

THE NELSON AMENDMENT TO THE ENDANGERED SPECIES ACT

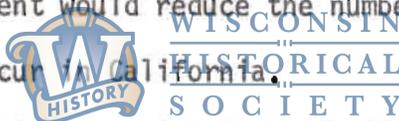
Neither the Senate nor the House version of the 1973 Endangered Species Act attempts to safeguard the habitat of endangered or threatened species apart from encouraging and funding habitat acquisition. All protective measures spelled out in the two bills refer to individual specimen taking. Mere purchase of land is not sufficient if that land is liable to be poisoned(or modified by roads, water impoundments, drainage programs, . . .)

This amendment would place a blanket prohibition (except for two exceptions) upon chemical toxicant use in :

1. lands previously acquired to specifically protect wildlife that were endangered at the time;
2. lands, both State and Federal, which will be acquired pursuant to this Act to protect the habitat of threatened and endangered species.

There is a great need for a chemical toxicant prohibition upon the lands the States acquire as habitat. For example, in California extensive county rodent control programs have been and are being undertaken by the California Department of Agriculture. Their programs have strayed into the rangelands of a number of endangered species including the San Joaquin Kit Fox and the Morrow Bay Kangaroo Rat with fatal results. The California Fish and Game Department, understandably quite upset, recently negotiated a working agreement with the Department of Agriculture and has also requested that certain toxicants be de-registered as rodenticides. The passage of this amendment would reduce the number of disasters that have occurred and continue to occur in California.

The exceptions are fairly straightforward: if a population of rabid animals is threatening the survival of an endangered or threatened species for which the 'refuge' was established, then the Secretary or the State could use chemical toxicants to extirpate the infected animals as an emergency measure. Furthermore, if a particular



manner of using a chemical toxicant will not prove harmful, the Secretary or the State(whichever is appropriate) can make a written finding okaying such use. This clause is designed to test the claim (made by the ~~US~~ Forest Service's Division of Wildlife Management) that the accurate placement of chemical poisons will injure only the intended animals while non-target species will not be affected.



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