

Public Trust and Conservation Beneficiaries



Wildlife Management Institute

Contact Aforstchen@wildlifemgt.org

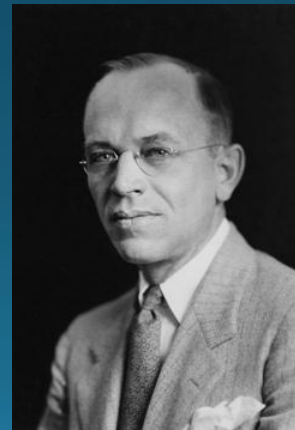
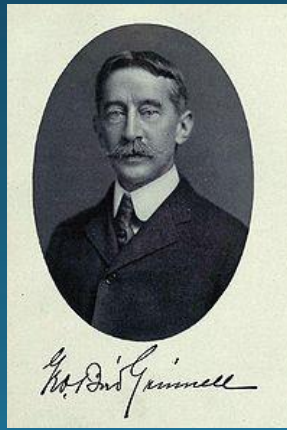
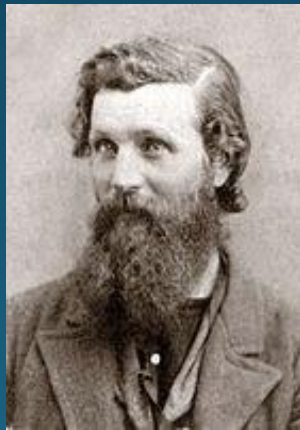
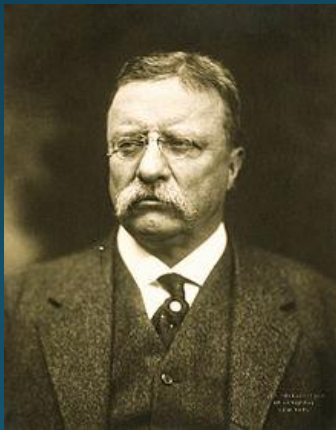
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MSCG Project Intent

- Not to replicate or create conservation social scientists in state agencies
- Provide basic information to increase awareness of and about the acquisition and application of conservation social science in agency decision making
- For the purposes of these modules, we'll use the more modern and broader terminology of conservation social sciences rather than human dimensions of wildlife management
- Our use of the term wildlife includes mammals, fish, birds, insects, reptiles, etc.
- WMI deeply appreciates the contributions of Dr. Daniel J. Decker and Dr. Lou Cornicelli to this project

Wildlife Management History in US

- Wildlife do not exist by accident
- Unique system of wildlife management
- Evolving for past 150 years in US



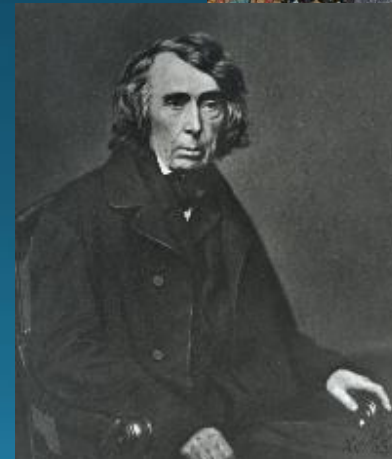
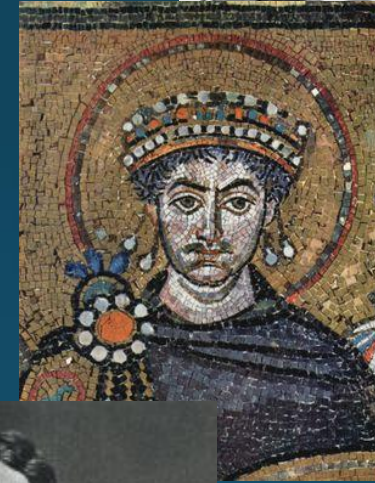
Public Trust Doctrine

Society's expression of the fundamental value
of wildlife resources.



Public Trust - Not a New Concept

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



What *is* the Public Trust Doctrine?



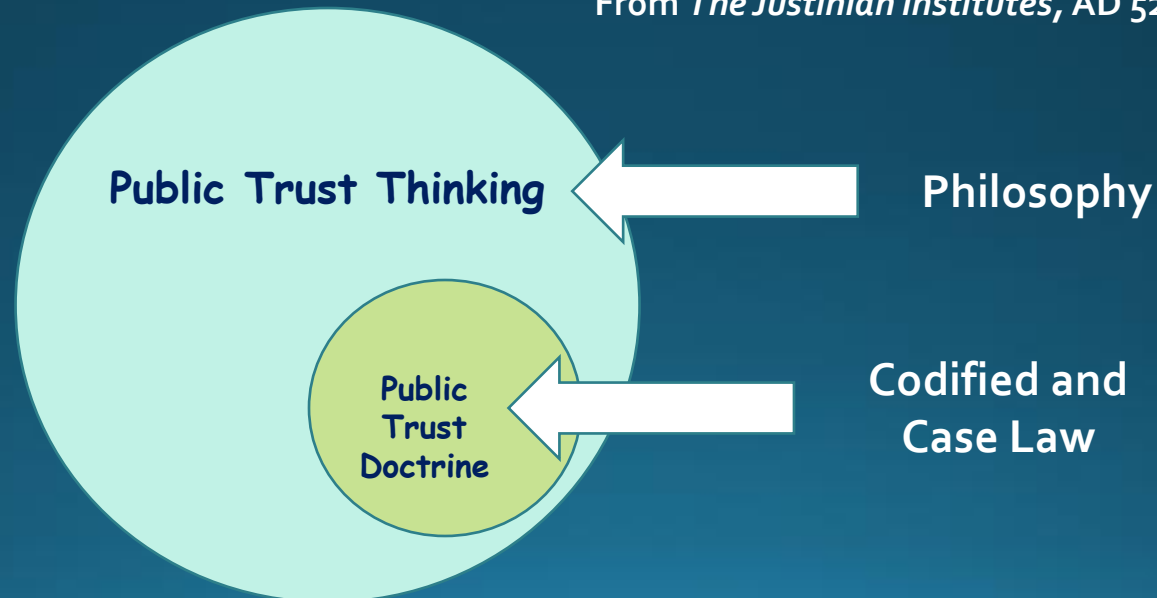
A body of legal authority and case law, which varies state by state, that says certain natural resources, such as water, fish, and wildlife, are **held in trust for the benefit of people.**

Public Trust Thinking & Public Trust Doctrine



"By the law of nature these things are common to all mankind: the air, running water, the sea, and consequently the shores of the sea"

From *The Justinian Institutes*, AD 529



Public Trust Thinking

- Fish and wildlife are ...
 - Public resources, intergenerational inheritance
 - Not suited for exclusive private ownership
 - Managed for the common good – all citizens have rights to benefits



Public Trust Thinking

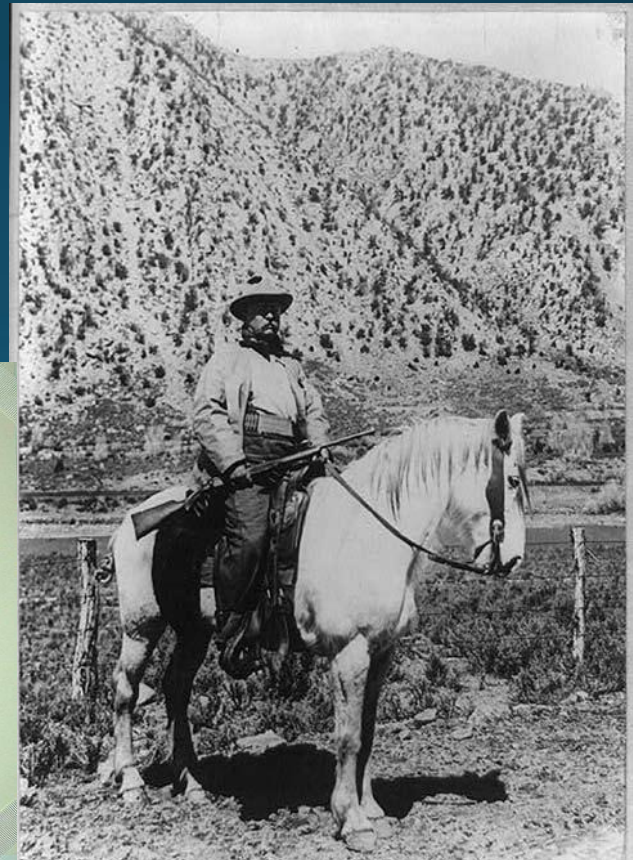
- Fish and wildlife are ...
 - Managed so no group is favored over another
 - Managed by gov't on behalf of all citizens
 - Citizens are entitled to hold leaders accountable



- The “game belongs to the people.” So it does; and not merely to the people now alive, but to the unborn people.
- The “greatest good for the greatest number” - applies to the number within the womb of time, compared to which those now alive form but an insignificant fraction.

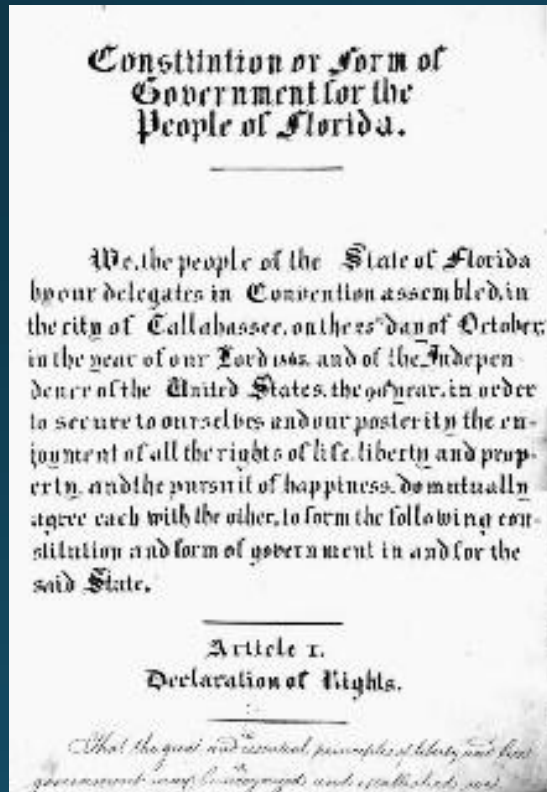


*Theodore Roosevelt
26th President*



FL State Authority

Florida Constitution



Article II, SECTION 7. Natural resources and scenic beauty.—

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty.

Article IV, SECTION 9. Fish and Wildlife Conservation Commission

The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life....

....for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life

MN State Authority

Minnesota State
Constitution, Article XIII,
Sec. 12:

Hunting and fishing
and the taking of
game and fish are a
valued part of our
heritage that shall
be forever preserved
for the people and
shall be managed by
law and regulation
for the public good



- 97A.025 - "The ownership of wild animals of the state is in the state, in its sovereign capacity for the benefit of all the people of the state."
- 84.027, subd. 2 - The DNR commissioner "...shall have charge and control of all the public lands, parks, timber, waters, minerals, and wild animals of the state..."
- 84.941 - "It is the policy of the state that fish and wildlife are renewable natural resources to be conserved and enhanced through planned scientific management, protection, and utilization."

Role of Government



- The government is required to manage F/W resources
- Provide conservation benefits to all citizens

Terms used in a PT framework

- Trust asset
- Trustee
- Trust managers (or agents of the trustee)
- Beneficiaries



Roles: Trustee

- Conserve fish and wildlife for long-term
- Weigh current and future needs
- Resolve competing demands
- Manage the impact of wildlife on people



Roles: Trustee

- Decide what benefits from fish and wildlife, if any, can be distributed
- Consider ecological *and* social implications of decisions
- Be accountable to citizens



Roles: Trust Manager (employees of wildlife agencies)

- Monitor and manage the assets of the trust to attain the goals set by the trustees
- Report on the status of the trust to the trustees and the beneficiaries
- Distribute trust benefits, if any, as directed by the trustees



Roles: Beneficiary (public – current *and* future generations)

- Be informed and engaged
- Provide input in decision-making
- Understand competing demands
- Hold trustees accountable



Managing the Public Trust

- Wildlife - held in “trust” for all citizens
- The “trust” the public has in us as professional resource managers
 - Competence
 - Procedural fairness

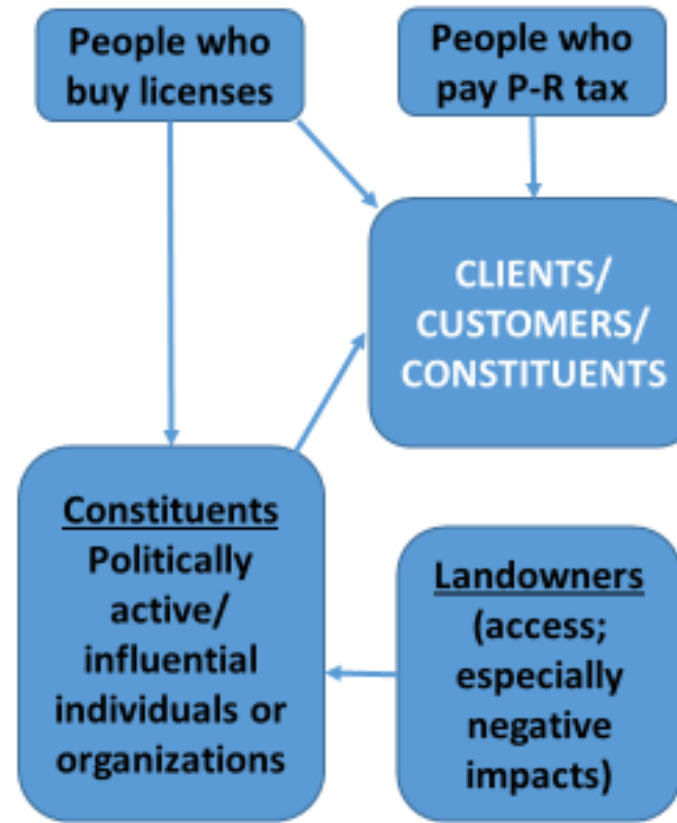


Customers → Stakeholders → Beneficiaries

Shift in thinking over time

- Customers – people who buy licenses or pay fees for service, focus of agency pre-1980s
- Stakeholders – people who significantly impact or are significantly impacted by wildlife or agency wildlife management actions
- Beneficiaries – all people benefit from wildlife conservation, all their needs, interests and concerns should be understood and considered in decision making

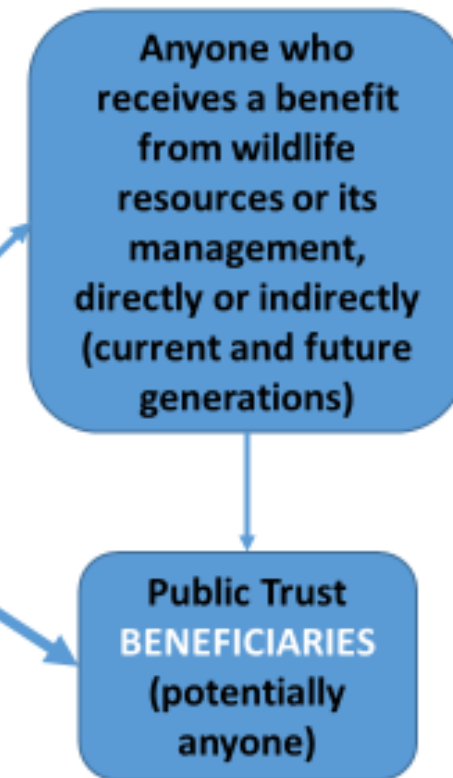
Historical Client-oriented
Paradigm (pre-1990)



Current Stakeholder-oriented
Paradigm (mid 1990s - present)



Emerging Public Trust
Beneficiary-oriented Paradigm



How Do States Apply the PTD?

- *Traditional* – focus on hunters, anglers, and trappers
- *Transforming* – trying to broaden the population of stakeholders who benefit, trying to gain trust of new stakeholders , while not abandoning traditional stakeholders
- *Progressive* – transformed or are far into the process of transforming to a broader notion of beneficiaries

How do Agencies Fulfill Their PTD Obligations?

- Trust resources are managed on behalf of beneficiaries by both trustees and trust managers (i.e., the values, needs and interests of all beneficiaries receive equitable consideration)
- Current resource management decisions consider public trust assets for future generations
- Trustees and trust managers are not unduly influenced by particular stakeholder interests
- Beneficiaries can hold the trustees and trust managers accountable
- Decisions made by trustees and trust managers are transparent

Beneficiary and Trustee/Trust Manager Relationships

- Agencies typically have well-established relationships with traditional hunting, fishing, and trapping stakeholders
- Agency relationships with nontraditional stakeholders tend to be less well developed
- Wildlife professionals must embrace a broad perspective of beneficiaries as they apply the PTD

Summary

- Trustees (e.g., commissioners) need to understand the wildlife-related outcomes desired by beneficiaries
- Traditionally, trustees have engaged with those beneficiaries whose interests are closely tied to those who have provided funding (e.g., hunters, anglers, trappers)
- Trust manager's (staff) need to seek new ways to engage in meaningful dialogue with diverse groups of beneficiaries

Resources

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