

NEEDED — A BROADER BASE FOR WILDLIFE ADMINISTRATION

A. Starker Leopold
University of California
Berkeley, California

I think all of you are aware that the field of wildlife conservation is faced with a major dilemma. I refer to the emergence of a powerful force of protectionism that is threatening to disrupt the whole complex system of wildlife administration which we have come to take for granted. Until recently the segment of the public that had a vested interest in wildlife management was primarily the fraternity of hunters and fishermen. In the last few years the non-sporting public has discovered the joys and beauties of wildlife, to see and appreciate rather than to reduce to possession. For one reason or another, the protectionists have come to view hunters and fishermen, and the agencies that serve them, as political adversaries. My address today concerns the origin and nature and scope of this confrontation. I will offer some suggestions as to how the dilemma may be alleviated. Although my remarks are pointed specifically to California, I think they have (or will have) application in Nevada and all other states sooner or later.

To those of you who have heard me hold forth previously on this topic, I offer an apology. But I think the matter is of such importance as to warrant repetition before this professional gathering.

I have another apology to make. To aquatic biologists who are concerned primarily with fisheries, the problem is abstract. The confrontation of interests is largely or entirely in the wildlife field and to only a minor extent involves fish resources. Curiously, fishes have little esthetic appeal except to fishermen. Let me give you an example. There is presently being generated great public resentment over the inadvertent slaughter of upward of a quarter of a million porpoises annually by the commercial tuna fishery. Porpoises caught in purse seines become enmeshed in the netting and drown before they can be liberated. Tuna schools follow close below porpoise schools, and in fact the presence of porpoises signifies the location of the tuna and guides the fishermen in setting their nets. This is indeed a very serious problem in conservation of marine mammals, and the public outcry will accentuate in the years ahead. But who is raising a

voice about the status and welfare of the tuna? I do not think that either the porpoise or the tuna can long withstand the present rate of attrition. Public concern, however, is focused entirely on the porpoise. The poor tuna is on its own, just as the sardine was 25 years ago when overexploitation was at its peak.

Those of you in fisheries biology may secretly rejoice that you are not feeling the slings and arrows of the preservationists. But I am not sure that this is an advantage in the long run. Perhaps you would profit by having a broader base of public interest and concern than just the fishermen--sport and commercial.

For my part, I feel that wildlife conservation can gain enormously by the expanding public interest in protecting birds and mammals. If we can find a formula to hitch this force in tandem with the interest of the hunting public, we could have a wildlife lobby of strength never previously known. The danger is not in protectionism per se but in the conflict between diverse wildlife interests--non-hunter against the hunter. Let us examine the nature of the conflict as a basis for seeking a solution.

HISTORICAL PRECEPTS

Public concern with wildlife protection is, of course, not new at all. It emerged in an organized form early in this century with the establishment of the Audubon Society and William Hornaday's "Permanent Wildlife Protection Fund." The big issues at that time were overshooting of game species (which was indeed a major problem) and the commercial feather trade. The above organizations, and others subsequently formed (like the American Game Protective Assn. and the Isaac Walton League), achieved wonders in passing protective wildlife legislation at both the federal and state level. The Lacey Act and the Migratory Bird Treaty Act were milestones in federal participation in wildlife conservation. National Parks, National Forests, and National Wildlife Refuges proliferated. In a period of a few years all of the states established fish and game commissions and departments that assumed most of the duties of making and enforcing protective regulations. By about 1930, wildlife conservation was a going concern, and the public by and large settled down to enjoy the fruits of the conquest over greed and avarice. Operational decisions were left largely to the duly constituted authorities, under close scrutiny of hunters and fishermen but with minimum participation by the public at large.

Then came a new surge of public concern about wildlife. It emerged in the form of disparate groups organizing to protect some particular species or group of species from continuing depletion. The first of these antedated the recent era by some years. Mrs. Rosalie Edge of New York led a one-woman campaign in the 1930's and 1940's to protect hawks and eagles from irresponsible shooting. Her "Emergency Conservation Committee" (which really meant Rosalie) changed the whole national viewpoint toward avian predators. In the 1960's similar special interest groups were formed in rapid succession. Defenders of Fur-bearers (now Defenders of Wildlife) took on the issue of coyote control. Closer to home, Margaret Owings succeeded almost single-handed in stopping the legal shooting of sea lions, not only by commercial fishermen but by the Department of Fish and Game. Subsequently she went on to form "Friends of the Sea Otter," and she played a leading role in removing the bounty from mountain lions and later in having a moratorium placed on lion hunting. Beulah Edminston came out to lead the Committee for Preservation of the Tule Elk. Today I cannot name all the extant protection groups but in essence they constitute friends of the wolf, friends of the polar bear, friends of the seals, friends of the whales (that one is Operation Jonah), Friends of Animals, and many more.

What can we learn from this? I would deduce several important points.

1. First, I would say that in nearly all cases these protection groups have proven to be right in their objectives, even though as biologists we could show that they were wrong in specific management proposals.
2. Secondly, the successes of some of these endeavors seem to have been a stimulus to the proliferation of more and more such groups.
3. And thirdly, they generally have pursued their goals through legislation rather than through regulation by fish and game commissions or federal bureaus.

It is this third point that concerns me. The decision-making process, which at one time was delegated to state commissions and federal Secretaries, is being taken over by legislative bodies, responding to their constituencies. We as professional biologists are losing the initiative and the leadership in formulating wildlife regulations and policies. We are rapidly tending back toward the situation in the 1920's when there was no wildlife profession and technical decisions were made in legislative committee hearings. I cannot believe that this is a healthy trend in the furtherance of wise conservation and use of wildlife resources.

LEGISLATIVE REGULATION

Some of the protective legislation that has emerged is excellent, and serves the interests of both the hunting and non-hunting public alike. In this category I would list the various state and federal acts providing for the protection and management of rare and endangered species; the federal Wilderness Bill; the Wild Rivers Bill; acts protecting all eagles, hawks and owls; and the presidential proclamation and subsequent regulations intended to curtail unnecessary predator control.

On the other hand, other laws enacted or contemplated are completely in opposition to sound principles of biological management.

A classic case is the 1972 federal legislation protecting all wild horses and burros on public lands. California has a matching statute protecting burros. Excess numbers of these animals are doing irreparable damage to desert ecosystems. Yet administrative agencies are handcuffed when it comes to sensible regulatory procedures.

The original bill to protect mountain lions in California would have put the lion on the completely protected list, along with the condor and the sea otter. Procedures specified for taking care of depredating lions were unbelievably cumbersome, requiring that each such animal be captured alive by the Department of Fish and Game and transplanted to some safe place where there were no livestock. Fortunately this one was modified to a 4-year moratorium on hunting while studies were being conducted of the actual status of the species.

Following a wave of public indignation over the killing of baby seals in the Gulf of St. Lawrence, which had been depicted in a TV show, Senator Harris, of Oklahoma introduced a bill that would have imposed complete protection of all seals and sea lions in United States waters and prohibited the import of any seal products from other countries. This in effect would have terminated a long-standing treaty with Japan, Canada, and the USSR concerning management of the Pribilof seal herd; an inevitable outcome would have been resumption of pelagic sealing, to the great detriment of the herd. Again the bill was defeated, but it led to introduction of a counter-measure, duly enacted, entitled the Marine Mammal Protection Act of 1972. At best it is an awkward statute to implement, with cumbersome safeguards

against taking or even molesting any marine mammal. This one I know pretty well, since I am a member of the Marine Mammal Commission created by the Act. Adequate protection could much more easily have been supplied by simple regulation through the State and Federal wildlife agencies.

There are more such bills in the offing, some affecting game species. A bill was introduced recently in Sacramento to put the black bear on the protected list. A movement is afoot to add the mourning dove to the song bird list in this state. And so on.

In spelling out the inadequacies of some of this protective legislation, I wish only to emphasize the fact that the Congress and state legislatures are not the bodies best fitted to make wildlife decisions and to devise workable management procedures. These are technical and administrative matters that should be handled in a professional way by professionals. Why then are we losing the initiative in wildlife management? Why do protectionist groups by-pass the California Fish and Game Commission and the Department and seek their goals through the legislative process? In what way have we lost the confidence and trust of the general public to make wise professional decisions about wildlife conservation? Much of the blame I think can be laid at our own doorstep.

Let us go back to the historical period from the 1920's to the 1960's when the procedures and philosophies of wildlife administration crystallized. The emphasis was largely or almost entirely on game species. This applied both to management and research. I include myself in this criticism for nearly all the research conducted by me and my students concerned deer, quail, pheasants, mallards and other game species. We largely ignored the raptors and mammalian predators, marine mammals, and endangered species. Both the Department and the Commission listened primarily to hunters and fishermen in formulating programs. The concerned non-hunting public was largely ignored, and avid protectionists were viewed as pests. Is it any wonder that the latter group turned to other outlets to press their views?

In this state, recognition of Department responsibility for all wildlife, and not just game, was first given specific expression in the California Fish and Wildlife Plan of 1965. In the ensuing eight years, commendable progress has been made in rectifying the situation. We have a small but effective program on rare and endangered species. We have begun to pay attention to predators and fur-bearers. We have collaborated with the Nature Conservancy and the Audubon Society in purchasing some coastal estuaries for their own intrinsic ecologic values. I could name others. But these adjustments, meritorious as they are, are really quite minor in terms of the total wildlife operation in California. Things have not changed that much. And many of the specific program changes have been forced on us by the activists. For example, the public hunt of tule elk in Owens Valley was really quite ridiculous in retrospect. It took Beulah Edminston to change it. For 50 years we blandly tolerated paying a state bounty on mountain lions, while for the last 25 years we have complained about overpopulated deer ranges. It took Margaret Owings to change that one. Professionally we have not led in evolving a new and broadened philosophy of wildlife management. We have been the followers. How natural then that the protectionists do not look to us for leadership.

As I see it, there are two major areas of change that we must face up to. One concerns the structure of the Commission Department--the decision making and administrative machinery. The other concerns finance. The two are closely interdependent.

COMMISSION/DEPARTMENT

The California Fish and Game Commission consists of five members appointed by the Governor. Traditionally they have been chosen as outstanding citizens with a strong interest in hunting and fishing. I have known many individual Commissioners over the years and they are fine, intelligent men. The problem is, they all represent one point of view. In the past that was entirely appropriate. Today it is not. One of the simplest changes that could be effected in bridging the chasm between hunters and non-hunters would be to bring onto the Commission one or more members representing the preservationist point of view. He could be a bird-watcher, a wildlife photographer--in short an Audubon type. This change alone would, I think, bring strongly to the attention of the general public, and to the protectionists, the signal that the state wildlife program was moving toward a broader scope of interest. I feel confident this could be done if the organized sportsmen and the various non-hunting groups could get together and jointly support such a candidate for the next Commission opening.

The Department itself needs reorganization to incorporate a strong branch concerned with the preservation and management of non-game wildlife. This should include not only the work on endangered species but an imaginative and productive program of developing habitat for shorebirds, song birds, interesting fur-bearers, urban and sub-urban natural areas, and other features that would further wildlife appreciation. The coastal estuary program might fall in this area. I know that Red Hunt and others in the Department would like to do this if finance were available.

The Director is presently considering the appointment of an Advisory Committee on Non-game. This step, if implemented, will begin to tie the preservationists into the Department program.

FINANCE

Expansion into the non-game area will only be possible if a new and substantial base of funding is developed. It is unreasonable and completely impractical to finance a program such as I envision with hunting license fees.

There are various ways in which this could come about. In Washington there is being considered now a federal aid program to support the states in developing activities in the non-game field. Such funds could be administered through the existing Pittman-Robertson machinery and would constitute a strong stimulus to all the states to move into this field. Matching funds should come from general state revenues--not license fees--and here we have a strong tradition to break down. Last year the Collier bill, providing one million dollars to the Department for non-game activities, passed both houses of the Legislature but was vetoed by the governor on the basis that it represented a departure in the use of general revenue funds. Concerted public support for such expenditure could, I am sure, overcome this prejudice.

These are some sketchy suggestions as to ways in which the Commission and the Department could advance more rapidly into the broader field of wildlife conservation. We in the universities can do our part by expanding our research into these areas. Everything that I have proposed here calls for the collaborative support of the organized sportsmen, the organized conservation groups, and those of us in this room--the professionals.

The real enemies of the hunters are not the preservationists. The real enemies of the preservationists are not the hunters or the wildlife agencies. The real enemies of both groups are the exploiters, despoilers, dam builders, polluters, and sub-dividers. All groups with an interest in wildlife share a common goal--to preserve and restore the lands and waters of

California which constitute the habitat of wild things. Without habitat there will be little wildlife, either to see or to hunt. But in our divided state we are making scant progress in countering the forces of over-development.

Our choice I think is fairly simple. Either we all mobilize and press hard for a broadened, effective wildlife program or we will find ourselves doing tasks laid out for us in the smoky committee rooms of the State Capitol--tasks such as trapping and moving every mountain lion that kills a sheep or ministering to the burros on the desert.

