

# Committee on Resources

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**TESTIMONY OF JOHN W. GRANDY, Ph.D.**  
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**The Humane Society of the United States**  
**Regarding Exotic Bird Species and the Migratory Bird Treaty Act**  
**Before the Subcommittee on Fisheries Conservation, Wildlife and Oceans**  
**December 16th, 2003**

Thank you Chairman Gilchrest, and members of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for the opportunity to present the views of The Humane Society of the United States (HSUS) regarding the management of mute swans and other non-native birds, and the Migratory Bird Treaty Act (MBTA). I am Dr. Bette Stallman, Wildlife Scientist, with The HSUS.

First, I want to explain that this testimony was prepared by Dr. John W. Grandy, Senior Vice President for Wildlife of The Humane Society of the United States, on behalf of our President Paul G. Irwin whom you invited to this hearing. I assisted Dr. Grandy in the preparation of the testimony and although Dr. Grandy could not be here to present the testimony, I am doing so on his behalf. This testimony is presented on behalf of The Humane Society of the United States and our more 8 million members and constituents.

I should also note that Dr. Grandy has broad and relevant experience with ecological issues, the mute swan, and waterfowl in the Chesapeake Bay. He grew up on the shores of the Chesapeake Bay, studied aquatic vegetation under Fran Uhler and other experts at the then Fish and Wildlife Service's Patuxent Wildlife Research Center in the mid 1960's, and went on to become a waterfowl biologist and an internationally recognized expert on black ducks, a premier species of the Chesapeake Bay.

First, it is important to keep in mind that ecosystems are always in flux and should not be thought of as rigid, stable systems. The expansion and movement of wildlife populations into new regions is a natural phenomenon that occurs with or without intentional or unintentional human involvement. In short, there is no right state and there is no benchmark year against which we measure ecological correctness. Indeed, as the facts surrounding the mute swan illustrate all too well, attempts to determine the "natural state" of an ever-changing ecosystem can quickly dissolve into an arbitrary discussion of how one chooses to define "natural" and ultimately becomes a debate over what is the "desired" state of the ecosystem—desired by those holding the most political power.

The HSUS is dedicated to the protection of all animals. We strongly support the lives and welfare of all animals whether native or non-native. All deserve protection, humane treatment, and freedom from cruel and abusive treatment at the hands of people. If managers or scientists cannot demonstrate compelling justification, lethal control of any animal—native or otherwise, should not be undertaken. The rule must be that all resident animals in a natural habitat deserve and must be accorded sensitive humane treatment and stewardship. Indeed, we must have a new paradigm for dealing with the stewardship of wildlife on the continent—not a philosophy based on year of residence, but a philosophy centered on our need to treat all wild living creatures with the compassion and respect that they deserve.

This new paradigm is required by ourselves and our new world. There is no turning back the ecological or chronological clock for North America or the world. Most agriculture utilizes non-native species. Plant nurseries are dependent on non-native species. The ubiquitousness of so called non-native species grows daily, as does the homogeneity of the world. Indeed, the hunter-supported wildlife profession which is here testifying piously on the alleged destructiveness of a few thousand swans in the nation's largest estuary is utterly silent on the subject of the introduction of non-native pheasants or Chukar partridges (both native to parts of Eurasia) where such introductions are desired by their hunter constituents. I should quickly point out that we are not suggesting that we want pheasants or other so called non-native residents eliminated from the United States. This only emphasizes the political nature of a decision making process concerning non-native species that is all too often supported on the basis of politically expedient alleged science. This sort of pseudoscience weakens both science and the integrity of the wildlife management profession.

Indeed, nowhere is the generalized case that I make for sanity in our relation to non-native species and our opposition to pseudoscience, more clear than with the mute swan in the Chesapeake Bay. So let me take a few minutes, based on the ecological history of the Bay and my extensive experience and love affair with the Bay, to discuss the ecological factors which bring it to today's state.

First, I should start with the most recent published materials of the Chesapeake Bay Foundation. In their recent reports on the declining state of the Bay and the causes for its decline, they never mention the few thousand mute swans in the Chesapeake Bay. Specifically, the Chesapeake Bay Foundation's October 2003 report on nitrogen pollution (which is attached to this testimony) reminds us that "nitrogen pollution is the most significant problem facing the Bay.... Nitrogen entering the Bay from sewage treatment plant...effluent, agriculture, air deposition and urban runoff, and other sources stimulates "blooms" (population explosions) of microscopic plants called algae.... (The) algae decrease water clarity, blocking sunlight from underwater Bay grasses. When algae die, they sink to the bottom, and the bacterial process of decay removes oxygen from the water." Though this report focuses on nitrogen from sewage treatment plants, it notes that "(a)griculture contributes 42% of the nitrogen loading and is the largest source of nitrogen pollution to the Bay." In addition to nitrogen, phosphorous is the other primary pollutant, according to the Chesapeake Bay Foundation's "State of the Bay 2003" report. Water clarity is affected by both of these nutrients and also by sediment washing into the Bay as a result of various land use practices that increase erosion, such as logging and residential and commercial development. Another notable problem facing the Bay is the loss of wetland habitat due to rising sea levels and to illegal or unregulated activities. In its discussion of underwater grasses, the State of the Bay 2003 report indicates that "new grass beds ... have struggled from the stress of increased pollution and sediment delivered by heavy rainwater runoff."

Mute swans are not implicated by the State of the Bay 2003 report, which logically focuses on those factors with well-documented impacts that are clearly of greatest concern for the Bay. There is simply no way that these few swans could be accused of nearly anything in an ecological sense on the Bay. Mute swans are simply the most politically impotent animal there is to blame for the Bay's deterioration. Let me elaborate.

Nearly 30 years ago, I spent a number of summers as an employee of the Fish and Wildlife Service's Patuxent Wildlife Research Center studying aquatic vegetation on the shores of the Chesapeake Bay. Even then people were talking of the decreasing abundance of vegetation and its impact on the bay and its waterfowl populations. But to be sure, the beds of aquatic vegetation, Vallisneria, Potamogeton, Najais, and Ruppia, et al., were massive compared to today. These beds of submerged aquatics are not and were not the victims of a few to a few thousand mute swans. Rather, they are the victims of the very things the Chesapeake Bay Foundation points to: runoff, nitrogen and phosphorous pollution from poor and inadequate sewage treatment plants and from agricultural and residential sources, turbulence caused by siltation and boats, and massive erosion from farms and home building. It is absurd for us to sit here and consider harming mute swans because of the deteriorating state of the Bay.

Frankly, we should be grateful for the beauty of swans, geese, ducks and other wildlife. Of course, they eat submerged aquatic vegetation—that is their preferred food. But they should not be killed because they eat it. Rather, we should focus on the things we can do to restore the Bay and preserve the species that live there. Killing swans is not on any realistic list.

I ask you to look at another relevant example of the Bay's troubles, with somewhat similar overtones and interrelationships. In the mid to late 1950's, the most common breeding duck around the Chesapeake Bay was the black duck. Today, the black duck has been largely eliminated as an eastern shore breeder and has been replaced by the mallard. Pen reared mallards for many years have been released in Maryland to be shot by hunters, while escapees have lived to breed and compete with black ducks. But black ducks are now largely gone. Does that mean that we should start a vendetta against mallards breeding in Maryland? Of course not.

Mallards occupied eastern Maryland largely because of habitat changes. Black ducks disappeared because they are largely a forest duck that does not adapt well to people. As people destroyed Bay shores and lake edges for homes and agriculture, the black duck's range was restricted to suitable parts of the Northeastern United States and the eastern Canadian boreal forest. Mallards were not to blame for the reduction in black ducks any more than mute swans are responsible for the reduction in submerged aquatic vegetation in the Chesapeake Bay, although both changes are truly regrettable.

With respect to the MBTA, we urge you to retain the mute swan on the list of protected species. Excluding

the mute swan from the protection of the MBTA will neither solve the perceived depredation issues nor give greater protection to the environment. Moreover, exclusion of any migratory avian species from the coverage of the MBTA will denigrate the very purpose and intent of the Act and set the unfortunate precedent of permitting the diminution of the protections of the MBTA based on whether a bird population is "in vogue." Exclusion of the mute swan from the MBTA is also unnecessary as justifiable management actions are envisioned and permissible through the strictures of the MBTA, which examines and fuses the welfare of the particular avian species with the welfare of the supporting environment. Furthermore, the mute swan is now a resident migratory bird on this continent and has broad public support; it deserves and is entitled to the protections afforded by the MBTA.

We commend you Mr. Chairman for your interest in the Chesapeake Bay and its still incredible resources and potential. We urge you to do everything in your power to solve the major problems identified by the Chesapeake Bay Foundation, ourselves, and others, which are clearly affecting the Bay negatively. At the same time, we urge you to oppose any effort to kill mute swans or to remove the needed protection of the mute swan under the MBTA.

Thank you.