



Vincent C. Gray - Council Chairman  
The Council of the District of Columbia  
John A Wilson Building, Suite 504  
1350 Pennsylvania Ave, NW  
Washington, DC 20004

October 29, 2010

Chairman Gray:

We, the undersigned Maryland and Virginia State Sportsmen's Caucuses Co-Chairmen, are writing to voice our collective concern regarding bill B18-0498, the Wildlife Protection Act of 2010. The Maryland and Virginia Sportsmen's Caucuses are part of the National Assembly of Sportsmen's Caucuses, a group of 38 state legislative caucuses that work together to protect the interests of hunters, anglers, and conservationists across the nation.

As leading members of the caucuses of Virginia and Maryland, our primary concerns rest with the language contained within Sections 3(f)(1)/3(g)(2) and Sections 3(f)(2)/3(g)(3). With regards to Sections 3(f)(1)/3(g)(2), releasing wildlife in an area where nuisance problems are unlikely to occur may seem like a laudable goal; however, given the relatively small area, and high human densities that are typical of the District it is likely that before long the "suitable" areas will no longer be appropriate for further releases, if they are in fact even appropriate at this time. These sections are particularly concerning when considering the future growth of the District; as more buildings are constructed there will be fewer and fewer areas in which wildlife can be released where nuisance problems will be unlikely to occur. To this end, we would remind the Council that **neither Maryland nor Virginia will allow live wildlife to be transported across our state lines or to be released within our borders due to human health concerns and the risk of vector born disease transmission.**

We have similar concerns with Sections 3(f)(2)/3(g)(3), which allow for the rehabilitation of sick, injured or abandoned animals as an option for captured wildlife. Given the fact that there are no licensed wildlife rehabilitators within Washington DC, coupled with the fact that there are many such facilities in both Maryland and Virginia, we feel it is important to re-emphasize that **neither Virginia nor Maryland will allow for wildlife to be transported across our respective state lines, whether for rehabilitation or for any other purpose (with the**

occasional exception being granted for federally listed species that are endangered or threatened).

In light of the concerns mentioned above, we ask that the Council re-evaluate its proposed policy on trapping and handling nuisance wildlife. Specifically, we recommend that more consideration be given to lethal trapping methods for pest management so that foreseeable issues like those described above can be avoided in the future.

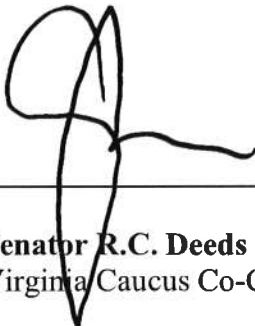
Thank you in advance for your time and your consideration of our concerns as you re-enter deliberation on this issue.

Sincerely,



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**Senator John Astle**  
Maryland Caucus Co-Chair



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**Senator R.C. Deeds**  
Virginia Caucus Co-Chair



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**Delegate Scott Lingamfelter**  
Virginia Caucus Co-Chair



Gregg Schumaker  
President  
PO Box 321  
Conway, Michigan 49722  
Phone (231) 539-7256

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November 1, 2010

Council Chairman Vincent Gray  
Council of the District of Columbia  
John A. Wilson Building, Suite 504  
1350 Pennsylvania Ave NW  
Washington, DC 20004  
Via Email to: [vgray@dcccouncil.us](mailto:vgray@dcccouncil.us)

Re: The Wildlife Protection Act

Dear Chairman Gray:

The National Wildlife Control Operators Association, NWCOA, is writing on behalf of our members who conduct business within the District to strongly urge you to withdraw your support for The Wildlife Protection Act of 2010 (WPA).

NWCOA was founded in 1998 and organized exclusively as a mutual benefit non-profit trade association to assist persons or organizations providing commercial wildlife damage management control activities. Our association actively provides training and education to our industry and promotes competency through certifications and by establishing work standards and best management practices.

As you know, this bill was introduced to the Committee of the Whole on 29 October, 2010, WPA (Bill 18-498, Amendment in the Nature of a Substitute) and sets standards for the handling and treatment of animals by individuals performing wildlife control activities and for the licensing of these individuals. While some aspects of the bill have merit, the vast majority of the language is fatally flawed and will compromise the level of service that wildlife control businesses can offer within the District.

Most importantly, the bill's current language mandates and prioritizes nonlethal control methods over lethal controls and will force service providers to offer services at a higher cost to consumers that would be necessary otherwise. While we understand that limiting capture devices is an attempt in to ensure humane treatment of captured wildlife, there is no "one size fits all" solution to common wildlife problems. Some species of wildlife when captured in a cage style box traps exhibit extremely high stress levels and can experience capture myopathy.

Alternatively, those same species, when killed instantly in body gripping traps, are spared the stress of capture, handling and administration of euthanasia. In many cases, it is ability of the trained operator to choose from a variety of control methods that results in the most humane solution for the animals involved.

Most importantly, wildlife professionals will be denied very cost-effective options for treatment if these techniques are prohibited. Exclusion, or animal proofing, is the

cornerstone of resolving any wildlife conflict, but only in terms of being another tool in the box, not the *only* tool in the box. Exclusion Only or animal eviction techniques are not the industry norm, and only provide effective resolution to certain species that frequently cause wildlife problems within structures (i.e. bats). These techniques rarely have long term efficacy for species that chew or physically tear their way into structures. (i.e. squirrels, raccoons)

In order to be successful with the business model created by the Act, one must "exclude" or animal proof all aspects of the structure in order to prevent the animals from re-entering the building versus the standard accepted practice of trapping and removing the nuisance animal and then performing localized repairs. This requirement will significantly increase the cost to the consumer as lower cost alternatives will be prohibited. As an example, prohibition of glue traps for rodents, snakes and other small animals will eliminate a non-chemical, low cost alternative control method that is virtually safe to all who might come in contact with the device.

Under the Act, service providers will be required to complete extensive renovations, even for the simplest of problems. For any structures of pre-1978 construction, any HUD housing, or anywhere that tests positive for lead paint, contractors performing wildlife exclusions will be required to comply with the EPA's RRP rule for lead safe practices. Compliance with these regulations will further raise the costs to consumers requiring wildlife control services.

In regard to the mandate of relocation, rehabilitation, or release of trapped animals, we see no logical means of complying with this Act. For a service provider operating in the District, where will one go to find "suitable location where nuisance problems are unlikely to occur." The surrounding states of Virginia and Maryland will not accept nuisance animal relocations or animals slated for wildlife rehabilitation to cross their borders. In fact, to do so is a violation of state and Federal law. Given this fact, the service provider will be required to either release on site, which will be unacceptable to any consumer who is paying to have the animal removed, or the service provider will be required to euthanize all animals before leaving the District. Will the District provide facilities so that wildlife control service providers will have a location where animals can be euthanized to comply with the Act?

The Act also specifies that control of pest bird species such as pigeons, European starlings, and house sparrows cannot be controlled using toxicants. Every state in the United States classifies these birds as pests because they are all invasive, nonnative species. These birds are highly prolific, and can infest urban areas in extremely large numbers. In addition, they infest structures with complete regularity, and routinely contaminate buildings with their feces and ectoparasites (lice, fleas, & mites) resulting in human disease transmission. OSHA has issued extensive guidelines for cleaning contaminated areas due to the severity of hazards associated with pest bird infestations. The District should not adopt any regulations more restrictive than surrounding states for pest bird control, as the District will likely become a harborage or safe area for these species resulting in abnormally high, hard to control populations.

Finally, and most troubling to our organization, is the fact this legislation was drafted by the Humane Society of the United States, the largest animal rights organization in the nation, and obviously heavily biased against the industry. Further, we find it appalling that the DC Council would consider legislation from the HSUS considering that they operate a for-profit wildlife control enterprise within the District without actively pursuing participation from other stakeholders in the industry. For one company to draft legislation that exclusively supports its existing business model at the expense of other competitors within the same market is extremely unethical, and simply defies all fair business practices, and smacks of corruption at the worst levels. We sincerely hope

that any of our members who are specifically damaged by this legislation will pursue legal action should they consider their right to free trade and economic liberty has been infringed.

The National Wildlife Control Operators Association is committed to the industry providing competent, affordable services to the public to resolve human-wildlife conflicts utilizing proven, science based techniques and methods. We look forward to the opportunity of working with the Council as an interested stakeholder should this matter be sent back to committee for reconsideration. If you have any further questions or would like more information from NWCOA, please contact myself, Vice President Dixon Herman, or Treasurer Jason Reger at the phone and email contacts below.

Sincerely,

*Gregg Schumaker*

Gregg Schumaker  
President  
National Wildlife Control Operators Association  
Ph: 231.5397296 email: [president@nwcoa.com](mailto:president@nwcoa.com)

Dixon Herman  
Vice President  
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Jason Reger  
Treasurer  
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Cc:  
Councilmember Marion Barry  
Council of the District of Columbia  
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Councilmember Harry Thomas, Jr.  
Council of the District of Columbia  
John A. Wilson Building, Suite 107  
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## **THE WILDLIFE SOCIETY**

5410 Grosvenor Lane • Bethesda, MD 20814-2144  
Tel: (301) 897-9770 • Fax: (301) 530-2471  
E-mail: [tws@wildlife.org](mailto:tws@wildlife.org)

3 November 2010

Councilmember Harry Thomas, Jr.  
Council of the District of Columbia  
John A. Wilson Building, Suite 107  
1350 Pennsylvania Ave NW  
Washington, DC 20004  
Via Email to: [hthomas@dccouncil.us](mailto:hthomas@dccouncil.us)

Re: The Wildlife Protection Act

Dear Councilmember Thomas:

The Wildlife Society (TWS) is writing to encourage you to reconsider your support for The Wildlife Protection Act of 2010 (WPA). Introduced to the Committee of the Whole on 29 October, 2010, WPA (Bill 18-498, Amendment in the Nature of a Substitute) sets standards for the handling and treatment of animals by individuals performing wildlife control activities and for the licensing of these individuals. On 5 October, 2010, it received a unanimous favorable vote during the first committee reading and vote. However, TWS is concerned that several provisions in the bill could impede work of wildlife managers in the District of Columbia, thereby adversely affecting wildlife management and conservation.

TWS was founded in 1937 and is a non-profit scientific and educational association of over 9,500 professional wildlife managers and researchers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals--the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

First, TWS applauds the Council for the prohibition in Section 5 of trading, selling, or bartering any wildlife or parts derived from wildlife.

In Section 2 (Definition), wildlife is defined to "include any free-roaming wild animal" but does not include domestic animals. Thus, this definition fails to provide for the special case of feral animals, such as dogs or cats, which are domesticated species but are often not habituated to humans. Because feral cats in particular present such a contentious issue for wildlife managers, there should be no ambiguity in defining them; to this end, WPA should include an explicit definition and treatment of feral cats. Indeed, in Section 7, there is a reference to Section 3 of the Animal Care and Control Act of 1979, which establishes the policy of trap, neuter, return (TNR) for feral cat populations. TWS vigorously opposes TNR as a management tool for feral cats because this technique has not proven effective in eliminating feral cat populations and does not address the severe threat to wildlife posed by cats in subsidized colonies. For more information



on TWS's stance on management of feral cats, please see the attached Position Statement, *Feral and Free-Ranging Cats*.

In Section 3 (Wildlife Control Service Providers), WPA directs wildlife control service providers to preferentially use nonlethal methods in controlling wildlife. While in some cases nonlethal solutions are certainly suitable, TWS is concerned that by requiring wildlife control professionals to prioritize nonlethal means, this legislation could present an obstacle to using lethal control techniques, often the most effective, humane, and scientifically-sound management of wildlife. Wildlife professionals who have earned a license to practice wildlife control should have the prerogative to choose the best approach to each case, whether it be lethal or nonlethal.

Additionally, in Section 3f, several of the proposed outcomes for live-trapped animals do not seem to be logical or feasible in the Washington, D.C. area. For instance, the first option is to re-release the animal to a "suitable location where nuisance problems are unlikely to occur." In an urban environment where wild areas tend to occur in small, isolated patches, it is highly unlikely that an animal can be effectively relocated without either placing them in contact other problem areas, or removing them entirely from the local area. Extreme caution must be taken when transferring wildlife, especially rabies vector species, across state lines to wildlife rehabilitators in Maryland or Virginia because of the potential for disease transmission and violation of federal wildlife laws such as the Lacey and Migratory Bird Treaty Acts. Furthermore, Virginia Code section 29.1-521 and regulation 4 VAC15-30-10 prohibits transport, import, export, and release of wildlife into Virginia, so wildlife control agents may not be able to legally transfer sick, injured, or orphaned wildlife to rehabilitators in that state.

In Section 8, Control of Specific Species, the WPA specifies that pigeons, European starlings, and house sparrows cannot be controlled using toxicants. However, these are all invasive, nonnative species. The European starling (*Sturnis vulgaris*) thrives in urban areas and often congregates in flocks of thousands, competing with native species for food and nest sites. Management of these species should be aggressive given their invasive status and include any means necessary that do not impose an undue threat to non-target and native species.

The Wildlife Society is committed to a world where humans and wildlife co-exist. We work to ensure that wildlife and their habitats are conserved through management actions that take into careful consideration relevant scientific information and proven efficacy. As a reference for you as you consider this important piece of legislation, please find attached TWS's official position statement on Wildlife Damage Management. If you have any further questions or would like more information from TWS, please contact Laura Bies, Director of Government Affairs, at (301) 897-9770 ext. 308, or by email at [laura@wildlife.org](mailto:laura@wildlife.org). Thank you for considering the views of wildlife professionals.

Sincerely,



Tom Ryder  
President

***Additional letters sent to the following:***

Councilmember Marion Barry  
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# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
Attorney General

March 14, 2011

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

William H. Clay, Deputy Administrator  
Animal and Plant Health Inspection Service, Wildlife Services Program  
United States Department of Agriculture  
4700 River Road  
Riverdale, Maryland 20737

Dear Mr. Clay:

The Council of the District of Columbia's passage of the Wildlife Protection Act of 2010 has recently been brought to my attention, and my office is currently evaluating the implications of the Act for the Commonwealth of Virginia. Due to the Act's likely result of increased relocation of wildlife captured within the District of Columbia, and the potential that some individuals may seek to accomplish this relocation by transporting wildlife outside of the District, the Act has the potential to impact the administration and enforcement of the Commonwealth's laws and regulations prohibiting the unauthorized transportation and release of wildlife.

In pursuit of this evaluation, I would request any information that the Wildlife Services Program of USDA's Animal and Plant Health Inspection Service could provide regarding the actual or potential transport of captured wildlife, such as that described in the Act, from the District of Columbia to the Commonwealth or any other state. Also helpful would be any information that may have become available to you regarding the District of Columbia's plans for accommodating increased wildlife relocations that may occur as a result of the Act's provisions. Finally, I would be interested to learn of any thoughts or concerns that the Wildlife Program may have with implementation of the Act.

Thank you for your assistance in this matter. If you have any questions regarding this request, please contact Mr. Ryan Brown, Assistant Attorney General, at (804) 786-8789.

Sincerely,

A handwritten signature in blue ink that reads "Ken C II".

Kenneth T. Cuccinelli, II  
Attorney General

cc: Ms. Cindy Smith, Administrator, USDA Animal and Plant Health Inspection Service



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
Attorney General

March 25, 2011

900 East Main Street  
Richmond, Virginia 23219  
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FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

Mayor Vincent C. Gray  
District of Columbia  
1350 Pennsylvania Avenue NW, Suite 316  
Washington, DC 20004

Dear Mayor Gray:

I have become aware of the Wildlife Protection Act of 2010 passed by the District of Columbia Council late last year. I am greatly concerned that certain provisions of this Act will have very detrimental implications for the Commonwealth of Virginia.

The Act imposes extensive requirements related to the capture and handling of wildlife within the District. While forwarding humane treatment of animals is a laudable goal, the practical results of the approach taken by the Act to achieve this goal likely will be dramatic increases in both the number of relocations of captured wildlife and demand for wildlife rehabilitation services. Due to what would appear to be limited wildlife rehabilitation facilities located within the District, and equally limited opportunities for relocation of captured animals within the District's boundaries, the Act imposes a very real threat that captured wildlife will be unlawfully transported into the Commonwealth. This is in violation of the Commonwealth's laws and regulations prohibiting this practice and poses very serious public health concerns to the Commonwealth's citizens, as well as risks to our own animal populations, and burdens on our health services providers, law enforcement officials, wildlife agencies, and others.

I will continue my inquiry into the implications of the Act for the Commonwealth, and will be in further communication as my review progresses. In the meantime, I would appreciate any information that you could provide regarding the District's plans to avoid what I trust are potential unintended consequences of the Act.

Sincerely,

A handwritten signature in blue ink that reads "Ken C II".

Kenneth T. Cuccinelli, II  
Attorney General



March 29, 2011

**United States  
Department of  
Agriculture**

**Animal and  
Plant Health  
Inspection  
Service**

**Wildlife Services**

**Washington, DC**

**Kenneth T. Cuccinelli, II  
Attorney General  
Commonwealth of Virginia  
900 East Main Street  
Richmond, VA 23219**

Dear Mr. Cuccinelli,

I am writing in response to your letter dated March 14, 2011, regarding the District of Columbia's Wildlife Protection Act of 2010 (Act) which permits the translocation of wildlife. Wildlife, as defined in the Act, includes any free-roaming wild animal but does not include domestic animals, commensal rodents, invertebrates and fish,...

To date, we have no specific information regarding transportation of wildlife into the Commonwealth or the District of Columbia's plans to accommodate increased wildlife relocations that may occur as a result of this law. We would recommend that you contact the District of Columbia for more information.

In my viewpoint anytime there is discussion of translocation of wildlife there is the potential for the translocation to occur across jurisdictional boundaries. We as an agency generally would not recommend translocation of wildlife even within a jurisdiction or state. Relocation of nuisance wildlife carries certain risks that warrant serious considerations, even when practiced by wildlife management agencies in legitimate activities such as species re-introductions and management of threatened and endangered species. Relocation can pose hazards to human safety, private and public property, natural resources, and wildlife health. Relocated animals may cause damage at release sites. Also, they may rapidly disperse because of a lack of familiarity or already dense wildlife populations at the release site. Dispersing individuals may be more prone to mortality from predators or vehicles as they move. Because of these concerns, we typically do not relocate nuisance wildlife.

Relocations of ducks and geese may pose hazards to agriculture and pets by moving diseases such as avian influenza, which may be spread to domestic animals. Mammals such as raccoons are vectors of diseases and parasites including rabies and raccoon roundworm. In fact, the raccoon variant of rabies now common in eastern and central Virginia was not detected in Virginia until the 1970's and may have been introduced originally through relocation of raccoons from another State. The raccoon variant of rabies is dangerous to people, domestic animals, and wildlife, and may be contracted by any mammal. The USDA Animal and Plant Health Inspection Service Wildlife Services program conducts an extensive program annually to prevent the further westward spread of this disease in Virginia and to our neighboring states.



Kenneth T. Cuccinelli, II

United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

Wildlife Services  
Washington, DC

Nuisance and damage incidents involving wildlife often result from learned behavior or from adaptation to human settings, so animals involved in damage in one State may also cause damage at the release site. Translocated wildlife have already been captured once and may therefore be more difficult to capture if involved in damage at a new location. Relocation of rabies vectors to these habitats invites conflict by introducing animals that have lost their fear of people and may harbor biological pathogens into areas where people congregate.

We are also concerned that non-native species may be relocated as a result of a policy of translocation. Feral swine, nutria, domestic-strain mallards, muscovy ducks, mute swans, and snakehead fish have already been released and relocated within Virginia and neighboring states, causing threats to human health, damage to agriculture, and threats to native wildlife and their habitats. Non-native wildlife should not be relocated at all, much less across state lines.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "William H. Clay".

William H. Clay  
Deputy Administrator



# COMMONWEALTH of VIRGINIA

Douglas W. Domenech  
*Secretary of Natural Resources*

*Department of Game and Inland Fisheries*

Robert W. Duncan  
*Executive Director*

May 18, 2011

Mr. Christophe A. G. Tulou  
Acting Director  
District Department of the Environment  
1200 First Street, NE 5<sup>th</sup> Floor  
Washington, D.C. 20002

Dear Director Tulou:

I am writing to you regarding the Wildlife Protection Act of 2010. It is my understanding that this legislation became effective on March 15 and that your Department is currently developing restrictions and conditions associated with the capture, handling, and transport of nuisance wildlife within the District of Columbia. As you may know, our agency previously expressed concerns to the D.C. Council regarding certain provisions of the Act that we believe have detrimental effects to citizens and wildlife in Virginia.

Much of our concern is related to capture and disposition options for both target and non-target wildlife defined in Section 3 of the Act. In this section, wildlife control operators are prohibited from using lethal traps and encouraged to relocate live nuisance animals "to a safe location where nuisance problems are unlikely to occur". Such an approach would seem problematic within the District of Columbia, since relatively few areas are suitable for nuisance wildlife release. Also, there are also few legal options for humane wildlife euthanasia available within the District, leaving wildlife control operators with few practical alternatives for handling nuisance animals. As a result, the Act will very likely increase the likelihood of illegal translocation across jurisdictional boundaries.

Please be aware that Virginia code section §29.1-521 and regulation 4 VAC 15-30-10 expressly prohibit the possession, transport, import, export, and liberation of wildlife into Virginia unless specifically authorized by law or regulation. Therefore, it would be illegal for wildlife control operators (including D. C. operators with a Virginia Commercial Nuisance Animal Permit) to transport nuisance wildlife into Virginia for release (or any other purpose). Relocation of wildlife is prohibited in Virginia because the practice frequently creates additional nuisance problems in the area of release and poses health risks to people and resident animal populations.

Mr. Christophe A. G. Tulou  
Page -2-  
May 18, 2011

Section 3 of the Act also recommends that sick, injured, and orphaned wildlife be transferred to a wildlife rehabilitator. Since there are currently no licensed wildlife rehabilitators in the District of Columbia, we are concerned that D. C. wildlife control operators may try to bring injured nuisance wildlife to Virginia for rehabilitation. It also seems likely that rehabilitated animals would be illegally released in Virginia after recovery, since few suitable locations for release exist within the District of Columbia. Please be aware that sick, injured, and orphaned wildlife from the District of Columbia can not be legally transported to wildlife rehabilitators in Virginia unless specific permission is granted from our agency.

As your Department plans for implementation of the Wildlife Protection Act, we hope that you will consider our Department's concerns. Specifically, we request that you provide language in the license conditions that prohibits the export of nuisance wildlife outside the District of Columbia, unless specifically authorized by the state receiving the animals. Such language should clearly articulate that transport and release of wildlife into neighboring states is illegal and not a viable disposition option.

Thank you in advance for addressing our Department's concerns. Please let us know if we can provide additional information as you further develop license restrictions and conditions for wildlife control operators in the District of Columbia.

Sincerely,



Robert W. Duncan  
Executive Director

RWD/MF/g

cc: Kenneth T. Cuccinelli, II, Attorney General  
Ryan J. Brown, Assistant Attorney General  
Doug Domenech, Secretary of Natural Resources  
Paul Peditto, Director, MD Wildlife & Heritage Services  
Julia Murphy, DVM, VA Dept. of Health  
D. Whitehurst, Director, Bureau of Wildlife Resources





# COMMONWEALTH of VIRGINIA

Douglas W. Domenech  
*Secretary of Natural Resources*

*Department of Game and Inland Fisheries*

Robert W. Duncan  
*Executive Director*

June 13, 2011

The Honorable David B. Albo  
Member, VA House of Delegates  
6367 Rolling Mill Place  
Suite 102  
Springfield, VA 22152

Dear Mr. Albo:

I am writing to make you aware of our Department's concerns related to the Wildlife Protection Act of 2010, a bill recently passed by the District of Columbia City Council. Although the primary intent of this bill appears to be the establishment of licensing requirements and restrictions for wildlife control operators within the District, we believe that certain provisions of the bill may have unintended detrimental impacts to wildlife and the citizens of Virginia.

Specifically, we are most concerned that strict guidelines related to the capture and disposition of nuisance wildlife in D.C. will result in illegal transport and relocation of problem animals into our state. Not only does the Act prohibit the use of lethal (kill) traps by wildlife control operators, but it also encourages the live relocation of animals "to a safe location where nuisance problems are unlikely to occur". Since relatively few areas within the District are suitable for wildlife release, and legal options for humane euthanasia are often impractical or nonexistent, we anticipate increased numbers of nuisance wildlife being unlawfully transported from D.C. into Virginia. These relocations pose potential health threats to resident wildlife, humans, and domestic pets by creating unnatural concentrations of animals that are more vulnerable to diseases, such as rabies. Wildlife relocation can also result in increased property damage at release areas. For these reasons, our Department prohibits the live transport and relocation of wildlife in Virginia.

Our Department is also concerned that the Wildlife Protection Act encourages wildlife control operators to take all sick, injured, and orphaned animals to wildlife rehabilitators. Although this recommendation seems logical on the surface, the reality is impractical, since there are currently no licensed wildlife rehabilitators within the District. Therefore, it seems likely that injured nuisance animals will be illegally transported to wildlife rehabilitators in Virginia, and also released within the Commonwealth after recovery. For the same reasons listed above, our Department prohibits the transport of out-of-state wildlife to rehabilitators, unless specific permission is granted from our agency.

The Honorable David B. Albo  
June 13, 2011  
Page 2

You should also be aware that our Department has already expressed concerns to the D.C. Council, both prior to and after passage of the Act. In March, our Attorney General's Office also wrote a letter echoing these concerns. As of this date, neither office has received a response from District officials or any assurances that actions will be taken to avoid consequences to Virginia and other neighboring states.

Although the Wildlife Protection Act of 2010 has already been approved by Council and was scheduled for implementation on March 15, we believe that interest expressed by members of the Virginia General Assembly may improve chances that our Department's concerns will be considered by D.C. officials in the future. For your information, I've included copies of other letters that have already been sent, as well as additional materials that may help you understand the issues further.

Thank you in advance for helping relay our Department's concerns to D.C. officials as opportunities arise. Please let us know if we can provide additional information that might be useful.

Sincerely,



Robert W. Duncan  
Executive Director

RWD/MF/g

cc: Kenneth T. Cuccinelli, II, Attorney General  
Ryan J. Brown, Assistant Attorney General  
Doug Domenech, Secretary of Natural Resources  
D. Whitehurst, Director, Bureau of Wildlife Resources



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
Attorney General

September 26, 2011

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

Mayor Vincent C. Gray  
District of Columbia  
1350 Pennsylvania Avenue NW, Suite 316  
Washington, DC 20004

Dear Mayor Gray:

I appreciate the recent contact from your office in response to the public health concerns raised by the Commonwealth regarding the implementation of the DC Wildlife Protection Act of 2010. After many months of no responses from District authorities to letters of strong trepidation from Virginia's Department of Health and Department of Game and Inland Fisheries, the Virginia and Maryland Sportsmen's Caucuses, The Wildlife Society, the US Department of Agriculture, myself, and others, I thank you for your neighborly willingness to answer the Commonwealth's concerns.

To be crystal clear, the Commonwealth has no interest in imposing upon the District's management of its own affairs. At the same time, the Commonwealth will always protect our interests when the actions of another jurisdiction threaten to impact the public health of our citizens. As was communicated in my March 25 letter, we have great concerns that the implementation of the DC Wildlife Protection Act will have a negative impact on Virginia by causing dramatic increases in both the number of relocations of captured wildlife and demand for wildlife rehabilitation services, neither of which the District appears able or ready to successfully manage. Realistically, we believe the Act will lead to increased unlawful transport of wildlife into the Commonwealth and other jurisdictions. This increase in animal relocations into Virginia has the potential to immediately and seriously impact public health in Northern Virginia.

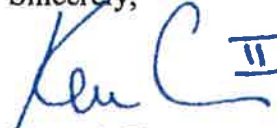
Along with the Commonwealth's public health concerns, unlawful transport will also adversely impact our wildlife populations through the possible spread of lethal wildlife diseases and impose considerable burdens upon our local and state agencies tasked with preventing these acts of relocation and responding to their consequences.

As most citizens in the Metropolitan D.C. area are aware, the region is already experiencing disturbing numbers of vector-borne disease instances (including Lyme Disease, Rabies, and Rocky Mountain Spotted Fever). With this in mind, I am happy to learn that the District acknowledges its responsibility of preventing the negative public

health impacts of the Act—outside of its boundaries—and is willing to discuss it. The consideration of preventative measures to ensure that negative consequences of the Act are avoided, however, is best placed in the hands of our jurisdictions' scientific experts, especially those in the areas of public health and wildlife management. Therefore, prior to the finalization of policies designed to implement the Act, I would request that the District promptly convene a working group of these experts, including representatives of the Virginia Department of Health, the Virginia Department of Game and Inland Fisheries, their counterparts in Maryland, and Federal agencies similarly tasked. This working group could report on the likely effects of the Act's implementation on other jurisdictions and provide professional direction as to necessary measures to be employed by the District to avoid these negative impacts.

With your much-appreciated response, I trust that the District will ensure that its actions are not a threat to the public health of other jurisdictions. I await your prompt reply.

Sincerely,

A handwritten signature in blue ink that reads "Ken C II". The signature is stylized and written in a cursive-like font.

Kenneth T. Cuccinelli, II  
Attorney General

cc: Congressman Frank Wolf, United States House of Representatives  
Congressman Bob Goodlatte, United States House of Representatives  
Senator Jim Webb, United States Senate  
Robert Duncan, Executive Director, Va. Dept. of Game and Inland Fisheries  
Karen Remley, Commissioner, Va. Dept. of Health