

by Sandra Cleva

Enforcing the Law for Endangered Species



A Fish and Wildlife Service wildlife inspector intercepts an illegal rhinoceros trophy in Alaska.
USFWS photo

In 1973, the Endangered Species Act (ESA) launched a new era in wildlife law enforcement. Federal officers had been on the wildlife “beat” since 1900, but their work focused primarily on protecting waterfowl and supporting State management of game species. The ESA, however, safeguards hundreds of animals and plants throughout the world and hundreds more that are covered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), making U.S. Fish and Wildlife Service law enforcement part of a global force protecting wildlife.

Our special agents investigate nearly 5,000 cases each year involving ESA violations. Crimes range from take and habitat destruction to large-scale commercial exploitation. Our wildlife inspectors, stationed at major ports and border crossings, monitor wildlife imports and exports, providing a frontline defense against illegal wildlife trade. Forensic specialists at our agency’s National Fish and Wildlife Forensics Laboratory support enforcement efforts by identifying from which species seized wildlife parts and products came; developing scientific evidence to link suspects, wildlife “victims,” and crime scenes; and determining the cause of death in cases where illegal take is suspected.

Cases involving take, such as wolf shootings, often grab headlines, but our enforcement mission is far more complex. Protecting listed species demands initiative. Outreach to ranchers in Wyoming, for example, gave reintroduced gray wolves (*Canis lupus*) a better chance of surviving outside of Yellowstone National Park. Backcountry

patrols in grizzly bear (*Ursus arctos*) territory and educational programs for guides, outfitters, and hunters help prevent both bears and people from being injured or killed. Agents have also worked to defuse conflicts along the California coast, where shellfishing companies are concerned about the apparent range expansion of southern sea otters (*Enhydra lutris nereis*).

Preventive enforcement preserves opportunities for species recovery. In Florida, special agents conduct coastal boat patrols, enforcing speed limits that shield manatees (*Trichechus manatus*) from deadly collisions. A cooperative program at Vandenberg Air Force Base in California keeps the largest active breeding colony of western snowy plovers (*Charadrius alexandrinus nivosus*) free from human intrusion during the breeding season. Although closing a Massachusetts beach to vehicle traffic to protect nesting piping plovers (*Charadrius melodus*) was not popular, our officers met with area residents to promote public cooperation.

Habitat intrusion can, of course, escalate to habitat destruction. In Florida, special agents brought charges against a citrus farmer who cleared some of the last remaining Florida scrub-jay (*Aphelocoma coerulescens*) habitat. Recent habitat investigations in California have focused on protected kangaroo rats (*Dipodomys* spp.), lizards, butterflies, frogs, snails, and the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*). In Rialto, for example, industrial plants developed a habitat conservation plan (HCP) and obtained an incidental take permit for this rare nectar-eating species, the fly world’s equivalent of a hummingbird.

Fines and penalties are needed when landowners or developers destroy habitat essential to the survival of protected species. But law enforcement also works to prevent such losses by supporting the development of HCPs and monitoring compliance once the plan is in place. Our agents in Utah, for example, successfully helped promote HCPs for the threatened desert tortoise (*Gopherus agassizii*) and Utah prairie dog (*Cynomys parvidens*).

Contaminants cases are an increasing part of our enforcement workload. In Utah, agents investigated a sewage treatment plant that was leaking selenium into the Green River system, contaminating waters occupied by the endangered razorback sucker (*Xyrauchen texanus*). Armed with data from our biologists, agents helped prompt State and local efforts to secure the \$14.2 million needed to replace the plant. Similar interdisciplinary cooperation in Georgia brought an array of environmental and ESA charges against a chemical plant that dumped nearly 150 tons of mercury into coastal waters, poisoning the aquatic food chain, interrupting the breeding of endangered wood storks (*Mycteria americana*), and endangering human health. Successful pursuit of a contaminants case in central California cost the owners of a large poultry operation more than \$1.2 million. The company was pumping manure-tainted wastewater directly into wetlands on the San Luis National Wildlife Refuge, contaminating vernal pools containing endangered fairy shrimp (*Branchinecta* sp.). By forcing such companies to reduce contaminant impacts, the law enforcement program encourages compliance by others, thereby helping to improve the environment for wildlife and people alike.

Our law enforcement program also helps to protect endangered species around the world. Wildlife inspectors at U.S. ports of entry examine imports and exports for compliance with wildlife laws and CITES. Often, these inspectors intercept smuggled goods that range



This 12-foot, 2,000-pound manatee was killed by a power boat. Fish and Wildlife Service agents are enforcing boat speed limits to reduce such tragedies in the future.

USFWS photo

from sea turtle eggs to traditional Asian medicines allegedly made from tiger (*Panthera tigris*) bone and rhino horn.

Many investigations of illegal wildlife trafficking start with the work of a wildlife inspector. A multi-year probe that ultimately uncovered the smuggling of more than 1,500 CITES-protected Latin American tarantulas began at Chicago's O'Hare International Airport when an inspector stopped a man bringing 8 rare spiders into the country without CITES permits. In Tampa, Florida, an inspector intercepted a shipping container packed with some 350 boxes and packages of protected coral and seashells. That seizure launched an investigation that documented 6 years of smuggling and resulted in the nation's first Federal felony conviction for coral trafficking.

Sometimes the only way to document illegal trade is to infiltrate the smuggling underworld itself. A recent 5-year global probe successfully penetrated the business of illegal reptile trafficking. Undercover agents posing as wildlife importers and reptile collectors snared more than two dozen wildlife

profiteers in the United States and overseas, and broke up international smuggling rings dealing in some of the world's most rare reptiles.

Over the years, our special agents and inspectors have played a key role in helping other countries protect endangered species. They routinely provide training, outreach, and technical assistance to global counterparts. Recent examples include CITES enforcement workshops in China and Madagascar and anti-poaching training in Tanzania and Thailand.

The ESA has proven a powerful tool for wildlife conservation during its first quarter century. But like any law, its effectiveness depends in part on enforcement. Special agents and wildlife inspectors provide this key component.

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