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Eric Alvarez
Acting Assistant Director-International Affairs
International Wildlife Conservation Council
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS:IA
Falls Church, VA 22041-3803

VIA U.S. MAIL AND EMAIL (aeric_alvarez@fws.gov)

Re: Delcianna Winders International Wildlife Conservation Council Nomination

Dear Mr. Alvarez,

I hereby nominate Delcianna Winders, PETA Foundation Vice President and Deputy General Counsel, to the International Wildlife Conservation Council (IWCC) to ensure that the interests of animal advocates, animals, and the American public are adequately represented, as required by law. As detailed below, these interests are not represented in the current IWCC membership, which is not only apparently unlawful but also poses grave threats to animals and conservation at the cost of taxpayers. To be balanced, the IWCC must have a proportionate number of true wildlife conservation and animal rights interests represented. As the world's largest animal rights organization, with more than 6.5 million members and supporters, no one is better positioned to represent these interests than PETA. PETA's motto is: "Animals are not ours to experiment on, eat, wear, use for entertainment, or abuse in any other way," and much of its work focuses on wildlife. Ms. Winders has worked with the PETA Foundation for nearly nine years, including two years during which she was also the first-ever academic fellow in Harvard's Animal Law & Policy Program. For more than a decade Ms. Winders' work has focused on wildlife. She is a senior-level representative and is extremely competent to represent PETA's constituency. As detailed in the enclosed resume, Ms. Winders' work includes not only extensive legal advocacy on behalf of wildlife under the Endangered Species Act and other federal legislation, including wildlife killed as trophies and imported into the United States, but also teaching at numerous law schools, frequent lectures, and extensive publications, including a forthcoming book chapter on the Endangered Species Act.

The majority of Americans oppose sport hunting, and 86% oppose trophy hunting of big game species. Marist Poll, Americans Oppose Big Game Hunting...More

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PETA FOUNDATION IS AN
OPERATING NAME OF FOUNDATION
TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Than Six in Ten Favor Legal Ban (Nov. 24, 2015). Despite this overwhelming public opposition, “[t]he United States is the largest importer of animal trophies,” Missing the Mark: African Trophy Hunting Fails to Show Consistent Conservation Benefits 9 (June 13, 2016), <https://docplayer.net/61914049-Missing-the-mark-african-trophy-hunting-fails-to-show-consistent-conservation-benefits.html>, importing more than 126,000 trophies every year on average, Trophy Hunting by the Numbers: The United States’ Role in Global Trophy Hunting 1 (Feb. 2016), http://www.hsi.org/assets/pdfs/report_trophy_hunting_by_the.pdf. These import figures are at odds with the general sentiment of the American people because trophy hunters are not your average American:

The individuals applying for trophy import permits do not fit the profile of the average American hunter. These excursions require the purchase of round trip airfare to Africa, lodging, the services of guides and professional hunters, and other services. The individuals who applied most frequently for U.S. trophy import permits related to the species and countries in this report between 2009 and 2014 include an auto distributor worth \$3.2 billion, an oil and gas company CEO who reportedly made almost \$10 million in 2014, the wife of an owner of multiple companies and a trophy collector, a winner of the Dallas Safari Club’s Big Game Award in 2012 for successful hunts of an African elephant, buffalo, lion and leopard, and the CEO of a food manufacturing company.

Missing the Mark, *supra*, at 10.

The Federal Advisory Committee Act (FACA) governs the IWCC and requires that its membership “be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” 5 U.S.C. App. 2 § 5(b)(2). This mandate requires agencies to “consider for membership a cross-section of interested persons and groups with demonstrated professional or personal qualifications or experience to contribute to the functions and tasks to be performed.” 41 C.F.R. § 105-54.204(a). “[T]he ‘fairly balanced’ requirement was designated to ensure that persons or groups directly affected by the work of a particular advisory committee would have *some* representation on the committee.” *Pub. Citizen v. Nat’l Advisory Comm. on Microbiological Criteria for Foods*, 886 F.2d 419, 423 (D.C. Cir. 1989); *see also* HR Rep. No. 92-1017, at 6 (1972) (“[W]hen [an advisory committee] met with government officials to consider a proposed national industrial wastes inventory questionnaire, only representatives of industry were present. No representatives of conservation, environment, clean water, consumer, or other public interest groups were present. This lack of balanced representation of different points of view and the heavy representation of parties whose private interests could influence their recommendation should be prohibited by the provision contained in [FACA].”). If an advisory committee is not fairly balanced, then its recommendations are “*ultra vires* and illegal because of the lack of fair balance.” *Nat’l Anti-Hunger Coal v. Executive Comm. of the President’s Private Sector Survey on Cost Control*, 566 F. Supp. 1515, 1517 (D.D.C. 1983).

Despite this statutory mandate, the IWCC membership is currently predominated by hunting industry interests, including leadership from the National Rifle Association and Safari Club International, *see* U.S. Fish and Wildlife Service, International Wildlife Conservation Council, Members, <https://www.fws.gov/iwcc/#Members> (last updated Dec. 13, 2018), which have sued the federal government seeking to expand trophy imports. Indeed, according to committee member John Jackson—whose organization Conservation Force routinely represents trophy hunting permit applicants before the Fish and Wildlife Service, a clear conflict of interest—all of the discretionary

members of the IWCC “are well known to the hunting-conservation community.” John J. Jackson III, Update on the International Wildlife Conservation Council, World Conservation Force Bulletin (May 2018), <http://huntingreport.com/update-on-the-international-wildlife-conservation-council-iwcc/>. Even members who do not immediately appear to be biased in favor of hunting, such as Vice-Chair Jenifer Chatfield, whom the IWCC identifies only as “Congressional Science Fellow & ACZM board certified Doctor of Veterinary Medicine,” have undeniable biases: Chatfield is vice president and veterinarian for the so-called 4J Conservation Center, which has ties to the canned hunting industry and itself holds a permit from the FWS. Stephanie Mencimer, *Reality Stars, Trophy Hunters, and Gun Boosters: Meet the Trump Administration’s Wildlife Conservation Council*, Mother Jones (Mar. 16, 2018), <https://www.motherjones.com/politics/2018/03/reality-stars-trophy-hunters-and-gun-boosters-meet-the-trump-administrations-wildlife-conservation-council/>. The Committee has faced strong criticism for this apparently illegal lack of balance. See, e.g., *id.*; Michael Biesecker et al., *Trump Wildlife Protection Board Stuffed With Trophy Hunters*, Associated Press (Mar. 15, 2018), <https://www.courthousenews.com/trump-wildlife-protection-board-stuffed-with-trophy-hunters/>; Stephanie Ebbs, *Trump Administration Wildlife Council Mostly Hunting Advocates*, ABC News (Mar. 18, 2018), <https://abcnews.go.com/Politics/trump-administration-wildlife-council-hunting-advocates/story?id=53803070>; Ellie Shechet, *Trump’s ‘Wildlife Conservation Council’ Is a Nightmare of Trophy Hunters and Gun Industry Executives*, Jezebel (Mar. 16, 2018), <https://theslot.jezebel.com/trumps-wildlife-conservation-council-is-a-nightmare-of-1823829050>.

It is absolutely critical that the two IWCC vacancies be filled by individuals who can represent the interests of animal advocates, animals, and the American public and not by yet more representatives of the elitist trophy hunting industry.

Thank you for your consideration of this nomination. Please do not hesitate to reach out if you have any questions or would like more information.

Very truly yours,



Jeffrey S. Kerr

Enclosure

cc: Cade London, Policy Advisor, iwcc@fws.gov