



## Conservation Issues Briefing

Covering October - December 2014

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Thanks to a generous renewal grant from the Woodtiger Fund, NCEL is able to once again publish bimonthly briefings on conservation issues. This is the thirteenth briefing on conservation issues of interest to NCEL members, the first in nearly a year. We will work to inform members on issues pertaining to endangered species, fish and wildlife, public lands, land and water use, urban sprawl, and climate change.

*Each briefing covers a sampling of the latest conservation developments that may be of interest, as well as useful materials and links. Please let us know what conservation issues are important in your state, and what kinds of resources or research you would find useful. Please send any bills or legislation that you would like to have reported.*

Ruth Musgrave can be reached at [rmusgrave@comcast.net](mailto:rmusgrave@comcast.net), or at 360-789-3734.

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### **Public Lands**

**Note: NCEL is hosting a short and informative webinar on Public Land Seizures January 28, 2015 at 3 p.m. EST. Please sign up and attend!**

**Mid-Term Elections Bring Huge State Land Conservation Measures** - A record \$13 billion in land conservation measures passed at the state and local levels in the mid-term elections.

According to the Trust for Public Land, the measures included:

- Florida - An amendment to the state constitution won 75-25% approval and will dedicate \$18 billion over the next 20 years, with half that amount set aside for new land conservation, including major investments in the Everglades. The \$9 billion total makes

up the bulk of the \$13 billion approved Tuesday. The Florida measure was the largest land conservation measure ever approved in a single state.

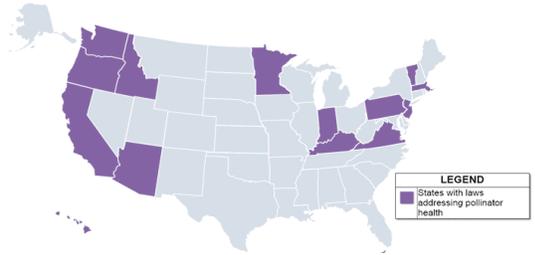
- New Jersey - By 65-35%, voters dedicated \$2.15 billion over the next 20 years for land conservation, using a portion of corporate business taxes collected by the state.
- California - Voters passed, 67-33%, a \$7.5 billion water bond, which includes \$1.5 billion for land conservation. It will be the first new state funding dedicated to land conservation since 2006.
- Maine - Voters passed, 65-35%, a \$10 million bond measure to help pay for infrastructure which would reduce threats to the state's water resources and protect fisheries and habitat for water birds and other aquatic animals.
- Portland OR - A \$68 million bond to repair and maintain the city's parks won 72-28%.
- Missoula County MT - Voters passed 54-46% a \$42 million bond to build out Fort Missoula Regional Park, expand trails throughout the county, and build and repair neighborhood parks in Missoula.
- Bernalillo County NM - gave 72-28% approval to a 15-year property tax for open space and natural areas.
- Larimer County CO - A 25-year sales tax extension to protect natural areas, open space and rivers won 81-19% approval by county's voters, which includes Fort Collins. It is expected to generate >\$10.4 million annually, half to be shared with 8 municipalities.
- Los Angeles County CA - A proposed extension of an existing parcel tax measure to pay for county parks and recreation won 62-38% support from voters, but failed because it needed a 2/3 margin for enactment.

And in Alaska, two-thirds of voters passed a ballot initiative that gives the state legislature the power to reject mining projects such as the proposed Pebble Mine in Bristol Bay. Bristol Bay provides 40 % of America's seafood, and has the largest sockeye salmon run in the world, bringing in \$2 billion per year. In the meantime, President Obama has prohibited oil and gas drilling in Bristol Bay through a Presidential Memorandum.

**New Hampshire Lawmakers Support Land and Water Conservation Measure** – New Hampshire lawmakers in December 2014 stated that they are all dedicated to funding the state's Land and Community Heritage Investment Program. The LCHIP provides matching funds for projects to preserve land and protect resources. Though it has been raided by the legislature in the past for budget shortfalls, the majority leader, minority leader, and the governor all state that it will be fully funded for the 2015-16 budget. The LCHIP gets \$25 from registry transactions.

**Public Land Seizures by States are Opposed by Sportsmen, Public** - In an unprecedented effort on the state legislative and Congressional levels, legislators and ALEC are promoting legislation to force federal land ownership into state government hands. The impact if such lands were turned over would be huge: Losses to local economies and jobs, outdoor recreation access, fire funding, higher grazing fees – not to mention changing the spirit of the entire nation with the loss of the American people's public lands. [Polls show](#) that citizens are strongly opposed to such moves, as are sportsmen and some ranchers. The cost to states would be prohibitive, and such action is also unconstitutional on both the federal and state levels. Of course, while most of the public lands are in the west and thus this legislation introduced in western states, it is important to note that these Federal lands belong to, and are paid for by, all the people of the United States.

## Pollinators



### **Oregon Requires Best Practices for Pollinator Protection -**

After several massive die-offs of bees in Oregon from neonicotinoid pesticide applications, NCEL's [Rep. Reardon](#) sponsored [HB 4139](#) to require Oregon State University and the Department of Agriculture to develop best practices and educational materials for nurseries and the public using these pesticides. It also creates a task force to consider possible legislation for the 2015 session. The bill was signed by the governor and became effective in March 2014. The task force's [draft report](#) was issued in October 2014 and recommended increased education on pesticide impacts to pollinators, working with the EPA, and raising beekeeper and pesticide registration fees. A number of states have passed laws addressing pollinator health (*see NCSL map above*), for example, the **Kentucky** legislature passed [HR 151](#) in 2014, which urges state universities to research the decline of Kentucky's honeybee population and work with farmers to manage crops impacted by honeybee losses.

**Feds Get on the Pollinator Support Bandwagon -** In June 2014, President Obama issued a [memorandum](#) to establish a National Pollinator Health Strategy. Goals include a Pollinator Health Task Force of 15 federal agencies; assistance to states on pollinator issues; a Pollinator Research Action Plan; development of best management practices for pollinator health on federal lands; and plans for the growing season for all federal agencies. Further, in July 2014 the U.S. Fish and Wildlife Service announced that it will no longer use GMO crops as feed or neonicotinoid pesticides on National Wildlife Refuges as of July 2016.

**GMO Labeling Bills Have Mixed Success -** Because of concerns over impacts of GMO crops on health and the environment, including impacts on pollinators, the majority of states are considering GMO labeling bills. After the defeat in 2013 of GMO labeling initiatives in California and Washington, in December 2013 Connecticut became the first state to enact a [GMO labeling law](#). However, the law goes into effect only after four other states enact similar legislation. In January 2014 Maine enacted a similar GMO labeling [law](#), but its validity depends upon passage by five contiguous states. Colorado's [Proposition 105](#) did not pass on the November 2014 ballot. Oregon's [Measure 92](#) also did not pass, although 4,600 uncounted votes might have put the measure over the top. A number of states will attempt again to pass GMO labeling laws.



*States in dark blue have attempted to pass GMO labeling measures*  
(- [www.RighttoKnowGMO.org](http://www.RighttoKnowGMO.org))

## Climate Change

**Note:** NCEL produced a comprehensive [Climate Adaptation White Paper](#) in August 2014 that covers issues, strategies, and state and local with examples of effective adaptation from all over the nation.

**Massachusetts Issues Climate Change Reports** – The Senate Committee on Global Warming and Climate Change issued a report based on enabling legislation: “[No Time To Waste: Our climate clock is ticking and our natural resources, public health and the future of our economy are at stake.](#)” The report addresses energy issues and also recommends comprehensive adaptation management plan legislation and investment in resiliency across the state. At the same time Governor Patrick’s office issued a [progress report](#) on his “Coordinated Climate Preparedness Initiative” that emphasizes protection of natural and built environments, protecting health, and energy resilience.

**Ocean Acidification is Being Tackled by States** - In October 2014, the General Accounting Office issued a [report](#) calling for more federal action on ocean acidification, or OA. States are not waiting. With carbon emissions being absorbed by oceans, and with about one-third of ocean acidification being caused by land-based pollution, the State of Washington has developed an [action plan](#) to address local pollution. In Maine, NCEL’s [Rep. Devin](#) sponsored [HP 1174](#) to create an OA Commission to study impacts on shellfish. The Gulf of Maine is [warming faster than 99.85% of the world’s oceans](#). The bill became law in April 2014. And in Maryland NCEL’s Rep. Luedtke successfully shepherded [HB 118](#) through the legislature, creating a task force to study the impacts of ocean acidification on state waters. The bill was signed into law in May 2014, and a report is forthcoming in early 2015. Hotspots for OA include the Gulf of Mexico, coastal California, Alaska, Maine, North Carolina and the Chesapeake Bay region, all of which have important seafood industries; as well as Florida and Hawaii, which have coral reefs and associated tourism to protect.

**Oregon Report Issued on Possible Carbon Tax** - After the governors of California, Oregon, Washington, and the premier of British Columbia signed the [Pacific Coast Action Plan on Climate and Energy](#) in 2013, committing to coordinate global-warming policies, the State of Oregon allocated \$200,000 from its general fund for a study on a possible new carbon tax for the state. The carbon tax would be modeled after British Columbia’s 2008 passage of a carbon tax. The goal is to decrease carbon emissions to the strict targets set by the state, as well as to create new revenues for the state. The [final report](#) on the study was issued in December 2014, and finds that a \$60/ton carbon tax on various fuels would raise \$2.3b for the state, and reduce carbon levels to 10% below 1990 levels by 2020.

**2014 Hottest Year in the History of Planet Earth** - In the centuries since humans have kept track of temperatures on Planet Earth, there has never been a hotter year globally than 2014. In the meantime, the [percent of Americans worried about climate change](#) has risen. A Yale study found that 72% are very or moderately worried about it. Americans say by 61-34% that the United States should be a leader on global warming, even if taking action when others do not. Further, 60% of Americans say that in the long run, protecting the environment will “improve economic growth and provide new jobs.”

**Climate Adaptation is Critical, New York Leads the Way** - Now that it is clear that the climate is changing with stronger storms, floods and sea level rise, adaptation to these changes is critical and urgent. New York enacted the [Community Risk and Resilience Act](#) in September 2014, which requires state agencies to consider future physical climate risks caused by storm

surges, sea level rise or flooding in certain permitting, funding and regulatory decisions. The Departments of Environmental Conservation and State will also prepare model local laws to help communities incorporate measures related to physical climate risks into local laws, as well as provide guidance on implementing the Act, including using resiliency measures that utilize natural resources and natural processes to reduce risks.

**Maryland Establishes Coast Smart Council for Climate Adaptation** – The Maryland Legislature in 2014 established through [HB615](#) a “Coast Smart Council” in the Department of Natural Resources to deal with sea level rise and storm surge. The Council will require specified structures to be constructed in accordance with siting and design criteria established by the Council. In addition, the Council in consultation with the Department will develop criteria in accordance with specified requirements by mid-2015. *Note:* An excellent Rutgers University [report](#) compares climate adaptation programs and legislation among the States of New Jersey, Maryland, New York and Delaware.

**Climate Adaptation is Also Creative** - Creative solutions to climate change impacts are being embraced such as using beavers to revive ecosystems and water supplies, as in Washington and Oregon. The demand for beavers as “ecosystem engineers” has grown so rapidly that state agencies in the West are hosting [workshops](#) and publishing a manual on how to attract beavers. “Biomimicry” strategies are also being considered, in states such as Louisiana and Illinois, including floating freshwater islands that mimic vegetation mats which regenerate natural processes to revive fish, wildlife and ecosystems, and using nature’s strategies for cleaning stormwater such as green roofs and “bioswales” filled with plants and compost that hold and filter stormwater (see [Biomimicry Oregon](#), [Biomimicry Puget Sound](#)).

### **Wolves and Endangered Species**

**Wyoming Wolves Back on Endangered Species List** – A federal judge [ruled](#) that the U.S. Fish and Wildlife Service removal of Wyoming gray wolves from the federal Endangered Species list was arbitrary and capricious. It ordered the immediate relisting of the wolves under the Endangered Species Act and ordered that all hunting and trapping of wolves cease.

**Great Lakes Wolves Also Back on Endangered Species List** - In December 2014 another federal court [ordered](#) the relisting of wolves under the ESA in the nine Great Lakes States including Michigan, Minnesota and Wisconsin. It found that the basis for delisting wolves in those states was flawed and would stop wolf recovery; that the US Fish and Wildlife Service has failed to explain how the “virtually unregulated” killing of wolves by states in the Great Lakes region does not constitute a continued threat to the species. The new Congress has vowed to again delist wolves in the Great Lakes and Wyoming, and a bill to do that has already been introduced.



**Michigan Voters Choose to Stop Wolf Hunts** - Before the court ruling that relisted Great Lakes wolves, in November 2014 voters in Michigan rejected [Proposal 1](#) that would move wolves to the list of game species, as well as [Proposal 2](#) that would have given the Natural Resources Commission the authority to decide which species will be hunted. However, the Legislature passed a law giving sole authority for deciding a wolf hunt to the NRC, overriding the ballot measures. But a poll in December showed that 85% of voters of all political persuasions believe that voters should keep their right to vote on wildlife issues and should not hand the power to an unelected commission. Two-thirds said that the legislature and the commission should heed the will of the people regarding wolf hunting.

**Red Wolves Protected by Court, Settlement Agreement Reached** - After a court in May 2014 stopped the night hunting of coyotes in the Eastern North Carolina habitat of the critically endangered red wolf, which hunting killed 10% of red wolves because of similarity in appearance, a [settlement agreement](#) was reached in November between the North Carolina Wildlife Resources Commission and conservation plaintiffs. Under the settlement, coyotes will no longer be hunted at night in the 5-county Red Wolf Recovery Area, with limited hunting on public lands, coyote killing contests will no longer be held in the area, and permits are required for coyote hunting on private lands.

**Idaho Creates Wolf Control Board to Kill Wolves** – The Idaho Legislature last session passed [HB 470](#), the Wolf Depredation Control Board Act, with \$400,000 in taxpayer funding and another \$100,000 from sportsmen and the livestock industry. The Fish and Game Department seeks to kill wolves to reduce the total number of wolves to 150, though wolves represent less than 1% of the depredations of livestock. Gray wolves in Idaho peaked at about 850 wolves in 2009, and numbers have steadily declined to less than 600 in 2013. If the total number of wolves falls below 150, they may have to be relisted under the federal Endangered Species Act.

**Arizona Bills Seek to Stop Lobo, Endangered Species** – The Arizona Legislature last session passed bills opposing the recovery of federally-listed endangered Mexican gray wolves and other listed species in the state. The small Mexican gray wolf subspecies, or lobo, is the most endangered mammal in the United States, with only about 80 wolves surviving in Arizona and New Mexico since their reintroduction in 1998. A recent poll showed that 77% of Arizona voters support Mexican gray wolf recovery. Despite this, [SB 1211](#) encouraged Arizona agencies and residents to trap and kill Mexican wolves. It passed the legislature but was vetoed by the governor. [SB 1212](#) would have appropriated \$250,000 for state litigation to impede federal efforts to recover the wolf, but it died in the House. [HB 2699](#) passed the legislature but was also vetoed: It would have terminated all Endangered Species Act programs in the state and required lobos and other ESA-listed species to be removed from the state if not cooperatively listed, and unless the feds provided funding for vaguely-defined losses. Finally, [SCR 1006](#) was a resolution against Mexican wolf recovery in the state and encouraged killing of any wolves on private land.



**New York, New Jersey Ban Elephant Ivory Sales to Stop Poaching** - In response to the widespread slaughter of elephants for their ivory, much of it by organized crime with the income being used for terrorist activities in Africa, both the New York and New Jersey

Legislatures passed bans on the sale of ivory from elephants, rhinos and other animals. Both Governor Christie and Governor Cuomo signed the bills into law. New Jersey in August 2014 became the first state in the nation to ban ivory sales, with a bipartisan [bill](#). New York passed a similar ban in August with [S7890](#) carried by NCEL's [Sen. Avella](#) and A10143 by NCEL's Assemblyman Sweeney. New York is one of the largest markets for ivory in the world, second only to China. In February 2014 the federal government announced that it is moving toward a total commercial ban on ivory sale. States are being asked to enact a state ban on ivory sales in order to assist the federal government with this action (see a [model state bill](#) and [FAQ sheet](#) by [96Elephants.org](#)).

### **Aquatic Pollution and Invasives**

**States Move to Restrict Products with Microbeads** – Microbeads are tiny plastic spheres that are used in face scrubs and other cosmetics. They are harmful to fish and other aquatic wildlife that ingest and digest the beads, pulling the chemicals into the human food chain. Microbeads are found in the Great Lakes as well as in oceans, where most of the beads enter the sea from rivers flowing into the oceans. Illinois became the first state to ban the manufacture or sale of products containing microbeads, in [legislation](#) sponsored by NCEL's Sen's [Steans](#) and [Holmes](#). The New Jersey legislature passed [A 3083](#) which sets a timeline for prohibiting the sale of microbeads. It has the support of industry and conservationists alike, because it allows a reasonable time for reformulation and testing of microbeads with biodegradable ingredients. The bill will ban manufacture of cosmetic products with microbeads by 2018; sale by 2019; and sale of other over-the-counter products by 2020. Microbead ban measures were introduced but have not passed in New York, Michigan and California.

**Michigan Laws Address Prohibited Invasive Aquatic Species** – A series of bills were introduced in the Michigan Legislature to deal with the continued threats posed by illegal possession, introduction, sale and transfer of prohibited aquatic invasive species. Michigan already prohibits possession, sale, transport or transfer of a number of aquatic species. But the measures will increase penalties to try to deter illegal activity and trafficking. Senate Bills 795 through 802 would increase fines; allow seizure of equipment; allow suspension of hunting and fishing rights; and allow suspension of commercial licenses. [SB 795](#) passed the legislature in December 2014. It will greatly increase penalties for introducing a prohibited species to up to 3 years in jail and up to a \$100,000 fine.

