

U.S. Fish and Wildlife Service International Legal Authorities

Symbiosis between
International law and
Domestic wildlife management

History of FWS

- 1871 U.S. Commission on Fish & Fisheries
- 1885 USDA – Division of Economic Ornithology & Mammalogy (later renamed the Bureau of Biological Survey)
- 1900 Enactment of the Lacey Act
- 1913 Migratory Bird Act (held to be unconstitutional in two district court decisions)
- 1916 U.S.-Canada Migratory Bird Treaty
- 1918 Migratory Bird Treaty Act

History cont'd

- 1920 *Missouri v. Holland*
- 1939 Bureau of Fisheries and Bureau of Biological Survey moved to DOI
- 1940 USFWS formed by the combination of the Fisheries and Biological Survey Bureaus
- 1946 International Convention on the Regulation of Whaling
- 1949 Whaling Convention Act

History cont'd

- Fish and Wildlife Act of 1956 (split the FWS into two bureaus: Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife)
- Reorganization Plan No. 4 of 1970 (established NOAA as an agency within the Commerce Department; all functions vested by law in the Bureau of Commercial Fisheries transferred to Commerce)

Migratory Birds

- Migratory Bird Treaty Act of 1918.
- Canadian treaty (1916).
- Mexican treaty (1937).
- Japan treaty (1972).
- Russia treaty (1976).

Marine Mammals

- Marine Mammal Protection Act of 1972
- Agreement on the Conservation of Polar Bears (1973) (Canada, Denmark, Norway, Russian Federation, U.S.)
- U.S. – Russia Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population (2000).

Endangered Species

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973).
- Endangered Species Act of 1973.
- African Elephant Conservation Act of 1988.
- Wild Bird Conservation Act of 1992.
- Rhinoceros and Tiger Conservation Act of 1998.

Pelly Amendment

- Pelly Amendment to the Fishermen's Protective Act of 1967—the Secretary of the Interior, upon proper investigation, certifies to the President whether the actions of nationals of a foreign country are engaging in taking or trade that is diminishing the effectiveness of any multilateral program for endangered or threatened species.

Pelly cont'd

- Japan certified in 1991 for its trade in CITES Appendix I sea turtles (certification withdrawn when Japan withdrew its reservations to the Appendix I listings).
- China and Taiwan certified in 1993 for their trade in CITES Appendix I rhinoceros and tiger products; President Clinton imposed trade restrictions on wildlife specimens and products from Taiwan.

Pelly cont'd

- Pending Pelly Amendment petitions:
- Icelandic taking/trade involving fin whales and minke whales (CITES Appendix I).
- Canadian development of oil sands in Alberta (Western Hemisphere Convention, woodland caribou and whooping cranes).
- Canada/Nunavut – taking of polar bears from the West Hudson Bay population (Agreement on the Conservation of Polar Bears).