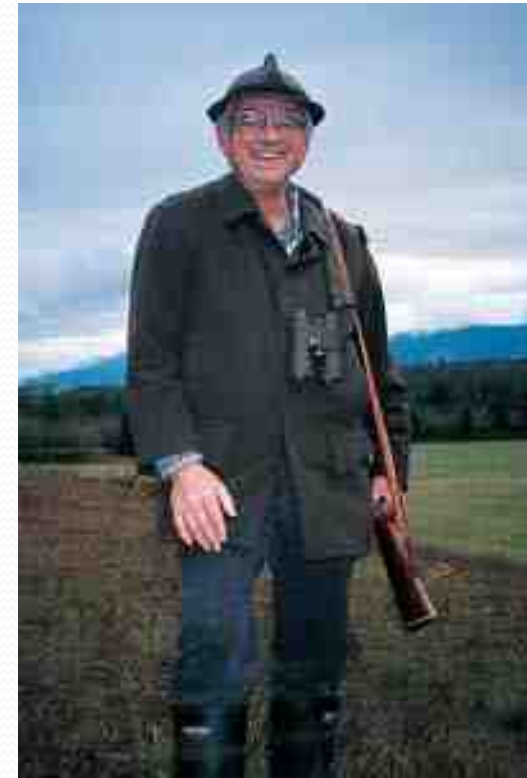


Turtles and the North American Model of Wildlife Conservation

John F. Organ
U.S. Fish and Wildlife Service

NA Model: Origin of a Concept



North American Model of Wildlife Conservation

- Geist, V., and I. McTaggart-Cowan. 1995. *Wildlife Conservation Policy* Detselig Press, Calgary, AB
- Geist, V., S.P. Mahoney, and J.F. Organ. 2001. *Why Hunting Has Defined the North American Model of Wildlife Conservation* Trans. North Amer. Wildl. Natur. Res. Conf. 66:175-185.
- Geist, V., and J.F. Organ. 2004. *The Public Trust Foundation of the North American Model of Wildlife Conservation* Northeast Wildlife, 58:49-56.
- Prukop, J., and R.J. Regan. 2005. *The Value of the North American Model of Wildlife Conservation – an IAFWA Position* Wildl. Soc. Bull. 33:374-377.

NA Model:

Origin of a Concept

- As Wildlife Conservation emerged in North America a distinct form developed
- The 7 Components or Principals are not all unique to North America, but their collective association is
- These are not etched onto granite slabs.....
- The NA Model is flexible and adaptable, yet true to underlying principles

North American Wildlife Conservation Principles

- Wildlife has value when alive
- Uncontrolled use leading to decline & extinction unacceptable
- Wildlife is a public resource: governments conserve for future generations
- Wildlife can be perpetuated with sustainable use



Principles of Use

- Use serves a practical purpose
- Species or Population is not threatened or endangered
- Method of take is considered acceptable

North American Model of Wildlife Conservation

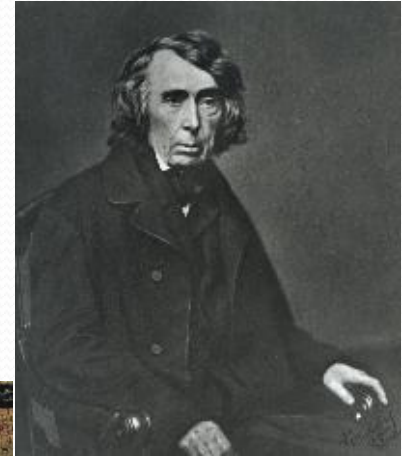
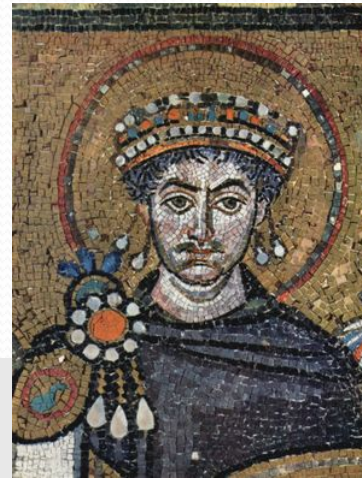
- Wildlife as Public Trust Resources
- Elimination of Markets for Wildlife
- Allocation of Wildlife by Law
- Wildlife can only be killed for a Legitimate Purpose
- Wildlife is considered an International Resource
- Science is the proper tool for discharge of Wildlife Policy
- Democracy of Hunting

Wildlife as Public Trust Resources



The Public Trust Doctrine

- U.S. Supreme Court Ruling in 1842
- Magna Carta 1215
- Roman Law 2nd Century A.D.
- Ancient Greek Natural Law



Roman Property System

- *Res Communis* – Common Property
- *Res Nullius* – Law of Things Owned by No One:
Included *Ferae Naturae* (Wildlife)



Solidifying the Public Trust

- Concept of a Public Legal Right
- Enforceable against the Government
- Consistent with Contemporary Concerns

Public Trust as Law

(where the rubber meets the road)

- Public Trust is **Common Law** (Judge-made Law)
- Public Trust is **State Law**
- Public Trust is **Property Law**
- Public Trust is a **Public Right**



Solidifying the Public Trust

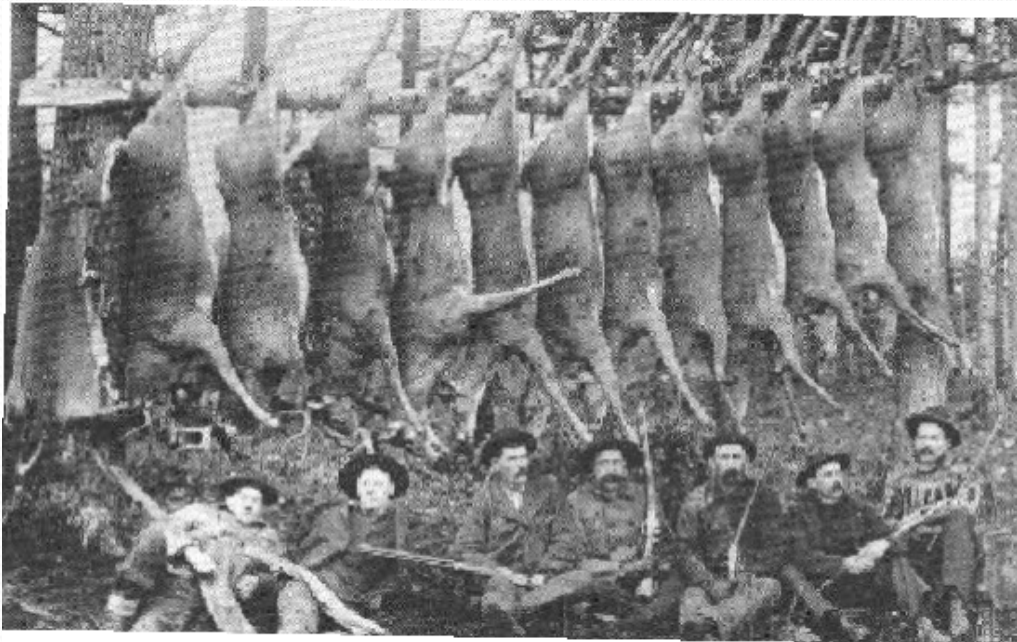
- Statutory Charters of State and Provincial Fish and Wildlife Agencies
- Must be explicit in mandating trust responsibility

Solidifying the Public Trust

- Government's general obligation to act in public interest vs. **greater obligation as a trustee**
- Does PTD equate to a **judicially enforceable right**?
- Should it be illegal to reduce a free-ranging live amphibian or reptile to **private ownership**?

Elimination of Markets for Wildlife

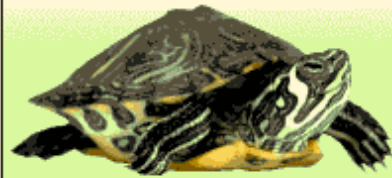
- “Commons” Theory
- Rapid declines when value placed on dead wildlife



Elimination of Markets for Wildlife

- Traditional Game Animals vs. Amphibians and Reptiles?

Shopping at TurtleSale.com is easy.



- Place an order yourself online 24/7.
- On the left side you will find a list of our categories.
- Simply click on the category & you will be taken there.
- From there you may view/purchase any of the items.



Elimination of Markets for Wildlife

- American Alligator Conservation and the Market –
What can we learn from Herpetofauna Conservation
to apply to other Wildlife?

Allocation of Wildlife by Law

- Surplus Wildlife are not allocated by market, birth right, land ownership, or special privilege
- Public input into allocation provides opportunity for all citizens to be involved in wildlife management
- Secures the Trust for future generations





Allocation of Wildlife by Law

- **Amphibians** - All amphibians may be lawfully kept without a permit except rare species.
- **Reptiles:**

Turtles:

Lawful (no MassWildlife permit required): All turtles, except rare species and those below.

Unlawful: The Argentine (Chaco) Tortoise, Gopher Tortoises and related species, and the Pancake Tortoise.

Snakes:

Regulations regarding the possession of snakes are quite detailed and should be consulted (321 CMR 9.01) for specifics. Some generalities are listed as follows.

Lawful(no MassWildlife permit required):

All species of boas and pythons, regardless of size, except rare species, and those listed as Unlawful

Shield-tailed Snakes and Sunbeam Snakes;

Worm Snakes (except rare species), Thread Snakes, and related species;

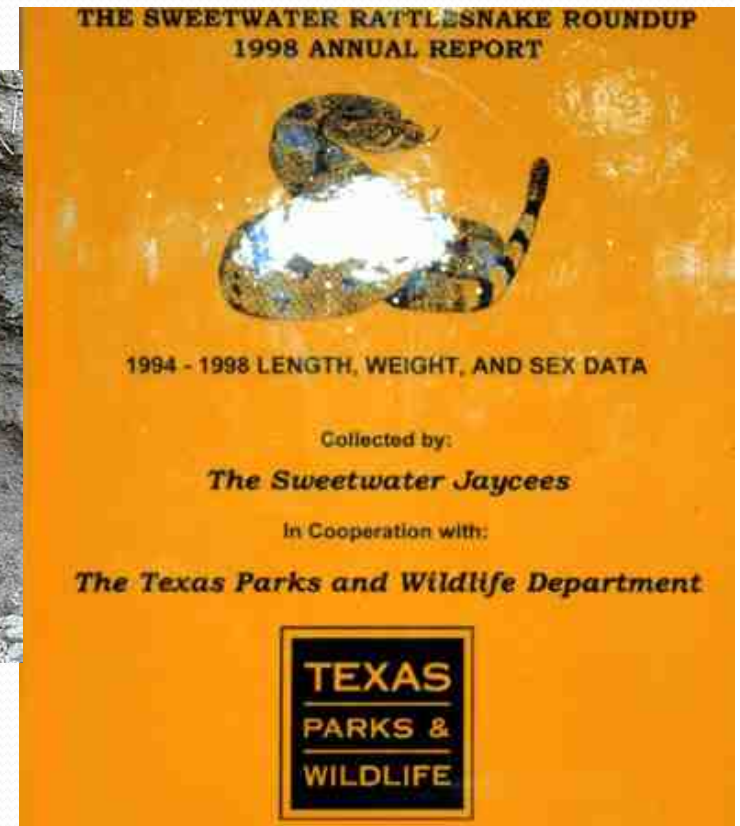
Several so-called "harmless" snakes, including Brown and Redbellied Snakes, Garter and Ribbon Snakes, Glossy Snakes, Green Snakes, House Snakes, Kingsnakes and Milksnakes, Rat Snakes (except rare species), Water Snakes, the Western Hognosed Snake and certain others.

Wildlife can only be killed for a Legitimate Purpose

- Laws define acceptable purpose for take
- Code of sportsman mandates use without waste
- Food, Fur, Self-Defense, Property Protection

Wildlife can only be killed for a Legitimate Purpose

We don't afford all species and taxa equal standing....



Wildlife is Considered an International Resource

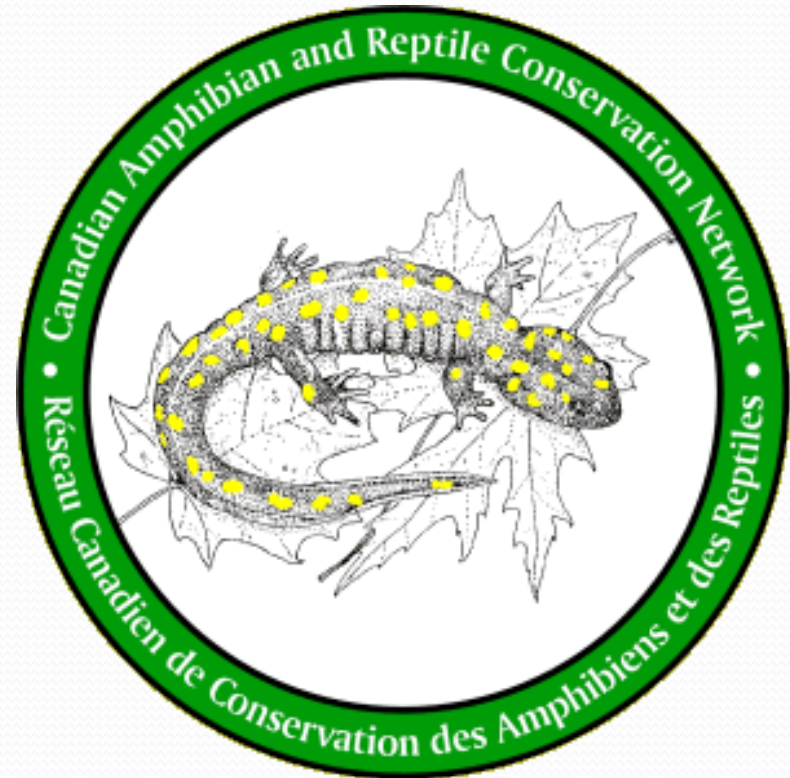
- Recognition that wildlife transcend boundaries
- One Nation's management can affect the other's resources
- C. Gordon Hewitt
- CITES



Wildlife is Considered an International Resource



PARTNERS IN
**AMPHIBIAN
& REPTILE**
CONSERVATION



Science is the Proper Tool for Discharge of Wildlife Policy





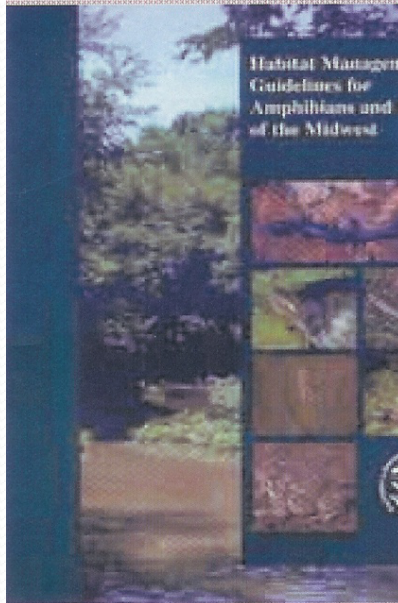
Roosevelt Doctrine

- Recognized “Outdoor Resources” as *one integral whole*
- “Conservation through wise use” a public responsibility, and private ownership a public trust
- Recognized *science as a tool* for discharging that responsibility



Habitat Management Guidelines

Midwest

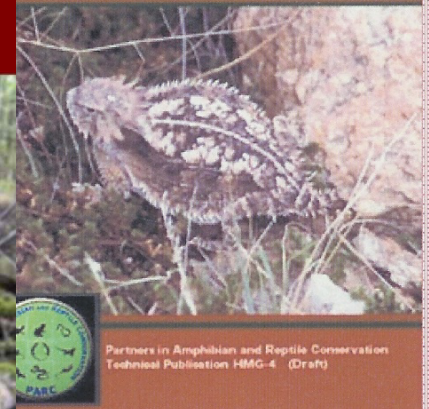
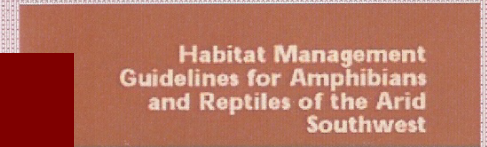


PARTNERS IN AMPHIBIAN AND REPTILE CONSERVATION



PARTNERS IN AMPHIBIAN AND REPTILE CONSERVATION

Southwest



Partners in Amphibian and Reptile Conservation
Technical Publication HMG-4 (Draft)



Science is proper tool for discharging Wildlife Policy

- Science needs to be a priority with adequate resources dedicated
- Governance models need to be revisited
 - Boards and Commissions
 - Superagency structures
- A need for true Trusteeship
- A Stake for Herps

Democracy of Hunting

- Regardless of Land Ownership, Birthright, or Special Privilege
- Abide by Societal Rules (Laws, Regulations)
- North America: broad interest in maintaining wildlife (all are stakeholders)



Democracy of Hunting

- Anarchical rather than democratic?
- Lacking a social movement to establish the limits





NA Model: POST-1970

- Broadening of missions and mandates
- Greater diversity of values represented within profession
- Growing societal distrust of science
- Decline of the expert authority model
- Increase in non-governmental wildlife groups

COMPREHENSIVE WILDLIFE CONSERVATION

- Integration of social, political, and environmental factors in wildlife policy
- Greater focus on systems and landscapes
- Greater stakeholder involvement – Human Dimensions
- Wildlife Damage Management
- Greater Taxa inclusivity
- *Teaming With Wildlife*

State Wildlife Action Plans

- Species Distribution and Abundance
- Key Habitats and Community Types
- Descriptions of Problems/Priority Research
- Conservation Actions
- Monitoring
- Updates
- Coordination
- Public Participation





1930 AMERICAN GAME POLICY

- Land acquisition
- Partnerships: Landowners/ Hunters/Public
- Experiment state-by-state ways partnership yields management
- Research (find facts)
- Joint conservation program with hunters and protectionists together with scientists and landowners
- Establish wildlife management profession
- Adequate, equitable, secure \$



State Wildlife Action Plans

- Expands Stakeholder Involvement
- Strategic and Comprehensive
- State-based Collaborative Implementation
- Focuses Conservation Programs
- Builds on NA Model Foundation
- Achieves vision of conservation pioneers
- Maintains State leadership
- Expands boundaries (bigger tent)

Do Herps Fall Within the NA Model?

- YES, but.....
- Social, Institutional, and Cultural barriers inhibit full embrace
- Closing the Gap requires:
 - Broad-based non-user-pay funding – State and Federal
 - Greater public awareness and appreciation
 - Furthering the partnerships (e.g., PARC)
 - Trusteeship in governance

Herps and the NA Model: What's Missing?

- Vested Self-Interest and Passion



Herps and Humans: The Unity of Life

Global amphibian crisis feared, as salamanders vanish

- [By DAVID PERLMAN, San Francisco Chronicle](#)

Amphibian decline is rapidly worsening

**More than 32 percent of species threatened
worldwide, study finds**

AP Associated Press

Frog Killer Is Linked to Global Warming

The New York Times