

## Conservation Issues Briefing

Covering September - November 2015

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Conservation Briefings are made possible by a generous grant from the Woodtiger Fund. This is the 17th briefing on conservation issues of interest to NCEL members such as endangered species, fish and wildlife, public lands, invasive species, and climate change adaptation.

*Please note: We are revamping the Briefings in an effort to provide better assistance to members. We will report on state bills and effective strategies, messaging, and links to reports and articles. Let us know what conservation issues are important in your state, and what kinds of resources or research you would find useful. We welcome your feedback!*

Ruth Musgrave, NCEL Conservation and Climate Adaptation Advisor, can be reached at [Rmusgrave@comcast.net](mailto:Rmusgrave@comcast.net) or at 360-789-3734.

### *In this Issue:*

[Wildlife Trafficking](#)

[Light Pollution and Dark Skies](#)

[Pollinators](#)

[Public Lands](#)

[Wildlife and Endangered Species](#)

[Climate Change and Adaptation](#)



### **Wildlife Trafficking**

*Wildlife trafficking is devastating imperiled species and financing terrorist and criminal groups. States are attempting to slow intrastate trafficking by passing bans on import and sale of ivory, rhino horn and other endangered species products and parts. See <http://ncel.net/wildlifetrafficking>.*

**2015 State Ivory Ban Bills** – Almost half of the state legislatures considered bills in 2015 to outlaw the sale of ivory and rhino horn in order to save elephants and rhinos from almost certain extinction. Below is a list of bills that are still under consideration.

- **District of Columbia:** [DC B21 252](#) - Status: Still under review
- **Illinois:** SB 1858 – Status: Referred to Assignments on 10/10/15
- **Massachusetts:** [H 1275](#)/SB 440 - Status: Heard in Jt. Judiciary on 10/21/15
- **Michigan:** [SB 371](#) - Status: Referred to committee, pending
- **New Jersey:** [S 3416](#) - Status: Introduced 8/12/15
- **New York:** [AB 8394](#) - Status: Introduced 10/2/2015
- **Pennsylvania:** [HB 1537](#) – Status: Referred to Consumer Affairs 11/9/15
- **Vermont:** [H 297](#) - Status: Tabled in 2015, to be considered in 2016
- **Washington:** [Initiative 1401](#) – Status: Citizen Initiative 1401 passed November 2015

**Sample Exemptions:** Some states are allowing exemptions to the ivory ban in order to appease opposition and pass a bipartisan bill. The major exemptions are:

- An activity that is authorized by an exemption or permit under federal law or that is otherwise expressly authorized under federal law.
- Ivory or rhinoceros horn that is part of a musical instrument, and that is <20% by volume of the instrument, if the owner or seller provides historical documentation demonstrating provenance and showing the item was manufactured no later than 1975.
- Ivory or rhino horn that is part of a bona fide antique and <5% by volume of the antique, if antique status is established by the owner or seller of the antique with historical documentation demonstrating provenance and showing the antique to be not less than 100 years old.

**Three States to Add Additional Endangered Species to Trafficking Bans** – Because of plummeting populations of endangered species caused by poaching and habitat loss, new bills introduced in **New Jersey** and **New York** (see links above) would add to their existing ivory ban laws by prohibiting transport of bodies or parts of elephants, rhinos, lions, leopards, and other federal or state-listed endangered species at the Port Authority of NY and NJ's airports and port authorities.

**Washington State Passes Initiative - [Initiative 1401](#)** passed in November 2015. It passed in every county in the state, with an overall voter majority of over 70%. The initiative bans the sale not only of products from elephants and rhinos, but also of other endangered species: Lions, leopards, tigers, cheetahs, pangolins, rays, sea turtles, and sharks.

**Nationally: Congress Still Considering Bipartisan Wildlife Trafficking Bans** – HR 2494, the [Global Anti-Poaching Act](#), passed the U.S. House on November 2, 2015 and moved to the Senate. This bipartisan bill has over 90 sponsors. It would support on-the-ground anti-poaching efforts in Africa as well as strengthen U.S. laws by enforcing stricter penalties for trafficking crimes and putting diplomatic pressure on nations implicated in wildlife trafficking. And the [Wildlife Trafficking and Enforcement Act \(S.27\)](#), co-sponsored by Sens. Graham (R-SC) and Feinstein (D-

CA), is in the Senate Judiciary Committee. It would make wildlife trafficking a major criminal offense under racketeering and money laundering statutes. Fines, forfeitures, and restitution from trafficking enforcement would fund a wildlife conservation fund to help species impacted by trafficking.



## Light Pollution and Dark Skies

*Nighttime light pollution kills birds, insects and bats, disorients animals and their migrations and other behavior, and impacts plants and ecosystems. It also affects human health by altering circadian rhythms and neuroendocrine systems. The American Geophysical Union reported that light pollution interferes with chemical reactions that naturally clean the air at night. Light pollution also wastes energy and money, and solutions can pay for themselves in saved energy costs. A number of states and municipalities have or are promoting legislation to deal with light pollution.*

**Legislation on Light Pollution, Dark Skies and Lighting Standards** - A bill is proceeding in Washington State, sponsored by Reps. Farrell, Fitzgibbons, Kagi, Walkinshaw and Pollet – [HB 2057](#), that requires the Department of Ecology to study light pollution and provide recommendations to the Legislature. At least eighteen states —[Arizona](#), Arkansas, California, Colorado, Connecticut, Hawaii, Maine, Minnesota, Missouri, New Hampshire, New Mexico, New York, Oklahoma, Rhode Island, [Texas](#), Vermont, Virginia and Wyoming – have adopted dark-sky legislation in recent years, according to Bob Parks of the International Dark-Sky Association.

### Examples of state lighting standards in state laws -

- **Arizona**
  - [Arizona Laws > Title 34 > Chapter 4 > Article 5 - Lighting Standards for State](#)
  - [Arizona Laws > Title 49 > Chapter 7 - Light Pollution](#)
- **Delaware**
  - [Delaware Code > Title 7 > Chapter 71A - Regulation of Outdoor Lighting](#)
- **Illinois**
  - [Illinois Compiled Statutes > 430 ILCS 155 - Outdoor Lighting Installation Act](#)
- **New Hampshire**
  - [New Hampshire Revised Statutes > Chapter 9-E - Outdoor Lighting Efficiency](#)
- **New Mexico**
  - [New Mexico Statutes > Chapter 74 > Article 12 - Night Sky Protection](#)
- **Ohio**
  - [Ohio Code > Chapter 515 - Lighting](#)
- **Rhode Island**
  - [Rhode Island General Laws > Chapter 42-136 - Outdoor Lighting Control](#)
- **Texas**
  - [Texas Health and Safety Code > Title 5 > Subtitle F - Light Pollution](#)

### Resources on Light Pollution and Dark Skies -

- “The Ecological Impacts of Nighttime Light Pollution,” Biological Reviews 2013: <http://onlinelibrary.wiley.com/doi/10.1111/brv.12036/abstract>
- International Dark Sky Association: <http://darksky.org/about/>.
- “Missing the Dark: Health Effects of Light Pollution,” NIH 2009: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2627884/>



## Pollinators

*Pollinators such as bees are experiencing alarming declines, but agriculture depends for 30 percent of its crops on pollinators. States are tackling the issue of how to protect pollinators.*

**Pollinator Bills to Protect Bats, Butterflies, Bees** - Examples of bills that just passed in 2015 or are still under consideration:

- **California:** passed [AB 559](#) on October 8, 2015. The new law attempts to assist declining monarch butterflies by authorizing the Department of Fish and Wildlife to take feasible action to conserve monarch butterflies, their migration, and their unique habitat through partnerships with other entities, habitat and native milkweed restoration, and landowner agreements.
- **California:** passed [AB 1259](#) on September 30, 2015. It requires the Fish and Wildlife to authorize apiculture, or bee keeping, on state lands, in order to promote nutritional foraging for bees. It declares an emergency because of recent bee declines.
- **Massachusetts:** [HB 655](#) would prohibit sale or use of neonicotinoid pesticides other than by licensed applicators. It also requires development of a training session by the Department of Agricultural Resources.
- **Massachusetts:** [HB 3417](#) would establish a committee to examine issues around bee colony collapse and make recommendations to the Legislature. Both MA bills were scheduled for hearings in November 2015.
- **Michigan:** [SR 83](#) is a resolution to support state efforts to protect pollinators through a Pollinator Protection Plan as outline by the EPA. It is currently under consideration.

A number of new bills in various states are planned for the 2016 legislative sessions.



## Public Lands

*The public lands grab issue is getting more attention than ever. It is time for those who support public lands and the economic, water quality, recreation and other benefits that come with them, to speak up. See our NCEL web site on public lands, [www.ncellands.org](http://www.ncellands.org).*

**Bills in Western and Other States** - A complete list of state bills from the 2015 legislative session is on our web site: [www.ncellands.org/2015-bills/](http://www.ncellands.org/2015-bills/). In Arizona, [HB 2051](#), has already been pre-filed for the 2016 session, that could give local authorities management authority over forest lands.

**Messaging: Public Lands are Loved by Americans** - A new sheet with talking points about American attitudes about public lands is found at <https://wilderness.org/infographic-american-west-loves-public-lands>.

Results from a new Colorado College poll shows broad voter approval of public lands in seven western states. <https://www.coloradocollege.edu/dotAsset/18dc097b-dce9-4003-8630-12796a054c8f.pdf>

**Materials and Reports** - NCEL has developed an entire web site, [www.ncellands.org](http://www.ncellands.org), which details the public land grab issues, as well as reports and talking points. In addition, new articles from September-October include:

- [On Public Lands, Congress Should Consider the American People, Not Anti-Government Extremists](#) – The Hill, September 2015
- [Public Lands Would Be in Danger if Given to States](#) - Las Vegas Review Journal November 2015
- [Control of Federal Lands Becomes an Issue in the GOP Presidential Race](#) – LA Times October 2015



## Wildlife and Endangered Species

*Endangered and other wildlife are facing unprecedented challenges and legislative attacks and defunding. Yet voters overwhelmingly support protection of endangered species and wildlife. Some of the best ways to protect wildlife are to save habitat and wildlife corridors, support the federal ESA, and fight*

*poaching and illegal trafficking.*

**Nationally: Endangered Species Act Survives Attacks by Congress** – In spite of 90% public approval of the Endangered Species Act, the 114th Congress introduced 85 bills, riders and amendments that would eviscerate the provisions of the ESA. Astonishingly, none of them were enacted in 2015, after over 110 congressional leaders signed letters to the President to “veto extinction.” Bills and riders seeking to prevent listing of species such as the greater sage grouse; exempt oil and gas drilling and other activities from ESA provisions; delist species such as wolves; and weaken entire portions of the Act did not pass.

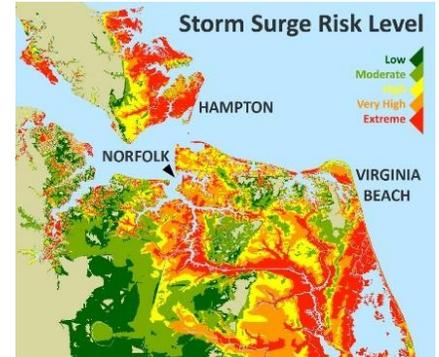
**Sample Solution for endangered species: Wildlife Corridors** – [AB 498](#) in California, sponsored by Asm. Levine, to expand the state’s commitment to map and maintain wildlife corridors and habitat connectivity, became law on October 8, 2015. The landmark legislation makes it the policy of the state to promote wildlife corridors and habitat linkages in order to enhance wildlife’s resilience to climate change and to protect biodiversity from development. In New Hampshire, Sen. Watters, Woodburn and Rep. Backus introduced [SB 376](#), using the California bill as a template, to request that the NH Department of Ecology study and report on feasible wildlife corridors within the state.

## Climate Change and Adaptation

*With seas rising along the Eastern seaboard faster than almost anywhere else on Earth, states need to take action on sea level rise and storm surge. In addition to sea level rise, record temperatures nationally and globally are resulting in stronger storms, floods, drought and heat, and are impacting human health and safety, wildlife and ecosystems, and even seasons.*

### Surging Seas: Key Points for Adaptation Strategies -

- As the head of NOAA, Kathy Sullivan stated: “The effects of sea level rise are broad - societal, economic and ecological – and please don’t forget ecological impacts, whose importance cannot be underestimated.”
- The value of coastal zones is about \$39 trillion, and population growth and development is densest in coastal zones.
- Using green infrastructure such as wetlands, dunes, tidal marshes, and shoreline restoration gives a triple dividend: Fisheries, structures, and ecosystems all benefit.



**Types of Adaptation Strategies Available for SLR and Recurrent Flooding** – There are many tools available for government entities to adapt to sea level rise (SLR) and coastal and recurrent flooding. The *Georgetown Climate Center [Adaptation Toolkit](#)* is an excellent resource for adaptation strategies.

1. Planning: State and local comprehensive plans and approaches for adaptation
  - Identify infrastructure and assets
  - Identify adaptation strategies
  - Understand the science
  - Make timely recommendations to the Legislature  
(source: *NH Sen. Watters, [Coastal Risks and Hazards Commission](#)*)
2. Regulatory Tools:
  - Zoning and overlay zones
  - Floodplain regulations, such as restricting development in 100-year floodplain
  - Building codes and resilient design
  - Setbacks and buffers
  - Rebuilding restrictions
  - Conditional development and exactions
  - Subdivision and cluster development requirements
  - Hard armoring permitting
  - Soft armoring permitting
  - Rolling coastal management/rolling easement statutes
3. Spending Tools:
  - Capital improvement programs
  - Land acquisitions and buyouts
  - Conservation easements for habitat, buffers, migration

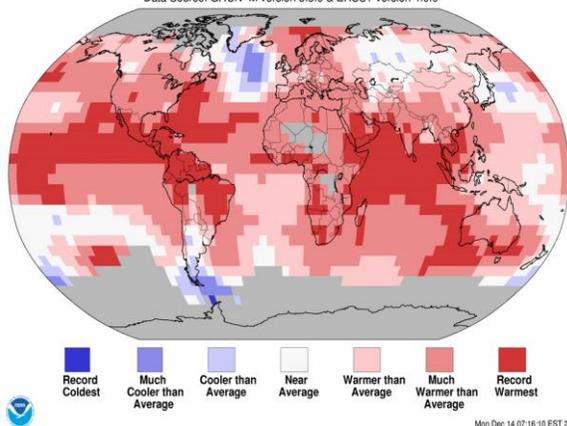
4. Tax and Market Based Strategies:
  - Tax and other development incentives
  - Transfer of development credits
  - Real estate disclosure requirements

**Messaging: Common sense, safety and costs require adaptation strategies** – SLR and recurrent flooding impacts tourism, business, development, fisheries, ecosystems and entire communities. The “Surging Seas 2015” conference, a bipartisan gathering of state, federal and local officials in November 2015, tackled the tough reality of finding and funding SLR solutions. Over three days, the group made some good points about messaging for climate adaptation for SLR and coastal flooding:

- Use terminology such as “recurrent flooding,” “coastal erosion,” and “sea level rise,” not the partisan-charged term “climate change.”
- Insurance companies and banks are starting to decline coverage in at-risk flood areas, so resilience measures and planned retreat are urgently needed for economic reasons.
- The U.S. military views SLR and flooding as impacting national and global security.
- Weather disasters and their costs and impacts on state and community human health and safety are increasing.
- Resilience investments pay dividends across the community and state, and resilience costs a fraction of recovery.
- FEMA cannot be relied upon for repeated rebuilding - FEMA only pays pennies on the dollar for flood damage, and does not insure wind damage.
- Nature-based, or “green infrastructure” solutions, are cheaper and often more socially acceptable than hard structure solutions.

**Update: 2015 on Track to be Hottest Year on Earth** – Year-to-date (January–November 2015) from NOAA:

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



- The year-to-date temperature across global land and ocean surfaces was 1.57°F (0.87°C) above the 20<sup>th</sup> century average. This was the highest for January–November in the 1880–2015 record, surpassing the previous record set in 2014 by 0.25°F (0.14°C). Nine of the first eleven months in 2015 have been record warm for their respective months.

- The year-to-date globally-averaged land surface temperature was the highest for January–November in the 1880–2015 record at 2.29°F (1.27°C) above the 20<sup>th</sup> century average. This was the highest for January–November in the 1880–2015 record, surpassing the previous record of 2010 by 0.27°F (0.15°C).

