



Conservation Issues Briefing

Covering January - March 2015

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

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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Pollinators

States Consider Bans on Neonicotinoids and Other Pesticides – States have introduced legislation to try to help the plight of bees and other pollinators. Over one-third of bees in the United States have disappeared since 2006. NCEL members have introduced legislation, for example, such as:

- MN Rep. Hansen's [HF 669](#) to prohibit lethal insecticide use on wildlife management areas, and Rep. Bly's [HF 2029](#) to prohibit sale of neonicotinoid pesticides.
- MA Rep. Dykema's [HB 655](#) to restrict use of neonicotinoids, require commercial applicator training, require applicators to inform of risks and alternatives, and require labeling of plants treated with the pesticides.

- ME Rep. McCabe's [HP 766](#) to prohibit labeling or advertising plants as beneficial to pollinators if the plant or material has been treated with an insecticide absorbed by a plant that makes the plant lethal to pollinators.
- VT Reps. Pearson and McCullough's [H 236](#) to prohibit the sale, use or application of neonicotinoids in Vermont except under special circumstances.

States Also Consider Bills for Pollinator Health and Habitat – An excellent report, [Pollinator Health](#), by the National Conference of State Legislators reviews threats to pollinators, as well as provides a complete history of recent legislative efforts by the states through 2014. In 2015 a number of states are considering pollinator health legislation introduced by NCEL members:

- IA Rep. Kelley's [HF 481](#) would promote restoration and enhancement of honey bee and other pollinator habitat, including creating a honey bee habitat program in the Department of Natural Resources.
- IL Rep. Hernandez's [HB 3465](#) would create the Roadside Monarch Habitat Fund, and create a \$40 Monarch Butterfly license plate.
- WA Reps. Fitzgibbon, Peterson, and others sponsored [HB 1654](#), a pilot project that would evaluate replacing pollen-rich noxious weeds with native forage plants that can produce similar levels of pollen to support honey bees, and coordinating with and assisting landowners. In addition, all agencies must when practicable implement noxious weed control plans that replace weeds with native forage plants.
- NC Sen. Jackson cosponsored a bipartisan bill, [S 225, the Birds and Bees Act](#), that would direct a study of strategies for how the state can increase pollinator habitat.



Climate Change

Please Note: NCEL produced a comprehensive 70-page [Climate Adaptation White Paper](#) in August 2014. It describes 13 major climate adaptation issues, and includes state and local examples of effective adaptation strategies from all over the nation.

Climate Adaptation is Tackled by Many States - Now that it is clear that the climate is changing, adaptation to these changes is critical and urgent. At least eleven states are considering 2015 legislation that would assess or deal with impacts of climate change. For example, in Massachusetts [HB 752](#) would establish a comprehensive adaptation management action plan. In Maryland [SB 256](#) would require assessment of climate impacts, establish sea level rise projections, and update environmental guidelines. And in Maine, [LD 549](#) would create a task force on disaster resiliency.

Sea Level Rise is Not Ignored – With sea levels rising along the Northeast Coast faster than many other places on Earth, states are moving to adapt to rising seas. In Hawaii, for example, [SB 501](#) would require certain developments take into account sea level rise, and would require setbacks and mitigation in development areas subject to coastal hazards. Georgia's [HB 666](#) would establish a Coast Smart Water Commission to require state capital projects to comply with siting and design criteria to minimize effects of flooding and sea level rise, or SLR. Rhode Island's [H5478](#) would create a commission to study economic risks from SLR and flooding. Maine's [LD 408](#), [426](#) and [795](#)

would help municipalities prepare for SLR; authorize a bond issue to address SLR; and encourage prudent waterside development by considering SLR predictions.

Nationwide Survey on Global Warming and What Should be Done – A January 2015 survey of Americans by Stanford University, Resources for the Future and the NY Times found that a decisive majority believe global warming (GW) is a serious issue. The [survey](#) found that:

- 78% think GW will be a very serious or somewhat serious issue for the US if nothing is done
- 83% think it will be very or somewhat serious for the World if nothing is done
- 74% think it will hurt future generations a great deal, alot, somewhat or a moderate amount
- 78% say the government should limit GHG, and 42% say it would help the US economy
- 66% said they would be more likely to vote for a candidate who believes GW is a threat and that we should take action to reduce GHG

Religious People of Color Seriously Concerned About Climate Change – A [2014 survey](#) found that religious people of color are more aware of and concerned about climate change. According to Deseret News, the Public Religion Research Institute survey showed: “Compared with 50% of all Americans, 73% of Hispanic Catholics and 58% of black Protestants are ‘very concerned’ or ‘somewhat concerned’ about climate change, far surpassing the anxiety expressed by white mainline Protestants (43%), white evangelical Protestants (35%) and white Catholics (41%)...” People of color are also more likely to be disproportionately affected by climate change, although at the same time often feel less empowered to take a stand on the issue. A different Pew Research Center survey also [found](#) that non-whites in general think GW should be a “top priority” for the government.

Drought in California Reaches Epic Proportions, Water Shortage Strategies Needed – NASA scientists found through satellite imagery that California is not only experiencing an epic drought, but that groundwater depletion leaves the state with no backup. And with 2015 snow levels at less than 10% of normal, Governor Brown [ordered](#) for the first time ever, 25% mandatory water reductions (excluding agriculture). Meanwhile the Western Governors Association is offering free online [drought webinars](#) on topics such as the growing demand for re-used water, and how variation in legal structures and hydrology makes drought look different state-to-state.

Wildlife and Endangered Species

States Consider Bills to Ban Elephant Ivory Sales to Stop Poaching - In response to the widespread slaughter of elephants and rhinos for their ivory and horns, much of it by organized crime with the income used for terrorist activities in Africa, over 25 bills in at least eighteen states have been introduced in 2015 to ban the sale of ivory from elephants and rhinos. In 2014 [New Jersey](#) and [New York](#) became the first states to pass such a ban. [Vermont](#) and [California](#), for example, are considering bans that are similar to the bipartisan bill passed in New York. NCEL has developed an [information sheet](#) on the ivory issue. There is also a [model state bill](#) and [FAQ sheet](#) by [96Elephants.org](#), and National Geographic published an [article](#) about the Vermont and other state bills and the efforts behind them. A list of state bills introduced in 2015 can be found [here](#).



Canada and U.S. Team Up to Stop Trade Driving Elephant and Rhino Poaching – A British Columbia antiques dealer was caught in an international undercover effort smuggling \$500,000 worth of rhino horn, carved elephant ivory and red coral. He was sentenced to 30 months in jail by a federal district court in New York. The arrest by an undercover agent is part of “Operation Crash,” an effort between the U.S. and Canada to slow illegal smuggling of ivory and horn that is driving the demand for those products.

Congress Considers Bipartisan Wildlife Trafficking Act – U.S. Sens. Feinstein (D-CA) and Graham (R-SC) introduced the [Wildlife Trafficking Enforcement Act \(S.27\)](#) to try to stem the serious impact that wildlife poaching is having on species and national, regional and global security. S.27 makes major criminal violations (defined as those involving more than \$10,000 in wildlife products) of the Endangered Species Act, the African Elephant Conservation Act, and the Rhinoceros and Tiger Conservation Act predicate offenses under racketeering and money laundering statutes. It treats wildlife trafficking as organized crime, no different than narcotics trafficking or wire fraud. It would create penalties of up to twenty years imprisonment and up to \$500,000 in fines, and would require that the fines, forfeitures, and restitution paid by traffickers go to a new wildlife conservation fund to help a large array of species.

Earth Has Half as Many Animals as it Had 40 Years Ago – A massive and disturbing [new study](#) by the World Wildlife Fund found that there are 52% less animals on Earth than there were just 40 years ago. The conclusions were reached by scientists with an average 95% confidence rate. Among vertebrate species populations, there was a 39% decline in both terrestrial and marine species between 1970 and 2010, and a whopping 76% decline in freshwater species. Habitat loss and degradation, as well as exploitation, were the main causes of the loss of wildlife, with climate change also a growing factor. The worst decline in animal populations, 83%, was in Latin America, with “only” a 39% decline in temperate species. *Editor’s Note:* Where will we be in 2050 – at 25% of all animals?



Large Landscape Conservation/Wildlife Corridors Save Shrinking Wildlife Habitat – A new climate change adaptation strategy has multiple positive impacts, including saving wildlife, forest cover and water supplies. [AB 498](#) was introduced in California by NCEL’s Asm. Levine to expand the state’s commitment to map and maintain wildlife corridors and habitat connectivity. The legislation notes that it is the policy of the state to promote wildlife corridors and habitat linkages in order to enhance wildlife’s resilience to climate change and to protect biodiversity. It would



encourage developers in wildlife corridors to consult with the Fish and Wildlife Department in order to protect or restore a corridor. Methods may include acquisition or protection of wildlife corridors as open space through conservation easements, wildlife-friendly fencing, and road over- or underpasses and oversized culverts to allow movement of wildlife.

Senate Budget Resolutions Would Impact Endangered Species – Recent U.S. Senate budget resolutions would dilute the Endangered Species Act. After a 2011 defense budget rider delisted Rocky Mountain gray wolves, the floodgates seem to have opened on budget additions to change the

ESA. One resolution would require an examination of the “cumulative” economic impacts of designating critical habitat, or the protected area, for an endangered species (under the current statute, costs and benefits of critical habitat designation is already considered). Another would block listing the northern long-eared bat in favor of individual state conservation plans with no protection requirements. And yet another by Sen. Daines (MT) would actually relax restrictions on elephant ivory sales. (See other Senate budget resolutions below under the Public Lands section.)

Tide May be Slowly Turning on Shark Finning, Overfishing - Sharks are over 450 million years old, but in recent years their numbers have plummeted because of shark finning and overfishing. Thanks in good part to the efforts of states such as CA, DE, HI, IL, MD, NY, OR, and WA, which have restricted sale of fins from sharks whose fins are hacked off and the shark left to die, sharks may have a chance to start to recover. Recently many nations have banned finning as well as trade in shark fins, and demand in China for shark fin soup has fallen as much as 85%. In the 2015 legislative session, New Jersey is considering a bipartisan bill, [S 2057](#), which would prohibit the sale, possession, trade or distribution of shark fins. The bill passed the Senate in March. Hawaii is considering [HB 1339](#), a beautifully written bipartisan bill that would prohibit taking sharks and manta rays in Hawaiian waters. For an excellent overview of the shark issue, see a [Yale 350](#) article.

States Work to Ban Balloon Releases – Because lighter-than-air balloons inevitably pop and fall to the ground in brightly colored pieces that are attractive to wildlife, killing wildlife and marine animals that consume them or get tangled in the strings, and fouling beaches and waterways, several states have banned mass releases of balloons. States with bans in place include Florida, [Connecticut](#), California, and Tennessee. Legislation has been considered in states such as HI, MD, MA, NH, NJ, NY, PA, WA and WI. Virginia bans release of more than 49 balloons, but a [new 2015 bill](#) would have banned all balloon releases, in part because of the massive impact on the shoreline and waters of the state (more than 150 balloons are found on each mile of shoreline in Virginia). The bill was defeated in the Senate in February. For information about balloon impacts and state’s balloon release laws visit [Clean Virginia Waterways](#).



Aquatic Pollution

Many States Moving to Restrict Products with Microbeads – Microbeads are tiny plastic spheres that are used in cosmetic products. They are harmful to fish and other aquatic wildlife that ingest and digest the beads, pulling the chemicals into the human food chain. Microbead ban measures have been introduced in almost half of the states in 2015, many of them by NCEL members, in an effort stop the pollution of fresh and saltwaters. A matrix of the state bills can be found [here](#).

Minnesota Works to Establish Buffers around Waters to Slow Pollution – Minnesota Gov. Dayton announced an initiative to establish vegetative buffer strips around waters in the state in order to slow agricultural pollution of waters. In March a bipartisan bill, [HB 1534](#) was introduced to accomplish that plan, cosponsored by NCEL members Reps. Hansen, Bly, Kahn and others. The bill would require 50-foot riparian buffers along waters’ edges, in order to slow pollution runoff and erosion and to protect wildlife habitat.

Public Lands



- **New Web Site:** See our new in-depth NCEL web site, www.ncellands.org, which covers public land takeover issues; current and proposed legislation as of March 1; news and reports; and messaging based upon recent polls in Western states.
- **Webinar:** NCEL hosted a webinar in January to educate members about efforts to take over federal public lands in the Western states. A power point from the webinar is available: [Attempts to Transfer Public Lands to the States](#).

States Consider Bills to Study or Take Over Federal Lands - Over a dozen states, including eleven Western states are considering bills that would study or “take back” public lands within the states’ borders. Some, like the new bill out of Oregon, are taken straight from the language of the ALEC model bill on Transfer of Public Lands. The Western states include AK, AZ, CO, ID, MT, NM, NV, OR, UT, WA and WY. The latest matrix of Western states’ public lands bills and their status as of March, including bills in Arkansas, New Hampshire, and Virginia, can be found [here](#). Bills in Utah and Wyoming have already passed and been signed into law; the bills in New Mexico did not pass; and of the many bills in Montana, five are tabled, though one has been resurrected. [HB 265a](#), the Idaho bill to join an interstate compact for state takeover of federal lands, was defeated.

New Polls Again Show Public Opposes Land Seizures by States - [New 2015 polls of five Western states](#) demonstrate that voters’ top priority is protection and conservation of public lands, over economic gain. A majority of citizens are opposed to public land takeovers, as are sportsmen. “Protecting public lands for future generations is a top priority across every state in the West. Republicans, Democrats and Independents select it most often as the highest priority, and the same is true for all age groups and ethnic backgrounds.” Over two-thirds of Western voters feel that public lands belong to all Americans, not just to states. Loss of habitat for fish and wildlife is a serious concern for 69% of Western voters. And 69% of Western voters also support stronger BLM measures for sage grouse habitat. A whopping 79% of sportsmen say access to public lands for recreation is very important. And 95% of citizens in the West are visiting public lands regularly.

Congress May Force Public Lands Sales and Takeovers – Amendments to the U.S. Senate budget resolution would force the sale or disposal of public lands, or forbid new public lands. Sen. Murkowski (R-AK) introduced an [amendment](#) that encourages Congress to “sell, or transfer to, or exchange with, a state or local government any Federal land that is not within the boundaries of a National Park, National Preserve, or National Monument...” She complained that oil and gas development “is not happening” on federal lands. The amendment passed with three GOP Senators against. [Sportsmen are opposed](#) to this “bad deal for sportsmen.” The Theodore Roosevelt Conservation Partnership stated: “If Congress were to follow these instructions, all [BLM lands](#), [National Forests](#) and even [National Wildlife Refuges](#) could go on the chopping block.” In addition, Sen. Daines (R-MT) introduced an amendment that would require state and local government support before proposing national monuments under the Antiquities Act.

