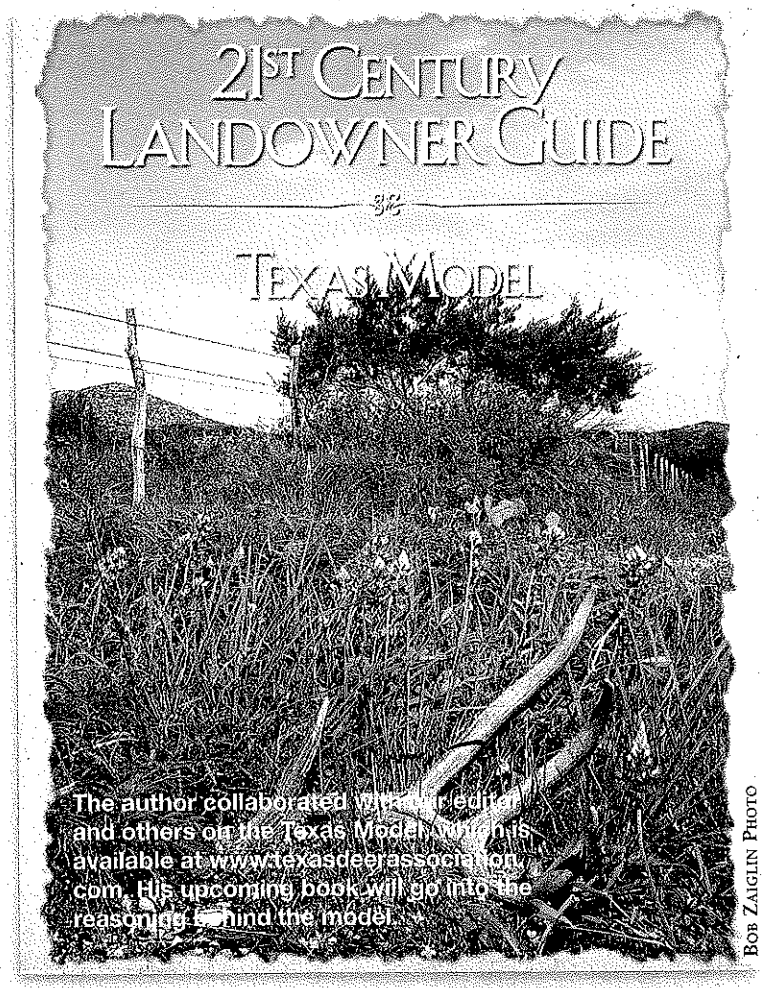
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The Texas Model For Wildlife Conservation Part I

By Dr. James C. Kroll

Editor's Note: This article represents a chapter from Dr. Kroll's soon to be published book, "The Gospel of Eden: The private landowner and conservation in the 21st Century."

Texas, a vast and diverse landscape containing some 268,820 square miles, with 3,700 streams, 15 major rivers and mountain ranges as high as 8,751 feet. This expanse of land extends northward 894 miles from Brownsville to Dalhart and 840 miles westward from the Sabine River to El Paso. At least 11 unique biotic provinces are acknowledged, ranging from tropical forest to pine-hardwood forests, expansive grasslands, deserts and live oak savannas. Texas is unique in many ways, but none more striking than the people who have shaped the state's character. Functioning under the flags of 6 different nations, the true character of Texas can be traced to three distinct cultures—the Comanche Nation to the north and west, the Spaniards to the south and southwest and the Anglo-Saxon descendants to the east. Each came to Texas for different reasons, but in other ways not so different. Comanche bands pushed south from the eastern Rocky Mountains in search of rich game lands, often displacing other tribes in the process. Their motivation was securing abundant food in the form of bison and other game, love of the hunt and freedom to go wherever they pleased. Spaniards came to this land in search of material and spiritual rewards, bringing with them knowledge about ranching and livestock. Anglos and former African slaves came to farm the land and live free; their past behind them. Although



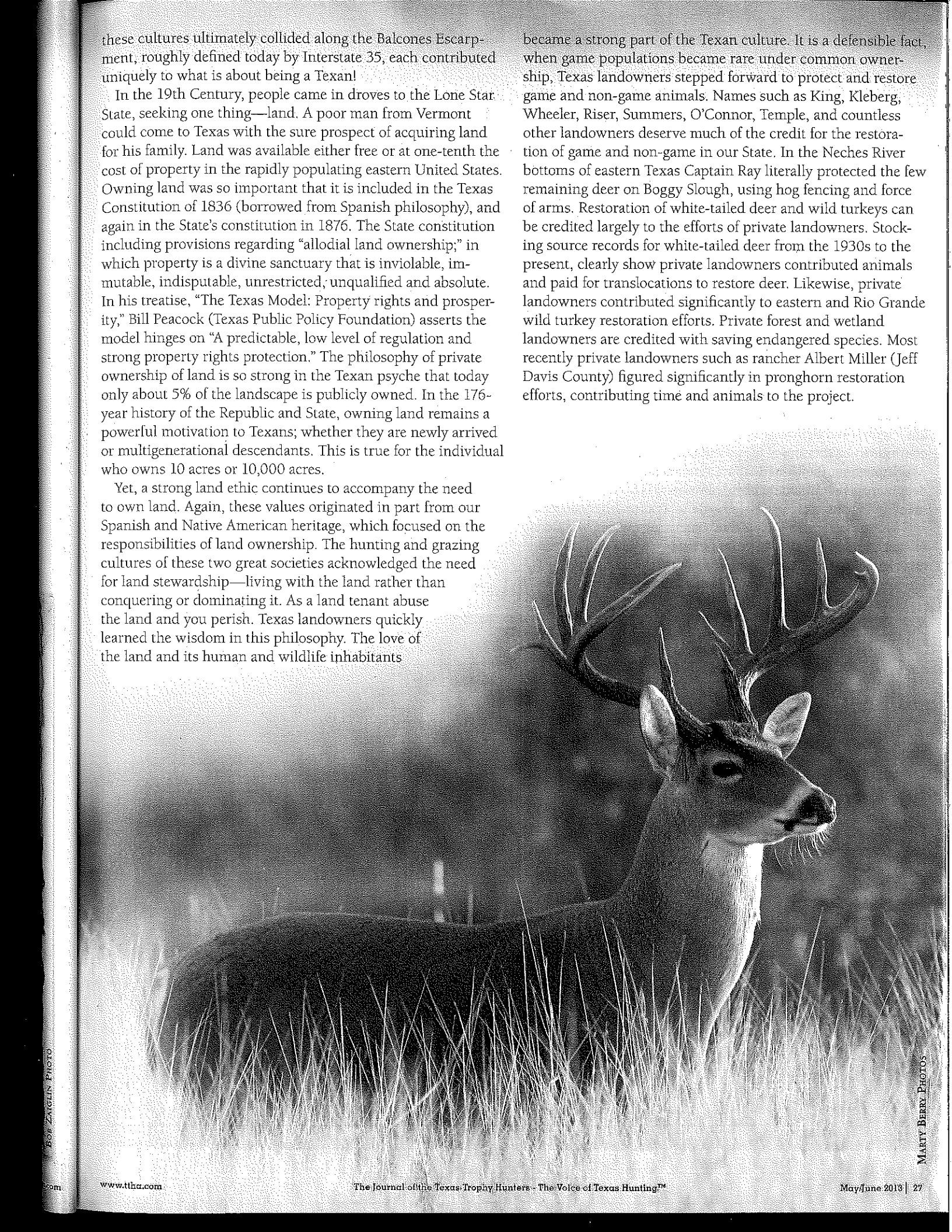
The author collaborated with many biologists and others on the Texas Model, which is available at www.texasdeerassociation.com. His upcoming book will go into the reasoning behind the model.

Bob Zaiglin Photo

these cultures ultimately collided along the Balcones Escarpment, roughly defined today by Interstate 35, each contributed uniquely to what is about being a Texan!

In the 19th Century, people came in droves to the Lone Star State, seeking one thing—land. A poor man from Vermont could come to Texas with the sure prospect of acquiring land for his family. Land was available either free or at one-tenth the cost of property in the rapidly populating eastern United States. Owning land was so important that it is included in the Texas Constitution of 1836 (borrowed from Spanish philosophy), and again in the State's constitution in 1876. The State constitution including provisions regarding "allodial land ownership;" in which property is a divine sanctuary that is inviolable, immutable, indisputable, unrestricted, unqualified and absolute. In his treatise, "The Texas Model: Property rights and prosperity," Bill Peacock (Texas Public Policy Foundation) asserts the model hinges on "A predictable, low level of regulation and strong property rights protection." The philosophy of private ownership of land is so strong in the Texan psyche that today only about 5% of the landscape is publicly owned. In the 176-year history of the Republic and State, owning land remains a powerful motivation to Texans; whether they are newly arrived or multigenerational descendants. This is true for the individual who owns 10 acres or 10,000 acres.

Yet, a strong land ethic continues to accompany the need to own land. Again, these values originated in part from our Spanish and Native American heritage, which focused on the responsibilities of land ownership. The hunting and grazing cultures of these two great societies acknowledged the need for land stewardship—living with the land rather than conquering or dominating it. As a land tenant abuse the land and you perish. Texas landowners quickly learned the wisdom in this philosophy. The love of the land and its human and wildlife inhabitants became a strong part of the Texan culture. It is a defensible fact, when game populations became rare under common ownership, Texas landowners stepped forward to protect and restore game and non-game animals. Names such as King, Kleberg, Wheeler, Riser, Summers, O'Connor, Temple, and countless other landowners deserve much of the credit for the restoration of game and non-game in our State. In the Neches River bottoms of eastern Texas Captain Ray literally protected the few remaining deer on Boggy Slough, using hog fencing and force of arms. Restoration of white-tailed deer and wild turkeys can be credited largely to the efforts of private landowners. Stocking source records for white-tailed deer from the 1930s to the present, clearly show private landowners contributed animals and paid for translocations to restore deer. Likewise, private landowners contributed significantly to eastern and Rio Grande wild turkey restoration efforts. Private forest and wetland landowners are credited with saving endangered species. Most recently private landowners such as rancher Albert Miller (Jeff Davis County) figured significantly in pronghorn restoration efforts, contributing time and animals to the project.



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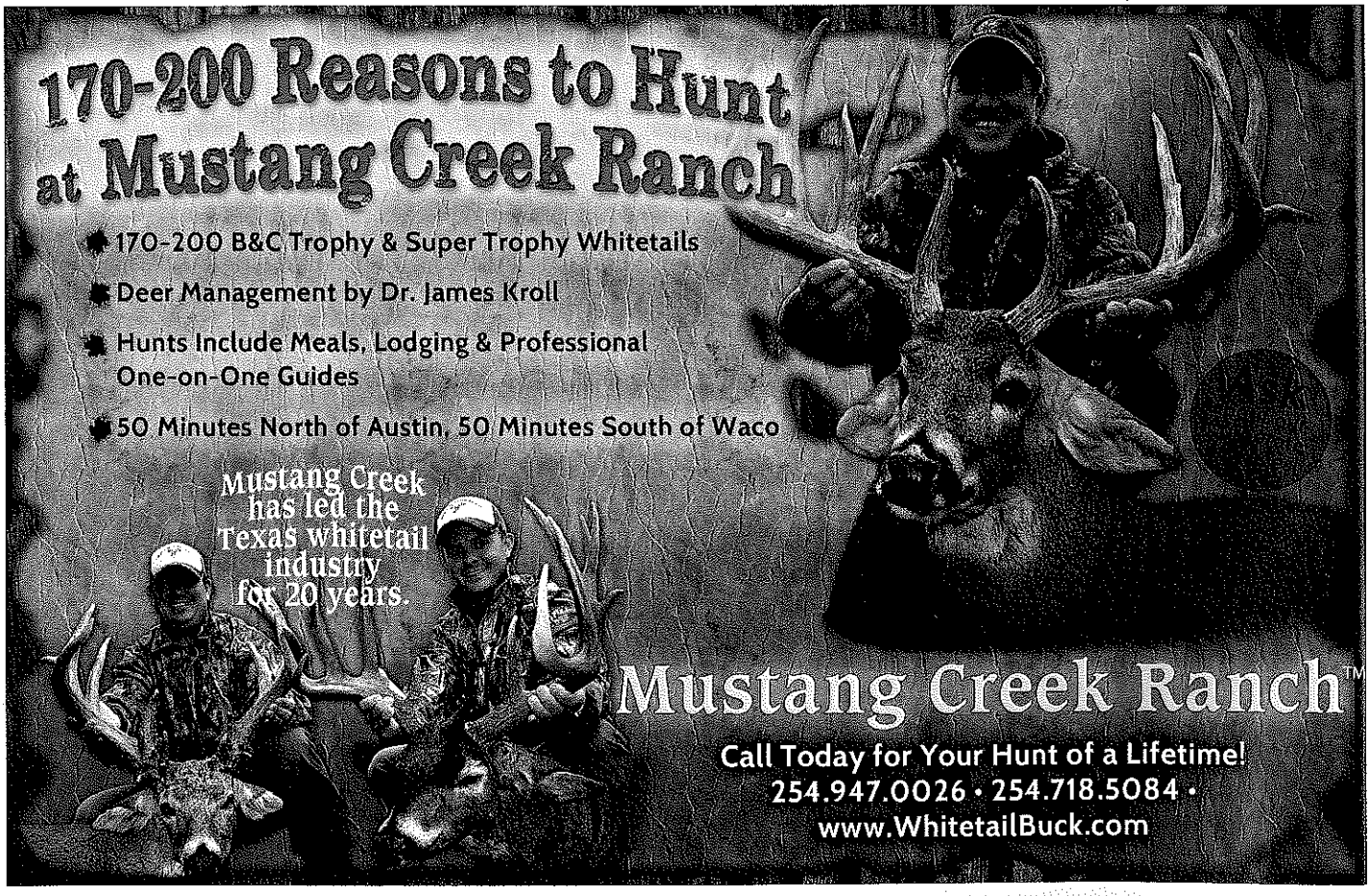
Proprietary interest and a time-honored land ethic encourages these efforts. Today, Texas can lay claim to the following statistics:

- The largest (4.5 million+) white-tailed deer population.
- The largest wild turkey population in the United States.
- The only state with huntable populations of white-tailed deer, mule deer, pronghorn, bighorn sheep, elk, free-ranging aoudad sheep and nilgai antelope, and alligators.
- The highest game animal diversity in the nation.
- Winters 85% of redheads for the Central Flyway. Number one state for exotic game hunting.
- A wild hog population of over 2 million.

Although Texas is viewed by many non-residents as not being supportive of public hunting, the vast majority of hunting in the State takes place without payment to the landowner. Although estimates are scarce, no more than 20 percent of the total huntable land base is leased or fee-based for hunting. It is correct to note, many of the modern wildlife management techniques, especially for game animals, arose from private landowners and their efforts to conserve wildlife. Landowners continue to be the source of game management innovations in use throughout the United States, Canada and Mexico. Quality deer management (fathered by Al Brothers) is a growing movement, one whose origins link straight to Texas. Other concepts such as doe harvest, supplemental nutrition, antler restrictions to control buck age structure, range management, culling, etc. all originated in the Lone Star State with private landowners. Most importantly, Texas landowners and hunters are fully aware wildlife is a product of the land and a valuable crop, one that saves both rural land and the rural lifestyle. Over a span of more than 200 years, the Texas Wildlife Model has been developed and tested. Today, not only does Texas enjoy abundant wildlife resources and a strong conservation heritage, hunting alone amounts to a $3 billion annual industry; one that saves rural land, the rural lifestyle and helps to slow fragmentation.

The Texas Model may appear to some as counter to the "North American Wildlife Conservation Model (North American Model)," which arose during the early 20th Century. The North American Model was developed primarily to restore populations of game animals, decimated by years of unregulated public hunting and commercial exploitation. Factually, the North American Model can indeed be credited with saving many species of wildlife and wildlife habitats throughout several regions of the United States. This model is predicated on the following tenets:

- Wildlife inherently belong to the people, held in common trust. Ownership is shared by all, as well as responsibility.
- There is a need for regulated commerce in wildlife, based on the early abuses of market hunting.
- Opportunity and access to hunting is guaranteed for all, to ensure a broad base of financial support and advocacy.
- Wildlife conservation is funded and supported by the public through license sales and excise taxes.
- Wildlife is an international resource, requiring cooperative efforts across national borders.
- Wildlife policy is based on sound science.





The North American Model truly can be credited with helping to save many species and their habitats, and is a real success story internationally. Yet, in more recent times, some species benefiting from the application of this model have become problematic, since population numbers are not being controlled by hunting/trapping and management. Among these are white-tailed deer, snow and Canada geese, elk, bears, wolves and beavers. Landownership patterns, demographics and public attitudes often render traditional management activities such as hunting in effective. This has led to a growing number of biologists favoring commercial hunting and encouraging higher predator populations as alternative control measures to traditional hunting. Clearly, professional wildlife managers now are considering modification of the North American Model to fit modern conditions.

Often, articles in the outdoor press and position statements by conservation groups are critical of the "Texas System" of wildlife management, charging it is a violation of the North American Model tenets. In criticizing wildlife management in Texas, the writings of Aldo Leopold (credited as the "father" of wildlife management in the United States) often are invoked. However, Leopold on visiting the King Ranch on a 1947 visit to attend the North American Wildlife Conference in Kingsville proclaimed: "*...one of the best jobs of wildlife restoration on the continent, [with] unparalleled opportunities for both management and research..., a gem among natural areas [which] must be kept intact.*"

The apparent contradictions between the North American Model and the Texas Model are not as profound as represented



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by critics. First, the North American Model was developed primarily as a means to restore wildlife (game) species and habitats, after two hundred years of uncontrolled exploitation. The question never has been addressed as to what should be done once these species have been restored. The North American Model also does not consider modern issues stemming from societal and land-use changes. The Texas Model is a logical development in the evolution of wildlife management in North America, but admittedly represents one of many possible solutions to modern life. Since Leopold's words often are incorporated into the discussions, an examination of the totality of his work is in order.

The issues at hand involve the following:

- Intensive management of game species by private landowners.
- Landowners profiting from hunting.
- Expanding control over game populations on private lands by landowners.

There has been a marked increase in the number of landowners managing their lands intensively for game animals (and, in some cases non-game animals). Perhaps the most often used quotation from Leopold involves the artificiality of intensive management: *"The recreational value of a head of game is inverse to the artificiality of its origin, and hence in a broad way to the intensiveness of the system of game management which produced it."* This statement was one of five theorems put forward by Leopold in his 1933 book, Game Management. Seldom quoted are the remaining theorems presented in his text:

1. *"The denser the human population, the more intense the system of game management needed to supply the same proportion of people with hunting.*
2. *A proper game policy seeks a happy medium between the intensity of management necessary to maintain a game supply and that which would deteriorate its quality or recreational value.*
3. *Game management is a form of agriculture. Does it, like the other forms, obey the Malthusian law of diminishing returns?...I think this is true of game stands...We have had so little management in this country that we must leave this point in doubt. Time may show cheaper costs for the lower scale of game populations, and if so, this will constitute a fourth theorem.*
4. *Only the landowner can practice game management cheaply."*

Leopold realized early on that, in order for game animals to thrive, private landowners were a very important part of the management mixture! He also appears to have realized the future need for intensifying game management as human populations increased. In Game Management he listed the stages American society would go through in developing a national game policy:

1. *"Policing the remnants of the virgin game crop.*
2. *Undertaking game farming (artificial replenishment).*
3. *Acquiring state lands and managing them.*
4. *Starting educational work.*
5. *Starting fact-finding work after learning that the requisite facts for 2, 3, and 4 do not exist.*
6. *Starting to encourage private management. Regulating private management in the public interest."*

Hence, Leopold obviously understood the natural progression in national game management policy would have to eventually involve the private landowner, in a public trust scenario.

The next criticism of the Texas Model involves landowners deriving income from game and other wildlife. As already noted, Leopold considered wildlife an "agricultural crop." Furthermore, wildlife management always has been site-specific, requiring unique answers to geographically unique problems. In order to encourage private management, there are a host of potential ways to motivate landowners to be wildlife stewards, including tax abatements, cost-sharing and economic development. The Texas Model has moved toward a mix of all three, but economic benefits have been a strong motivational force. Again, Leopold was at the forefront of thought on these issues:

"The American Game Policy sketches in broad outline the present application of these five theorems [see above] to American management. It proposes low-intensity management on all lands (rather than high-intensity management on a few spots) in order to take advantage of the lower costs and lesser artificiality thus obtainable. It proposes that the public be its own manager wherever it can own the land, but admits the necessity of working through the private owner where it cannot. No policy, of course, can map an exact route to these objectives. The details of the route must be worked out a step at a time by 'try and see' procedure."

One "try and see" approach certainly has worked in Texas, yet admittedly may not work as well in other regions. Leopold pointed out no one can predict the outcome of trying new ways to manage wildlife, but did offer some criteria for measuring the effectiveness of new systems.



"The American Game Policy (1930) asserts that, first of all, the private landowner must be given some incentive, more powerful and more universal than altruism, for controlling hunting and game environment on his land. His control of hunting must begin where legislative restrictions leave off. Given such an incentive, the following criteria are offered for judging workable controls:

1. *The landowner's compensation for the hunting privilege should be in proportion to the size and quality of his game crop, so that he will have a personal incentive to improve the range and prevent over-killing, or other damage to the seed stock.*
2. *The landowner should, within the limits of the law, control who and how many persons are allowed to hunt on his land, so that responsibility for abuses can be fixed and the proposed total kill effectively limited.*
3. *The operating unit should be large and centrally managed, so that neither the sportsman nor the individual landowner will be burdened by the necessary routine of asking and giving permission to hunt. If possible, the minimum operating unit should be as large as the annual radius of the species.*
4. *Each operating unit should be responsible to the state for the condition of protected, non-game, and migratory species, for moderation in predator control, for law-observance, and for such other public interests as are involved. The state must retain the power to close the unit, or otherwise force the owners to care for the wild life which is its property."*

In regard to the last criticism (who controls wildlife?), Leopold predicted game management eventually would mature to a system in which there was a public trust relationship between game agencies and the private landowner. Game management, in order to be successful must include both private and public initiatives and partnerships. Giving a proprietary interest to all individuals (public and private land hunters) offered the greatest assurance for the future of hunting in America. Leopold's vision of the function of government in wildlife management is captured in the following:

"Actually game administration in this country has so far concerned itself almost entirely with two things: regulating abuses by the exercise of its police powers, and attempting to practice management on private lands without the co-operation of the owner. The latter attempt is bound to fail in the long run, because government cannot control environment on lands which it does not own. It can plant game on them, and to a very limited extent (by fixing season and bag limits) regulate the kill, but these alone are seldom sufficient to produce a sustained crop. Experience, if not cerebration, will inevitably tend to shift the emphasis in game administration to its true functions. In agricultural administration, government does not try to plant or harvest crops on private lands, as it does in game. It does, however, maintain great agricultural colleges and a network of experiment stations to discover better cropping technique, and a nation-wide system of agricultural extension agencies to tell the farmer how to use these discoveries. Game administration must install a similar machinery for research and education, or else use the agricultural machinery already set up. Since game is largely as agricultural by-product, the latter course seems by far the best."

The future of wildlife management and the conservation of game and non-game animals in America will hinge on adapting the North American Model to fit a changing landscape and American population. No single solution to the host of issues and problems, as Leopold noted, is possible! Local variations on the model should be developed and based on local traditions, land-use and ownership, economics and societal needs. To not do so would mean the loss of the many benefits afforded by recreational hunting, as well as the land ethic. For, society already has shown there are limits of tolerance for animal populations, particularly large game animals, no matter the intrinsic, ecologic or intrinsic values ascribed to them.

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