

# The AFWA Strategist

Update for Members and Partners of the Association of Fish & Wildlife Agencies

Winter 2021-2022

## Legislative Updates & Administrative Policies

**Senate Infrastructure Investment and Jobs Act:** Government Affairs staff is engaging with federal and NGO partners to assist in the implementation of the [Infrastructure Investment and Jobs Act \(IIJA\)](#). We have compiled a list of shovel ready aquatic related projects for consideration as the various federal agencies begin to identify projects for funding. The list of projects is based on feedback from state fish chiefs, wildlife chiefs, and wildlife diversity program managers. We will continue to monitor and engage in implementation discussions to ensure state agencies have a voice as this historic funding package is rolled out.

**Build Back Better Act (Reconciliation):** The specifics related to the conservation provisions in the [Build Back Better \(BBB\) Act](#) started to emerge from the various Senate Committees in mid-December to meet a self-imposed Christmas deadline to vote on the measure. Collectively, these packages provide details on what remains, is changed, or gets dropped from the House version of the ~\$2 trillion spending measure. However, just prior to the holiday recess, the fate of the BBB Act was largely in question as Sen. Manchin (D-WV) voiced his inability to support the BBB Act as currently drafted. Debate on the measure now shifts to 2022. Despite the uncertainty, the GA team continues to track modifications to the package and will continue to keep the BBB spreadsheet updated to reflect the changes proposed in the new year.

**FY 22 Federal Budget Discussions:** The top Senate appropriators gave a hopeful update in December on fiscal 2022 spending talks, signaling that they may be able to reach an agreement on legislation before the [current stopgap funding law](#) (or CR) expires on Feb. 18, 2022. This is better news than what we had been hearing in November which suggested a yearlong CR.

**Waters of the United States (WOTUS):** On December 7, 2021, the U.S. Environmental Protection Agency and the Department of the Army [published a proposed rule](#) to again revise the definition of “Waters of the United States” under the Clean Water Act. The Agencies describe the proposed rule as returning to regulatory language similar to that found under the pre-2015 framework. The comment period closes on February 7<sup>th</sup>, 2022.

**CEQ - National Environmental Policy Act (NEPA) - Implementing Regulations Revisions:** On October 7 CEQ announced its notice of proposed rulemaking to reverse three changes made to NEPA’s implementing regulations during the last administration. The changes would re-prioritize public interest and environmental outcomes when considering reasonable alternatives, make CEQ regulations the minimum required rather than the maximum for specific programs, and restore inclusion of “cumulative impacts” as well as “direct” and “indirect” effects in “effects” or “impacts”. On November 22, 2021, AFWA [submitted comments for the record](#).

**USFWS and NOAA Fisheries Propose Rescinding Critical Habitat Regulations (ESA):** The USFWS was responsive to AFWAs request for additional time to submit comments on their proposals to rescind and return to early definitions and interpretations of habitat and critical habitat under the ESA. On November 24 the Service granted a 15-day extension of the comment period for their proposals to rescind the regulatory definition of “habitat” and 2020 revisions to procedures for excluding areas from critical habitat designation under the ESA. On December 13, 2021, AFWA [submitted comments for the record](#).

**Water Resources Development Act:** On December 22, 2021, [AFWA submitted a letter](#) to the Senate EPW leadership highlighting three top priorities for WRDA 2022: the Brandon Road lock and Dam, revisions to USACE project partnership agreements, and recreational use of jetties, piers, and other structures.

**USFWS Final Rule to Revoke Regulations Governing Take of Migratory Birds and MBTA IT ANPR:** On September 29, the USFWS issued a final rule to revoke the January 7, 2021, final regulation that limited the scope of the Migratory Bird Treaty Act (MBTA) as it applies to incidental take. With this final and formal revocation of the January 7 rule, the Service returns to implementing the MBTA as prohibiting incidental take and applying enforcement discretion, consistent with judicial precedent and long-standing agency practice prior to 2017. At the same time, they published an Advanced Notice of Proposed Rulemaking (ANPR) announcing the intent to solicit public comment and information as they consider developing proposed regulations to authorize the incidental take of migratory birds. On December 3, 2021, AFWA [submitted our comments on the ANPR](#).

**Chronic Wasting Disease Research and Management Act:** On December 8, 2021, this important legislation ([HR 5608](#)) passed in the House. In total provides \$70M for CWD research and management, including critical funding for the states. In fact, 75% of the management funds are set aside for state and tribal fish and wildlife agencies. With the full authorized appropriation, this would provide just over \$26M annually to support state and tribal CWD management efforts, a long overdue and unprecedented amount of financial assistance. The focus now shifts to make sure the measure is introduced and passes the Senate prior to the slowdown expected prior to the midterms.

## AFWA Executive Committee Updates

The AFWA Executive Committee met in Washington DC, at the Association's headquarters, December 5<sup>th</sup>-7<sup>th</sup>, 2021 to conduct the business of the Association. Updates were given by several partners including:

- Martha Williams, Principal Deputy Director of the U.S. Fish and Wildlife Service
- Glenn Olsen of the National Audubon Society
- An update on the Recovering America's Wildlife Act by Jeff Crane (CSF) and Collin O'Mara (NWF)

The Executive Committee formally voted on the following items

- Approval of September 13-14, 2021 minutes.
- Approval of FY 2022 budget variance.
- Endorsement of a proposal to convene a workshop on the North American Model at the 2022 North American Wildlife and Natural Resources Conference.
- Signing of a charter for the Landscape Conservation Joint Task Force by President Tony Wasley and FWS Principal Deputy Director Martha Williams.

For more information, please contact Ron Regan ([rregan@fishwildlife.org](mailto:rregan@fishwildlife.org)).



*Save the date...*

112th AFWA Annual Meeting  
Omni Hotel  
Forth Worth, Texas  
September 18-21, 2022

[www.fishwildlife.org](http://www.fishwildlife.org)



Digital version of *The AFWA Strategist* is available on our website:

[www.fishwildlife.org/afwa-informs/afwa-strategist](http://www.fishwildlife.org/afwa-informs/afwa-strategist)

Founded in 1902, the Association of Fish & Wildlife Agencies represents North America's fish and wildlife agencies to advance science-based management and conservation of species and their habitats for the public's long-term benefit and use.

## Recovering America's Wildlife Act- Update

It was an excellent year for the *Recovering America's Wildlife Act* (H.R.2773/S.2372). We will close out 2021 with [140 bipartisan cosponsors](#) in the House and [32 in the Senate](#). The bill saw action in both committees of jurisdiction in both chambers, and while the bill didn't get passed out of either this year, it is high on the priority list for committee leadership early next year. Most recently it was the sole focus of a [hearing in the Senate Environment and Public Works Committee](#) on December 8<sup>th</sup>, where both Senate champions of the bill, Sens. Heinrich and Blunt were there to testify on behalf of the bill as well as Missouri Dept of Conservation Director, Sara Parker Pauley for AFWA. A special thank you to Director Pauley and the MDOC team for delivering excellent testimony as well as for leading a successful media tour for the Recovering America's Wildlife Act in Missouri this fall. As a testament to the continued bipartisan spirit that is driving this bill and the great work of the Heinrich/Blunt teams, see this great [Op-ed piece that ran on FoxNews](#) (again, not something that happens every day). Thank you to President Wasley and all the state directors for elevating the profile of the bill and for your continued outreach with your staff and partners to your congressional delegations on the bill. It is all moving the needle and we are well positioned to get the bill done next year! Continued high-level touches to members of both House Natural Resources and Senate Environment and Public Works Committees with support are greatly appreciated and will be valuable to demonstrate support for the bill and create momentum early in January. With your continued help we will be successful in getting this historic bill enacted in 2022! There are many useful campaign resources available for your use in the [Alliance toolkit](#). Happy New Year and we'll see you in 2022. As always, please don't hesitate to reach out to Sean Saville, Alliance for America's Fish & Wildlife Campaign Manager, with any questions: [ssaville@fishwildlife.org](mailto:ssaville@fishwildlife.org); 202-441-4214.

## International Updates

**Southern Wings Call to Action:** From the sound of a singing meadowlark to shorebirds that migrate thousands of miles a year, migratory birds play an important ecological and cultural role in the United States. Conserving migratory birds in many cases requires international, coordinated efforts across the full annual-cycle. Southern Wings helps facilitate conservation of migratory bird Species of Greatest Conservation Need (SGCN), through the protection and conservation of the SGCN's on their non-breeding grounds in the Western Hemisphere. This work aims to help states achieve the objectives of their SWAPs. The Program can also provide non-federal match. [Learn more.](#)

### AFWA's International Relations Committee: Who We Are and What We Do:

AFWA's International Relations Committee core responsibilities revolve around shaping and implementing an international relations strategy to achieve effective, high-impact engagement, and providing a platform for wildlife agencies and NGOs to discuss international conservation issues that impact management and conservation in the U.S. and Canada. The [Committee Purpose document](#) provides an overview of the work and impact of the Committee. The Co-chairs believe that it is critical that we have a voice in international forums and would encourage Directors to nominate a staff member to the Committee. Reach out to Deb Hahn ([dhahn@fishwildlife.org](mailto:dhahn@fishwildlife.org)) with any questions.

## We're Hiring!

Do you know of any amazing people who also want to make a difference in conservation? Then look no further!! AFWA is hiring the following full-time positions:

- Wildlife and Energy Program Manager
- Senior Accountant & Grants Coordinator

Please share far and wide. Visit [www.fishwildlife.org/careers](http://www.fishwildlife.org/careers) for more information and how to apply.

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