

# KEEPING IT WILD

Preserving wildlife and habitat while allowing development and outdoor recreation is a tough balancing act.



BY MELISSA SAVAGE AND DOUGLAS SHINKLE

In the thriller “Collateral,” the characters played by Jamie Foxx and Tom Cruise are driving through central Los Angeles when they have an unexpected encounter—with a coyote.

The animal, yellow eyes glowing, wanders into the street in front of their cab. The incident, apparently unplanned by director Michael Mann, makes a stark point: Across the country, people increasingly find themselves sharing their living space with wildlife. Business and residential development have pushed into wildlife habitat. Highways and suburban neighborhoods have cut wildlife off from habitat essential for survival.

Nationwide, the protection of wildlife and the areas where they live must be balanced with development and recreational uses.

*Melissa Savage and Douglas Shinkle track environmental issues for NCSL.*

State agencies provide oversight of wildlife planning efforts, but state lawmakers play a significant role, too, because they hold the purse strings.

Utah Representative Roger Barrus knows a thing or two about preservation and conservations. An unhealthy ecosystem can lead to the extinction of a species, he says, and that can ultimately be a death knell to further development of agriculture, grazing, energy development, forestry, recreation and more in habitat supporting endangered species. Barrus says state legislators play a critical role in working to strike the balance between

wildlife protection and development.

“You’d be hard-pressed to find a state legislator who wants to see the erosion of an ecosystem to the point that animals have to be listed on the endangered species list,” Barrus says. “Most want to take a proactive stance and work to keep habitat healthy.”

## ENJOYING THE OUTDOORS

The responsibility to ensure that endangered animals, birds and plants are kept alive often rests with the state. Money from the federal government can help ease the costs of keeping these animals healthy and maintaining their habitats, but states are on the hook for paying most of the bills.

Fortunately, the great outdoors is big business. Revenue from hunting and fishing licenses provides about 75 percent of state wildlife management budgets. A comprehensive U.S. Fish and Wildlife Service survey found almost 88 million Americans enjoy wildlife-related recreation, which includes



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FLORIDA

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#### NEW MONEY

Lawmakers in many states have tried to diversify the funding stream for these programs. Some states have added special license plates, such as Florida’s Save the Manatee plate.

Increasing development, however, pushed Florida to think beyond license plates. In 2001, the Legislature passed Florida Forever. Funded through fees from real estate transactions, the program has spent \$2.62 billion to protect 600,000 acres from development and to establish wildlife and open space protection. In 2009, the program suffered its first loss of funding.

Senator Paula Dockery backs the program and is concerned about funding cuts. “There are some great deals out there, but we’re missing out on some great opportunities to conserve.”

People especially need the opportunity to spend time outdoors when the economy is bad, Dockery says.

“While tourism in our theme parks is down due to the economy, our eco-tourism is thriving with activities such as bird watching, canoeing, kayaking, fishing, hiking and biking,” she says. “These opportunities exist in abundance because of our investment through the Florida Forever program.”

#### TURNING TO VOTERS

Voters in other states have ensured funding is locked in place. Arkansas and Missouri have dedicated sales tax revenue to wildlife habitat and management. In 2008, Minnesota voters joined these states by passing an amendment to their state constitution to create a 25-year, 0.375 percent sales tax increase for natural resource protection. About 80 percent of the revenue will be spent protecting land and water habitat.

In Colorado, the Legislative Assembly decided to cut the conservation easement tax credit in half. The tax credit, which provided

funding for conservation efforts, is not a constitutional amendment like those in Arkansas, Missouri and Minnesota, and is therefore up for grabs.

#### WILDLIFE AND DEVELOPMENT

States want projects that will stimulate the economy. And wildlife planning, or the lack of it, can have far-reaching implications on everything from energy projects to protecting watershed to economic development.

The conflict between emerging development and wildlife protection was highlighted last summer when the Western Governors Association released a joint report with the U.S. Department of Energy highlighting the best areas for large-scale renewable energy development across the western region. Rich Halvey with the governors group learned from the process and says the status quo has to change.

“In the past, developers would come up with an idea, get to a certain point and then ask wildlife folks if the plans were OK. The wildlife groups had an advisory role, after the fact.”

Halvey says the governors’ group followed pretty much the same process when they were working on their report. Now, he sees the benefit in getting the wildlife groups a seat at the table early on.

“Seeking their involvement early in the process and asking if there are ways to achieve the two main objectives, developing domestic renewable energy sources and protecting wildlife helps strike a balance.”

Halvey goes on to say that in most scenarios it’s not an either-or proposition. “In many cases, having the conversation about the wildlife early on will help the two sides reach a compromise, either through mitigation or by finding an alternative plan that’s just as good.”

Protecting the sage grouse in Utah, the wolf in New Mexico and the big horn sheep in Texas can affect everything from rural economic development to climate change.

Ranchers, landowners and state government officials in several Western states were anxiously awaiting a decision on whether the sage grouse would be listed as an endangered species. Listing it or any animal on the list requires states to make special considerations and protections to keep the animals healthy. In March, the U.S. Fish and Wildlife Service designated the chicken-like bird as “war-

hunting, fishing and active wildlife watching. They spent more than \$122 billion in 2006 on equipment, hotel rooms, licenses and other tourism-related expenses. Hunters alone contribute \$4.2 billion in state and local taxes each year.

“Arguably we may be the only industry out there keeping some of these small communities going,” says Jeff Crane, president of the Congressional Sportsmen’s Foundation. “We recognize that conservation is a must. Wildlife, water and other natural resources are non-renewable.”

Hunters, anglers and other outdoor enthusiasts will have little reason to visit areas unless open space, natural ecosystems and wildlife are preserved. That’s a key reason Crane’s group recognizes the value of supporting state wildlife budgets through licensing fees.

“It’s critical that states have the ability to provide adequate funding for wildlife management,” he says. “Without conservation and preservation, our industry wouldn’t be



ranted but precluded” for endangered species protection. Essentially, the bird must wait in line behind higher-priority species.

The decision could have affected whether an Oregon wind-farm project got off the ground or whether oil and gas drilling efforts in Wyoming were stopped.

In anticipation of a decision on the sage grouse, the Utah Division of Wildlife Resources in 2009 developed a management plan for the bird. The Utah Department of Natural Resources, hoping to stave off endangered species listings, made parallel efforts. It created a statewide initiative to restore watershed—including sage grouse habitat—leveraging about \$2 million a year in state appropriations, with around \$10 million to \$12 million annually in money from sportsmen, industry and conservation groups, and the federal government to repair and improve watershed health on public and private lands.

Mike Styler, executive director of the Department of Natural Resources and a former Utah legislator, is impressed with the level of interest by ranchers in these efforts. “They have taken ownership of the issue, especially since they realize what the effects of an endangered species listing could be on their public and private rangelands.”

An endangered listing for the bird could have led to restrictions on oil and gas drilling, wind energy development, grazing and mining.

Styler points out that improving the watershed in an arid state such as Utah benefits not only ranchers, but also sportsmen, people living in rural areas and even people in cities and suburbs. And, of course, the sage grouse.

“Everything in Utah ultimately revolves around healthy land, and it all starts with healthy watersheds,” he says.

Legislators recognized that in order to maintain the sage grouse population, the habitat needed to be improved, says Barrus.

“In 2008, the Utah Legislature gave \$2 million to the Utah Division of Wildlife Resources for sage grouse work specifically to fund a total of 345 habitat improvement projects.”

Barrus says Utah has been working to keep the sage grouse off the endangered species list for many years, beginning in the mid-1990s.

Keeping wildlife healthy, maintaining



sustainable ecosystems and planning for wildlife migration can help states make better decisions about where and how development should take place. Consulting with fish, wildlife and natural resources officials ahead of time can help eliminate the need to halt expensive projects.

#### SAYING NO TO DEVELOPMENT

Hiking, skiing, snowshoeing, hunting and fishing all affect wildlife and habitat. These activities, over time, have forced animals to adjust their travel patterns and habits. Their movement is rarely sensitive to arbitrary boundaries established by people. Wildlife corridors cross state, federal, private and, in some cases, tribal lands. Conservation in this case requires various groups, including ones that normally don’t work together, to merge their efforts.

In Oregon, for example, lawmakers worked with the public, conservationists and sportsmen to halt a development planned for the Metolius river basin. Developers a few years ago wanted to build two large resorts, including 3,000 residences, along the river in central Oregon, a popular fishing destination.

The development would have brought more people, roads and other infrastructure, and some feared it would harm wildlife and habitat. People also were concerned the development would have harmed the most favorable state habitat for the threatened bull trout. It also would have paved over critical feeding grounds for deer and elk and denied hunters excellent opportunities.



**REPRESENTATIVE**  
**BRIAN CLEM**  
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“The Metolius is definitely considered one of Oregon’s greatest treasures, along with the Gorge, the state’s public beaches and Crater Lake,” says Oregon Representative Brian Clem.

While these other natural areas have some form of protection, the Metolius did not. In 2009, the Oregon legislature passed a law protecting the river by designating it an Area of Critical State Concern. The designation prevents resort development within the river basin, preserves existing land uses and allows hunters, anglers and others to continue to use the land.

Clem sees preservation of the Metolius as a long-term investment and commitment to our shared environmental, public health and economic future. “If an ecosystem is sick,” he says, “humans are part of that ecosystem and will be affected at some point.”

State legislators play a critical role in keeping ecosystems healthy, animals safe and development moving forward.

“This issue is like a car traveling down the road. Sometimes it makes sense to sit back and be the passenger, but you can’t stay there for long,” says Halvey of the Western Governors Association. “Taking a look at current statutory language and making changes where necessary is an important step in effectively striking the balance. Far too often legislators aren’t at the wheel when they need to be.”

Barrus sees it in much the same way.

“Natural resources provide for our sustenance, our enjoyment and our well being. We can draw upon them and still be good stewards at the same time. Legislatures have the opportunity and obligation to ensure that an appropriate balance is maintained between the consumption of resources necessary to sustain our lives and lifestyles while maintaining healthy ecosystems and wildlife habitat.”

**CHECK OUT** a Q and A with Ron Regan, executive director of the Association of Fish and Wildlife Agencies, at [www.ncsl.org/magazine](http://www.ncsl.org/magazine).