

Compensation and Predator Conservation: Limitations of Compensation

by

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Despite the 'success' of recent attempts to reintroduce predators, addressing social conflicts and increasing social tolerance for predator reintroduction and management remains a significant issue in species restoration and management. One of the most vocal arguments opposing predator restoration and conservation involves concerns over livestock predation. Although most research indicates that livestock depredation does not seriously impact the livestock industry as a whole, the effects of livestock predation can be devastating to individual ranchers and farmers (Balsler 1974, Dorrance & Roy 1976, Gee 1979, Robel *et al.* 1981, Fritts 1982, Weaver 1983, Hoffos 1987, Fritts *et al.* 1992, Cozza *et al.* 1996). However, the real number of head lost to depredation may not be as important as how the livestock owners perceive the severity of damage. Actual damage is often lower than the perceived damage, but it is perceived damage that influences public opinion (Fourli 1999).

One method put forth to address livestock predation and increase tolerance of carnivores in livestock producing areas is the use of compensation programs. Some authors suggest that the use of compensation programs may help to mollify the livestock producing community and reduce the animosity towards the agencies that manage carnivores (Fritts *et al.* 1992, Fourli 1999). However, the idea of compensation starts with the assumption that opposition stemming from livestock depredation is an economic issue and that paying for losses to predators will alleviate the problem of living with carnivores. Literature suggests that there are limits to this assumption, and that livestock depredation encompasses much more than just economic loss. While the literature adequately covers the merits of compensation for livestock depredation, no one paper combines the many concerns that have been raised by various authors. This paper attempts to discuss the suggested limitations that are associated with compensation programs that pay for livestock depredation.

While supporters argue that compensation programs for livestock depredation are a good investment of public and private funds, others suggest that there are limitations inherent to compensation programs. The discussion of limitations help to show the complexity of the compensation issue and indicate that limitations impact all compensation types

(public authorities may utilize the following methods: direct compensation, insurance, compensation funds; nongovernmental organizations may administer compensation programs; and individual producers may take out insurance (de Klemm 1996)). These limitations can be framed in the following four key realms:

- 1 unanticipated negative consequences,
- 2 policy, responsibility, and roles,
- 3 urban versus rural values, and
- 4 concerns that compensation doesn't address. These realms will be the focus of this paper.

Unanticipated negative consequences

Creating compensation programs sets up expectations that need to be actualized by the agencies and organizations involved. Any failure to do so can greatly impact the relationship and establishment of trust between the agencies/organizations and those the program was meant to serve. Moreover, failed expectations may have a detrimental effect on the attitudes and tolerance of livestock producers towards predators targeted by compensation programs.

Compensation programs created to increase tolerance towards a specific species, for example wolves, may actually have the reverse effect and actually create a bias against that animal. This is in part due to the fact that compensation programs often do not address the real problem species (Wagner *et al.* 1997, Fourli 1999). Coyotes and dogs are the most damaging species to livestock in the United States, yet most compensation programs target species that cause much less damage. This can cause bias and animosity towards the target species, which is especially problematic for wolf compensation programs because coyote, dog, and wolf attacks are difficult to distinguish from each other (Fritts 1982, Fritts *et al.* 1992, Cozza *et al.* 1996, Wagner *et al.* 1997, Fourli 1999). Fritts *et al.* (1992) stated that there were several instances in Minnesota where the wolf compensation program being too low, market value being based on time of loss and not the projected value of when it would be heading to market, and having no compensation for missing livestock, even if there are other verified claims can all have a significant impact on the relationship between livestock producer, the agency/organization and the predator in question. However a good payment value is difficult to determine (Fritts *et al.* 1992, Wagner *et al.* 1997, Fourli 1999). Ranchers and farmers often complain that payments are too low (Fritts *et al.* 1992). Therefore,

payments based on recent price lists updated at regular intervals (i.e. monthly) and that add other costs at percentages of market value will be closer to the real cost endured by the recreated a bias towards wolves. In other words, farmers would attribute the damage to wolves even when overwhelming evidence indicated otherwise. Furthermore, Dahier & Lequette (1997) suggest that, in the absence of direct observation, most shepherds will not admit that an attack was caused by a dog. As a result compensation programs that are trying to increase tolerance of wolves by compensating wolf damage, the absence of coyote and dog compensation, in fact, may cause the program to have the opposite effect, i. e. increased animosity towards the wolf. By having a compensation program, livestock producers may become predisposed to blaming the species that are targeted by compensation programs as the depredating animals.

Determining the value of losses to be compensated may have unanticipated adverse consequences as well. Complaints about livestock value limits ranchers and farmers. However, in some programs, payments are high enough that it becomes more profitable to have livestock "eaten" by predators than taken to market (Fourli 1999).

Closely related to the payment value discussion is that variations in payments and timeliness of compensation payments may distort attitudes and treatment of species populations (Fourli 1999). For carnivore populations that inhabit multiple political boundaries, if one region compensates for losses caused by a target species and a neighboring region does not, animosity may arise for that target species due to what is perceived by livestock producers as unfair treatment. In addition, slow payments can cause ill will towards predators (Fourli 1999) and managing agencies/organizations because livestock producers may feel that agencies/organizations do not care about their losses or their conflicts. This, in turn, undermines the relationship that the agency/organization is trying to build with livestock producers. Furthermore, slow payments may cause livestock producers to practice unacceptable management techniques (Wagner *et al.* 1997).

Another possible limitation and unanticipated negative consequence is that payment for losses (even real cost payments) does not encourage ranchers and farmers to improve animal husbandry or farm management practices (Dorrance 1983, Fritts *et al.* 1992, Wagner *et al.* 1997, Fourli 1999). This is especially true when doubtful or unconfirmed losses are always paid (Fourli 1999). Partial payments designed to provide incentives for better farm manage-

ment can be frustrating for recipients that may not be able to afford preventive measures. Furthermore, partial payments, for both probable and verified cases, can be frustrating to livestock owners. A full payment can be seen as taking responsibility for the damage, but then a partial payment seems to say that the agency only takes partial responsibility (Wagner *et al.* 1997). How do agencies and organizations alleviate the tension between trying to compensate for real costs (to increase social tolerance of these problematic species) and yet provide incentives for improving animal husbandry practices?

Requiring preventive measures can be uneconomical for some ranchers and farmers, thereby increasing their animosity towards predators (Fritts *et al.* 1992, de Klemm 1996, Fourli 1999). It may cost not only money, but also time and energy livestock producers don't have. Requiring preventive measures may only contribute to the bias against the target species of the compensation program and not help to reduce the conflicts.

Finally, the financial burden may be too great for compensating authorities (Olsen 1991, Rimbey *et al.* 1991, Wagner *et al.* 1997). Agencies and organizations may become trapped in paying damage claims for an indefinite period or risk failing to meet the expectations that they, themselves, created. Failure to make payments threatens the relationship and the trust the agency has with the livestock producer and ultimately can create animosity towards the agency and the target species because of unfulfilled expectations.

Policy, responsibility & roles

Conflict over compensation programs and livestock depredation is emblematic of much larger social conflicts, such as: legality and liability of wildlife damage, Endangered Species Act legislation, and private property rights. The controversy surrounding predator restoration and management reflects a deeper social and cultural struggle between very different views of the world and human's place in it. To better understand the complexity of compensation and livestock depredations, one needs to better understand the sociopolitical context in which it takes place (Yaffe 1994).

Although several states, provinces, and countries have compensation programs, it is difficult to determine the legal basis for such programs. Wild animals in most European countries are considered *res nullius*, meaning no one owns them, and therefore, no one is liable for the damages they cause (de Klemm

1996, Fourli 1999). Even in the United States, many courts have ruled that the government is not liable for wildlife damage (Musgrave & Stein 1993). Moreover, damage by wildlife has always been considered a natural risk in agricultural production (Dorrance 1983, de Klemm 1996, Fourli 1999), and no one is responsible for such natural risks.

However, acceptance of natural risks is often tempered by support for the right to defend oneself against attacks and depredations by wild animals (de Klemm 1996, Fourli 1999). This changes, though, when wild animals are protected and one cannot defend against attack and damages. Some argue that when species become protected and "self defense measures are not applicable anymore, ... the State may be considered to be liable for the adverse consequences of legislation which it adopted itself" (Fourli 1999). Additionally, especially in situations with protected species, the government is the only body that can assume certain responsibilities for human/wildlife conflicts in areas where wildlife is under the stewardship of the people (Dorrance 1983).

To further complicate matters, in the United States, a nationwide study by Czech & Krausman (1999) concluded that the conservation of species is equally as important to property rights and economic growth. Additionally, in that study, 56.5% of the respondents agreed that landowners prevented from developing their property because of endangered species laws should be compensated. This is important because species conservation regulations (ESA regulations in the U.S.) affect landowners' economic plans; thereby creating more tension and long lasting political struggle (Czech & Krausman 1999). Although many people favor compensation, they do not want the Constitution amended to allow compensation (Czech & Krausman 1999).

This then begs the question of who would be responsible for compensation? Although Dorrance (1983) and de Klemm (1996) support State run compensation programs, States are hesitant to start such programs. There is concern that if compensation programs are started for some wildlife damage a 'slippery slope' effect will occur where they then need to fund all wildlife damage (Olsen 1991).

Urban versus rural values

Nonetheless, the debate about the legality of wildlife and who should fund compensation programs still does not address the broader cultural, political conflicts that appear to be the real issue. Primm and Clark (1996) argue that "wrangling over carnivore

conservation is also often a "surrogate" for broader cultural conflicts: preservation versus use of resources, recreation-based economies versus extraction-dependent economies, urban versus rural values, and states'-rights versus federalism." Cohn (1990), Thompson (1993), and Wilson (1997) share the view that much of the conflict is around the control of land, government intervention, and private land rights. Supporters and opponents of predator restoration are engaged in a profound social debate involving "differential access to social power, conflicting ideas about private property, and divergent beliefs about humankind's proper relationship with the natural environment" (Wilson 1997).

Partly what is occurring is a shift from a rural social context where meanings and values of wildlife are shared to the current urban social context where "meanings of wildlife have become less understandable in terms of culturally shared utilitarian/instrumental meaning" and become much more individualized (Patterson *et al.* 2002). With an increase in the diversity of values and meanings towards wildlife, and especially towards carnivores, this increases the chance for, and escalates the intensity of social conflicts regarding wildlife management and their resolutions. In the United States, the political momentum and support for carnivore restoration and conservation largely comes from urbanized centers that neither live in the area of carnivores nor shares the livestock producing way of life. This creates a much larger issue in that local rural communities may feel as though they cannot coexist with certain carnivores, such as wolves, but national desire requires them to in order to maintain species populations.

This discussion is important with regards to compensation because carnivore management becomes a power struggle pitting local/state versus national/federal interests (Primm & Clark 1996). Issues about carnivore management and compensation become wrapped up in larger socio-political debates surrounding the split between urban and rural values. This larger social context limits the ability of compensation to reduce human/livestock and wildlife conflicts since it doesn't address these other larger socio-political issues that are actually at the heart of the debate rather than simply attitudes towards wildlife or economic values. Perhaps, it is not compensation and livestock depredation that is the issue, but what carnivore conservation and reintroduction is going to mean for future land uses both on public and private lands. Furthermore, compensation does not address the very real issues of land control, use,

and governmental interference into private land rights and uses. The literature begs the question of whether compensation is ever really going to affect the social tolerance of species, since livestock depredation may not be the real issue.

Concerns compensation doesn't address

Opposition to predator or carnivore restoration and conservation includes issues much larger than just livestock depredation. There are some issues that livestock producers, and the general public as well, have with carnivores that compensation programs do not address. Compensation programs often do not address the human safety concerns that are common concerns with large carnivore restoration/conservation, such as grizzly bear or wolf conservation. Studies indicate that concern over human safety is a large factor for opposing such conservation (Schoenecker & Shaw 1997, Duda *et al.* 1998, Responsive Management 2001). Popular media and newspaper articles also indicate that human safety concerns factor in on people's perceptions of large carnivores (Montag & Patterson 2001).

Furthermore, compensation programs are limited in doing anything about concerns over game populations. The perceived effect of carnivores, especially wolves, on deer and elk populations contributes to opposition for carnivore conservation efforts (Wolstenholme 1996, Schoenecker & Shaw 1997, Duda *et al.* 1998, Montag & Patterson 2001).

Moreover, the very concept of compensation may conflict with livestock producers' norms of responsibility to their livestock (Montag & Patterson 2001). Livestock producers don't see their livestock as only monetary items, but as animals that they raise and they do not like them to be harassed and killed by predators. They have a sense of responsibility over those animals and feel helpless when predation occurs (Wolstenholme 1996, Hurst 1999, Helena Independent 2001). Compensation is limited in trying to address this issue and come to a resolution that both the livestock producer and agency/organization are happy with.

Summary

Compensation starts with the assumption that livestock depredation is an economic issue and that paying for losses to predators will alleviate the problem of living with carnivores. Moreover, compensation is really only one group's definition of the problem. Ranchers and livestock producers may frame the is-

suues of livestock depredation and predator conservation very differently where it's not simply an economic issue of losing US\$ 500/calf. Much of this discussion about compensation has been dominated by well-intentioned conservationists, but we're lagging behind in incorporating and understanding those that compensation is supposed to serve. They may see it, not as an economic issue, but as a federal government issue, as a private rights issue, an equity issue, a public grazing issue, a public land management issue, or even a private land management issue, or frame it as a combination of many issues, specific to their social and political contexts. Primm (1996) has made the case that issues of this nature with respect to carnivore conservation require social solutions tailored to the problem rather than merely regulatory or economic solutions. Compensation may be viewed as a useful tool, but one with limitations and possible unanticipated adverse consequences. Ultimately, whether compensation can contribute to carnivore conservation depends on the nature of and the understanding of the community for which it is to serve.

The author is currently engaged in a project evaluating predator compensation programs in Montana, Wyoming, and Idaho. Further information on that project can be obtained by contacting the author.

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