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No Pay, No Say

Even in the best of times, the funding system for state fish and wildlife management is grossly inadequate. But three states have implemented partial fixes, and Congress may soon offer federal relief.

By Ted Williams

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Shortly after I signed on as a wildlife journalist with the Massachusetts Division of Fisheries and Game in 1970, we changed the "Game" part of our title to "Wildlife." This, it was explained, would better define and expedite our legal mandate of tending all wild creatures, not just those that could legally be shot or caught or, as we preferred, "harvested."

But there was little change because then, as now, almost all the division's income came from sales of fishing and hunting licenses and federal excise taxes on guns, ammo, hunting equipment, fishing tackle, and motorboat fuel. It's the same in most states. Therefore, with just a few exceptions, wildlife agencies pretty much do the bidding of sportsmen—this to the detriment not just of wildlife but of the sportsmen themselves, because they tend to confuse long-term best interests with immediate appetites. "Nongame," by which managers refer to that 99.9999 percent of our biota that sportsmen can't "harvest," gets much more attention these days than in the 1970s—but nothing close to what it needs. And the term itself says it all about priorities; it's like flipping your cigar butt into Puget Sound and calling the Pacific "nontobacco."

In the first half of the 20th century, sportsmen had saved North American wildlife from unregulated take, deforestation, and Dust Bowl devastation. They did this by pushing through the Migratory Bird Treaty Act of 1918, by getting market hunting banned, by demanding to pay for hunting and fishing licenses to maintain state wildlife agencies that set seasons and bag limits, by demanding to tax themselves for their gear, and by demanding to pay for duck stamps, which facilitate the purchase and maintenance of national wildlife refuges.

But in the 1970s the sporting culture I found in Massachusetts and nationally had devolved. By and large, hunters and anglers were unengaged in environmental issues, insular, deeply suspicious of the Earth Day generation of which I was part. Their main issues were imaginary threats to gun ownership and what they invariably perceived as inadequate numbers of hatchery trout and game-farm pheasants, the mass production of which constituted the principal business of our agency. I learned much during my five years with the division—no lesson more important than this: Good management and genuine recovery of fish and wildlife can happen only with dedicated *public* funding. Hunting and fishing license revenue, even combined with federal aid, can't do it.

Still, the two laws that levy excise taxes on hunting and fishing gear and motorboat fuel have been among the most efficient vehicles for keeping state wildlife agencies semi-solvent. Federal Aid in Wildlife Restoration is apportioned to the states via the Pittman-Robertson Act of 1937, Federal Aid in Sport Fish Restoration by the Dingell-Johnson Act of 1950. The genius of these statutes is that they deny funding to states in which politicians raid license revenue, as they are always tempted to do, especially during a recession. This doesn't stop the raids, but it invariably makes the politicians return the revenue they've purloined. When I asked the Fish and Wildlife Service's northeast federal-aid chief, John Organ, where the attempted diversions have taken place, he replied: "It would be easier to tell you where they *haven't* taken place." He presides over 13 states, and politicians have tried to divert license revenue in eight in the last several months. But in every case it took only a stern letter from his agency and resultant invective from outraged sportsmen for the politicians to give back the money.

In 2003, when former Massachusetts governor Mitt Romney led one of the most brazen raids ever attempted, the Fish and Wildlife Service stuffed him by giving him 30 days to return the money or forfeit \$4.6 million. In March

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2009 the service blocked a similar raid by the Massachusetts House. Two equally grotesque raids in California and Illinois were recently blocked by the service. Former Illinois governor Rod Blagojevich had actually succeeded in a diversion, but immediately after his ouster the legislature returned the money.

"Has a state ever decided just to steal license revenue and forget about federal aid?" I inquired of Organ.

"Not yet," he replied. "But I always wonder about that. In the grand scheme, a state might say, 'Six million bucks. So what? We're going to sell off these lands for development and get a billion dollars.' "

Modest improvements were under way even before I left the division. In 1974 The Nature Conservancy helped establish the Natural Heritage Program, a farsighted and ambitious plan to inventory and restore native ecosystems by establishing partnerships between state wildlife agencies, museums, universities, and conservation groups. Perceiving the effort as a threat to their power base, sportsmen and managers fought it viciously. But environmentalists were gaining in political power, and as old-guard managers retired and died off, young, enlightened wildlife professionals were moving into leadership positions. By the late 1980s every state had a natural heritage program. Today the network includes 82 programs from Canada to the Amazon, almost 1,000 scientists, and a collective annual budget of about \$45 million. Such reforms continue, but they don't begin to keep pace with new threats to fish and wildlife such as global warming and an increasing human population.

Missouri is one state in which the sporting culture never devolved. Rather than puffing about the accomplishments of their dead ancestors while attempting to preserve their power base by fighting public funding, Missouri sportsmen built a management model for the nation. It wasn't easy. The Conservation Federation of Missouri—which includes virtually all the state's hunting and fishing outfits—started its campaign for increased revenue for the Missouri Department of Conservation in 1969, 32 years after it had shepherded through a constitutional amendment to establish the agency. The federation sponsored a ballot initiative that would have raised \$20 million a year by levying a one-cent tax on each bottle of soda. But the drive withered under intense lobbying by the St. Louis-based Seven Up Inc.

Smarter and tougher from that defeat, the federation launched a campaign for another ballot initiative, this time for a one-eighth-of-one-percent state sales tax, with proceeds to be allocated to the Department of Conservation for fish, wildlife, and forestry. Resistance was formidable. The Farm Bureau ranted endlessly about what it called a "government land grab." And if there's one thing legislators hate, it's dedicated funding because it circumvents the appropriations process and makes them feel nonessential.

At the time Dave Murphy, who now directs the Conservation Federation, was an Earth Day-generation activist and an undergraduate in forestry, fisheries, and wildlife at the University of Missouri. He circulated petitions that helped get the sales tax initiative on the 1976 ballot, and he was the only person in his farm-dominated precinct to vote for it, including his farmer father. "The 10:30 p.m. news reported that the initiative would fail," Murphy recalls. "But when I got up in the morning the returns from St. Louis were in. The initiative had passed by 20,000 votes, and our world changed."

Indeed it did. In 2008 two-thirds of the Department of Conservation's \$172.5 million budget was generated by the sales tax. In addition to conducting all manner of progressive ecosystem management, the agency now owns 788,706 acres of prime habitat and leases 202,864 more. Most of this is in Conservation Areas. Statewide there are now about 900, and virtually all Missourians are within a half-hour's drive of at least one. A program run by the Audubon Society of Missouri records bird species seen on each area. Typical is the 4,318-acre Columbia Bottom Conservation Area near St. Louis, where, in just the past two years, 240 species of birds have been identified by Audubon members.

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"We're trying to create a mosaic of habitats appropriate for floodplain property," says Columbia Bottom's manager, Tom Leifield. "We have about 800 acres of intensively managed wetlands, elaborate pump-station systems and water-control structures, 300 acres of prairie in various stages of restoration, 140 acres of native hardwood plantings, and 250 acres of former ag land that we're letting go back to cottonwood-and-willow riverfront forest." This area alone gets something like 200,000 visitors a year.

Missouri's Public Lands Program, also enabled by the sales tax, helps farmers manage their lands in wildlife-friendly ways and get paid by the U.S. Department of Agriculture to plant and encourage food and cover for wildlife. As a result the state is the first to report success under the Northern Bobwhite Conservation Initiative—a range-wide habitat-restoration effort by nongovernmental organizations and state and federal resource agencies. In the boot heel's Scott County, where agriculture is especially intense, the state's goal was to create 4,500 acres of quail habitat. Already there is 7,000 acres, more is on the way, and the quail population is up 66 percent from 2008.

Only Minnesota has come close to Missouri. Even as the economy tanked in November 2008, voters approved a three-eighths-of-one-percent sales tax that will net about \$270 million, a third of which will go to conservation programs for habitat, which, if approved by the legislature, could supplement the Division of Fish and Wildlife's existing \$70 million annual budget. Another third will go for clean water programs, and a third for parks, trails, arts, and cultural heritage. The only way Minnesota can get an initiative on the ballot is for the legislature to okay it. So that campaign took 12 years and was no less arduous than Missouri's. "The sportsmen-environmentalist alliance won over 56 percent of the voters," reports division director Dave Schad. "That's pretty remarkable, given the economic climate." Unfortunately, the funding system has a 25-year sunset clause, after which it will have to be reauthorized. But Schad sees this as added incentive to "do everything right."

Arkansas had limped along with one of the stingiest fish and wildlife budgets in the nation. But in 1996 voters approved a one-eighth-of-one-percent sales tax. That effort also took 12 years, and it passed only after two failed attempts and with just 50.6 percent of the vote. As in Minnesota, the sportsmen-environmentalist coalition that designed the initiative had to split up revenue to get it passed. Forty-five percent, or about \$27 million a year, goes to the Game and Fish Commission, boosting its budget to about \$68 million. Another 45 percent goes to the Department of Parks, 9 percent to the Department of Arkansas Heritage, and one percent to the anti-litter organization Keep Arkansas Beautiful.

Like the Minnesota legislature, the Iowa legislature must okay ballot initiatives. And it has just passed a bill that will allow voters to decide next November on a constitutional amendment that would, with the first increase in the sales tax (and they happen roughly once a decade), allocate three-eighths-of-one-percent of the entire tax to fish, wildlife, law enforcement, watershed restoration, lake restoration, parks, trails, and other programs administered principally by the Departments of Natural Resources and Agriculture. The total would be about \$150 million a year.

The strength of such constitutional amendments is that they circumvent the unreliable annual appropriations process and prevent raids from ever-destitute general assemblies and governors. The weakness is that because they are anathema to legislators, particularly appropriators, they are notoriously difficult to pass, especially in states that don't have ballot initiatives. Virginia and Texas have enacted laws that dedicate a share of *existing* sales taxes on outdoor gear to fish and wildlife. Unlike constitutional amendments, however, laws can easily be changed or done away with.

Some states don't even have sales taxes. But there are other options. Florida and South Carolina dedicate a portion of real estate transfer fees to their wildlife agencies. And Florida augments this with revenue from speeding fines. Wildlife agencies in Alabama, California, and Texas get a share of the cigarette tax. Arizona and

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Colorado get \$10 million and \$8.75 million a year, respectively, from state lotteries. Bond issues have been used widely and effectively, mostly for habitat acquisition. Some states dedicate sales of specialized license plates to wildlife. Others receive major funds from oil and gas leasing and production on public lands. Many states have check-off boxes on their income tax forms by which citizens can make voluntary contributions to nongame wildlife.

Creative as they are, all these strategies—even Missouri's—are band-aids on a ruptured aorta. The Conservation Federation's Dave Murphy offers this: "In 1937, the first year of the Missouri Department of Conservation, the fish and wildlife budget was 0.8 percent of the state budget. This last year, with all our sales tax revenue, license fees, and federal aid, it was 0.7 percent. So the sales tax has allowed us only to stay about where we were, not get ahead."

And for all the enlightenment in state wildlife agencies and all the evolution in America's sporting culture, there is still no shortage of knuckle draggers to preserve good-ol'-boy networks. Nowhere is this more apparent than in otherwise progressive Vermont, where, as in so many states, the Fish and Wildlife Department is nearly busted. Between 1987 and 2008 sales of hunting licenses declined from 111,542 to 80,831, sales of fishing licenses from 161,014 to 122,642. The agency has gone begging to the legislature for extra funds, never with good success, and it has been laying off staff and leaving positions open.

So the department's former commissioner, Steve Wright (then the National Wildlife Federation's northeast representative), and Patrick Berry (then communications director for the Vermont Natural Resources Council) helped develop a legislative mandate for a study committee that would explore alternate funding. And they helped put together a support coalition called the Vermont Wildlife Partnership with a strong, diverse membership of 60 groups—from Wright's and Berry's outfits to Trout Unlimited to Audubon Vermont to the Vermont Federation of Sportsmen's Clubs.

In due course the study committee hatched a proposal (Vermont has no ballot initiatives) to redistribute one-eighth-of-one-percent of the existing sales tax to the Fish and Wildlife Department. Of every 48 cents collected, 31 would go to the general fund, 16 to the education fund, and 1 cent to the Fish and Wildlife Department. It wasn't much, but it would boost the agency's paltry budget from about \$14 million to \$20 million.

"Governor Jim Douglas has a mantra of 'no new taxes,' " says Wright. "The word on the street was that just at the end of the 2007 legislative session, his office found out about the study committee and sent over one of its heavies to proclaim that the governor wouldn't sign the bill unless he could appoint committee members." Co-chairing the committee was Douglas appointee James Ehlers, who had gained public attention by whipping sportsmen to a froth of paranoia with hook-and-bullet-rag harangues about alleged plots by greensies who, he charges, are "equating the constitutional rights of humans with the supposed rights of bugs."

Current Fish and Wildlife Commissioner Wayne Laroche—an Ehlers acolyte who once wrote that wilderness sacrifices "tangible values to achieve the 'spiritual' values of the so-called environmentalists at the expense of traditional users"—had been propelled to office by the anti-wilderness, pro-clearcutting, pro-mechanized-access-at-any-cost Hunters, Anglers, and Trappers of Vermont (HAT), which Laroche used to serve as a director. HAT perceives alternate funding as a plot to keep its members out of the woods and turn over wildlife management to anti-hunters. Basically, Laroche killed the sales tax proposal when he announced to the press that it was "imprudent."

"The whole process became a tragicomic opera," says Wright. "Laroche got up and gave an hour-and-a-half PowerPoint about all the things the department was going to do and how it wouldn't need any more money. If you had been there, you'd have laughed out loud. Then Ehlers talked about everything the study committee hadn't done—'Yes, I co-chaired the group, and our members agreed on an eighth-of-a-percent sales tax, but they didn't say how the money would be spent. . . .'"

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The other co-chair of the study committee was Jim Shallow, conservation and policy director for Audubon Vermont. "I don't have a lot of hope for the near term," he told me. "The fiscal situation here is really bad. We just had a budget enacted over a gubernatorial veto."

In most states, an element of the general public complains that it is denied a voice in wildlife decision making. But if it wants a say, it has to pay. Moreover, I have always questioned the fairness of "user-fee" funding in which hunters and anglers are taxed on their equipment when they're already giving the general public a free ride by providing it with national wildlife refuges purchased and managed with duck-stamp revenue, by providing it with permanently protected state lands and waters with their license revenue, and by protecting it from irruptions of ungulates. Under today's regulations no species is remotely threatened by hunting or fishing, and a few (that would otherwise overpopulate) are benefited. The general public should pay for protection and restoration of its fish and wildlife, but the people who should pay most are those who hack, gouge, and poison habitat. There ought to be a "resource-extraction tax."

Prospects for big increases in fish and wildlife revenue are suddenly brighter. On June 26, 2009, the House passed the **American Clean Energy and Security Act**, which, in addition to directly benefiting the biota by cutting greenhouse-gas emissions and providing clean energy jobs, would secure major funding for fish and wildlife. Funds would be generated by polluter payments for carbon released into the atmosphere. Between 2012 and 2030 roughly \$1.7 billion a year would be available for natural resources damaged by global warming. State wildlife agencies would get about \$500 million of this. Then, on November 5, 2009, the Senate version passed the Committee on Environment and Public Works on a vote of 11 to 1, with all seven Republican members boycotting. While the allocation for natural resources was reduced to \$1.4 billion, both state and federal funds would be automatically appropriated. In the House bill the federal portion would be a gamble.

Another badly needed and popular bill, the Teaming with Wildlife Act of 2009, has been introduced by Senators Tim Johnson (D-SD), Debbie Stabenow (D-MI), Jon Tester (D-MT), and John Thune (R-SD). By tapping federal royalties from the mining of energy-related minerals and offshore oil and gas development, it would annually dedicate \$350 million to states for the management of at-risk species. This would last for seven years and be administered through the state wildlife grants program (replacement for the Wildlife Conservation and Restoration Program), which has been providing about \$75 million a year and at the pleasure of appropriators. (For 2010 the Obama administration was able to get this increased to \$90 million.)

The Teaming with Wildlife Act has risen from the rubble of the most tragic blunder in the history of fish and wildlife legislation. In May 2000 the House overwhelmingly passed the Conservation and Reinvestment Act (CARA), which would have annually allocated \$350 million for fish and wildlife restoration, \$900 million for habitat acquisition, \$1 billion for coastal states, \$125 million for urban parks and recreation, \$100 million for historic preservation, \$200 million for restoration of Indian and public lands, \$150 million for conservation easements and the recovery of vanishing species, and \$200 million for payments to replace lost tax revenue.

CARA was supported by a diverse, 5,000-group coalition. An element of the environmental community wrongly supposed that the bill would somehow encourage offshore oil development and therefore lobbied against it, but most environmental groups, including Audubon, passionately supported it. With sufficient votes in the Senate, CARA looked like a done deal.

Then the Clinton administration got cold feet, and the White House Council on Environmental Quality (CEQ) offered a compromise designed to appease vexed appropriators. "CARA Light," as it was called, supposedly was going to do everything CARA would have done. The appropriators would start at a third of the original appropriation—\$450 million—then ratchet up the money each year. With a few exceptions, most notably the

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National Wildlife Federation (NWF) and the Association of Fish and Wildlife Agencies, the environmental community swallowed it hook, line, boat, and motor.

"We thought this compromise was very wrong," declares Naomi Edelson, then in charge of wildlife funding strategies for the association, now in charge of state wildlife programs for the NWF. "The deal they cut really screwed wildlife. CARA Light originally had nine programs, most of which were no longer funded after year three or four." Even the \$50 million it provided through the Wildlife Conservation and Restoration Program soon dried up (although the NWF and the association eventually got it restored and increased). So furious was Representative John Dingell (D-MI) that he introduced a bill to abolish the CEQ.

If the Teaming with Wildlife Act, which now has the support of about 6,000 organizations and businesses, passes, it will demonstrate that the environmental community has learned something from the CARA debacle and from the successes in Missouri, Arkansas, and Minnesota.

The lessons are as simple as this: First, all Americans (and especially habitat destroyers such as mountaintop removers and oil and gas companies) need to help conservators of fish and wildlife underwrite its management and recovery. And second, fish and wildlife has no future without dedicated funding. Asking state or federal legislators to appropriate adequate funding every year produces what the Girl Scouts could expect if they assigned Lorna Doone delivery to Cookie Monster—crumbs.

WHAT YOU CAN DO

Urge your legislators to support the Teaming with Wildlife Act of 2009 (S. 655) and the [Clean Energy Jobs and American Power Act \(S. 1733\)](#). To learn more about what states are doing and need to do to attain adequate funding for fish and wildlife, click [here](#).