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ANIMAL DAMAGE CONTROL AND THE ENDANGERED SPECIES ACT

by Warren T. Parker*

The premise of the Endangered Species Act is that all wildlife are valuable natural resources and the extinction of species in the name of progress must be halted. To achieve this end, Congress requires all Federal agencies to consult with the Fish and Wildlife Service when any of their programs or projects affect a listed endangered or threatened species. Problems of special interest to this conference are those that project an endangered or threatened species in direct conflict with man.

Undoubtedly the most publicized of these conflicts has involved the threatened timber wolf and the livestock producers of northern Minnesota. This long-term battle continues on the ground and in the courts. Of perhaps special note is the fact that the courts have typically sided with the Congressional intent of the Endangered Species Act, even when the Fish and Wildlife Service supported limited trapping and hunting of wolves.

Fortunately, few damage control conflicts with the Act have surfaced in the eastern states, due partially to the absence of large listed predators. Potential for such conflict, however, may become more visible in the east as more species are listed as endangered or threatened, and as recovery efforts bring back to eastern states certain extirpated predatory species such as the endangered red wolf. Animal damage control efforts in the eastern states presently affect listed species in only indirect ways. An example is the spraying of blackbird roosts with PA-14. Before such spraying is undertaken, it must be determined that the target watersheds do not contain listed birds, fish, or invertebrates. If protected species are present, a Section 7 consultation must be initiated and either a determination of "no effect" made or else modifications in the program are developed.

What does the future hold for animal damage control efforts and potential conflicts with the Endangered Species Act? In addition to the previously mentioned impacts of additional species listing and recovery efforts, I am of the opinion that the eastward expansion of the coyote's range into areas now void of top predators may become a major source of conflict. For example, the use of Compound 1080 collars on sheep and goats in the western states is being widely advocated by wool growers. Use of such lethal compounds in collars or at bait stations in eastern states could present complex environmental problems, only one of which would include endangered and threatened species. The coyote's range expansion could also disrupt recovery efforts for such species as the red wolf.

Lastly, I feel that the special "experimental" designation of listed animals is worthy of note at a conference of this nature. A special amendment to the Endangered Species Act in 1982 provided for the establishment of "experimental" populations of endangered species under certain circumstances. Such experimental reintroductions have to be restricted to the historic range of the species and have to be made to aid in the recovery of the species. Those specific animals selected for reintroduction would be classified as "threatened," and many of the more stringent Section 7 requirements would be relaxed, especially on private lands.

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