

AN EXCERPT FROM
NORTH AMERICAN WILDLIFE
POLICY AND LAW | PART 1

We selected the sculpture of the Greek Goddess Diana for the cover of *North American Wildlife Law and Policy*. The sculpture was produced in 1925 by Paul Manship (1885-1966). Diana is best known as the goddess of the hunt and is also revered as goddess of the woods, the moon, and wild animals.

The Need for Wildlife Conservation and Policy

Robert D. Brown

A basic understanding of wildlife law and policy is essential knowledge for anyone who aspires to be a conservationist or to work in wildlife management and other natural resource fields. Now, for the first time, you will have all the information you need in one comprehensive volume.

Since its founding in 1887, the Boone and Crockett Club has been a major force for laws and policies to secure the future of North America's wildlife and wild places. The Club's contributions run like indelible threads throughout the fabric of North America's conservation history. It is most fitting that this comprehensive treatise was conceived and published by the Boone and Crockett Club.

We are pleased to announce this new book, *North American Wildlife Policy and Law*, is now available. Below is the first excerpt in a multi-part series that will give readers a deeper understanding about the subject and the need to help educate current and future hunter-conservationists.

There's not much need to convince readers of this book about the need for conservation. The literature is replete with examples of wanton destruction of our country's natural resources by early pioneers (Brown and Wurman 2009). Even Native Americans are believed to have decimated large game populations in some areas, such as Yellowstone (Mann 2005). Eastern forests were cut over for the nation's ship-building industry, and market hunting and trapping at one time nearly exterminated eastern deer (*Odocoileus virginianus* spp.), beaver (*Castor canadensis*), and

waterfowl populations as well as western bison (*Bison bison*) and other species. The development of conservation laws and policies has been an attempt to stem the tide of overuse of our wildlife resources, protect what was left, and restore much of the damage that has been done.

One might ask, "How did we get in such a mess to need these laws and policies in the first place?" Prior to the European "discovery" of North America (some might call it the "European invasion"), and with the few exceptions noted above, Native Americans lived off of the abundance of native flora and

fauna, with some agriculture. Early European settlers saw a land with a seemingly inexhaustible supply of grassland, timber, and wildlife. As the East became more populated, new settlers naturally moved West, spurred on by a widely accepted philosophy known as Manifest Destiny—to tame the savage land and extend democracy "from sea to shining sea." This led to the Louisiana Purchase, the war with Mexico, the appropriation of land occupied by Native Americans, expulsion of the British from the Pacific Northwest, and eventually the purchase of Alaska (Heidler and Heidler 2015).

This expansion and its concomitant utilization of new natural resources led to prosperity and success of the settlements, but it naturally also led to conflicts. If land belongs to everyone, it belongs to no one. Thus it is the rational economic incentive of each individual to graze as many

cattle as possible or to cut all the timber available, because if you don't, someone else will. In later years this was defined as "the tragedy of the commons" (Hardin 1968). A legal structure was developed so that settlers could own, and thus control and manage, their own lands, with some land set aside for the government to manage. Again due to overexploitation, there was an additional but separate need to protect and conserve the water that flowed through private and public lands in streams and rivers, the deer and other fauna that migrated over multiple properties, and eventually the birds that flew over those properties. Eventually the new Americans saw the need for common ownership of those resources and through a series of laws developed what we now know as the Public Trust Doctrine or the North American Model of Conservation (Bachelor et al. 2010).

In more recent decades, as our human population has grown along with increased consumption per capita, even greater strains have been placed on our natural resources. We see that

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water, timber, soil, clean air, plants, wildlife, freshwater and ocean fisheries, and arable land are not an inexhaustible supply in North America. Despite the Public Trust Doctrine, we continue to have threats from overuse, competition for resources, pollution, and climate change. Conservation of our natural resources is not just an option—it is necessary for our continued survival.

As you will see in other chapters of this text, society

has agreed upon a complex of myriad laws and policies to protect, conserve, and restore our natural resources. The term “public policies” refers to sets of laws, rules, mandates, regulations, and funding priorities established by the government through the political process. It is simply what the government does or does not do about an identified problem. In the United States these policies must fit within our Constitution. We need policies and laws to regulate society, to protect people, to enforce rights, and to solve conflicts. Laws and policies deter people from behaving in a manner that negatively affects the quality of life of other people. Common and possibly oversimplified examples are traffic laws. We have speed limits and stop signs to protect us from harming ourselves and each other. The point is: “I trust myself to drive safely and responsibly, but I don’t trust you.” Likewise, I trust myself not to shoot too many ducks, catch too many fish, trash the local park, or pollute the local stream—but I don’t trust you or others to do the same. In addition, I want to enjoy Yosemite and Yellowstone, I want to preserve the bison and the California condor (*Gymnopsis californianus*),

and I want to be able to breathe clean air—but you and I cannot fund or guarantee those things ourselves. Thus we have government policies, hopefully with appropriate funding, which lead to laws and regulations and even international treaties.

As one might expect, however, not all of us agree on priorities for conservation policies. Some of us like to hunt and fish, whereas others find those activities abhorrent. Some of us enjoy the quiet and solitude of the great outdoors, whereas others prefer all-terrain vehicles and snowmobiles. As Jack Ward Thomas (personal communication), former chief of the United States Forest Service, once said, “We all need to exploit our natural resources to survive.” While true, commercial use of publicly owned resources inevitably leads to conflicts over mining, energy exploration, timber harvesting, commercial fishing, cattle grazing, and commercial development on public lands. In addition, times and attitudes change, making existing public policies out of date with modern science or public opinion or both. Our national forests were first established to ensure a permanent wood supply. Now, however, much of the public prefers those

lands to be used as wilderness areas or for public recreation. Likewise, rules that prohibit forest management practices, such as prescribed burning, which might harm individuals of an endangered species, often put the entire species at risk from catastrophic fires. In the United States particularly, the ability of any person or organization to sue another or to sue the government further complicates the situation.

Nonetheless, the history of conservation policies in North America is largely one of positive and long-term results. I propose to examine three of those policies in the next several issues of *Fair Chase* magazine.

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from the Boone and Crockett Club

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