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WILDLIFE LAW

SOME KNOWLEDGE OF THE LAW IS critical when seeking to resolve conflicts with wildlife, not only because homeowners need to protect themselves from inadvertent violations, but because good laws can help protect animals as well. Even many non-lethal solutions emphasized in this book may have legal implications. For example, under state law it might be illegal for a homeowner to live-trap and relocate a problem animal. Even putting up a fence to exclude wildlife from a yard may be prohibited by a local ordinance, neighborhood covenant, or homeowners' association rule.

We provide a brief overview of some of the laws in the United States concerning wildlife conflict resolution. The HSUS recommends that homeowners consult other sources, such as local wildlife rehabilitators or state wildlife agency personnel, for detailed information on statutes and regulations that may apply to wildlife. It is the homeowner's responsibility to know applicable federal, state, and local law; unintentional violations of the law are violations nonetheless. If wildlife is treated in a manner that may be unlawful, the appropriate state agency or local animal-control department should be contacted immediately.

Although navigating through the legal maze may seem to be a daunting task, the process can be made somewhat easier by breaking down the laws by jurisdiction. At the top rung of the ladder are federal laws and regulations; state laws and regulations form the next rung. Both federal and state

laws cover broad areas, and each state usually has a law closely related to the federal one on the same topic. Under state laws are local laws and ordinances of counties and municipalities. Finally (but still very important for those who live in certain neighborhoods) there are homeowner association's rules, which can also play a big role in how members interact with wildlife.

A state law can never lessen the requirements in a federal law; it can only make them more stringent. This is an important point to remember, because even if you satisfy the requirements of a federal law, you still might be violating a related state law. The key to ensuring that you do not violate any law or regulation is knowledge.

Federal Law

Federal laws are codified in a publication called the *United States Code* (USC). If you see a reference to "USC" (e.g., 42 USC § 4332, which refers to part of the National Environmental Policy Act), you know you are dealing with federal law. Federal regulations are codified in a publication called the *Code of Federal Regulation* (CFR) (e.g., 40 CFR §§ 1500, *et seq* describes the regulations that implement the National Environmental Policy Act). Each state similarly codifies its laws and regulations in its own publications. These laws and regulations create requirements to be followed to ensure that a homeowner's actions are legal. We mention specific examples here of important federal laws that affect urban and subur-