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