
Our Environment

New Proposed Injurious Wildlife Regulations

The Interior Department's U.S. Fish and Wildlife Service has recently proposed wildlife importation regulations which would streamline and clarify the present regulations governing injurious wildlife. The proposal also would add a number of forms of fish and wildlife to the present list of injurious wildlife that may be imported only under permit issued by the Secretary of the Interior for scientific, educational, zoological, or medical purposes.

The Service proposes to add a num-

ber of additional high-risk species to the 1900 Lacey Act restrictions on wildlife imports without otherwise changing the concept of the present regulations. These new proposed regulations will result in increased protection to human beings, to the interest of agriculture, horticulture, forestry, wildlife, or to the wildlife resources of the United States. A number of venomous snakes, sting-rays, piranhas, vampire bats, and the like are included on the new list.

The proposed regulations do not involve a complete ban or prohibition on the importation of any species. However, they attempt to ensure that creatures which pose a threat are imported only by responsible people for justifiable purposes. Economically, on a national basis, the overall effect of these proposed regulations is expected to be insignificant. If implemented as proposed, these regulations would affect those people who have previously imported species of wildlife on the so-called "dirty list" for purposes for which permits cannot be issued.

The proposal would add the following species to the existing list of injurious wildlife for the reasons assigned:

- *Vampire bats* feed only on fresh blood lapped from wounds inflicted on warm-blooded vertebrates including domestic mammals and man. They are carriers and transmitters of rabies.
- *Ferrets, stoats, and weasels* have been destructive to native wildlife where they have been introduced deliberately or accidentally.
- *Bulbuls* are gregarious birds that feed on fruit, berries, and insects. Two species are established in the United States, and other species could become established.
- *Starlings and mynahs* listed in the proposal are gregarious, aggressive, and omnivorous. Species of these birds have demonstrated an ease of colonization and have been introduced widely throughout the world. Four species are established in the United States and Canada.
- *The Japanese white-eye*—a small bird—is established in Hawaii, where it appears to compete with native species for food. It readily colonizes new habitats and would compete with many continental species if established.
- *The African clawed frog*, established in southern California, feeds on almost

all other forms of aquatic animals, and not only competes with but preys on native amphibians.

- *The giant toad*, already established in the United States, competes with and preys on other wildlife species.

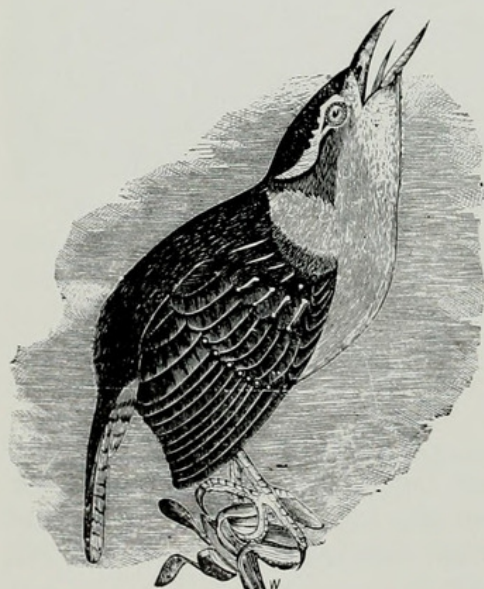
All the snakes listed, such as pit vipers and cobras, are venomous and can inflict serious, even fatal, bites on humans. Some species listed are frequently imported and may be sold to persons unaware of the danger involved. There are 50 species of fish included on the list. They are either parasitic, venomous, electric, large aggressive predators, or superior competitors and would be detrimental if introduced into U.S. waters. There are presently no known safe and efficient means for control of these fish if they become established.

The Boundary Waters Canoe Area: A Wilderness Ecosystem in Need of Protection

The Boundary Waters Canoe Area (BWCA) in northeasternmost Minnesota is larger than all other designated wilderness areas in the eastern United States combined—yet it isn't totally protected. A special provision of the Wilderness Act stipulates that "...the management of the Boundary Waters Canoe Area ... shall be in accordance with regulations established by the Secretary of Agriculture with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area..."

This provision—with its double negative, "without unnecessary restrictions"—has been the basis for controversy since the Wilderness Act was passed in 1964. The U.S. Forest Service has interpreted the provision to mean that logging is permissible, and it has allowed timbering in large portions of the virgin forest along the southern part of the area. Conservationists, on the other hand, claim that the intent and spirit of the Wilderness Act requires that the virgin forest be protected and preserved to "maintain the primitive character" of the land.

The virgin forest ecosystem of the BWCA, with its associated lakes and wetlands, has developed over thou-



sands of years in response to the climate, physical setting, and the interactions of wildlife and other ecosystem components including such natural disturbances as wildfire and windstorm.

More than a million acres in size, the BWCA contains vast acreages of virgin forest over half of its lands. The other half has been logged, beginning in the late 1800s and continuing through 1972.

This activity has left its mark. While much of the area of early logging has partially recovered by natural reforestation and in a few more decades will have at least a resemblance to virgin forest, timbering in the modern style, with rock-raking, herbiciding, pine-planting, and the construction of gravel roads, has left a more permanent scar.

The region is a popular recreational area because of the myriad of interconnecting lakes and streams, most of them accessible only by canoe. Visitor use has increased by about 10 percent per year since 1972, and restrictions are now necessary at the more popular entry points. Use also has extended into the back country away from waterways via foot trails. Thus, the present policy of preserving only the forest fringes visible from lakes and streams in nearly half of the area is an unsatisfactory compromise in the eyes of many conservationists.

Over a period of time the shifting mosaic of the virgin forests in the BWCA has created diverse and unique habitats suited to a wide variety of wildlife. The primeval forest was not a vast area of mature climax forest, but a composite of many successional stages following natural disturbances such as fire, windstorm, and insect infestation. Moose, beaver, and ruffed grouse favor areas of young growth of birch, aspen, and the other hardwoods that sprout after fires. Bear are also common in such regions, because of the prevalence of berries in open areas. All of these species shifted their populations from place to place, following fires, utilizing the early post-fire vegetational stages as feeding areas. In the mature forests of pine, spruce, and fir, woodland caribou were found in association with ground and tree lichens, although even these animals used the open areas of recently burned regions for certain

habitat needs.

While the white-tailed deer was not common in the primeval forests of the BWCA (its range was primarily confined to the mixed hardwood forests of central Minnesota and the prairie border to the west and south), other species such as the pine marten, fisher, squirrel, spruce grouse, pileated woodpecker, and a variety of warblers were frequently found in patches of older forests. And the eastern timber wolf was a major predator throughout the region.

As man's encroachment continued into the BWCA in the 1890s, however, major changes in the natural patterns of vegetation and wildlife ensued. While logging opened up areas of browse and created a diversity of habitat, it in no way duplicated the processes of natural forces such as fire and windstorm. Proponents of wilderness protection argue that by permitting the burning of natural fires under carefully monitored conditions, equally diverse habitat areas can be created and the natural mix of wildlife found within the BWCA forest ecosystem maintained—all in keeping with the wilderness philosophy.

Attempts to preserve the remaining virgin forest in northeastern Minnesota and to restore some of the cutover land date back to the 1920s. The BWCA was incorporated into the National Wilderness Preservation System in 1964 with passage of the Wilderness Act, which designated for protection areas "where the earth and its community of life are untrammelled by man, where man himself is visitor who does not remain... retaining its primeval character... managed to preserve its natural conditions...where the imprint of man's work is substantially unnoticeable."

To many, however, it is questionable whether the Forest Service, by permitting logging and mechanized travel in portions of the BWCA, is upholding the philosophy upon which the Wilderness Act was created. They argue that the natural balance between physical factors, such as weather and fire, and biological factors, which involve the entire mosaic of vegetation types as well as the associated wildlife, must be restored if the BWCA is to remain a true wilderness system. As an alternative, they propose that the vast acreages of the Superior National Forest outside of the BWCA be managed

for intensive game production, commercial logging, and motorized recreation.

Debate over management of the BWCA wilderness was brought to a head in 1972 when the Minnesota Public Interest Research Group (MPIRG) filed a lawsuit arguing that under the National Environmental Policy Act of 1970 (NEPA), an environmental impact statement was required before timbering activities could be continued in the BWCA. The case was successful and an impact statement was issued. A year later, MPIRG, joined by the Sierra Club, renewed the suit on two counts: first, that the statement was incomplete, and second, that the logging activities themselves were prohibited under the spirit of the Wilderness Act. The suit (MPIRG vs. Butz) was successful in the district court, and Judge Miles Lord halted logging in almost all of the virgin forest areas of the BWCA. The decision, however, was overruled by the 8th Circuit Court of Appeals last summer, and the timber cutting that had been enjoined for 3½ years again became possible. While commercial loggers have voluntarily agreed to delay cutting of virgin timber under an agreement established by Rep. James L. Oberstar (Minn.), the Supreme Court recently turned down a request to review the lower court decision; thus, logging is expected to resume once the six-month moratorium expires September 15.

With the ultimate resolution of this matter still uncertain, a legislative initiative has been taken up in Congress. Congressmen Oberstar and Donald M. Fraser, also of Minnesota, have introduced bills which address the issue of wilderness preservation. Under Rep. Oberstar's bill, a large portion of the virgin forest in the BWCA would remain in the wilderness system. The remaining 40 percent of the wilderness would be designated as a national recreation area, subject to timbering as well as mechanized recreation. In contrast, Rep. Fraser's bill offers complete wilderness protection under the same standards that apply to other units of the federal wilderness system—*H.E. Wright, Jr., courtesy Conservation News. The author is a professor of geology and ecology at the University of Minnesota and sponsor of the Friends of the Boundary Waters Wilderness.*



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