



Conservation Issues Briefing

Covering September-November 2012

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

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In This Issue:

Election Results and Conservation

Public Lands

Fish and Wildlife

Climate Change



Election Results and Conservation

League of Conservation Voters Makes Impact on State Elections – The League of Conservation Voters has 30 state LCV partners, and poured a total of nearly \$9 million into state elections. A target of defeating a “State Dirty Dozen” of the worst state anti-environmental legislators resulted in the defeat of seven of the twelve, including Montana Governor Rick Hill. <http://elections.lcv.org/states/dirty-dozen>.

AK election seals effort to repeal state oil and gas tax - The State of Alaska's election results confirm that new state elected officials have the votes to repeal the oil and gas state excise tax that Gov. Sarah Palin supported. A bipartisan Senate coalition had blocked the repeal of the oil tax, but the election appears to have ensured "a major power shift" in the Senate. Critics of repealing the oil tax call it a corporate giveaway with no guarantee of bringing more oil production to the state.



CA Fails to Require Labeling of GMO Foods - California [Proposition 37](#), which would have required labeling of products containing genetically modified food products, or GMOs, did not pass a popular vote on November 6. Proponents of Prop 37 argued that GMOs can be dangerous to human health and that in order to allow citizens to decide whether they will consume GMOs, products containing them should be marked. Industry funding of a campaign to defeat the initiative was instrumental in causing it to fail. Countries such as the European Union, Japan, China, Australia, New Zealand, Russia, India, Saudi Arabia, South Korea, and Chile already require GMO foods to be labeled.

OR gillnet prohibition measure does not pass – Gillnet fishing is controversial because of fish and other animals that are caught incidentally, and especially because the nets snag and tear off boats, catching fish and causing problems for years after they are lost. In response to a ballot measure that would ban gillnets immediately on the lower Columbia River, Governor Kitzhaber asked Oregon's Fish and Wildlife Commission to phase out non-tribal commercial gillnets in the mainstem of the Columbia River. Commercial gillnets would be moved to select, off-channel "safe" zones where harm to non-target species would be greatly reduced. On November 6, voters [rejected](#) Measure 81, [an initiative to prohibit nontribal commercial fishermen from using gillnets](#) that snag salmon on the Columbia River. The measure lost traction after Gov. John Kitzhaber did reach an alternative compromise to move gillnetters gradually off the lower river. –from Sightline Institute, Nov. 2012.

WA Elects Jay Inslee Governor - Washington State elected a new governor who is well known for his support of renewable energy and environmental causes. Inslee, a former Congressman, authored the book *Apollo's Fire* about developing a clean energy economy. Inslee was elected with massive support from environmental groups. Also from Washington State, it is reported that outgoing Gov. Chris Gregoire is being seriously considered as the replacement for Ken Salazar, Secretary of the Interior.

Public Lands

AL Reauthorizes "Forever Wild" - By a comfortable 75 percent margin, Alabama voters reauthorized for 20 years the popular Alabama Forever Wild program, which will provide \$300 million in total funding for conservation of land for hunting, fishing, hiking, birding and outdoor recreation. The Forever Wild program was first passed in 1992, and has protected 220,000 acres. The funds are provided from a portion of receipts from coastal gas drilling.

ME, RI Approve New Funding for Public Land Conservation - The states of Rhode Island and Maine also approved funding for land conservation programs. Maine approved, by a vote of 62 percent,

a \$5 million bond to fund the Land for Maine's Future Program. The program is two decades old, and has conserved family farms, wildlife habitat, working forests and outdoor recreation sites. The fund was depleted, but will be renewed with the bond approval. Rhode Island passed by a 70% margin, an even bigger bond measure. Question 6 approved a \$20 million bond measure for open space, clean water, parks and farmland preservation.

MI Report on State Parks May Change Park Management - A 16-member Michigan State Parks and Outdoor Recreation Blue Ribbon Panel released a report in September 2012 that recognizes that the state's parks and outdoor recreation areas "should be viewed by the state as critical to advancing Michigan's prosperity." Gov. Rick Snyder appointed the panel to examine state parks and outdoor recreation in Michigan. The panel issued a number of recommendations, including developing signature parks in urban areas, providing better funding for parks through an opt-out Recreation Passport that is purchased when registering vehicles, linking parks with their communities, electronic mapping and benchmarks for measurable results that are expected of parks.

AZ Constitutional Amendment to Take over Federal Lands Fails – After Arizona Governor Jan Brewer in May vetoed a bill to take over federal lands within the state, a similar proposal in the form of a constitutional amendment was put on the ballot. Voters in November rejected [Proposition 120](#) by a 2:1 margin.

WY Challenge to Roadless Rule Denied by U.S. Supreme Court – The U.S. Supreme Court declined to hear an appeal by the State of Wyoming that sought to challenge the validation of the Roadless Rule. The Roadless Rule was put in place by President Clinton in 2000, and has impacted a number of Western states. The Rule prohibits development and road building in designated roadless areas of National Forests. A number of states challenged the rule, and federal courts ruled differently as to its validity. The Bush Administration then put into place the State Roadless Rule, which basically allowed each state to come up with its own plan for roadless areas within its borders. Some states did come up with their own plans, but in the meantime both the Ninth and Tenth Circuit U.S. Courts of Appeals upheld the original Roadless Rule. The State of Wyoming appealed the Tenth Circuit's holding, but in declining to hear the appeal, the U.S. Supreme Court left the Roadless Rule intact. It is unclear what states such as Colorado, who developed their own roadless plans, will do now.

Fish and Wildlife

CA Bill Renaming Fish and Game Dept. Signed into Law - On October 15, 2012, Gov. Jerry Brown signed legislation that renames the California Fish and Game Department to better reflect the agencies' responsibilities: the Department of Fish and Wildlife. Assemblyman Jared Huffman sponsored [AB 2402](#), and Senator Fran Pavley sponsored SB1148 to implement a number of recommendations that emerged from a Strategic Vision process for the Department of Fish and Game and the Commission that took place in 2011 and 2012. Interestingly, the legislation does not change the name of the Fish and Game

Commission. But it states that it is California policy that “the department and commission use ecosystem-based management informed by credible science in all resource management decisions to the extent feasible,” and that all management decisions will be based on scientific integrity and peer review. It also establishes a Science Institute to assist with independent scientific review and recommendations, and requires the department and commission to develop a strategic plan.

Numerous States Pass Gray Wolf Hunting Laws - After gray wolves were federally delisted in the Great Lakes and Rocky Mountain Regions, state legislatures quickly authorized hunting, and since delisting over 1000 wolves have already been killed. In Minnesota, the Omnibus Game and Fish Bill ([HF 2171](#)) became law in May, allowing for a wolf hunting and trapping season. The Chippewa Tribe in Minnesota prohibited wolf hunting and trapping on its lands. The Wisconsin legislature passed a wolf hunting bill in April, [Act 169](#). Wisconsin is the only state that allows hunting wolves with dogs. And in Wyoming, wolves in 85% of the state can now be shot on sight. In November at least seven collared Yellowstone wolves that were the subject of extensive research, were killed when they walked out of Yellowstone National Park. Wolf “754” of Yellowstone was one of the most popular and widely viewed wolves in the world. On November 13 conservation groups filed suit in federal court against the Department of the Interior for violation of the Endangered Species Act in approving the unprecedented Wyoming wolf management plan (see details in last briefing) and delisting wolves in Wyoming.

CA Fish and Game Commission Recommends Listing Gray Wolf – The California Fish and Game Commission on October 3, 2012 unanimously approved a petition to list the gray wolf as endangered under the California Endangered Species Act. There will be a year-long status review to gather and study information before the listing decision is completed. The lone wolf in California, “OR7,” is the first confirmed wolf in the state since 1924 and has been recently tracked in Plumas, Tahoma and Butte Counties in Northern California. State wildlife managers note on their web site that the State of California is **not** intentionally reintroducing wolves; gray wolves pose little direct risk to humans; and any wolf that enters California is protected as endangered under the federal Endangered Species Act.

NC’s Night Hunting of Coyotes is Enjoined by State Court – A [new rule adopted in North Carolina](#) that allows night hunting of coyotes statewide has caused the accidental shooting of at least four critically endangered red wolves. Only about 100 red wolves survive on the Alligator River National Wildlife Refuge, but as they have similar coloring to coyotes and are small, they can be mistaken for coyotes during night hunting. Young wolves are especially at risk. Wildlife groups sued, charging that the temporary rule violates the Endangered Species Act. The Wake County Superior Court judge granted an injunction, halting night hunting of coyotes in the five eastern counties where the red wolves survive.

Climate Change

Editor's 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. We will also be developing actual talking points on climate change for legislators.

Superstorm Sandy Sparks New Conversation about Climate Change –After the devastation by Superstorm Sandy of coastal and island areas of New York and New Jersey, officials such as New York Governor Cuomo and New York City Mayor Bloomberg spoke out about the dangers of climate change and the “new normal” of its attendant rising sea levels and storm surges. It is estimated that New York alone incurred over \$30 billion in damage (ironically, a New York Times article in September predicted that New York City was not prepared for rising seas and flooding that may come with climate change-related storms). National wildlife refuges were also impacted, with dozens damaged and half of the 72 refuges along the coast closed. Six million people per year visit the refuges between Maine and Virginia. The federal wildlife refuge system has already been slated for a 10% reduction in funding by Congress, which it is predicted will cause a number of refuges to close. – Washington Post, Nov. 18, 2012.

Montreal Protocol Tackles Climate Change, But Obama says no Climate Bill – The Montreal Protocol, adopted in 1987 by all nations to restrict aerosols and other chemicals that harm the ozone layer, is now being considered as a vehicle to reduce climate change. Expanding the treaty to include restrictions on hydrofluorocarbons, or HFCs, was discussed in November at the Conference of the Parties in Geneva. HFCs are used as refrigerants all over the world, and it is estimated that their elimination would slow climate change by 10 years. The U.S., Canada and Mexico proposed the phase-down. But in the meantime, President Obama after reelection stated that despite climate change impacts there is little likelihood of a federal climate change bill. Thus in the absence of federal action, states are again saddled with the challenge of reducing climate impacts and adopting climate adaptation strategies.

Conservation Groups Petition FEMA to Require States to Assess Climate Change - On October 3, 2012 the Natural Resources Defense Council and National Wildlife Federation filed a petition with the Federal Emergency Management Agency (FEMA) to require states to incorporate climate change assessments in their hazard mitigation plans. FEMA administers several federal mitigation grant programs including the Hazard Mitigation Grant Program, Repetitive Flood Claims, and Severe Repetitive Loss. In order to be eligible to receive funding, states must have a FEMA-approved hazard mitigation plan in place that identifies the state's natural disaster risks and vulnerabilities. The petition asks FEMA to approve only those state mitigation plans that incorporate climate change, initiate rulemaking to explicitly confirm the need for a climate change assessment, and issue interim guidance on the inclusion of climate change in the upcoming 2013 mitigation plans.

EcoAdapt Reports on Great Lakes and Climate Change Adaptation – An extensive report was released in October 2012 by EcoAdapt, an organization devoted to climate adaptation, on efforts throughout the Great Lakes regarding climate change adaptation. “The State of Climate Change

Adaptation in the Great Lakes Region,” attempts to survey, inventory, and assess climate change adaptation efforts for freshwater resources in the Great Lakes. Over 100 adaptation projects in the region are profiled. See <http://www.ecoadapt.org/>.