

Wildlife and Cats

More than a decade ago, the American Bird Conservancy began promoting the second Saturday in May as National Keep Your Cat Indoors Day. This designated day is part of the ABC's *Cats Indoors!* education initiative to publicize the risks to wildlife, particularly protected birds, from domestic cats that are allowed to roam at large.

This includes house cats that are let outside periodically, and free-ranging domestic cats that are not house pets, but are associated with rural dwellings.

Apparently, the risk is substantial. One study from Wisconsin, referenced in a publication titled "Cats and Wildlife – A conservation Delimma," estimates that free-ranging domestic cats, plus urban and suburban pet cats, may kill up to or more than 40 million birds per year in Wisconsin alone.

This same research also indicates these effective predators kill many more animals such as mice, voles, rats and ground squirrels – often considered as pests – than they do birds. The gist of the issue, however, is that domestic cats don't differentiate between the animals most humans want them to kill, and those we don't want them to kill. That means a high incidental take of protected birds like robins, meadowlarks, chickadees, juncos, warblers, wrens and even ground nesting game birds like grouse, pheasants and ducks.

According to U.S. Census Bureau data and other studies, the United States may have more than 100 million cats that are either house pets, rural free-rangers or feral. Scientists estimate that the free-roaming portion of this population kills mostly small mammals, but perhaps 20 percent of their prey is birds. This cat predation is an added stress to wildlife populations already struggling to survive habitat loss, pollution, pesticides and other human influences.

This coincidental mortality on protected birds is a difficult issue everywhere, but concern is elevated when the circumstances involve threatened or endangered species. That same Wisconsin publication, funded by the U.S. Fish and Wildlife Service, indicates that cats contribute to the endangerment of least terns and piping plovers, two species that frequent North Dakota.

It was just such an association between cats and piping plovers that led to an incident in Texas that made national news a couple of years ago. The short version of the story is that an avid birder, on a routine evening outing to observe piping plovers, witnessed a cat, apparently a member of a colony of feral (not belonging to anyone) cats living under a nearby

bridge, stalking some of these endangered birds. He tried to capture the cat but couldn't. The next morning he came back with a .22 rifle and shot the same cat.

The operator of a tollbooth at the bridge reported the shooting and claimed the cats were his pets. The shooter was arrested and eventually went to trial on the premise that he had injured/killed someone's pet.

The trial ended in a dismissal because the jury could not agree on whether the cat did indeed "belong" to the tollbooth worker, or was a wild, unprotected animal. At the time, Texas law did not prohibit taking action – such as trapping or shooting – against feral or wild cats. After the fact, the Texas legislature made such actions illegal.

But what if prosecutors in this case had convinced the jury the cat did belong to the bridge worker? While the shooter might have paid a fine and/or spent time in jail, would the bridge worker then have been held accountable for the actions of "his" cat? Would he be criminally or civilly liable if it were proven that his cat, allowed to roam free, had killed an endangered species?

These types of dilemmas are becoming more and more frequent as people move into areas that previously were solely wildlife habitat. The challenge for both sides is to minimize the potential for conflict before it becomes a national news story.

The North Dakota Connection

Laws that protect wildlife from harassment by pets are not unprecedented. In 1979 the North Dakota legislature passed a law authorizing district game wardens to kill unattended dogs that were harassing or killing big game. This law was passed following two difficult winters during which many instances of groups of dogs chasing and pulling down deer were reported. Some of the dogs were roaming pets, others may have been living on their own in the country.

Many cities in the state have ordinances that require pet owners to keep their animals on their own property, unless they are on a leash. This includes both cats and dogs. Outside of city limits, however, similar laws may not be in place, or, pets may have a lot more property to roam. The law about dogs and big game is a simple declaration that even in areas without ordinances, state citizens are not tolerant of personal pets harassing or killing wildlife.

Since this law was put in place, it has not been used often. Game wardens are more likely to try to track down dog owners and give them a chance to

keep their pet in check before going through with more serious actions.

The state does not have other laws or regulations that specifically relate to harassment of protected wildlife by pets, but there may be civil liability for people whose dogs or cats cause damage to property or wildlife when they are also in violation of existing leash laws. North Dakota has not had a case like this involving wildlife in the past, but the potential does exist.

In some states, feral cats are considered invasive predators that should be removed from the wild. North Dakota does not have a law that protects feral cats, nor does it have a law that specifically allows trapping or killing them. They are simply living in the wild and not associated with any humans, and no people claim them as pets. As such, if you run across some feral cats, you can catch one and take it home with you and try to make it a pet, something you can't do with protected wildlife. The same thing goes for trapping or shooting them. The danger, of course, is differentiating between a truly feral cat, and one that has simply wandered a considerable distance from its home.

The Game and Fish Department considers the presence of feral cats as nothing but a detriment to the state's wildlife, though the Department has never initiated any sort of organized effort to locate and manage feral cat colonies.

Nor has the Department previously invested in a coordinated effort to provide information on the

growing concern in the wildlife community over the potential negative influence that cat predation is having on bird populations. Now, however, the discussion is growing beyond those who love birds and those who love cats, to more fully embrace agencies responsible for the welfare of public wildlife. Wildlife agencies in some other states have embraced the *Cats*

Indoors! theme, and others are simply doing more to let people know these concerns exist.

On one side are the feral cats for which no one claims ownership. On the other side are cat owners who keep their pets indoors at all times, or at least restrict their roaming to some type of fenced enclosure when the animals are let outside.

In the middle are the urban pet owners who let their indoor cats out for an unrestricted romp, and rural

residents whose cats are outside dwellers and basically roam at large but are often fed and cared for by the homeowner.

The contemporary dilemma is whether the status quo is acceptable, or if some version of further accountability is warranted for pet owners for indiscriminate killing of protected wildlife by their pets?

What do you think?

To pass along your comments, send us an e-mail at ndgf@nd.gov; call us at (701) 328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.



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