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MEMORANDUM

DATE: June 17, 2019

TO: OK Department of Wildlife Commission and Staff

FROM: Brittnee Preston

RE: Report on May and June Federal and Congressional Issues for July Commission Meeting

Wildlife update:

Administration –

- On June 6th, the President signed a \$19.1 billion disaster bill. This is a supplemental aid package ([HR 2157](#)) for victims of hurricanes, wildfires, floods and other natural disasters dating back to 2017.
- On June 12th, the Trump Administration released a [three year plan](#) that proposed reducing federal protections on at least 25 threatened or endangered species. Species relevant to OK are: the American Burying Beetle, the least turn, and the red cockaded woodpecker.

Congress –

- On May 23rd, the Senate Republicans voted 28-12 behind closed doors to make their conference-wide ban on earmarks permanent.
- Hearings:
 - 5/21 & 22 - The House Appropriations Committee marked up their CJS, Energy and Water, and Interior and Environment bills. Please find a summary of these bills in Appendix 1.
 - 5/21 - The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on NOAA and USFWS budgets. Endangered Species Act was a central point of discussion at the hearing. Several members questioned them on their processes and why some states' requests are resolved quickly while others take quite a bit of time. Members also pushed USFWS on their critical habitat decision making.
 - 5/23 - The House Appropriations Subcommittee on Agriculture marked up the Agriculture bill. Some key highlights from the bill are included in Appendix 1.
 - 6/4 - The House Appropriations Full Committee held a mark up on the Agriculture bill. A summary of this bill is attached as Appendix 1. This bill passed by a vote of 29-21.
 - 6/4 - The House Science Committee held a hearing on Biodiversity Losses and its Causes. The hearing witnesses included:
 - [Sir Robert Watson](#), Past Chair, Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)
 - [Dr. Kate Brauman](#), Coordinating Lead Author, IPBES Global Assessment; Lead Scientist, Global Water Initiative, University of Minnesota, Institute on the Environment
 - [Dr. James Porter](#), Josiah Meigs Professor of Ecology, Emeritus, Odum School of Ecology, University of Georgia
 - [Mr. Jeff Goodwin](#), Conservation Stewardship Lead & Agricultural Consultant, Noble Research Institute

- [Dr. Steven Monfort](#), Director of the Smithsonian National Zoo and Smithsonian Conservation Biology Institute

The hearing focused on the recent IPBES report that claimed accelerating species extinction rates. The hearing hosted a wide range of topics including: climate change, invasive species, ocean health, loss of coral, and crop growth choices just to name a few. Climate change was the key common thread through all of the discussion. Conservation was widely discussed including calculated afforestation being a major suggestion from Sir Robert Watson to combat climate change.

- 6/11 - The House Energy and Commerce Committee held a hearing on EPA's management titled, "Critical Mission: Former Administrators Address the Direction of the EPA." The witness panel included: Gina McCarthy, Administrator under President Obama, Christine Todd Whitman, Administrator under President George H.W. Bush, William Reilly, Administrator under President George W. Bush, and Lee Thomas, Administrator under President Reagan. This hearing comes after the witnesses joined other former agency heads in signing a letter in April in which they offered to help Congress investigate and establish standards for the EPA. The administrators all expressed concerns over the direction in which the current administration is going in regards to environmental regulations. Mr. Thomas noted that the concerns he has are as important to public health as they are to business interests. He said, business "needs a consistent, credible set of rules to operate by. Nationally and internationally, if possible. It is critical from a business point of view, just like it is from a public point of view." Mr. Wittman was asked if he felt the employees are comfortable voicing their opinions and concerns without fear. Mr. Wittman responded, "No. From what I have heard from employees of the EPA who are still there, the best thing is to keep your head down. If you have something that is contrary to the administration . . . you have to be very careful how you come forward with it, if you do at all." All the administrators urged the committee to increase oversight over the Administration's denial of climate change.
- 6/12 - The Senate EPW Committee held a hearing on the Waters of the US (WOTUS) rule. This hearing centered on the effects of the rule on farmers, industry and how it varies in effects across the nation. There really was not anything new to report out of this hearing.
- 6/13 - The House Natural Resources Committee held a hearing on the following bills:
 - [H.R. 1976](#) (Rep. Dan Kildee), To require the Director of the United States Geological Survey to perform a nationwide survey of perfluorinated compounds, and for other purposes. "*PFAS Detection Act of 2019.*"
 - [H.R. 2685](#) (Rep. Jeff Van Drew), To amend the Wild Bird Conservation Act of 1992 to authorize appropriations for fiscal years 2020 through 2025, and for other purposes. "*Wild Bird Conservation Act*"
 - **Discussion Draft H.R. ____** (Rep. Alan Lowenthal), "*Migratory Bird Protection Act of 2019*"

Agencies –

- Department of Interior (DOI)
 - Recently, on April 30th, the Hunting and Shooting Sports Conservation Council (HSSCC) [submitted a letter](#) to Secretary of Agriculture Sonny Perdue encouraging the U.S. Forest Service (USFS) to consider the needs of hunters and state fish and wildlife agencies when evaluating access to designated wilderness areas.
 - I recently discovered that on April 30th, the Hunting and Shooting Sports Conservation Council (HSSCC) [submitted a letter](#) to Secretary of Agriculture Sonny Perdue encouraging the U.S. Forest Service (USFS) to consider the needs of hunters and state fish and wildlife agencies when evaluating access to designated wilderness areas.
- Environmental Protection Agency (EPA)
 - On June 7th, the EPA issued [guidance](#) on Section 401 of the Clean Water Act at the direction of the President's Executive Order 13868. The guidance addressed the following requirements:
 - Statutory and regulatory timelines for review and action on a CWA Section 401 certification;
 - The appropriate scope of CWA Section 401 certification conditions; and

- Information within the scope of a state or authorized tribe's CWA Section 401 review.
- Government Accountability Office (GAO)
 - On June 11th, the Government Accountability Office (GAO) released a [report](#) that claims the federal government is at the risk of fiscal exposure from climate change and lacks information needed by lawmakers to understand its impacts on the budget. The report stated the risk is in part: " due to the rising number of natural disasters and increasing reliance on federal assistance," "due, in part, to the vulnerability of insured property and crops to climate change impacts," and " due to the hundreds of thousands of federal facilities and millions of acres of land that could be affected by a changing climate and more frequent extreme events."
- U.S. Fish and Wildlife Services (FWS)
 - On June 3rd, the USFWS announced a funding opportunity under the Sportfishing and Boating Safety Act. This Act established the Boating Infrastructure Grants (BIG) Program to provide funding for the construction, renovation and maintenance of boating infrastructure facilities for transient recreational vessels at least 26 feet long that are operated, leased, rented, or chartered primarily for pleasure. Applications are due by Sept. 16th.
 - On June 5th, the USFWS announced applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. Below are those effecting OK:
 - TE33381D - Neosho National Fish Hatchery, Neosho, MO for the Hungerford's crawling water beetle, Arkansas fatmucket, fat pocketbook, Neosho mucket, Ouachita rock pocketbook, pink mucket, rabbitsfoot, scaleshell, sheepnose, snuffbox, spectaclecase, and winged mapleleaf.
 - TE14588C - Duane Smith, Columbia, MO for the Indiana bat, gray bat, and northern long-eared bat
 - TE11170C - Ashleigh Cable, Richmond, KY for the Indiana bat, gray bat, and northern long-eared bat
 - TE33467D - Aaron McAlexander, Unionville, IN for the Indiana bat, gray bat, northern long-eared bat, Ozark big-eared bat and the Virginia big-eared bat
 - On June 6th, the USFWS announced White-nose Syndrome Research Grants. Applications are due on August 6, 2019. This grant is to investigate issues and enact strategies related directly to the management of white-nose syndrome.
- National Parks Service (NPS)
 - On June 6th, the National Park Service announced a funding opportunity under the Land and Water Conservation Fund State and Local Assistance Program. This grant is for state governments and applications are due by July 31st. Through this grant, the National Park Service provides matching grants to states and through states to local governments for the acquisition and development of lands and waters for outdoor recreation purposes.

Coming up...

- More appropriations work.

APPENDIX 1

FY 2020 HOUSE APPROPS BILLS

ENERGY & WATER BILL

- Corps
 - Provides a total of \$7.36 billion, an increase of \$357 million above the fiscal year 2019 level and \$2.53 billion above the budget request.
 - Funding for Investigations is \$135 million, an increase of \$10 million above the fiscal year 2019 level and \$58 million above the request.
 - Funding for Construction is \$2.34 billion, an increase of \$154 million above the fiscal year 2019 level and \$1.17 billion above the request.
 - Funding for Operation and Maintenance is \$3.92 billion, an increase of \$183.5 million above the fiscal year 2019 level and \$1.99 billion above the request.
 - The bill continues a provision authorizing the transfer of funds to the Fish and Wildlife Service to mitigate for fisheries lost due to Corps of Engineers projects.
 - \$22.5 million for access to water data
 - \$230,000 for flood damage data
 - \$15 million for flood plain management services
 - \$500,000 for hydrologic studies
 - \$400,000 for inventory of dams
 - \$5 million for National Flood Risk Management Program
 - \$9 million for Planning Assistance to States
 - \$3.55 million for stream gaging
- BOR
 - Provides a total of \$1.65 billion for the BOR, an increase of \$82.8 million above the fiscal year 2019 level and \$528 million above the President's budget request.
 - Provides \$400 million in additional funding for water resources projects, including those authorized in the Water Infrastructure Improvements for the Nation (WIIN) Act.
 - Regional work:
 - \$121 million for rural water
 - \$11.4 million for fish passage and fish screens
 - \$225.3 million for water conservation and delivery
 - \$40 million for environmental restoration or compliance
 - \$4 million for facilities operation, maintenance and rehabilitation
 - \$2.5 million for the Endangered Species Recovery Implementation Program (bureauwide)
 - \$92 million for the Dam Safety program
 - \$60 million for WaterSMART Grants
 - \$4.2 million for Water conservation field services program
 - \$2.3 million for cooperative watershed management
 - \$5.2 million for Basin studies
 - \$9 million for drought response and comprehensive drought plans
 - \$63.6 million for Title XVI water reclamation and reuse program
 - \$11.6 million for the Desalination Water Purification Program

AGRICULTURE BILL

- Provides \$24.3 billion in discretionary funding for USDA programs, which is \$1 billion above the fiscal year 2019 enacted level
- \$1.45 billion for rural water and waste program loans, and over \$655 million in water and waste grants for clean and reliable drinking water systems and sanitary waste disposal systems
- Includes \$1.04 billion – \$23 million above the fiscal year 2019 enacted level – for the Animal and Plant Health Inspection Service.

- Provides increases that will help address harmful pests and diseases such as cattle fever ticks and chronic wasting disease, while maintaining increases from past years for citrus greening.
- Provides \$996.6 million to help farmers, ranchers, and other private landowners conserve and protect their land. This includes \$167 million for infrastructure for watershed and flood prevention and watershed rehabilitation projects.
 - Provides \$12 million for the Watershed Rehabilitation Program
- Provides \$281 million for Natural Resources Conservation Service programs.

INTERIOR BILL

- DOI
 - Provides a total of \$13.79 billion for DOI – \$833 million above the 2019 enacted level and \$2.41 billion above the President’s budget request
 - 1.7 billion for **U.S. Fish and Wildlife Service**, \$79 million above the fiscal year 2019 enacted level and \$329 million above the President’s budget request
 - \$289 million for **Ecological Services**, \$37 million above the fiscal year 2019 enacted level and \$49 million above the President’s budget request.
 - \$514 million for **National Wildlife Refuge System**, \$26 million above the fiscal year 2019 enacted level and \$5 million above the President’s budget request.
 - \$71 million for **State and Tribal Wildlife Grants**, \$6 million above the fiscal year 2019 enacted level and \$39 million above the President’s budget request.
 - \$3.39 billion for **National Park Service**, \$168 million above the fiscal year 2019 enacted level and \$649 million above the President’s budget request.
 - The Cooperative Endangered Species Conservation Fund is funded at \$63.7 million.
 - Provides \$24 million for Cooperative Research Units (CRU).
 - Provides \$523.9 million for LWCF, including \$244 million for the federal program and \$280 million for state programs. The total is \$85 million above the fiscal year 2019 enacted level and \$491 million above the President’s budget request.
- EPA
 - Provides a total of \$9.52 billion in for EPA – \$672 million above the 2019 enacted level and \$3.42 billion above the President’s budget request
 - \$4.64 billion for **State and Tribal Assistance Grants**, a \$511 million increase above the 2019 enacted level and \$1.87 billion above the President’s budget request. Within this amount, the bill includes:
 - \$3.11 billion for **Clean Water and Drinking Water State Revolving Funds**, an increase of \$345 million above the 2019 enacted level and \$1.13 billion above the President’s budget request.
 - \$70 million for targeted grants for **drinking water contaminants** like lead, nitrates, or other health hazards.
 - \$105 million for **Brownfields cleanups**, a \$20.8 increase above the 2019 enacted level and \$43 million increase above the President’s budget request.
 - \$1.21 billion for **Superfund**, an increase of \$55 million above the 2019 enacted level and \$169 million above the President’s request.
 - \$18 million in additional funding for research and regulatory work on per- and polyfluoroalkyl substances, or PFAS

COMMERCE JUSTICE AND SCIENCE BILL

- \$73.9 billion total for CJS bill
- \$5.48 billion for NOAA, which is \$54.28 million above the fiscal year 2019 level and more than \$1 million above the Administration’s request