

MONTANA CHAPTER OF THE WILDLIFE SOCIETY
RESOLUTION
THE PUBLIC TRUST DOCTRINE & NORTH AMERICAN MODEL
IN FISH AND WILDLIFE CONSERVATION

WHEREAS, the Public Trust Doctrine is the keystone component of the North American Model of Fish and Wildlife Conservation as adopted by the International Association of Fish and Wildlife Agencies in 2002; and

WHEREAS, with origins in ancient, as well as contemporary common law, it mandates that fish and wildlife resources are to be held in trust by government for the benefit of present and future generations of all citizens; and

WHEREAS, in the United States, the common law basis is the Supreme Court decision in *Martin v. Waddell* (41 U.S. 367, 1842); and

WHEREAS, the Doctrine has been manifested in each state and province through their respective legal codes that charter fish and wildlife agencies; and

WHEREAS, the public must be made aware of this Public Trust, and contemporary concerns that could affect it; and

WHEREAS, public ownership of fish and wildlife has come under challenge in recent years, and these challenges will likely persist; and

WHEREAS, focused proactive efforts to solidify and strengthen the Trust are Warranted; and

WHEREAS, wildlife conservation in the United States and Canada as distinct from other forms worldwide has led to the adoption of the “North American Model of Wildlife Conservation;” and

WHEREAS the following seven principles define the North American Model of Wildlife Conservation: Wildlife as Public Trust Resources; Elimination of Markets for Game; Allocation of Wildlife by Law; Wildlife Can Only be Killed for a Legitimate Purpose; Wildlife Are Considered an International Resource; Science is the Proper Tool for Discharge of Wildlife Policy; and Democracy of Hunting; and

WHEREAS The North American Model as it functions in Montana relies on a sense of ownership through participation by its people creating the political will to promote and fund conservation;

WHEREAS Montana relies on hunting and non-hunting interests to support conservation;

WHEREAS in Montana the non-hunting interests wish to contribute to the economic aspects of conservation, but have no Federal legislation that allows for such participation;

WHEREAS funding from such a program must come from equipment purchases that allow people who purchase such equipment to become integrated into the management and conservation of all

wildlife species and their habitat, thereby creating a sense of ownership and political will that is generated by a dedicated economic funding source;

NOW, THEREFORE BE IT RESOLVED that the Montana Chapter of The Wildlife Society has agreed to communicate to internal and external stakeholders, the existence and importance of the Public Trust Doctrine and the North American Model of Wildlife Conservation as they apply to all wildlife;

BE IT FURTHER RESOLVED that the Montana Chapter of the Wildlife Society has agreed to promote Federal legislation at the Congressional level similar to Pittman-Robertson and Dingle-Johnson funding sources that would create a participatory tax on equipment used for other types of outdoor recreation (non-hunting) that will create a State incentive for matching funds to fuel broader conservation initiatives in Montana;

BE IT FURTHER RESOLVED that the Montana Chapter of The Wildlife Society has agreed to promote the seven principles described in the North American Model of wildlife conservation as the proper tool for the discharge of wildlife policy; and recognizes hunting as a legitimate tool for wildlife management consistent with the Public Trust Doctrine;

BE IT FURTHER RESOLVED that the Montana Chapter of The Wildlife Society has agreed to conduct outreach to demonstrate the highest standards of ethics and respect for wildlife, and reinforce the value of democratic relationships to wildlife in a free society;

BE IT FURTHER RESOLVED that the Montana Chapter of The Wildlife Society has agreed to engage universities and other academic institutions to encourage inclusion of the Public Trust Doctrine and related principles in fish and wildlife curricula.

Adopted in Convention
Missoula, Montana
February 28, 2008