



Conservation Issues Briefing

Covering February - March 2013

This is the seventh briefing on conservation issues of interest to NCEL members. Thanks to a generous grant from the Woodtiger Fund, NCEL is partnering with Ruth Musgrave, J.D., of Wildlife Policy Consulting Associates to develop a clearinghouse on conservation issues that impact states. The clearinghouse covers 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.

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Invasive Species

With the rapid and seemingly inexorable spread of harmful invasive species, especially aquatic invasive species, a number of states are considering legislation this session in order to attempt to control that spread:

Alaska: [HB 89](#) establishes an aquatic invasive species response fund to deal with needed rapid response to invasive species spread in waterways. It makes state agency action a priority to deal with aquatic invasive species.

Iowa: [House File 522](#) would raise the level of fines for not inspecting and removing invasive aquatic species.

Minnesota: [House File 1442](#) would require aquatic species decals and set requirements and fees. [HF 1113](#) provides support for the University of Minnesota's aquatic invasive species center and for monitoring and other action to control aquatic invasive species.

Montana: [HB 586](#) would revise aquatic invasive species laws to require mandatory inspection of vessels and equipment with mandatory decontamination upon a positive finding of invasive aquatics.

Washington: [SB 5702](#) would require all recreational and commercial watercraft entering the state to carry documentation that the vessel is free of aquatic invasive species.

Wolves

“State legislatures have gone off the deep end in persecuting wolves.” - Carter Niemeyer, author, retired US Fish and Wildlife Service, USDA Wildlife Services

Legislative efforts in the Western and Great Lakes States to manage, control and reduce populations of wolves present some of the most controversial issues of the 2012 legislative sessions. At the same time, there are some heroic legislative efforts to protect and recover wolves in the West:

Alaska: Rep. Josephson introduced three bills that attempt to offer protection to wolves and other wildlife: [HB 170](#) would disallow hunting and trapping of wolves in the Denali Wolf Special Management Area; [HB 171](#) would seek to lessen the Game and Fish Department’s emphasis on predator control to raise hunting of ungulates; and [HB 172](#) would require at least one commissioner on the Fish and Game Commission to represent nonconsumptive uses such as wildlife viewing and scientific studies.

Idaho: [HB 336](#) was a somewhat unique example of hunters opposing ranchers on wolf policy. It would have allowed use of Game and Fish Department hunting license fees to be used toward an account to compensate ranchers for wolf depredations. The bill died on the House floor in a 35-33 vote against passage.

Michigan: In late March, citizens turned in over 253,000 voter signatures to successfully qualify to put to a statewide vote the law authorizing hunting of wolves. The initiative will be on the ballot in 2014.

Minnesota: [SF 666](#) would establish a five-year moratorium on wolf hunts. Approved by a Senate panel.

Montana: [SB 397](#) cleared a Senate committee on March 28. Under the proposed law, wolves could be trapped using snares and conibear traps and baited with skinned carcasses of other wolves including family members and other big game species. It also proposes to extend trap check times to 72 hours for wolves and it extends the wolf trapping and hunting season to ten months, including during breeding, pregnancy, denning and pup-rearing. Finally, it would allow an unlimited number of wolves to be killed in a given season. And [Senate Bill 200](#) would allow wolves to be killed if deemed a “potential” threat to human safety, livestock or dogs.

But, Montana Governor Bullock vetoed a bill that would have allowed silencers to be used on guns while hunting wolves. And Sen. Mike Turner introduced [SJR 28](#) requiring that the Legislative Council be requested to designate an appropriate interim committee or statutory committee to study the status, impacts and management of wolves in Montana as well as in other states.

Oregon: SB 197/[HB 3452](#) would establish the particular circumstances under which wolves may be taken with a permit when attacking livestock or working dogs. [HB 2895](#) would establish tax credits for livestock depredation by wolves if verified that nonlethal methods were used to try to keep livestock and wolves apart.

Utah: The Executive Appropriations Committee added \$300k to the budget, as recommended by Senate Majority Leader Davis, to an interest group to lobby the federal government to delist gray wolves. See SLTrib [editorial](#).

Wisconsin: [Assembly Bill 94](#)/SB 93 would prohibit the use of dogs in hunting wolves. Also, Dane County, Wisconsin became the first county to outlaw trapping of wolves in a designated wildlife area.

Washington: Of the dozen or so bills introduced to deal with some aspect of wolf management, two remain in the mix: [SB 5187](#) and [SB 5193](#). Although neither are currently moving, it is hoped that SB 5193 will provide funding for nonlethal methods of deterring wolves, and for livestock depredation compensation.

Public Lands

Ed. Note: Please see our [primer](#) on Western states' federal public land grab efforts.

Minnesota May Establish Honey Bee and Other Pollinator Habitat – [House File 595](#) was introduced in Minnesota to establish a program for honey bee and other pollinator habitat state lands. A list of native, and in some instances, nonnative pollinating plants will be developed.

Washington Bill Requires Legislative Approval for Land Acquisitions – [SSB 5054](#) would require the Departments of Natural Resources, Fish and Wildlife, and State Parks to obtain prior approval from the Legislature for: The WDFW to acquire land for wildlife areas, water access sites, or other habitats or recreation purposes; the DNR to acquire land for purposes of NRCA, NAP, or other habitat or riparian protection purposes; and the State Parks to acquire land generally. Approval is not required if operations and maintenance costs and any payments in lieu of property taxes can be funded within existing appropriation levels.

Hawaii's Bills on Public Lands – [HB 1292](#) would also require legislative approval of the sale, exchange, gift or transfer of public land. And [SR 143](#) requests a study on the uses of public lands in the State of Hawaii.

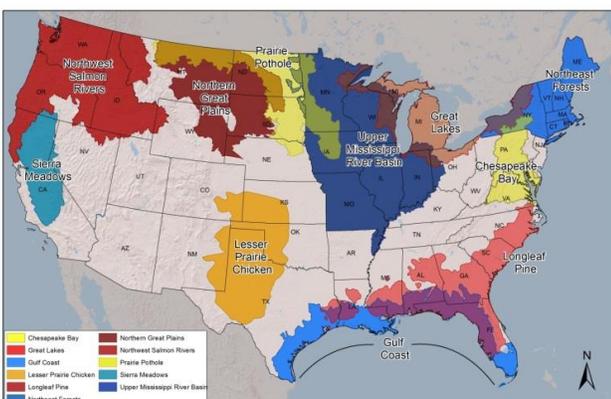
Utah Keeps after Those Federal Lands - In its ongoing effort to take ownership of federal lands, [Senate Joint Resolution 13](#) urges the federal government to transfer title of all federal lands to the State of Utah.

Idaho Joins In Too - [House Concurrent Resolution 22](#) demands “that the federal government imminently transfer title to all of the public lands within Idaho's borders directly to the State of Idaho.” As of the printing of this briefing, the bill was on its way to passing and proceeding to the governor's desk.

Nevada Studies Takeover of Public Lands – [Assembly Bill 227](#) would create a Nevada Land Management Implementation Commission to study the transfer of certain public lands in the state.

Huge Fiscal Impact for New Mexico Bill to Take Federal Lands – As reported in the last briefing, [HB 292](#) was introduced in New Mexico to take back federal lands in the state, excluding national parks and monuments. The latest fiscal report for the bill notes that there would be lost federal spending in the state of hundreds of

millions of dollars per year, and massive costs to the state of replacing federal employees and support. In addition, it cites constitutional concerns and the fact that tribal lands and mineral rights are not considered.



Natural Resources Conservation Service Creates \$4- to-\$1 Returns – The USDA's NRCS announced that its [Conservation Partners Program](#) with the National Fish and Wildlife Foundation provided returns to taxpayers of \$4 for

every \$1 spent on conserving land. A number of programs in various states successfully conserved 1.2m acres of land for pollinators and other wildlife, such as the Mississippi project in which the state fish and wildlife agency will plant 642,000 longleaf pine trees on more than 1,180 acres of private lands to improve habitat for 122 endangered or threatened species. The program has been renewed for 2013 and will grant over \$4m to organizations and agencies for technical assistance to private landowner conservation projects.

Water

Washington Introduces Nation's First Ocean Acidification Bill - Sen. Kevin Ranker introduced the first legislation in the nation to begin coordinating a response to ocean acidification. [SB 5547](#) would create a council of elected and tribal representatives and affected industries to oversee [research and action to curb](#) troubling changes in ocean chemistry. The bill would also include acidification as a possible justification for extending urban sewer services to rural areas in areas where local pollution from leaky septic systems combines with global carbon dioxide emissions to make the problem worse. Washington State leaders have recently recognized ocean acidification as a [major problem for the state](#) and mobilized to begin addressing it. – from Sightline Institute.

Great Lakes are at Lowest Levels Ever Recorded – The U.S. Army Corps of Engineers reported that Lake Michigan and Lake Huron are at their lowest levels since recordkeeping began, and the low water levels are threatening transportation and commercial fishing industries. Lake levels have sustained below average levels for 14 years. The levels may be caused by lower precipitation and higher evaporation that occur because of higher temperatures. Some scientists also blame increased dredging between lakes for the lower water levels.

Salt and Freshwater Contains Drugs that Change Fish Behavior – A recent [study](#) by a team of Swedish scientists found that minuscule amounts of pharmaceutical medicines in both fresh and saltwater have substantial impacts on fish behavior. Drugs such as antidepressants and antibiotics that are passed through humans and livestock are not removed by wastewater treatment plants. The drug amounts used in the experiments were equal to or less than the parts per billion already found in many bodies of water. The changes in fish behavior may have impacts on commercial as well as sportfishing industries, as smaller fish are less likely to hide and to remain in schools, and mating and breeding behavior are altered. Behavior changes from tiny amounts of drugs are “known to have ecological and evolutionary consequences.”

Fish and Wildlife

Montana Legislature Considers Many Bills to Stop Bison Restoration – Nontribal ranchers want to restrict bison in Montana. In an editorial, a Montana tribal member outlined strong objections to “disrespectful” bills restricting bison in reaction to the reintroduction of genetically pure Yellowstone bison to the Fort Peck Indian Reservation. Some of the many bills include:

- [SB 143](#) would order Montana officials to "immediately" kill or remove all wild bison migrating into Montana; prohibit wild bison relocation anywhere in Montana except to the National Bison Range - where wild bison are already located; establish a bison hunt "statewide and at any time of the year;" and allow landowners to shoot wild bison on private land.
- [SB 256](#) would make Montana's wildlife agency liable for any property damage from wild bison, a precedent meant to financially prohibit bison restoration.
- [SB 341](#) would require Montana's wildlife agency to navigate a massive list of additional hurdles prior to relocation of any wildlife species and prohibit relocations if the species could impact livestock grazing.

- [HB 396](#) would attempt to give county commissioners veto power over bison restoration within their counties - even on tribal and federal public lands.
- [HB 328](#), allowing biologists to give hunters a general location of bison, which would make it easier to kill the animals.
- [SB 305](#) would reclassify wild bison as domesticated animals if they have ever been held captive or privately owned.
- [HB 507](#) revives the current bison management plan already in place and puts restrictions on where bison can be relocated.

Shark Fin Bills in WA, PA, NY, MD Legislature – An astonishing 11,471 sharks are killed by humans every hour of every day, often for shark fin soup. Washington’s [SB 5081](#) will finally outlaw all sale or exchange of shark fins or products, with no exemptions. Similar bills prohibiting sale or purchase of shark fins are still under consideration in the [Pennsylvania](#), [New York](#), and [Maryland](#) State Legislatures.



Cats Kill Billions more Wild Birds and Mammals than Realized - In a new [report published in Nature Communications](#), scientists from the Smithsonian Conservation Biology Institute and the U.S. Fish and Wildlife Service estimate that domestic cats in the United States, including pets that spend part of the day outdoors and strays and feral cats, kill 1.4–3.7 billion wild birds and 6.9–20.7 billion mammals every year, and most of the mammals are native wild mammals like shrews, chipmunks and voles, instead of introduced pests like the Norway rat. Approximately one-third of the birds killed each year are killed by domestic and not feral cats. Cats in the U.S. are one of the top “super-predators” of wildlife. – from The New York Times.

Climate Change

Ed. Note: Although a number of our climate change articles are general updates on the issue of climate change, they are intended to assist members in gathering arguments regarding this critical issue.

National Climate Adaptation Guide Released - The U.S. Fish and Wildlife Service with the National Oceanic and Atmospheric Administration on March 26 released the first [National Fish, Wildlife and Plants Climate Adaptation Strategy](#) for dealing with climate change’s impacts on natural resources. The report was requested by Congress, and outlines seven key steps for how to reduce the impact of climate change on wildlife over the next five years. These measures include conserving habitat to protect animal and plant species, managing species and habitat to protect ecosystem functions, reducing non-climate stressors, and enhancing capacity for effective management. Economic impacts of climate change are a concern, as wildlife recreation adds \$120 billion to the economy each year, and the U.S. seafood industry brings in \$116 billion each year. The report attracted nearly 55,000 public comments from individuals, non-governmental organizations, government agencies, and tribes.

EPA’s Rainfall Estimates are 50 Years Out of Date - The EPA’s estimates of extreme rainfall for purposes of stormwater runoff date back to 1961 for at least 23 states. The federal Clean Water Act restricts pollution flowing into natural bodies of water, but makes exceptions for runoff from extreme weather events. However, such events have increased dramatically over the last 50 years. More than half the increased rainfall in the past 50 years is attributed to extreme weather events. The estimates are also not taking into account future rainfall. Thus pollution runoff regulation is literally being watered down. The New York region is building its own data tables to try to predict future runoff events, but the EPA currently has no such plans. – from Columbia University’s Center for Climate Change Law.