

CHAPTER SIX

Trapping on Public Lands: National Wildlife Refuges

Camilla H. Fox



MISSION OF THE NATIONAL WILDLIFE REFUGE SYSTEM:

To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

— 1997 Mission Statement, U.S. Fish and Wildlife Service

Commercial and recreational trapping is allowed on the vast majority of public lands in the U.S. The only public lands where trapping is expressly prohibited, except where specifically sanctioned by Congress, is the National Park System. Perhaps most disturbing is that trapping is allowed on the majority of the nation's National Wildlife Refuges, which were specifically created to protect wildlife.

The National Wildlife Refuge system is the most comprehensive and diverse collection of fish and wildlife habitats in the world, encompassing 93 million acres in all 50 states. The 552 refuge units and 40 affiliated wetland management districts, administered by the U.S. Fish and Wildlife Service, harbor more than 240 listed threatened and endangered species (24% of all listed species), over 700 kinds of birds, 220 mammals, 250 reptiles and amphibians, and 200 kinds of fish.

In 1903, when Theodore Roosevelt established the first wildlife refuge on Pelican Island, Florida, hunting and trapping were prohibited. In the 1950s and 1960s, as hunters and trappers gained greater political power, consumptive wildlife uses were expanded on refuges through new legislation and amendments to existing laws. Today, more than half of all wildlife refuges allow commercial or recreational killing of wildlife. Yet, most people think of National Wildlife Refuges (NWRs) as sanctuaries for wildlife: 78% of Americans believe that hunting and trapping are prohibited on NWRs, according to a 1999 Decision Research poll (see page 114).

A 1997 U.S. Fish and Wildlife Service (FWS) survey reported that from 1992 to 1996, 280 of the 517 National Wildlife Refuge units had trapping programs.* As a result, bobcats, river otters, badgers, beavers, foxes, raccoons, coyotes, and other

* When the U.S. Fish and Wildlife Service conducted its national survey of refuges regarding trapping in 1997, there were 517 refuges. This figure constantly changes as additional refuges are added to the system. At press time, there were 552 refuge units within the National Wildlife Refuge System.

PUBLIC ATTITUDES TOWARD TRAPPING ON NATIONAL WILDLIFE REFUGES

A national public opinion survey conducted by Decision Research for the Animal Protection Institute found that 79% of Americans oppose the trapping of wildlife on National Wildlife Refuges. This opposition crosses all demographic lines, including hunting households where 71% disapprove of trapping. The survey reported that 78% of Americans mistakenly assume that hunting and trapping are illegal on refuges. Further, 78% of Americans oppose the spending of tax dollars to administer commercial fur trapping programs on refuges. A majority (59%) of Americans supports ending all recreational killing of wildlife at refuges.

The public's desire to protect animals on refuges extends beyond opposition to killing for recreation and profit. The survey found that 78% of respondents oppose allowing U.S. Fish and Wildlife officials to kill wildlife with any means necessary, such as trapping and poisons. Moreover, 71% feel that "as long as wildlife refuge officials can remove dangerous animals, there is no reason to allow any other killing of animals on wildlife refuge property."

Findings from this survey are consistent with those of previous polls, which found that Americans object to trapping because it causes pain and suffering to captured animals. The survey found that 76% of Americans believe an animal's right to live free of suffering should be as important as a person's right.

When survey respondents were asked which activity should be the priority for National Wildlife Refuges, 88% identified, "Preserving the natural, undeveloped landscape and preserving the habitat and wildlife. Only 9% thought "Providing opportunities for commercial and recreational hunters and trappers" should be the priority.

About the Survey

Telephone interviews for the API survey were conducted throughout the United States with 800 Americans 18 years of age or older. Interviews were conducted April 8–11, 1999. The overall margin of error for the sample is $\pm 4\%$ at the 95% confidence level, signifying that in 95% of all samples drawn from the same population, the findings would not differ from those reported by more than 4%.

wild animals are trapped, crippled, and maimed on refuges each year for their fur and for "wildlife management" purposes. Countless non-target animals are also trapped and killed in the process, including bald and golden eagles, owls, migratory birds, and threatened and endangered species.

Although trapping threatens the very species refuges are intended to safeguard, the FWS and Congress continue to sanction and promote the expansion of trapping and hunting on the National Wildlife Refuge System (NWRS) each year.* The public has almost no say as to whether trapping is

allowed on refuges, unless the FWS determines that the proposed trapping program may have a significant impact on the human environment. Such a determination requires the FWS to comply with the National Environmental Policy Act (NEPA)[†] and invite public comment. Refuge managers must also prepare environmental documentation when developing a new trapping plan or making major modifications to an existing plan.[‡] FWS policy relieves managers of this responsibility if an existing "generic" environmental assessment or environmental impact statement addresses trapping.[§]

* In July 1999, the House of Representatives voted 259–166 to restrict trapping (and ban leghold traps and neck snares) on the refuge system for commercial and recreational purposes. But pro-trapping and fur-interest lobby groups pressured the Senate to table the amendment by a 64–32 vote. The amendment was then killed in Conference Committee in October 1999.

[†] 42 U.S.C. § 4321, et seq.

[‡] U.S. Fish and Wildlife Service Manual, March 12, 1982, 7 RM § 15.9.

[§] Ibid.

Unfortunately, wildlife-killing “sports” in the refuge system are destined to increase due to the National Wildlife Refuge System Improvement Act of 1997,* which designates hunting and fishing as “priority uses” and stipulates that they “receive enhanced consideration” by refuge managers.

Laws and Regulations Governing Consumptive Wildlife Uses on National Wildlife Refuges

Various laws, regulations, and policies regulate trapping on National Wildlife Refuges (see Figure 6.1). Where trapping is permitted on refuges, trappers must follow the applicable state laws. Trapping programs conducted for “resource management” are carried out by refuge staff, by trappers under contract, and by the public through issuance of refuge special use permits. Trapping for recreational or commercial purposes requires that the trapper obtain a refuge special use permit, except on most Alaska refuges (which encompass 54 million acres or 83% of the total NWRS land area) and most Waterfowl Production Areas, the majority of which are in the Midwest.

History of NWRS Trapping Survey

Public outcry against trapping on refuges prompted Congress to include language in the 1997 Appropriations Bill directing the FWS to convene a task force to “study the use of animal traps in the National Wildlife Refuge system [and to] consider the humaneness of various trapping methods ... and other relevant issues.” It also stipulated that the task force include “interested outside parties.”

The FWS argued, however, that a task force could not be convened in the allotted time, and convinced Congress to replace it with a nationwide survey that was distributed to every refuge unit manager in January 1997. The

ultimate intent of the survey, which requested specific information pertaining to trapping programs on those refuges that allow this activity, was never fully clear.



Unable to ignore growing public concern about trapping on National Wildlife Refuges, the FWS posted a notice in the *Federal Register* allowing the public less than 60 days to submit comments on the issue of “the use of animal traps within the National Wildlife Refuge System.” Despite the short comment period, 969

public comments were submitted, according to the FWS. In May 1997, the FWS forwarded four volumes of unedited public comments to the Chairmen of the Appropriations Subcommittee on Interior & Related Agencies, in addition to a summarized version of the questionnaires returned by the 517 National Wildlife Refuge managers.

U.S. Fish and Wildlife Service Summarizes NWRS Trapping Survey

In its final 87-page report to Congress, the FWS offered a glowing, self-serving account of the benefits of trapping, concluding it is “a professional wildlife management tool” providing “important benefits for public health and safety and recreational, commercial, and subsistence opportunities for the public.” However, a copy of the raw survey data obtained by the Animal Protection Institute (API) through the Freedom of Information Act revealed that the FWS’s official conclusions did not accurately reflect the information submitted by the refuge managers.

Animal Protection Institute Summarizes NWRS Trapping Survey

In the survey, refuge managers were asked how many active trapping programs were in place between 1992 and 1996 on their refuge, the primary “purposes” of these trapping programs, the types of traps allowed, who carried out the

* 16 U.S.C. § 668dd, *et seq.*

Figure 6.1

Primary legal authorities under which trapping occurs on National Wildlife Refuges

Statutes:

- The National Wildlife System Improvement Act of 1997, Pub. L. No. 105-57, 111 Stat. 1252 (1997) (codified at 16 U.S.C. § 668dd, *et seq.*).
- The National Wildlife Refuge System Administration Act of 1966, Pub. L. No. 89-669, 80 Stat. 927 (1966) (codified as amended at 16 U.S.C. § 668dd, *et seq.*).
- The Refuge Recreation Act of 1962, Pub. L. No. 87-714, 76 Stat. 653 (1962) (codified at 16 U.S.C. § 460k, *et seq.*).
- Migratory Bird Conservation Act of 1929, Ch. 257, § 1, 45 Stat. 1222 (1929) (codified as amended at 16 U.S.C. § 715, *et seq.*).
- Migratory Bird Hunting Stamp Act of 1934, Act of Mar. 16, 1934, Pub. L. No. 73-124, ch. 71, 48 Stat. 451 (1934) (codified as amended at 16 U.S.C. § 718, *et seq.*).
- Alaska National Interest Lands Conservation Act of 1980, Pub. L. No. 96-487, 94 Stat. 2371 (1980) (codified at 16 U.S.C. § 3101, *et seq.*).

Regulations:

- Title 43 C.F.R. § 24.4(e) discusses management of public activities on Federal lands (refuges). It affirms the Secretary of Interior's authority to determine whether units of the NWRS shall be open to public uses, and on what terms such access shall be granted. It also affirms that such public uses shall, to the maximum extent practicable, be consistent with state laws and regulations.
- Title 50 C.F.R. § 29.1 provides for public or private economic use of the natural resources of any wildlife refuge area where the use may contribute to, or is related to, the administration of the area. It provides for use by refuge special use permit only when the authorized activity will not be incompatible with the purposes for which the refuge was established.
- Title 50 C.F.R. § 31.2 authorizes trapping as a method of "surplus wildlife" population control.
- Title 50 C.F.R. § 31.16 requires persons trapping on refuges (other than in Alaska and within WPAs) where trapping has been authorized to obtain federal and state permits. This section specifies that lands acquired as WPAs are to be open to trapping without a federal permit.
- Title 50 C.F.R. § 36.14 and § 36.32(c)(1) authorizes trapping on Alaska refuges for subsistence and other reasons without a Federal permit.

Policies:

The U.S. Fish and Wildlife Service Refuge Manual, 7 RM 15, Ch. 15, Mar. 12, 1982, contains current policy on trapping within units of the NWRS. Where trapping is permitted on refuges, trappers are required to follow applicable state law. According to the FWS, trapping programs conducted for "resource management" reasons are carried out by refuge staff, by trappers under contract, and by the public through issuance of refuge special use permits. Trapping programs conducted primarily for recreational or commercial purposes require that the trapper obtain a refuge special use permit, except on most Alaska refuges (which encompass 54 million acres or 83% of the total NWRS land area) and most Waterfowl Production Areas (WPAs), the majority of which are in the Midwest.

trapping programs, the cost of implementing the trapping programs, which target and non-target species were trapped, whether or not there were trap-related refuge-specific regulations in place, and whether alternative methods of control were considered if trapping was conducted for wildlife damage or management purposes.

Though included in the survey, vital information such as the traps used and incidents of non-target species being trapped on refuges was not mentioned in the FWS report to Congress.

The Number of Trapping Programs

Between 1992 and 1996 there were 489 trapping programs in the NWRS. Of the 517 refuge units surveyed, 280 (54.2%) had at least one trapping program.

Primary Purposes for Trapping on Refuges

The FWS told Congress and the public that trapping on refuges is conducted primarily for “facilities protection” and for the protection of migratory birds and threatened and endangered species; trapping for “recreation/commerce/subsistence” is listed as the last of 11 reasons for trapping on refuges. API found, however, that the single most common purpose cited by refuge managers for trapping was for “recreation/commerce/subsistence” (see Figure 6.2). Clearly, the FWS has attempted to obscure the fact that many animals trapped on refuges are killed primarily for their fur.

Types of Traps Used on the NWRS

Most managers indicated that more than one type of trap was used on their refuge. Of the 280 refuges that allowed trapping, 171 (61.1%) utilized Conibear-type devices, 157 (56.1%) utilized live enclosure traps, 140 (50%) utilized steel-jaw leghold traps, 74 (26.4%) utilized kill snares, and 66 (23.6%) utilized “other body-hold devices.”

Who Traps on the NWRS?

A variety of government personnel carried out the 489 trapping programs. There were also private trappers who trapped primarily for fur. To implement these trapping activities, 56.6% of the programs involved refuge staff or volunteers (some of whom may trap primarily for fur), 24.7% involved private individuals who obtained Special Use Permits (SUP) (this category also includes fur trappers), 12.1% involved other Federal or State agency personnel, 6.5% involved individuals hired under contracts for which the refuge must pay, 5.1% involved federal Animal Damage Control (now called Wildlife Services) trappers, and 15.3% involved other persons, which may include trappers trapping in Waterfowl Production Areas and Easements and in Wetland Management Districts (these trappers are required to hold a state trapping license, but not an SUP).



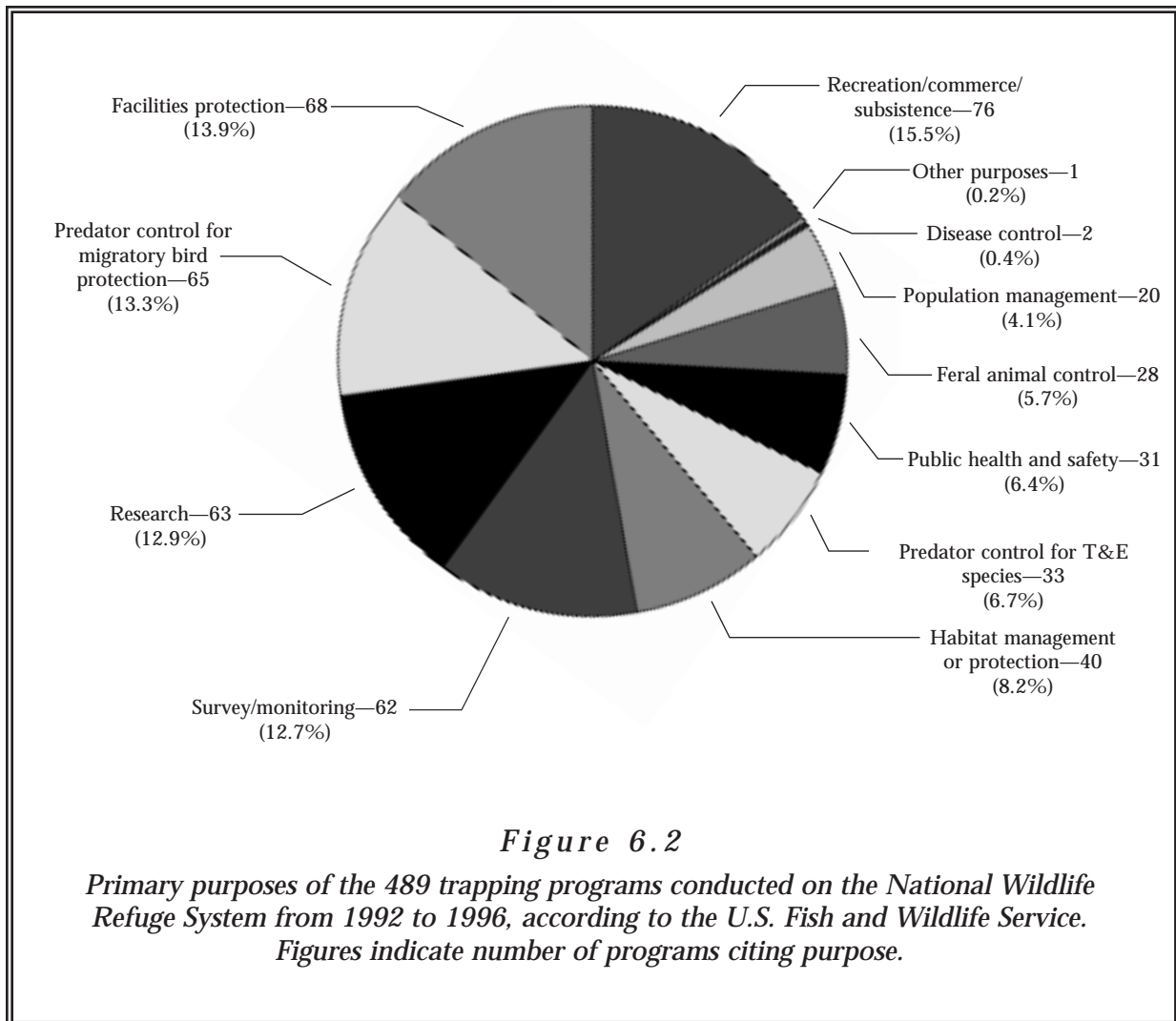
Cost of Implementing Trapping Programs on the NWRS

According to the survey, the estimated cost of trapping on all refuge units, including labor, materials, salaries, and construction costs, was \$2,840,000. The total cost is undoubtedly higher, since the FWS indicated that many refuge managers did not accurately report the cost of their trapping programs and three managers failed to specify any cost for their trapping programs.

Target Species Trapped on the NWRS

Choosing from a list of 40 target species, managers noted that raccoons were the most frequently targeted: 176 (36%) of the 489 trapping programs targeted this species. Beavers were second, targeted by 156 (31.9%) programs. A total of 130 (26.6%) programs targeted red foxes, 127 (26%) targeted mink, and 126 (25.8%) targeted striped skunks. Other target species included feral dogs, feral cats, gray/timber wolves, bobcats, lynx, and coyotes.

CULL OF THE WILD



Non-Target Species Trapped on the NWRs

As with any activity involving indiscriminate body-gripping traps, refuge trapping programs include the capture of non-target species as well as target species. The most commonly trapped non-target species were river otters, reportedly captured in 52 (10.6%) of the 489 trapping programs. Forty-four (9%) programs involved the accidental capture of feral and domestic cats, 39 (8%) of rabbits and hares, and 37 (7.6%) of feral and domestic dogs. Other non-target species trapped included Canada geese, alligators, ducks, hawks, owls, eagles, and bears. This list may be incomplete because a significant number of refuge managers failed to specify non-target species.

Refuge-Specific Trapping Regulations

Of the 280 refuges with trapping programs, only 30.4% had refuge-specific regulations, while 61% lacked such regulations. The other 8.6% failed to specify whether refuge-specific regulations exist.

Only 53.9% of the 280 refuge managers had established refuge-specific trap-check time requirements, which ranged anywhere from three times per day to once every four days. According to the survey data, 37.2% of the 280 refuges do not have any refuge-specific trap-check time requirements (however, these refuges are supposed to follow state trap-check time requirements) and 8.9% failed to specify.

Conclusion

Most refuge visitors do not trap. They visit refuges to hike, bird-watch, take photographs, and enjoy nature. Visitors expect to be safe and to have the opportunity to view wildlife without the fear of stepping into a trap or witnessing the pain and suffering of a trapped animal.

Commercial and recreational trapping and the use of body-gripping traps should be prohibited on all refuges. The vast majority of Americans agree with this sentiment as evidenced by a 1999 national Decision Research public opinion poll commissioned by the Animal Protection

Institute that showed 79% of Americans oppose trapping on National Wildlife Refuges. Humane concerns aside, leghold traps, neck snares, and other body-gripping devices pose a serious hazard to non-target wildlife, including threatened and endangered species. Trappers can already access millions of acres of public lands outside the refuge system. As lands specifically set aside to provide animals a safe home, refuges should be inviolate sanctuaries for wildlife, not playgrounds for trappers and other consumptive wildlife users.

For more detailed information about trapping on individual refuges, see Appendix III.

