



Conservation Issues Briefing

Covering April -May 2015

These Conservation Briefings are made possible thanks to a generous renewal grant from the Woodtiger Fund. This is the 15th briefing on conservation issues of interest to NCEL members such as 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.

Ruth Musgrave, NCEL Conservation and Climate Adaptation Advisor, can be reached at Rmusgrave@comcast.net or at 360-789-3734.

In this Issue:

Wildlife and Endangered Species

Climate Change

Congressional Updates

Pollinators

Aquatic Pollution

Public Lands

Conservation Funding



Wildlife and Endangered Species

Not Much Progress on State Ivory Ban Bills - Despite almost half of the state legislatures considering bills in 2015 to outlaw the sale of ivory and rhino horn in order to save elephants and rhinos from almost certain extinction, most bills were killed by heavy pressure from the gun lobby to add sweeping exceptions or to table bills. California in [AB 96](#) is still considering bans that are similar to the bipartisan bill passed in New York. Bills are also still alive in Connecticut, Massachusetts, Michigan, Rhode Island and Vermont. The current status of state bills introduced in 2015, as well as petitions for bans, can be found [here](#).

Congress Pushes Bill to Outlaw Federal Bans on Ivory Sales - U.S. Reps. Young and Peterson introduced HR 697, the [African Elephant Conservation and Legal Ivory Possession Act of 2015](#), in order to “roll back and halt the onerous constraints on the import and export of lawfully possessed ivory products...”. It would outlaw the U.S. Fish and Wildlife Service’s February 2014 moratorium on the import and export and sale of lawfully possessed ivory. It would allow continued importation of sport-hunted elephant trophies. This bill is promoted by the NRA and shooting groups.

Congress Considers Bipartisan Wildlife Trafficking Act – *Update:* The [Wildlife Trafficking Enforcement Act \(HR 2494\)](#), though stalled in a separate Senate bill, is making its way through House committees. The measure would try to stem the serious impact that wildlife poaching is having on species and national, regional and global security. HR 2494 makes major criminal violations of the Endangered Species Act, African Elephant Conservation Act, and the Rhinoceros and Tiger Conservation Act predicate offenses under racketeering and money laundering statutes. It would create penalties of up to 20 years jail and up to \$500,000 in fines, and would require that the fines, forfeitures, and restitution fund a wildlife conservation fund to help a large array of species.

Wildlife Corridor Bill Still Alive in CA – *Update:* [AB 498](#) in California, to expand the state’s commitment to map and maintain wildlife corridors and habitat connectivity, passed the Assembly in May and moved to the Senate. 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.



Also in May, the “Crucial Habitat Assessment Tool” (CHAT), an initiative of the Western Governors Association, moved to the Western Assoc. of Fish and Wildlife Agencies. Check out the habitat mapping tool for 16 Western states at <http://wafwachat.org/>

Montana Bill to Redefine Furbearers as Game is Vetoed - Montana Governor Bullock [vetoed SB 334](#), which would have redefined furbearing animals as game animals. The bill was an effort to include trapping in the Montana Constitution Article IX, sec.7, which provides a constitutional right to hunt. The veto message stated in part: “SB 334, by changing the definition of game animal, has the potential to alter the very foundation of wildlife management in Montana. The reach of this bill goes deep into administrative regulations and policies that have been embedded in wildlife management for decades.” A number of states with the urging of the NRA have passed “right to hunt” provisions in their state constitutions. These provisions have the potential to override the management authority of state fish and wildlife and other agencies.

New Mexico Memorials Seek to Impact Wildlife – New Mexico Memorials sought to weaken protections for specific species of wildlife. HM [66](#), [99](#), [114](#) and [117](#) would have denounced or taken away federal authority over endangered species such as the Mexican gray wolf and the lesser prairie chicken, and increase landowner elk hunting tags to ranchers and farmers experiencing economic losses to crops and rangeland. All died. But [Senate Memorial 91](#), requesting a study to recommend methods for the protection of wildlife from drones, passed unanimously and was signed by the

governor. And [HM 45](#) requests government agencies to support opportunities for watershed restoration for the benefit of the Rio Grande cutthroat trout also passed unanimously and was signed.

Northern Long-Eared Bat Listed as Threatened - On April 2, 2015 the U.S. Fish and Wildlife Service [listed](#) the northern long-eared bat as a threatened species under the Endangered Species Act. The species was listed because of its rapid decline caused by “White-Nose Syndrome,” a fungus that has devastated bat populations since 2007. The bats help control harmful insect pests by eating large quantities of insects. Notably, forest and prairie management practices as well as transportation projects are exempted from the “take” prohibition.

Pollinators

States Consider Bills for Pollinator Health and Habitat – A few states are still considering pollinator health legislation in the 2015 session. In Illinois [HB 3465](#) would create the Roadside Monarch Habitat Fund, and create a \$40 Monarch Butterfly license plate. The bill passed the House and was under Senate consideration as of late May. In Washington’s special sessions, [HB 1654](#) is still under consideration. It is 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.

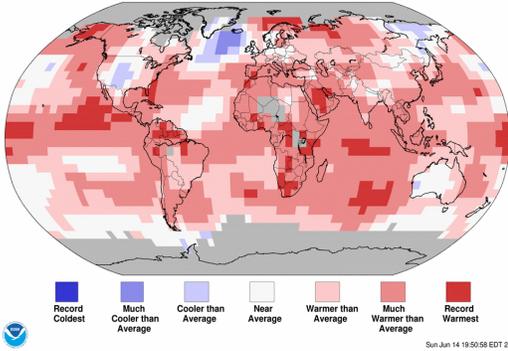
President issues National Pollinator Health Strategy – On May 19 2015, the White House released a [National Pollinator Health Strategy to Promote Health of Honey Bees and Other Pollinators](#), with the goals of reducing honey bee colony losses; increasing monarch butterfly numbers; and restoring or enhancing millions of acres of land for pollinators through public and private action. The Strategy and its accompanying [Pollinator Research Action Plan](#) outline needs and priority actions to understand pollinator losses and improve pollinator health. The USDA and DOI also issued [Pollinator-Friendly Best Management Practices for Federal Lands](#).

National Hardware Companies to Phase Out Neonicotinoids - The largest retailer-owned hardware cooperative in the world, Ace Hardware, announced in May that it would phase out sales of products containing neonicotinoid pesticides because of their impact on bees and other pollinators. Home Depot and Lowes are also taking steps to eliminate bee-killing pesticides from their stores. A 2014 study found that 51% of garden plants for sale at Home Depot, Lowes and Walmart contained neonicotinoid pesticides at levels that can harm or kill bees.

Climate Change

Climate Adaptation Measures Meet With Mixed Success - At least eleven states considered 2015 legislation that would assess or deal with impacts of climate change. In Massachusetts [S 451](#) to establish a comprehensive adaptation management action plan, is still moving through the Senate. Rhode Island’s [H 5478](#) , which passed unanimously, creates a commission to study economic risks from sea level rise (SLR) and flooding. Maine’s [LD 408](#) would have helped municipalities prepare for SLR, but was vetoed by the governor.

Land & Ocean Temperature Percentiles May 2015
NOAA's National Centers for Environmental Information
Data Source: GHCN-M version 3.3.0 & ERSST version 4.0.0



May 2015 Was Warmest on Record for Earth - NOAA reports that during the month of May 2015 the average global temperature across land and sea surfaces was 1.57 degrees F above the 20th century average. This average surpasses the previous record set just last May by .14 degrees F. The May globally-averaged land surface temperature was a full 2.3 degrees F above the 20th century average, tied with 2012. In addition, global carbon pollution was above 400 ppm during all of April – the first month ever where that level was maintained for an entire month. See carbon levels and trends: <http://www.esrl.noaa.gov/gmd/ccgg/trends/>.

Minorities are Needed for Climate Challenges – An [editorial](#) by U.S. Rep. Raul Grijalva sets out the argument that the climate fight cannot be won by a small minority of white, liberal environmentalists. Minorities make up much of the voting population, yet are somehow not included in environmental efforts. He states: “Both major political parties understand that they can’t survive without the support of communities of color. For some reason, not enough of the environmental world has gotten the message.” Yet, as *noted in last issue*: A [2014 survey](#) found that religious people of color are more aware of and concerned about climate change than white counterparts. And a Pew Research Center survey [found](#) that non-whites feel that global warming should be a “top priority” for the government.

States Should Insist on Scientific Integrity Policies - An [op-ed in Science](#) by Dr. Marcia McNutt, Science Journals’ Editor-in-Chief, points out the disturbing trend of political pressure on scientists. She gives examples of the Florida Dept. of Environmental Protection’s unwritten policy as of 2011 forbidding use of the terms “climate change” and “global warming;” and the Oklahoma state seismologist being called into the Oklahoma University president’s office for supporting scientific evidence that oil and gas activity caused a 300% increase in earthquakes in the state. She states: “I suggest that states should follow the federal example and enact integrity policies that protect state workers from interference in the conduct and reporting of scientific findings.” Voicing similar concerns, Canadian public-service unions asked the federal government for the first time to enshrine scientific integrity language into their collective agreements.

Congressional Updates (a/o May end)

“Bird Killer Amendment” Guts Enforcement of Migratory Bird Treaty Act - The U.S. House passed the appropriations bill for Commerce and Justice Departments, and it contains a provision that would prevent the Department of Justice from spending any funds to prosecute violators of the Migratory Bird Treaty Act. *Editor’s Note:* Because enforcement terms are written into the statute, the question arises as to whether this measure would cause the United States to violate the four Migratory Bird Treaties with Japan, Canada, Mexico and Russia to which the U.S. is a party.

Endangered Species Act Attacked on Every Level by 50 Bills – This Congress has introduced no less than 50 bills and riders that would eviscerate the provisions of the Endangered Species Act, which was passed almost unanimously in 1973 and signed by President Nixon. Now bills seek to

prevent listing of species such as the greater sage grouse, exempt oil and gas drilling and other activities from ESA provisions, and delist gray wolves in areas where they are currently listed.

Land and Water Conservation Fund May be Lost – After fifty years, the iconic Land and Water Conservation Fund will sunset on September 30, 2015 unless Congress reauthorizes it. The LWCF is paid for by a small portion of revenues from offshore drilling, and funds are used for land conservation and recreation. [Senate Bills 338](#) and 890 seek reauthorization of the LWCF, and [S 890](#) would include full, dedicated and permanent funding of the program. Neither bill is currently moving through Congress.

Magnuson-Stevens Fishery Act is Gutted by House - The House passed [HR 1335](#) that would greatly weaken the Magnuson-Stevens Fishery Conservation and Management Act, the landmark fishery conservation law that has protected fisheries and set fishing limits to stop or bring back fisheries from collapse. It also weakens or bypasses other environmental laws such as the Endangered Species Act and National Marine Sanctuaries Act.

Millions Oppose AZ Borderlands Protection and Preservation Act - [Senate Bill 750](#), the Arizona Borderlands Protection and Preservation Act, would give unlimited access by the Border Patrol to all federal lands within 100 miles of the Arizona border with Mexico, exempting all laws that would otherwise apply in the United States. It would apply to millions of acres of national park, national wildlife refuges, national monuments and other lands. Homeland Security Secretary Johnson stated, “The bill is extreme to the point of being unworkable; if enacted, it would actually leave the border less secure.” Nonprofit groups representing millions opposed the bill in a [letter](#).

Aquatic Pollution

Colorado, Indiana Enact Microbead Bans - Nearly half the states have considered or are considering bans on microbead sale and manufacture. For example, the Colorado Legislature passed and the governor signed, [HB15-1144](#). The new law will phase out the manufacture and sale of products containing plastic microbeads by January 2020. In addition, in Indiana [HB 1185](#) passed and became law on April 14, 2015. Vermont has a [model bill](#) that importantly, defines “biodegradable.”

States Struggle With Invasive Species – For example:

- Bighead carp were caught in May by fishermen in the St. Croix River, MN, a sign that the dreaded invasive species has entered the river. Two of the fish were found to be fertile. The Mississippi River lock was closed at Minneapolis to stop the spread of invasive carp.
- Idaho passed [SJM 101](#) requesting Congress to fund the Water Resources Reform and Development Act to significantly enhance monitoring and prevention efforts and to implement the intent of the act regarding dreissenid mussels.
- Maryland’s [HB 860](#) became law on May 12, 2015 and prohibits a vessel owner from launching at a public launch ramp or dock unless the owner has taken specified actions; and requiring the Department of Natural Resources to convene a specified workgroup to evaluate actions that reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State.
- Michigan designated June 28-July 4, 2015, as “Aquatic Invasive Species Awareness Week.”

- Florida designated May 15, 2015 as “Lionfish Removal and Awareness Day.”

Canadian Judge Halts Salmon Aquaculture with Sick Fish - On May 13, 2015, a Canadian judge prohibited the transfer of diseased salmon into ocean aquaculture pens. Canadian aquaculture is a big business, but many ocean pens contain fish with lice and viruses. A pesticide called Slice is fed to Canadian farmed salmon to control sea lice. The pesticide is not approved in the U.S., but 80% of farmed Canadian salmon is imported into the U.S. The court ruled that the transfer of virus-infected fish into ocean pens conflicts with laws protecting wild fish. It issued a four-month ban on the transfers in order to protect the salmon migration.

Public Lands

States Consider Bills to Study or Take Over Federal Lands – *Update:* Western and other states considered bills that would study or “take back” public lands within the states’ borders. Some bills are taken straight from the language of the ALEC model bill on Transfer of Public Lands. The latest matrix of state and federal public land grab bills and their status as of end May can be found [here](#).

Wyoming Legislature Outlaws Resource Data Collection - In a first-ever such measure, the Wyoming State Legislature passed a [law](#) making it a crime to “enter open land for the purpose of collecting resource data.” Now water, air and soil quality and other testing is outlawed unless done with an official permit or written permission. Violators can be jailed for up to a year and/or receive fines of up to \$1,000; jail time of 10 days to a year is mandatory for a second offense. “Collection” includes photographing or preserving information and sharing it with any state or federal agency.

Colorado Enacts Public Lands Law – The Colorado Legislature passed and in May, Governor Hickenlooper signed a law to give local jurisdictions more voice in federal land management issues. [HB 1225](#) allows local governments to apply for grants for technical assistance on such matters as drafting memoranda of understanding. The law is seen to be a compromise around federal land management and public lands ownership.

Montana Enacts Law on State Management of Federal Forests – As part of the move to give states more say on federal land, [HB 510](#) authorizes the Montana Department of Natural Resources and Conservation, at the request of and in coordination with a local government, to serve as a consulting subject matter expert on federal vegetation management projects. The Department may provide the assistance to local governments on projects that address forest health or wildfire risk.

Interactive Report Outlines Economic Impact of National Parks - A new report by Headwaters Economics demonstrates that National Park units are important economic drivers for communities and states. The [interactive site](#) shows visits, jobs, spending and income created in gateway communities for each National Park Service unit in the nation. “The greatest value of natural amenities and recreation opportunities often lies in the ability of protected lands to attract and retain people, entrepreneurs, businesses, and retirees.” For example, Yellowstone National Park attracted 3.5 million visitors who spent over \$421 million in 2014, and supported almost 6,700 jobs. Arches National Park in Utah had almost 1.3 million visitors, spending nearly \$150 million and supporting

2,500 jobs. See Headwaters' various reports on protected lands:
<http://headwaterseconomics.org/topic/public-lands/protected-lands>.

Conservation Funding

Missouri Legislature Attempts to Defund the Conservation Department - A number of bills were introduced in Missouri to de-fund or financially burden the nationally-recognized Missouri Department of Conservation, which has been funded for years through a dedicated sales tax. [HJR 27](#) would cut the dedicated sales tax in half. HJR 8 to completely eliminate the conservation sales tax, was withdrawn. [SB 56](#) would reduce certain non-resident hunting fees. And [HB 317](#) would require the Department to reimburse up to \$500 in damage to an automobile driver that hits a deer.

North Carolina, Wisconsin to Cut DNR Positions - The North Carolina House budget proposal would cut about 60 vacant positions from the Department of Environment and Natural Resources. It cuts the Wildlife Resources Commission by 23% or roughly \$3 Million; but increases state park funding by \$12.5 Million. In another state, Wisconsin in April sent layoff notices to 57 employees of the Wisconsin Department of Natural Resources.

North Dakota Prohibits Purchase of Property and Easements for Wildlife - The North Dakota Legislature enacted [HB 1197](#), an act "to provide for a prohibition on the purchase of real property and easements for wildlife or conservation purposes with public funds." The bill became law in mid-April 2015. It prohibits a government agency from funding through grant, contract or agreement of a nonprofit entity for the purpose of holding an interest or easement for wildlife or conservation. And it provides for civil suits against nonprofits for recovery of any public funds. Suspicion of habitat protection is having an impact: Although North Dakota produces more wild ducks than any other state, Conservation Reserve Program acres have fallen in the state by 2 million acres in 8 years.



Montana Bill Would Have Removed Habitat Acquisition Funds - [Montana House Bill 403](#) would have removed the authority of the Montana Department of Fish, Wildlife and Parks to spend \$12.4 million on habitat acquisition and habitat programs, including \$10.6 million for "Habitat Montana." The bill passed the House. Sportsmen were furious with the attempt to "rip the guts out of the department," as most of the funds are used to obtain hunter access and fishing sites. The sponsor backed down and was willing to restore funding with sideboards.

Funding for "Florida Forever" Lands is Diverted - Despite an overwhelming 75% approval in the last election of the "Florida Forever" [Constitutional Amendment 1](#) to purchase and conserve land to save the Everglades and other critical lands, to be funded with about \$750 million from setting aside part of a real estate tax, the Florida Legislature will use most of the funds for state agency operations and regulatory expenses, as well as state salaries. A tiny percentage was set aside in the budget for land conservation and restoration. A huge amount will fund water treatment projects to deal with pollution. "We don't need to be known as the hoarding-land state," said Sen. Hays, chair of the Senate Appropriations subcommittee that allocates Amendment 1 money. "We need to be known as good stewards of the resources that the people own."

