



**WildCat Conservation  
Legal Aid Society**

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VIA Email: [joshua\\_winchell@fws.gov](mailto:joshua_winchell@fws.gov)

Joshua Winchell  
Council Designated Federal Officer  
U.S. Fish & Wildlife Service  
National Wildlife Refuge System  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

**Re: Wildlife and Hunting Heritage Conservation  
Council Meeting March 23, 2016  
Submission for Council Consideration**

Dear Mr. Winchell:

Pursuant to the notice of the Wildlife and Hunting Heritage Conservation Council Meeting on March 23, 2016, published in the Federal Register Vol. 81, No. 44 on Monday, March 7, 2016 [FWS-HQ-R-2016-N024; FXGO1664091HCC0-FF09D00000-167] we are submitting the following information for the Council's review and consideration of our advisory request. I plan to attend the meeting and provide a two-minute oral presentation.

According to the background information contained in the above-referenced notice, the Council advises the Secretary of the Interior and the Secretary of Agriculture, reporting through the Director of the U.S. Fish and Wildlife Service (...). The Council's duties are strictly advisory and consist of but are not limited to: **Fostering wildlife and habitat conservation and ethics in hunting and shooting sports recreation**. It is under this duty that we seek the Council's support and consideration of our request.

We are petitioning Daniel M. Ashe, Director, U.S. Department of Interior, Fish and Wildlife Service (USFWS) and Kevin Shea, Administrator, U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), to review the regulations under the Animal Welfare Act (AWA) and the Endangered Species Act (ESA) and providing select U.S. Representatives with draft legislation that would amend Title 18 of the United States Code, making it a federal crime under the AWA and the ESA to conduct or otherwise engage in caged, confined, or canned hunts of any native or non-native wildcat bred in captivity or taken from the wild. This initiative by the WildCat Conservation Legal Aid Society (WCCLAS) is known as *Protecting America's Big Cats ~ Prohibiting Caged, Confined, or Canned Hunts*.

Wildcats, native or non-native, are recognized as either endangered or threatened with extinction under the ESA. In the U.S., individuals, organizations, and other entities that engage in commercial activities that

include breeding of non-native endangered species are required to obtain a captive bred wildlife permit under the ESA and are subject to licensing regulations under the AWA. Breeding non-native endangered species is permitted as long as the activity:

[m]ust meet certain criteria prior to engaging in commercial activities with respect to non-native endangered wildlife. Under 50 CFR 17.21(g)(1)(ii) *"the purpose of such activity is to enhance the propagation or survival of the affected species."* Accordingly, the decision to authorize such registration the Director (USFWS) *"will consider in addition to the general criteria in § 13.21(b) whether the expertise, facilities, or other resources available to applicant appear adequate to enhance the propagation or survival of the affected wildlife. Public education activities may not be the sole basis to justify issuance of a registration or to other establish eligibility for the exception granted in paragraph (g)(1) of this section. Each person so registered must maintain accurate written records of activities conducted under the registration (...).*

While these endeavors are noteworthy, more often than not, many of these big cats end up abused, neglected and sold at exotic animal auctions. Neither USFWS nor USDA/APHIS keeps disposition records of wildcats bred in captivity for the purposes of *to enhance the propagation or survival of the affected species*. Nor does either agency know how many wildcats are being held captive in the U.S. This is unacceptable.

If the premise to receive permits and licenses under the ESA and AWA is *to enhance the propagation or survival of the affected species*, the responsibility of these animals begins the moment a permit and/or license is issued and follows the cat through to the end of its life—a life that was conceived under federal law for the sole purpose *to enhance the propagation or survival of the affected species*—not to be discarded, sold to the highest bidder at auction, killed for a trophy or dismembered and sold as byproduct. Not only are the lives of these big cats the responsibility of the original breeder and subsequent owners but of the federal agencies in charge of regulating and enforcing otherwise prohibited activities under the ESA and AWA. If not, our practices are no better than the tiger farms in China or the lion farms in South Africa that support captive-breeding solely for canned hunts. This is not conservation; this is not conservation of anything but human cruelty. It is an antiquated barbaric blood sport that lacks sportsmanship by any definition.

To shoot a confined, trapped animal that was raised by humans and therefore may not be fearful of human activity and call it recreational hunting and conservation is simply ludicrous.

We continue to conduct investigations into the dispositions of privately and commercially held native and non-native wildcats in conjunction with the development of our U.S. captive wildcat database. Other non-governmental organizations and individual researchers suggest and claim via third party accounts that caged, confined, or canned hunts of big cats are in fact taking place in the U.S. We, to date, have not independently substantiated these accounts; however, we refer Council to *U.S. v. Kapp 49 F.3d 666 (2005, 7<sup>th</sup> Cir. (Ill.))* We acknowledge that the facts of this particular case are not directly on point, as the big cats involved were simply transported, shot while in their holding cages and subsequently dismembered for their

skins, meat and bones. It does, however, lead us to deduce that caged, confined or canned covert hunting operations involving big cats more than likely do exist and are operating in the U.S.

While at this time we are unable to provide direct evidence that the aforementioned activities are occurring in the U.S., this should not preclude the federal agencies or Congress from being *proactive* instead of *reactive*, or from implementing standards, laws and regulations that not only prohibits this activity but considers it an injurious crime against our society, humanity and nature.

If the federal agencies and Congress do not act and the laws remain silent, some may interpret this to mean that engaging in this activity is permitted; otherwise it would have specifically been made illegal to do so.

Please bear in mind that we created and live in a culture that measures its actions based on the law and will even act against the law if the punishment is negligible in relation to the potential monetary gain and more so if it is calculated that in violating the law, punishment will be not be swift or forthcoming. Ethics seem to no longer be a factor when deciding whether to engage in activities that will result in a monetary or material gain; especially if the gain outweighs the potential risk.

We urge the Council to support our request and to advise the Secretaries of the U.S. Department of Interior and Agriculture to review and adopt additional measures that will prohibit confined, caged and canned hunting of all native and non-native wildcats.

Respectfully submitted,

Lisa Ann Salamat, Esq.  
*Chief Executive Officer*