

OVERSIGHT HEARINGS — ENDANGERED SPECIES ACT OF 1973

SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT OF THE HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE

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No reasonable individual can possibly fault the concept of legislation enacted to preserve endangered species. Quite the contrary. Professional biologists and non-professionals alike strongly support any activity that is genuinely beneficial to wildlife, particularly those in peril. Unfortunately, while the Endangered Species Act of 1973 was well intentioned, it has not turned out to be in the best interest of the animals involved. All responsible individuals strongly support the intent of the Endangered Species Act. However, many are disenchanted with the final wording, interpretation and ultimate implementation. Even though the specific purpose of the Act may be beneficial and long overdue, by the time it was worked over and finally passed, it became a quagmire of confusion and a battery of lawyers were required to interpret it. Even today, almost two years after it became law, we are unable to obtain straight answers from Washington regarding certain aspects of the Act. If one speaks with three different individuals in the same office, one will inevitably receive three different answers.

One of the intents of the law was to control trafficking in endangered species. The plight of foreign endangered species is due to the effects of many man associated activities. While trafficking in endangered species for zoos and private propagators may have been detrimental in a few cases, it is minor when compared to wide spread habitat destruction, pollution, and the disastrous effects associated with the emergence of many of the so-called under-developed Third World nations. Even so, we strongly endorse the concept of having to apply for a permit to import an endangered species from a foreign country.

However, we do not feel that it is in the best interest of those animals involved that are already in this country to be regulated by permit by the federal government. First of all, it is totally unnecessary and unrealistic to regulate them at all inasmuch as the captive population of endangered species has no bearing whatsoever on their precarious status in the wild. Secondly, the effect of such a philosophy has been counter productive. In effect, the law has been extremely detrimental to captive propagation of endan-

gered species. The thousands of individuals who have for many years been diligently working with endangered species, not only in public zoological institutions but many private individuals as well, were concerned about the plight of many of these animals long before the federal government displayed any interest. For years they have been busy breeding large numbers of endangered species to the point that in many cases, more of them occur in captivity than do in the wild. These are the diligent people that are doing the most good. Their actions and successes speak louder than their words. The work that they are involved in is often thankless and frustrating. Quite frequently, particularly in the case of the many private aviculturists, the work has been accomplished at great personal expense and sacrifice. We strongly question the motives and expertise of the government at this late date emerging as the all knowing expert. For many years the dedicated breeders toiled alone, without help of any kind from either the government or the so-called expert protectionists. The government expressed no desire to assist these many hard working people in anyway whatsoever. The fact that the government was not interested in the plight of exotic endangered species did not deter them and they continued with their good work because of their great love for wildlife and because what they were doing was essential. The skills of an accomplished propagator are not gained from books and they are not acquired overnight. Many years of hard work are required, and that alone should illustrate the dedication involved. The breeding of endangered species is not a haphazard operation, rather it is a highly sophisticated science. The government should be encouraging these skilled specialists. Unfortunately, just the opposite is the case.

The federal government has conjured up so many bureaucratic road blocks that all of the good that has been accomplished all these years could be lost. The unwarranted cumbersome permit procedures are such that more time is spent filling our permit requests and complying with unnecessary regulations than maintaining and raising the animals involved. Perhaps by itself the difficulties of the Endangered Species Act are not insur-

mountable, but when combined with the tremendous amount of other recent animal oriented legislation, the problems and time involved are staggering. The frustrations associated with the importation of a single pair of birds from Canada might serve to illustrate the situation. Laysan teal are tiny ducks that occur on Laysan Island in the South Pacific. They are considered to be an endangered species. If a qualified propagator wanted to import a pair raised by a fellow breeder in Canada, the following procedure would be required. First an endangered species permit from USDI must be obtained. This could take months and usually does. Then an avian import permit from USDA is necessary. Next, quarantine space must be secured in a USDA approved quarantine station. This also may require many months. Then the birds must survive the rigors of quarantine. While in quarantine they must not even be "exposed" to anything such as VVND. If so, all animals in the quarantine station are killed. By now, of course, the birds may have died of senility. Assuming that they have not and are at last legally imported and breeding is ultimately achieved, yet another endangered species permit is required for each of the offspring to be surplus. Interestingly enough, if USDI had its way, still another import permit would have been required — an injurious species permit. In addition to everything else, there is talk of a federal zoo control bill which would require "federal experts" to inspect and license a facility for a given species to be sure that the recipient is "qualified" for that species. All of this for a pair of \$20.00 birds.

Laysan teal are merely little dull colored degenerate mallards. They are not in the least bit attractive. Indeed, they are more trouble than they are worth. The only reason that we work with them and many other species as well, is because they are truly endangered and we feel that as custodians of nature we have certain obligations. We take this very seriously and the responsibility is awesome. But clearly, considering the amount of federal harassment heaped upon the dedicated people trying to actively do something constructive, this philosophy will rapidly alter. Indeed, it already has and many highly qualified breeders are terminating

their activities with endangered species because they cannot continually cope with this type of needless pressure. As a consequence, they are no longer going to raise or even maintain Laysan teal. It will then be only a matter of time before the poor little Laysan teal passes from the scene, compliments of the federal government.

Many endangered species in captivity are already being separated to prevent breeding because of the permit problems. These range from the aforementioned Laysan teal to tigers. Many animals have been neutered to prevent breeding. We repeatedly hear from Washington that there is really little cost or paperwork involved. One only has to apply for a permit once to see the fallacy of that contention. Washington acknowledges that there are problems with some of the legislation and they are moving rapidly to solve these problems. The fact that they said this almost 2 years ago with respect to the Endangered Species Act should serve to illustrate how our definition of time, cost and paperwork differs from theirs. Zoos and private propagators are being strangled by needless bureaucratic red tape and there is no end in sight. Interestingly then, these dedicated breeders have become, not unlike their charges, an endangered

species.

Tragically, there are many bona fide endangered species within the borders of the United States. The government does not have to become active with captive exotic endangered species to justify the Endangered Species Act. Certainly the plights of the Santa Cruz long-toed salamander, California Condor, tule elk, bald eagle, and the black footed ferret to list but a few are just as real as those of the exotic Laysan teal and Bengal tiger. If the energy directed toward setting up and maintaining a permit office and cumbersome permit procedures were channeled toward some of the real domestic problems, who knows, maybe some real good could be accomplished. The creation of a large division to process needless permits is nothing more than the emergence of yet another bureaucratic dynasty, not to mention the numerous taxpayers dollars required to operate such a kingdom.

Now that the law has been effective for almost 2 years we have a unique opportunity to reflect on its effectiveness and hopefully can get involved in the mechanics required to change it where necessary. Quite possibly, these oversight hearings will bring out the obvious inequities of the Act. We suggest that with respect to captive populations of endangered

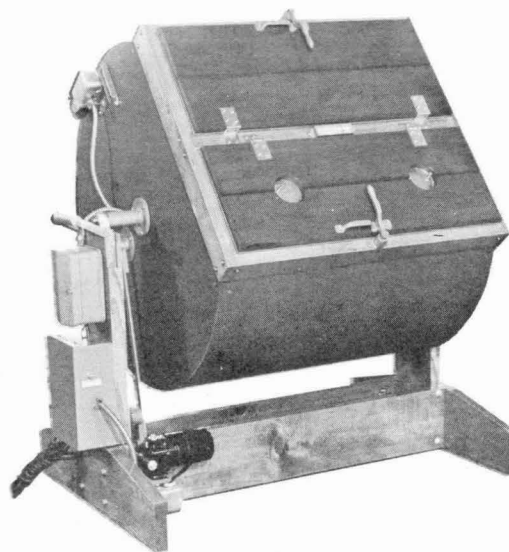
species within the United States that the law has been detrimental. In fact, it has done far more harm than good. We further contend that the U.S. government should not be in the business of trying to regulate those endangered species already in the country. These animals should not be covered under the Act. Whatever is being done with them in the United States could not possibly have an effect on the wild population. Therefore, their presence in this country is immaterial. We strongly feel that if the Endangered Species Act procedures continue as they have in the past that there is no question that a number of endangered species will suffer as a consequence. Millions of species of animals have come and gone since this planet was created. They disappeared for a wide variety of reasons. However, no matter how thoughtless man has been in the past, he has never been presumptuous enough to legislate any out of existence. Unfortunately, we are very close to seeing that happen now. It is ironic that something termed the Endangered Species Act is largely responsible. I suggest that this is indeed a very sad commentary on our troubled times ■

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