

INTRODUCTION

VALUING WILDLIFE WILDLIFE—OUR MOST VALUABLE PUBLIC RESOURCE

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The time has come for our legal system to reflect the value of wildlife in our society. As such, we must revise our thinking on the issue of takings as it refers to wildlife. Many wildlife policies and state initiatives show that the American public greatly values wildlife. Recent polls indicate that seventy-four percent of Americans want leghold traps banned in the United States.¹ However, our legal system only compensates for the taking of property, and only for economic reasons. If you were to kill a cow on my farm, that is clearly a taking. If you kill an elk (a public resource) on public land why is that not a taking also? While this is still a taking of a public resource for private gain, it is nevertheless considered different in the eyes of society. The value placed upon living rather than dead wildlife is nothing more than a value judgment. Moreover, studies show that citizens place a high value on wildlife whether or not they will actually have the opportunity to see those wild animals. Therefore, it is time to examine this judgment and change the minds of those in a position to reassess the “value” of animals to reflect their intrinsic value. It is time for us to begin valuing living wildlife, and stop rewarding those who take wild animals for their own economic gain.

Recently, I traveled on the Umpqua highway in Oregon and was amazed to see the volume of cars parked along the side of the road. Families, armed with still and video cameras, were leaving their cars

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¹ ProPAW, *Protect Pets and Wildlife* (visited May 2, 2000) <<http://www.bancrueltraps.org>>.

to record the sight of a small herd of elk. A sight once commonplace to the pioneers who first visited the Pacific Northwest, this herd may be the first and last community of elk these children ever see. These elk are a public resource that are valuable to those citizens and many others. However, despite the high regard and respect many citizens give to wildlife, our reasons for valuing wildlife vary considerably. One of the greatest threats to that elk herd and other wildlife, and our enjoyment of them, is the continued hunting and trapping of these magnificent creatures.

Banning traps for recreational and commercial reasons would be a powerful step in recognizing the inherent value of wild animals. The taking of wildlife is restricted to a very small portion of the population: those who enjoy killing and are physically and financially able to do so. Trapping is almost always a financial pursuit with no concern for the pain and suffering it causes animals. The average trapper makes only \$2000 a year from selling the pelts of beavers, coyotes, and other animals, which is not a living wage for most people.² The dollars made by trappers can, by no means, justify the pain and suffering inflicted on the animals caught in these traps. In many states, traps can be left unchecked for up to twenty-four to seventy-two hours.³ Furthermore, these traps are almost always unattended with no warning signs, posing a danger to non-target animals, hikers, and family pets. Not only do traps kill approximately 250,000 "target" animals each year, but also over one million "non-target" animals.⁴ In addition, trappers have been known to discard the unwanted, sometimes severely injured "non-target" animals in order to gather the few target creatures actually captured. The pain and suffering caused to animals caught in traps is appalling and uncivilized. Yet, in this "civilized country" these activities are permitted to continue every day, sanctioned by the inaction of legislators and the apathy of the general public.

As someone who has lived in both Africa and the United States, I am struck by how the United States' treatment of wildlife is distinctly juxtaposed with Kenya's, my birth country. Although Kenya's economy was built on the big game hunt, trophy hunting was banned many years ago. In its place, Kenya began a widespread campaign to educate its citizens that wildlife belonged to all and that wild animals are more valuable as a public resource than as a commodity for a few to enjoy. Game reserves all over Africa quickly became a huge source of revenue, evidencing the high value of wildlife. Tourists travel to Africa not only to view exotic species such as the rhino or lion, but also to see herds of zebra and deer. South Africa, despite its many economic pres-

² ProPAW, *Facts Supporting Trapping Restrictions* (visited May 19, 2000) <<http://www.ips.net/propaw/ortrappingfacts.htm>>.

³ ProPAW, *Statement of The Humane Society of the United States*, (visited May 19, 2000) <<http://www.ips.net/propaw/HSUS.htm>>.

⁴ *Facts Supporting Trapping Restrictions*, *supra* note 2. "For every target animal caught in a trap, there are one to ten non-target animals that fall victim to these devices." *Id.*

asures, has expanded its wildlife reserves and education efforts to eradicate poaching. The government realized how highly South Africans, and the world population, value wild animals, and took steps reflective of that value judgment. Both South Africa and Kenya, countries known for political and economic instability, joined eighty-seven other countries and banned the use of cruel and indiscriminate traps for fur.⁵ The United States has yet to join them.

In the United States, wildlife is considered a public resource when individuals of a species are taken for private gain. Whether for fur or for sport, the hunting and trapping public is encouraged to kill wildlife in spite of the detriment to the public capital that such activities represent. The present rules are based on out-dated assumptions, and it is time that public policy gets in step with public opinion. The population of the United States is no longer predominately rural, impoverished, and reliant on hunting as a way of subsistence. Certainly, no one can argue that the majority of hunters today need to kill animals for personal subsistence. Except in rare cases, meat gathered from hunting is far more expensive per pound than meat purchased from the local supermarket. Hunting and trapping are simply not sustainable forms of living.

While it is evident that wildlife is valuable, the question remains how to place a monetary value on something so ethereal and unique. To date, most valuations based on "fair market value" do not adequately capture the true value of the species themselves or the value they bring to humans. Where Congress has gotten involved, the method for valuing wildlife remains complicated and the measurement elusive.⁶ The problem is simple. It is impossible to place a monetary value on that moment when you first see a deer, stare into its eyes, and realize there is a vibrant, sentient, living being staring back at you. For that reason, we must stop trying to arbitrarily impose a value on life (something we can scarcely do for humans), and instead endeavor to protect wildlife for their own sake, not simply for the benefit of tourism dollars or to aid the special interests of hunters.

At one time, the economy in the West was indeed supported by hunting and trapping. However, times have changed, and we can no longer adhere to the notion of subsistence hunting and trapping in twenty-first century America. Trapping today is used solely for economic gain, albeit very little due to the low prices of pelts on the market. If we, as a society, truly value our wild animals, we must take the necessary steps to eradicate the cruel and needless killing of our wildlife. Throughout our country's history, it has been paramount to continually examine and question practices in our society. Changed

⁵ ProPAW, *Oregon Citizens Launch Ballot Measure to Ban Cruel and Indiscriminate Steel-Jawed Leghold Traps* (visited May 19, 2000) <<http://www.ips.net/propaw/PressRelease.htm>>.

⁶ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607(f) (1994) (discussing natural resource valuation in Superfund cleanup operations).

circumstances should naturally bring forth similarly evolving rules and values. Let us question out-dated practices, and let us begin by banning the trapping of our wildlife for fur.