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WILDLIFE DAMAGE CONTROL - THE ROLE AND RESPONSIBILITY OF THE U.S. FISH AND WILDLIFE SERVICE

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WILDLIFE DAMAGE CONTROL - THE ROLE AND RESPONSIBILITY
OF THE U.S. FISH AND WILDLIFE SERVICE
by LeRoy W. Sowl*

The doctrine of State ownership of wildlife was a part of the body of English common law transplanted to these shores by the original English settlers. The Crown conveyed ownership of many natural resources, and included wildlife in the patents it issued to the proprietors of plantations and colonies. When the provinces became States, they inherited ownership of wildlife.

The doctrine of State ownership is double-edged. Along with ownership come responsibility and liability. The English Crown demonstrated an awareness of this as early as 965, when Edgar, King of England, addressed the problem by levying an annual tribute of 300 wolves on the King of North Wales. The English colonists were quick to recognize the collective responsibility for wildlife deprivations that accrued to them along with ownership. Massachusetts Bay Colony was the first to bite the bullet by enacting a wolf bounty on November 9, 1630.

The Constitution was silent on the ownership of wildlife, so this responsibility is retained by the States. Three powers conveyed by the Constitution allow for some types of Federal regulation of wildlife in spite of State ownership. These are contained in the treaty, property, and commerce clauses.

The statutes based on these clauses that most directly impact Federal wildlife damage control are the Animal Damage Control Act of March 2, 1931, the Game Management Supply Depots Act of June 24, 1936, and the Endangered Species Act of 1973.

The first act authorizes and directs development of tools and techniques for the control of injurious wildlife and control of such wildlife on public and private lands. The second directs the maintenance of supply depots to assure that tools needed for control are available. The third impacts chemical registrations and control operations that might affect endangered species.

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