreaking havoc in the region and endangering the species survival.⁸³ Moreover, requiring ESA import permits for leopard hunting trophies is consistent with the Services' own measures to control imports of African elephant and lion trophies under the ESA.⁸⁴

Therefore, as the Service considers reclassifying all leopards as endangered, we also request that you further consider our Petition to rescind the leopard 4(d) rule and require ESA trophy hunting import permits for leopards from southern Africa, a measure that is critical to the conservation of the species, consistent with the ESA's primary purpose.⁸⁵

E. The Service's Legal Violations

The Conservation Groups submitted their Petition to list leopards as endangered throughout their range on July 25, 2016; the Service issued a positive 90-day finding on the Petition on November 30, 2016.⁸⁶ Under the ESA, the Service's 12-month finding was due by July 25, 2017.⁸⁷ The ESA offers no discretion to delay past the one-year mark,⁸⁸ yet the Service has failed to issue a 12-month finding to date, and it is now more than three years overdue. Through this delay, the Service is both denying key conservation measures that would reduce threats confronting leopards and violating its mandatory duties under the ESA.⁸⁹

Additionally, pursuant to the APA⁹⁰ and the First Amendment of the U.S. Constitution, the Petition also requested that the Service immediately rescind the 4(d) rule exempting leopard trophy imports from southern Africa from the ESA's permitting requirements.⁹¹ The APA requires each agency to conclude a matter presented to it "within a reasonable time."⁹²

⁸¹ 50 C.F.R. § 17.32 ("Permits issued under this section must be for one of the following purposes . . . the enhancement of propagation or survival . . .").

⁸² Petition at 21-38, 59-67.

⁸³ *Id.* at 25.

⁸⁴ See 50 C.F.R. §§ 17.40(e), (r).

⁸⁵ 16 U.S.C. § 1531(b).

⁸⁶ 81 Fed. Reg. 86,315 (Nov. 30, 2016).

⁸⁷ 16 U.S.C. § 1533(b)(3)(B).

⁸⁸ *Friends of Animals*, 808 F.3d at 903.

⁸⁹ 16 U.S.C. § 1533(b)(3)(B).

⁹⁰ 5 U.S.C. § 553(e).

⁹¹ 50 C.F.R. § 17.40(f).

⁹² 5 U.S.C. § 555(b).

Various factors endanger the leopard's survival as a species, and critical among them is the hunting of leopards for trophies. The United States is by far the largest importer of leopard specimens traded internationally for hunting trophy purposes, and it has a crucial role to play in addressing the devastating problems this industry is causing for leopards.⁹³ In addition to the destructive pressures of trophy hunting, leopards are losing habitat and, therefore, experiencing dramatic reduction in their range across Africa.⁹⁴ Combined with this habitat destruction, competition for prey caused by the commercialized bushmeat trade further endangers the leopard's chances of survival.⁹⁵ Taken together, these factors indicate leopards are endangered throughout their range.

It is essential for the Service to help stem and reverse these problems before it is too late. ESA protections would give the Service additional resources to fund leopard conservation, to ensure proper oversight of U.S. trophy hunting of these magnificent big cats, and to send a strong message worldwide that leopards deserve the strongest possible protections.

CONCLUSION

Time is running out to prevent the extinction of these incredibly unique animals. The Conservation Groups urge the Service to remedy its ongoing, unlawful delay by responding to the leopard Petition and promptly publishing its 12-month finding as the law requires. If the Service does not act within 60 days to correct this violation, the Conservation Groups intend to bring suit against the Service in federal court.

Please contact us if you have any questions or would like to discuss this issue. Thank you for your attention to this critical matter.

Sincerely,



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⁹³ Petition at 21.

⁹⁴ *Id.* at 17.

⁹⁵ *Id.*