



## Conservation Issues Briefing

October 2012 (covering August & September)

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This is the fourth 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 will cover 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 of importance in your state, and what kinds of resources or research you would find useful.*

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### **Public Lands**

**Western Governors' Study Shows Outdoor Recreation a \$650 Billion Industry** – The Western Governors Association (WGA) released a study, [“A Snapshot of the Impact of Outdoor Recreation,”](#) on the importance of the recreation industry in the West and nationwide. The study shows that in 2011,

national sales and services in outdoor recreation reached a whopping \$646 billion, which is almost double the size of motor vehicles/parts at \$340 billion, and of pharmaceuticals at \$331 billion. Western states alone maintain a \$256 billion industry in recreation. This sleeping giant industry is comparable in size to outpatient health care (\$767 billion) and the financial services and insurance industry (\$780 billion). The WGA will release state-by-state data on the study later this year.

**Land and Water is Fast Being Lost for Hunters and Fishermen** - According to Southwick Associates: “In 2011, nearly 23 percent of hunters lost access to land they had previously hunted, while just over 20 percent of anglers had to change or cancel plans to fish because certain waters or access points were no longer open to them. One reason for this lost access is due to development. Between 1982 and 1997, 41.3 million acres of rural lands were turned into subdivisions, malls, office parks and the like.” They state that strategic public solutions are more important than ever if hunting and fishing are to survive as outdoor recreational pastimes. Southwick ([www.southwickassociates.com](http://www.southwickassociates.com)) conducts surveys of hunters and fishermen on issues and concerns of importance to that group.

**Conversion to Cropland Destroys 23 Million Acres of Habitat** – A recent [report](#) by Defenders of Wildlife and the Environmental Working Group showed that in the last four years nearly 24 million acres of wildlife habitat were lost to agriculture. Forests, grasslands and wetlands nationwide were converted to croplands, in part because of federal crop insurance. In the meantime, in Florida the “Florida Water and Land Legacy” campaign was launched to pass a [constitutional amendment](#) that would provide dedicated funding for conservation lands acquisition. The amendment would revive the “Florida Forever” program which has been cut by 97% over the last three years, in fact, funding by the state for conservation lands has been cut more than any other program.

### **Endangered Species**

**California Game Department Recommends Listing Gray Wolf** – The California Fish and Game Department, forced to take action on management of wolves because of a lone gray wolf that crossed the Oregon border in late 2011, completed an [initial evaluation](#) of a [petition to list the gray wolf](#) under the California Endangered Species Act (CESA). It recommended to the Game and Fish Commission that the gray wolf petition be accepted for further consideration. The Commission will act on the recommendation in October of 2012.

**North Carolina’s Night Hunting of Coyotes Risks Red Wolves** – The critically endangered red wolf may be impacted by a [new rule adopted in North Carolina](#) that allows night hunting of coyotes statewide. Red wolves are a distinct subspecies that was rendered extinct, and then reintroduced into the Alligator River National Wildlife Refuge. The population of only about 100 red wolves has survived for 25 years on the refuge, but as they have similar coloring to coyotes and are small, they may be mistaken for coyotes during night hunting. Young wolves are especially at risk, and are already often confused with coyotes. The North Carolina Rules Review Commission would have put the rule on hold until the next legislative session upon receipt of at least 10 letters in opposition, which they received, but the

Wildlife Resources Commission quickly passed a temporary spotlighting rule which the Rules Commission adopted. Wildlife groups are suing, charging that the rule was adopted illegally.

**Feds Delist Wolf in Wyoming despite ESA Violation Charges** – In spite of previously stating that the State of Wyoming’s wolf management plan

[\[http://gf.state.wy.us/web2011/Departments/Wildlife/pdfs/WOLF\\_MANAGEMENT\\_PLAN\\_FINAL0000348.pdf\]](http://gf.state.wy.us/web2011/Departments/Wildlife/pdfs/WOLF_MANAGEMENT_PLAN_FINAL0000348.pdf) would violate the Endangered Species Act, the U.S. Fish and Wildlife Service (FWS) on August 31 delisted the gray wolf in that state. The Rocky Mountain gray wolf population was already delisted in the states of Montana, Idaho, and parts of Washington, Oregon and Utah by a Congressional rider on a budget bill. But until now the FWS had declined to delist in Wyoming because in 95% of the state the wolf would be treated as a “predatory” animal to be shot on sight, baited and poisoned with no hunting permit. Now under a FWS agreement with Wyoming, game areas will allow for hunting, though in 90% of the state wolves will still be classified as “predatory.” Hunting seasons will begin on October 1. Environmental groups have already filed a 60-day notice of intent to sue for violation of the ESA.

**Washington Fish & Wildlife Issues Kill Order on Wolf Pack** – Washington State now has resident wolves, and a unanimously-Commission-adopted [Wolf Conservation and Management Plan](#) requires the Department of Fish and Wildlife (DFW) to use nonlethal methods to dissuade wolves after livestock is killed. Despite this requirement, as well as the fact that wolves are listed as endangered under the Washington Endangered Species Act, and under the federal Endangered Species Act for the western half of the state, the DFW directed its staff to kill an entire pack of wolves that had allegedly killed livestock. After meeting with wildlife groups and concluding that the depredations were unconfirmed, the Director put the kill order on hold, but then a confirmed depredation caused him to renew the kill order. There is, however, allegedly no evidence that the Department used nonlethal methods to deter the wolves after depredation, as is required by the Plan.

### Wildlife

**Wyoming Announces Mapping of Wildlife Species** – Wyoming launched a new Crucial Habitat Planning System this summer, with mapping of wildlife and habitats state-wide. The Wyoming Interagency Spatial Database and Online Management system (WISDOM) is similar to mapping systems already up and running in Arizona, California, Montana and Washington. These state-based systems are the foundation of a West-wide Crucial Habitat Assessment Tool (CHAT) that will be an easily accessible online system of maps displaying crucial wildlife habitat and corridors across the West. The West-wide CHAT will be released in 2013 at the direction of Western Governors Association. WISDOM can be accessed at <http://wisdom.wygisc.org>. It includes a tutorial its use and what information the system offers. The system will assist policy makers, developers and others in finding areas of least impact to wildlife for human development. Similar wildlife mapping resources include:

- Montana Department of Fish, Wildlife and Parks Crucial Habitat Planning System <http://fwp.mt.gov/fishAndWildlife/conservationInAction/crucialAreas.html>

- Washington Department of Fish and Wildlife Priority Habitat and Species  
<http://wdfw.wa.gov/mapping/phs/>
- The 5-State Southern Great Plains Crucial Habitat Assessment Tool (Lesser Prairie Chicken) <http://www.kars.ku.edu/maps/sgpchat/>

Links to state habitat planning projects will be added to the NCEL web site as they are made available.

**New Transmission Lines and Wildlife** – A proposed Western States Transmission Intertie (WSTI) transmission line across Idaho and Montana has resulted in a report on wildlife impacts of the new line. The Craighead Institute, with funding from Montana counties and nonprofit organizations, published “Wildlife Impacts Analysis, A Spatial Model for Minimizing Wildlife Impacts from the MSTI,” <http://www.mstireviewproject.org/final-reports/>, in July 2012. The report concludes that careful planning, siting lines along existing transportation and energy corridors, mitigating for wildlife impacts, and using lands that are already human-altered are recommended for this proposed line. Expert Craig Cox of the Interwest Energy Alliance discussed environmentally-friendly renewable energy siting at the Northwest NCEL meeting in August.

**California Game and Fish President’s Actions Provoke New Bill** - A controversial mountain lion hunting trip by the president of the California Fish and Game Commission caused the California State Assembly to pass a bill with [new requirements for commissioners](#). Former Commission President Richards was photographed with a mountain lion he killed on a hunting trip in Idaho. Cougar hunting is legal in Idaho, but not in California. His actions caused an uproar because he accepted a free hunting trip from the hunting ranch, and because the hunt was deemed to be in conflict with California policy. The bill would have required the governor and the Senate Rules Committee to consider an appointee's background in natural resource management, public policy, and a scientific discipline, and whether the commission is diverse enough, before making appointments. It also would have required commissioners to comply with the Political Reform Act governing conflicts of interest. A new commission rule requires the president to be elected by commission majority vote rather than by seniority.

**Device to Protect Sea Turtles Unpopular with Shrimpers** – Beginning in March 2013, shrimp fishermen will be required to use turtle excluder devices, or TEDs, on their nets. Every species of sea turtle is listed under the Endangered Species Act (ESA), and they are often caught and drowned in shrimpers’ nets. TEDs allow turtles to escape before drowning. The new measures are meant to protect especially the small endangered Kemp’s ridley turtle. TEDs are already required in federal waters, and now as a result of lawsuits, the National Marine Fisheries Service agreed to require them in state waters as well. Some shrimpers complain that they are expensive and ineffective, and that they already are struggling with higher costs, foreign competition and fallout from the Gulf oil spill. But the TEDs are an effort to offer a solution to an ESA problem that would otherwise shut down the fishery. In the meantime a Congressional rider that could defund the new rule has been attached to a budget bill.

**USDA Wildlife Services Sued on No Environmental Review**– After media reports about enormous amounts of money spent by the Department of Agriculture’s Wildlife Services to indiscriminately kill over 5 million animals a year, environmental groups have sued to enjoin the agency until an environmental review is completed on the impacts of its operations. The [lawsuit](#) alleges that Wildlife Services poses a danger to humans and wildlife, and that it operates under an environmental review that has not been updated for 18 years. The agency used bait, guns, poisons, planes and helicopters, and other means to kill over 23 million animals between 2004 and 2010. It spends over \$126 million a year to kill 300 targeted species, mostly on behalf of agricultural interests. Note: Half of Wildlife Services’ budget is derived from non-federal sources such as state and local governments and agricultural associations.

### **Rivers and Water**

**Gulf Dead Zone Shrinks as Drought Causes Less Runoff** – This summer, the area of hypoxia, or oxygen-deprived dead zone in the Gulf of Mexico at the mouth of the Mississippi River, was the smallest in years. The dead zone in the Gulf is caused by agricultural chemical runoff from upstream states along the Mississippi River. Scientists have hypothesized that the severe drought has caused water flows to decline and thus less runoff to reach the Gulf.

**Thousands of Invasive Nutria Drowned by Hurricane Isaac** – Hurricane Isaac drowned up to 20,000 nutria, a giant invasive rodent from South America that forages upon and eats away coastal wetland vegetation that protects the shore. Mississippi beaches were covered with dead nutria, and carcasses caused a real problem for cleanup. Even federal personnel found it very difficult to stay on the job. Nutria’s top predator is the critically endangered red wolf, which species resides only in North Carolina’s Alligator River National Wildlife Refuge.

**Elwha and White Salmon River Dam Removals in WA** - The Elwha River on Washington’s Olympic Peninsula has shown dramatic signs of restoration as a result of the world’s largest dam removal project. Dam removal was completed in March, and salmon and steelhead are already migrating up the river again. The sacred site of the Lower Elwha Klallam Tribe has also been uncovered. The river’s restoration is expected to generate up to 1,200 jobs, according to American Rivers. Dam removal on Washington’s White Salmon River will be completed in September, and steelhead are already swimming upstream of that site. Over 1,100 outdated or harmful dams have already been removed across the nation. In the meantime, however, Congressman Doc Hastings (R-WA) has introduced [HR 6247](#), which would exclude environmental review of dams and hydropower.

**Study Shows Watershed and Fish Habitat Restoration Creates Jobs** – A [report by Ecotrust](#) states that watershed and fish restoration in Oregon generated \$99.5 million in economic activity and as many as 6,483 jobs between 2001 and 2010. Restoration projects create between 17 and 33 jobs per \$1 million invested, compared to oil and gas, which creates about 5 jobs per \$1 million, and road infrastructure with 7 jobs per \$1 million invested. Restoration jobs are local and benefit the local economy. Jobs are technical, such as engineering and biology, as well as construction and heavy equipment, landscaping

and services. The study shows that an average of 90% of the money invested stays in the state, with 80% of the funds staying in the same county where the project is located.

**Oregon Gets New Water Policy** – After receiving direction from the Oregon State Legislature, the State of Oregon finalized a new Integrated Water Resources Strategy, which plans for management of Oregon’s water into the future. The Oregon Water Resources Department was given the task of developing the integrated state water resources strategy that would enable it to work better with other state, federal, and local agencies as well as Tribes, to improve data management, address climate change, population growth, land use matters, water supply, ecosystem services, in- and out-of-stream needs, and almost every other possible water-related matter. [ORS 536.220\(3\)\(a\)](#). The environmental impact of drawing water from watersheds and rivers is also considered. For an excellent summary of the 125-page report, see an [article](#) by the Marten Law Firm.

**EPA Still Considering Ban on Atrazine** - The Environmental Protection Agency in June convened an advisory panel on the ecological risks of the very widely used herbicide atrazine, which can move into watersheds through agricultural runoff. The EPA is considering whether to ban the chemical. Environmental groups and others oppose the use of atrazine in part because they claim it is a "potent endocrine disruptor that has been shown to cause immunosuppression, hermaphroditism and even complete sex reversal in male frogs at concentrations as low as 2.5 parts per billion." According to The Progressive Farmer, atrazine manufacturer Syngenta and some 2,000 communities recently agreed to a \$105 million settlement in a lawsuit that alleged that the chemical company should be liable for clean-up of atrazine found in municipal water supplies in six states.

### Pollinators

**EPA Rejects Ban on Pesticide Toxic to Bees** – The Environmental Protection Agency [announced that it would reject](#) a requested emergency suspension of the widely used herbicide clothianidin, a synthetic nicotine. In March 2012 beekeepers and environmental groups filed the [legal petition](#) to suspend registration. The chemical is blamed for widespread death of bees, which pollinate over 75% of the nation’s fruits, vegetables and nuts. The USDA reports that beekeepers have been losing an average of 30% of their colonies each year since 2006. A massive die-off of bees occurred this spring after crops were treated with the chemical. Over 250,000 individual petitions were presented to the EPA on June 28. The EPA nonetheless found that the petition and materials do not demonstrate a substantial likelihood of imminent, serious harm. The EPA noted that the pesticide is used on over 90% of corn crops in the U.S., and that the benefits to farmers outweigh the risks to bees and their pollinated foods. Petitioners plan to sue for violation of the Endangered Species Act.

#### *Resources on Pollinators:*

- *Center for Food Safety, Peter Jenkins (attorney and author of petition to EPA to ban clothianidin): [www.centerforfoodsafety.org](http://www.centerforfoodsafety.org) .*

- *Defenders of Wildlife, John Motsinger (Farm Bill and agriculture expert):*  
[jmotsinger@defenders.org](mailto:jmotsinger@defenders.org)

## Climate Change

**United States Experiences Hottest Year in History** – The nation experienced the highest temperatures on record during July of 2012, and the third hottest summer ever, according to the National Oceanic and Atmospheric Administration. The drought is the worst since the Dust Bowl of the 1930s, with lower harvests of corn, soybean and wheat leading to higher food prices worldwide. The U.S Drought Monitor Map (<http://droughtmonitor.unl.edu/>) shows drought still covers almost 4/5 of the country, with the worst conditions occurring in the High Plains. And fire burned 3.6 million acres of land in August, twice the U.S. average. The nation has had 15 straight months with higher-than-average temperatures. Climate studies are showing that the odds of severe heat waves are increasing due to manmade climate change.

**Americans More Concerned about Climate Change** – A [poll conducted by Stanford University](#) in June found that Americans polled in Florida, Maine and Massachusetts believe that temperatures are rising around the world, and that weather patterns are becoming more unstable. In addition, about 55% said that a “great deal” or a “good amount” can be done to reduce global warming. But at the same time, 60% said it will be extremely or very difficult for people to stop it. In a University of Texas Energy Poll taken in July, a whopping 70 % of respondents said they think the climate is changing, compared with 65 % in a similar poll in March. Those who say the climate is not warming at all fell from 22 % to 15 %.

**Global Corporations and Investors also weigh in on Climate Change** - According to [a Carbon Disclosure Project survey](#) of 405 of the biggest global companies, 37 % say they are already seeing the impact of climate change on their business, up from only 10 % in 2010. The survey found an 89% increase in corporate consideration of climate change in their operations. And investors surveyed in a Bloomberg Global Poll feel that actions to limit pollution that causes climate change will have “not much impact” on profitability, according to 49 % of respondents, while a third said profit may fall. Eight percent of the investors, analysts and traders surveyed among Bloomberg’s global customers said such efforts would have a positive impact on corporate profitability in their nation.

**Arctic, Greenland Experience Biggest Melts on Record** - Rutgers University in August reported (see [www.climatechange.rutgers.edu](http://www.climatechange.rutgers.edu)) that Arctic sea ice has reached its lowest level ever observed by humans, at 1 million square miles, down from seasonal lows of 3 million square miles. The Arctic is the fastest-warming region on the planet. Its collapse may slow the jet stream and cause extreme winters in the Northeast and Alaska. Also in August, Greenland experienced the fastest ice melt ever measured. Melting of the Greenland ice sheet, which contributes to desalinization of ocean water, has long been considered to be one of the biggest risks of causing the Gulf Stream to slow. A slowing Gulf Stream results in higher water levels on ocean shores (already being experienced on the East Coast) as well as colder temperatures along the Eastern seaboard and in Europe.