

Conservation Without Conflict: Saving Species and Livelihoods

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Wildlife conservation in the United States has progressed through many phases while adhering to some core principles. Most significant is the common law doctrine that wildlife is held in trust by government (state and federal) for the benefit of current and future generations. This public trust for wildlife is the keystone of what has been termed the North American Model of Wildlife Conservation—a set of seven principles grounded in law or policy that collectively distinguish wildlife conservation in Canada and the U.S. from other forms worldwide.

The early years of conservation, from the mid-19th century to the 1920s focused on restrictive laws and regulations as a means to stem the decline of wildlife. The 1930 American Game Policy, commissioned by the Wildlife Management Institute (WMI), paved the way for a more effective approach: restoration of species and habitats. The post-World War II years yielded significant changes in the economy, culture, and human population numbers in the United States.

As a result of the changing social and ecological dynamics, WMI commissioned the 1973 North American Wildlife Policy. This policy reflected the growing environmental concerns of the nation and was delivered at a time when sweeping federal legislation culminated in regulatory approaches to protecting clean air, clean water, wilderness, and endangered species. From the late 20th century to the present, increasing awareness of the limitations of regulatory and “expert authority” approaches, coupled with growing concerns over keeping common species common (i.e., keeping them from becoming endangered), maintaining our hunting heritage, and conflicts involving private lands and at-risk species, has led to further course changes in conservation.

“Across our country, and especially in the eastern United States, the future of fish and wildlife depends heavily on private landowners. Each of these landowners values different elements from their lands, whether it’s farming, timber, energy, economic profit, national defense preparedness or any of thousands of other uses.”

Human dimensions—the application of social sciences to conservation—is becoming more integrated into the daily business of wildlife management. Lawsuits filed by both advocates and detractors of conservation have nearly hobbled management agencies such as the U.S. Fish and Wildlife Service (USFWS) from executing their responsibilities efficiently. And agencies at both the state and federal levels realize that limited fiscal and human resources dictate they can no longer operate alone; public/private collaboration is essential. Indeed, one of the great achievements in North American wildlife conservation has been the coupling of the public and private sectors into one institution. The legacy of the Boone and Crockett Club is a prime example of this.

Increased politicization and litigation of efforts to conserve at-risk species stemming from real or perceived economic and private property right impacts have strained management agencies. Fortunately, visionary conservation leaders have stepped forward with a new way of doing business that has yielded on-the-ground successes. This was highlighted at the recent North American Wildlife and Natural Resources Conference sponsored by WMI in Omaha, Nebraska. The special session, titled “Conservation Without Conflict: Conserving At-Risk and Listed Species While Keeping Working Lands Working” featured Club professional members Jimmy Bullock, Wendi Weber, and Colin O’Mara, along with others, sharing their perspectives and approaches to collaborative conservation.

Conservation Without Conflict is not just an approach, it is also a formal coalition. The draft for the coalition states, in part, the following: “Across our country, and especially in the eastern United States, the future of fish and wildlife depends heavily on private landowners. Each of these landowners values different elements from their lands, whether it’s farming, timber, energy, economic profit, national defense preparedness or any of thousands of other uses. Working collaboratively towards conservation goals can conserve wildlife species and help support all of our values and ownership objectives on private lands. A collaborative approach, along with appropriate and effective incentives that recognize the benefits landowners provide to America’s fish and wildlife, can help landowners keep working lands working, realize the economic and cultural benefits of working landscapes, provide recreational opportunities, and conserve important habitats.

“Our goal is to use the best available science and proactive, collaborative conservation to recover federally listed species and conserve as many species of fish, wildlife and plants as possible before they require the ESA’s [Endangered Species Act] protection. If federal protection is required, we

will creatively use the ESA’s flexibility to use existing—and develop new—collaborative incentives and provide regulatory predictability and assurances for private landowners’ conservation efforts.”

The coalition includes a diverse range of interests, such as the National Association of Forest Owners and the Environmental Defense Fund, along with state fish and wildlife agencies and the USFWS. A shining example of how Conservation Without Conflict can work is the New England cottontail that was petitioned for listing under ESA in 2000. Scientists and managers recognized that the key issue in the decline of the species was loss of early forest and brushland habitat. The range of the cottontail—north and east of the Hudson River extending into southern Maine—is dominated by private lands. A working coalition was formed, led by the USFWS and WMI, that mobilized the conservation community and private land managers. The result is a science-driven strategy to integrate land management, captive breeding and other conservation tools to collaboratively restore the species.

On September 15, 2015, the USFWS announced in the Federal Register that listing the cottontail under the ESA was not warranted. This was a direct result of the public/private coalition efforts. Another term for this kind of effort is “proactive conservation.” Club President Emeritus Lowell Baier has promoted this approach in his books on the Equal Access to Justice Act ([FC Summer 2016](#)) and *[Saving Species on Private Lands](#)*, on page 56. The bottom line is that the species is conserved, the animosity towards conservation agencies that often results from regulatory approaches is eliminated, and all stakeholders have ownership in the actions.

Aldo Leopold, in his introduction to the 1930 American Game Policy posed the question: “If there be any one who thinks that we can solve the game problem without going into full and equal partnership with the landowner and the protectionist, let him vote no [to the policy].”

We are back to the future, and the future of wildlife conservation is proactive incentive-based public/private collaboration.

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