

# Legal Status of Wildlife

Cori Dolan, Program Coordinator and Bill Mannan, Ph.D., Professor, School of Natural Resources and Environment, University of Arizona

behavior patterns like breeding. There are 18 plants and 42 animals listed under the ESA in Arizona, including the Pima pineapple cactus, lesser long-nosed bat, and jaguar. If you have an endangered or threatened species near or on your land, contact the Fish and Wildlife Service (FWS) to find out more about them. The FWS is committed to working with landowners to conserve habitat while minimizing land-use restrictions for homeowners. In some instances the FWS can even provide incentives to landowners to protect habitat. Contact your local FWS office for more information.

## The Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects selected species of birds and provides for closed and open seasons for hunting game birds. The MBTA makes it unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg of any such bird, unless authorized under a permit issued by the Secretary of the Interior. The MBTA protects over 800 species of birds nationally. A list of species protected under the MBTA can be found at [www.fws.gov/migratorybirds/intrnltr/mbta/mbtandx.html](http://www.fws.gov/migratorybirds/intrnltr/mbta/mbtandx.html), and includes raptors such as burrowing owls and peregrine falcons, as well as their nests. The FWS offers guidelines and recommendations to advise landowners about human activities that may pose a conflict or disturb protected birds. For example, you may not move or collect nests, feathers or bird parts from a protected species that you find on your property. Contact your local FWS office for more information.

Southwestern willow flycatchers are protected under the Migratory Bird Treaty Act.

Courtesy of the NPS

Lesser long-nosed bat covered in agave pollen.

Arizona is home to many awe-inspiring and beautiful creatures. The presence of these animals and other natural amenities attract many people to our state each year. As human populations expand, they can sometimes put pressures on wildlife populations. For this reason, federal and state governments have implemented strategies to promote long-term conservation of animals, plants, and their habitats. Some laws, like the Endangered Species Act, establish strategies to prevent individual species from becoming extinct. Arizona also regulates hunting and fishing to balance use with conservation of harvested species. When living in a rural area where wildlife is more prevalent, it is important to understand what is and is not protected by law.

## Endangered Species Act

The Endangered Species Act (ESA) was enacted in 1973 and authorizes the listing of species as endangered and threatened. The ESA also provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. The ultimate goal of the ESA is to prevent extinctions and recover threatened and endangered species.

Before a plant or animal species can receive protection under the Endangered Species Act, it must first be placed on the Federal list of endangered and threatened wildlife and plants. The listing program follows a strict legal process to determine whether to list a species, depending on the degree of threat it faces. An “endangered” species is one that is in danger of extinction throughout all or a significant portion of its range. A “threatened” species is one that is likely to become endangered in the foreseeable future. The Fish and Wildlife Service also maintains a list of plants and animals native to the United States that are candidates or proposed for possible addition to the Federal list. People are prohibited from “taking”, selling, or transporting listed species. “Take” is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct. A taking includes significant habitat modification or degradation that results in death or injury to listed species as well as any actions that significantly disrupt normal

Courtesy of Utah Department of Natural Resources



A license is required for hunting wildlife species in Arizona.

## Hunting and Permits

Arizona offers a diverse array of hunting and fishing opportunities. The Arizona Game and Fish Department is responsible for the management of Arizona's wildlife and does this in part by regulating hunting and fishing. They use current data on the health of wildlife populations to define the times (seasons) and methods of taking wildlife and possession and bag limits. A valid Arizona hunting or fishing license is required for taking wildlife on public and private land in Arizona. Wildlife includes all wild mammals, wild birds, reptiles, amphibians, mollusks, crustaceans and fish. Arizona residents and non-residents over the age of 14 need a valid hunting license to hunt in Arizona. A person under 14 may hunt wildlife, other than big game, without a license when accompanied by a properly licensed person 18 years or older. Licenses can be purchased at your local Arizona Game and Fish Department Office or one of 300 license dealers in the state. Below is a table listing some examples of the species that are considered game species and can be hunted with a permit. Information on these and other species (including fish) that require permits can be found at [www.azgfd.gov/h\\_f/hunting.shtml](http://www.azgfd.gov/h_f/hunting.shtml). A fishing license is not required to take aquatic wildlife from private waters that are not open to the public and not managed by the Department. A valid fishing license is required for taking any aquatic wildlife, including amphibians or soft-shelled turtles, from public waters.

## Protected Species

Not all wildlife is allowed to be hunted or collected. In Arizona, it is unlawful to possess, kill, harass, hunt, or handle, wildlife that is protected by state or federal law without proper permits (ARS Title 17). Federal laws like the ESA are overseen by the U.S. Fish and Wildlife Service ([www.fws.gov](http://www.fws.gov)) and Arizona state laws are overseen by the Arizona Game and Fish Department ([www.azgfd.gov](http://www.azgfd.gov)). Reptiles and amphibians under protection in Arizona include the Gila monster, desert tortoise, flat-tailed horned lizard, twin-spotted rattlesnake and several leopard frog species. Other species in Arizona protected by federal laws

include the Sonoran pronghorn, Mexican gray wolf, masked bobwhite quail, and Southwestern willow flycatcher. Certain activities on private lands that require federal permitting (e.g., filling or dredging creeks or washes) or federal funding may require the appropriate federal agency to evaluate their responsibility to threatened and endangered species. Landowners with endangered species habitat should anticipate such reviews and are encouraged to contact the FWS early in their project planning. To learn more about laws protecting wildlife and hunting guidelines see the following resources.

AZ Threatened and Endangered Species  
[www.fws.gov/southwest/es/arizona/](http://www.fws.gov/southwest/es/arizona/)

Migratory Bird Program  
[www.fws.gov/migratorybirds](http://www.fws.gov/migratorybirds)

Arizona game species  
[www.azgfd.gov/h\\_f/hunting.shtml](http://www.azgfd.gov/h_f/hunting.shtml)

Threatened Species Lists by County  
[www.fws.gov/southwest/es/arizona/Threatened.htm#CountyList](http://www.fws.gov/southwest/es/arizona/Threatened.htm#CountyList)

Endangered Species Act of 1973  
<http://epw.senate.gov/esa73.pdf>

ARS Title 17  
[www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=17](http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=17)

## WLDLIFE THAT CAN BE HUNTED WITH A PERMIT

### Waterfowl

American Wigeon  
Blue-winged Teal  
Ruddy Duck  
Green-winged Teal  
Bufflehead  
Redhead

### Big Game

Antelope  
Javelina  
Elk  
Merriam's Turkey  
Desert Bighorn Sheep  
Mule Deer

### Small Game

Band-tailed Pigeon  
Blue Grouse  
Sandhill Crane  
Cottontail Rabbit  
Pheasant  
White-winged Dove

### Predators

Bobcat  
Coyote  
Foxes  
Skunks