

Wildlife Law

ESA Part - 1972 Marine Mammal Protection Act

- 1973 ESA
- 1976 Fishery Conservation and Management Act

Basis - Interstate Commerce Clause/Treaty

Traditional (Roman) view - wildlife - property of no one

- But property owner exclusive right to collect on his property

Paranoia over weapons -

- Federal Europe - exclusive right of King
- Magna Carta - 1215
 - Ban on weirs in streams through king's franchise
 - Expanded to ban on restrictions in water ways

1776 - State as King

1900 - Lacey Act - 1st Federal

- Prohibited commerce in birds illegally killed

Moratorium on taking of all Marine Mammals

Commerce - National OAA (National Oceanic and Atmospheric Administration)
Implements

- includes National Marine Fisheries Service

Waiver of Moratorium if standard met

- Max. sustained yield

Waiver pulled if "depleted"

- significant population decline
- subject to ESA now or is likely to be under present trends
- below optimum carrying capacity