

# **Investing in Wildlife: State Wildlife Funding Campaigns**

by

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## **ABSTRACT**

In order to help states create and implement funding mechanisms to meet the State Wildlife Grants match requirement, this report describes a number of innovative approaches that various states have taken to secure funding for wildlife conservation, and highlights the key attributes of successful funding mechanisms. The report is based on case studies of 15 different funding mechanisms, representing 14 different states and eight different mechanism types. These specific case studies were recommended by professionals familiar with conservation funding and by staff at the International Association of Fish and Wildlife Agencies. The cases highlight the attributes of innovative and successful mechanisms, their campaigns, and provide important lessons for future attempts to create new funding mechanisms. A cross-case analysis revealed several factors that have led to successful funding mechanisms which were grouped into five categories. These categories include: factors considered in choosing a mechanism; process followed in choosing a mechanism and planning a campaign; building support; dealing with challenges and opposition; and factors relating to administering the mechanism. From the analysis, recommendations were developed to provide guidance for natural resource managers interested in creating and implementing wildlife funding campaigns.

## AUTHORS

For over a century, the University of Michigan School of Natural Resources and Environment has been a leader in natural resource and environmental research. Many master's degree candidates are required to complete an interdisciplinary, team-based research project in which students work closely with a client to propose solutions to a current environmental problem. This research was conducted in fulfillment of this degree requirement. Four second year students, in the Resource Policy and Behavior Program, composed the project team:

**Cindy McKinney** graduated from Southern Methodist University with a B.S. in Mechanical Engineering. Before returning to school, Cindy worked for Raytheon Systems Company in Dallas, TX and Avaya Communication in Denver, CO. As a Doris Duke Conservation Fellow, she recently completed an internship with The Nature Conservancy.

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The International Association of Fish and Wildlife Agencies (IAFWA) has been a key organization in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest. IAFWA's members include the fish and wildlife agencies of the states, provinces, and federal governments of the United States and Canada. Throughout the one and a half year process Naomi Edelson and Dave Chadwick provided much of the information, advice, contacts, and financial support needed to make this project a reality.

## ***The Ecosystem Management Initiative***

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# **SECTION ONE – INTRODUCTION**



# 1 INTRODUCTION

State fish and wildlife agencies have faced consistent challenges obtaining adequate funding sources for wildlife conservation. Historically, funding for state wildlife agencies has primarily come from various user fees, including state hunting and fishing licenses, which are collected on the basis of the “user-pays, user-benefits” concept. In addition, funding has come from federal excise taxes on hunting and fishing gear. Together, these sources account for almost \$1 billion in state wildlife agency funding nationwide.

On the other hand, little funding has been available for the management of wildlife diversity because state wildlife agencies have traditionally focused conservation efforts on game species. In fact, there is a serious gap in wildlife conservation funding, and thousands of species do not receive the funding they need. In a 1998 survey of state wildlife agencies, the International Association of Fish and Wildlife Agencies (IAFWA) found that funding for wildlife diversity totaled just \$134.9 million, far short of IAFWA's estimated need of \$1 billion. As a result, state fish and wildlife agencies have been reactive rather than proactive in their approach to wildlife diversity management and have only been able to focus on high priority species once they become endangered.<sup>1</sup>

In recognition of the funding gap for wildlife diversity, Congress passed the State Wildlife Grants program (SWG) in 2001 to prevent wildlife from becoming endangered and to conserve their habitats. The SWG program will allow states to be proactive in their approach to managing wildlife diversity while saving wildlife and taxpayer dollars. Through this program, states receive matching federal funds for “on-the-ground” dollars spent on wildlife conservation. To remain eligible for this funding, each state must complete a Comprehensive Wildlife Conservation Strategy by October 2005. The strategies are to target species with the greatest conservation need and will provide an essential foundation for the future of wildlife conservation, allowing for unprecedented conservation across state and political boundaries.

However, once these plans are approved, states will face the enormous challenge of raising the money needed to match federal funding and implementing their wildlife management strategies. Helping states to create and implement successful funding mechanisms for wildlife conservation is important for the success of the SWG program. In recognition of this need this report highlights the key attributes of successful funding mechanisms and campaigns. This type of evaluation has never been completed before and it will give state agencies and their conservation partners some of the information they need to make the process of choosing and implementing future funding mechanisms and the subsequent campaigns more efficient and effective.

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<sup>1</sup> Richie, D., and J. Holmes. “State Wildlife Diversity Program Funding: A 1998 Survey.” Washington, D.C.: International Association of Fish and Wildlife Agencies. 1999.

## 2

# AN OVERVIEW OF WILDLIFE FUNDING

**B**y the early decades of the 20<sup>th</sup> Century, a combination of population growth, westward expansion, and unregulated harvesting practices had thrown many U.S. wildlife species into dramatic decline. In response to these declines, national interest in wildlife conservation increased. The resulting coalition of wildlife supporters, including sportsmen, state wildlife agencies, and naturalists capitalized on this growing national concern to create the foundations of current national wildlife funding policies.<sup>1</sup> This chapter provides an overview of the resulting federal and state wildlife funding programs, and examines recent attempts to increase revenue for wildlife conservation.

### **Federal Aid Programs**

The federal government, through the U.S. Fish and Wildlife Service, administers three programs that together constitute the majority of federal funding for wildlife restoration efforts. The three programs, the Federal Aid in Wildlife Restoration Act (the 1937 Pittman-Robertson Act), the Federal Aid in Sport Fish Restoration Act (the 1950 Dingell-Johnson Act), and the 1934 Migratory Bird Conservation Act (also known as the Duck Stamp Act), employ similar mechanisms to fund wildlife conservation. Collectively, these three programs are often referred to as “Federal Aid.”

The 1937 Pittman-Robertson Act provides federal funds for the selection, restoration, rehabilitation, and improvement of wildlife habitat, wildlife management research, and education, through a federal excise tax on sporting arms, ammunition, archery equipment, and handguns.\* States are responsible for covering the full cost of an approved project, but may apply for federal reimbursement for up to 75 percent of the project’s expenses. The states are required to match the remaining 25 percent through non-federal sources,<sup>2</sup> which is typically accomplished through hunting license fees. In the more than 50 years since Pittman-Robertson was enacted, over \$2 billion in federal excise taxes have been matched by more than \$500 million in state funds.<sup>3</sup>

Inspired by the success of the Pittman-Robertson Act, the 1950 Dingell-Johnson Act provides federal funds for the management, conservation, and restoration of fishery resources. The Dingell-Johnson Act is funded through a federal excise tax on fishing rods, reels, creels, lures, flies, and artificial baits. Like Pittman-Robertson, it is a federal grant program in which the federal government will reimburse up to 75 percent of project expenses.<sup>4</sup>

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\* More than 62 percent of Pittman-Robertson funding is used to buy, develop, maintain, and operate wildlife management areas. This funding has led to the outright purchase of approximately 4 million acres and the co-management of nearly 40 million additional acres. About 26 percent of Pittman-Robertson funding is used for research purposes. For more information see: U.S. Fish & Wildlife Service. “Federal Aid in Wildlife Restoration (Pittman-Robertson).” <http://federalaid.fws.gov/wr/fawr.html>.

The 1934 Migratory Bird Conservation Act uses funds acquired through the sale of Federal Migratory Bird Hunting and Conservation Stamps, commonly known as “Duck Stamps,” to purchase federal refuges for the benefit of migratory birds. Ninety-eight cents of every dollar generated by the sales of Duck Stamps goes directly to purchase or lease wetland habitat for protection in the National Wildlife Refuge System. Hunters must purchase Duck Stamps if they want to hunt migratory waterfowl, while birders and other frequenters of National Wildlife Refuges purchase Duck Stamps in order to gain free admission to the refuges. Since 1934, the sales of Duck Stamps have generated more than \$670 million, which has been used to help purchase or lease over 5.2 million acres of waterfowl habitat in the U.S.<sup>5</sup>

The majority of funds derived from these three Federal Aid programs are used to support game wildlife. The Dingell-Johnson Act explicitly earmarks all funds for “sports fishery” recovery efforts. While Pittman-Robertson and the Migratory Bird Conservation Act do not contain such explicit designations,<sup>6</sup> funding has been historically appropriated using the “user-pays” concept. Since the majority of Federal Aid funding is derived from hunting and fishing related activities, the result is that game species are often favored over non-game species.

## **State Programs**

State-level wildlife funding mechanisms are highly varied. Typically, state wildlife agencies receive funding through some combination of the sale of hunting and fishing licenses, income tax check-offs, state general funds, state lotteries, state sales taxes, industry taxes, vehicle license plates, trust funds, matching grants from federal programs, foundations, nonprofit organizations, and corporations.<sup>†,7</sup> According to a 1995 survey of state wildlife agencies, almost 50 percent of state-level funding is derived from the sale of hunting and fishing licenses.<sup>8</sup> As with the Federal Aid programs described above, this revenue source has historically caused state agencies to heavily focus on game species management and conservation.

## **In Search of New Revenue for Wildlife Conservation**

While existing federal and state wildlife funding mechanisms provide significant revenue for wildlife conservation activities, it has become increasingly clear that additional funding is required to prevent further species decline. Recent studies suggest that over 90 percent of our nation’s wildlife receives inadequate funding for management and conservation.<sup>9</sup> The shortfall for wildlife diversity is particularly large. In a 1998 survey of state wildlife agencies, the International Association of Fish and Wildlife Agencies (IAFWA) found that funding for wildlife diversity totaled just \$134.9 million in 1998, far short of IAFWA’s estimate of \$1 billion needed for adequate management.<sup>10</sup> In 1999, in a failed attempt to address this shortfall, a bipartisan coalition of U.S. legislators introduced the Conservation and Reinvestment Act (CARA), which was intended to increase federal funding for wildlife conservation. More recently, focus has shifted to creating new mechanisms for state-level wildlife funding through the State Wildlife Grants Program.

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<sup>†</sup> Select funding mechanisms are profiled in Chapters 4-18: Case Studies.

### ***The Conservation and Reinvestment Act***

The Conservation and Reinvestment Act (CARA), introduced during the 106<sup>th</sup> Congress, was intended to address shortcomings in federal wildlife recovery funding. The program would have been funded by a portion of the income generated from federal offshore oil and natural gas leases, and would have guaranteed \$3.1 billion annually for 15 years to state, federal, and local conservation programs. Of this money, approximately \$350 million was specifically targeted towards wildlife conservation and related education and recreation. CARA would have doubled federal funding for state-level fish and wildlife management, and would have provided states with the resources necessary to manage all wildlife, including historically under-funded wildlife diversity efforts.<sup>11</sup>

Although CARA enjoyed strong bi-partisan support and was passed by the U.S. House of Representatives, the measure failed to pass in the U.S. Senate, and subsequently died at the end of the 106<sup>th</sup> Congress. In the Senate, resistance centered on three key issues. Many legislators were opposed to making conservation funding an entitlement, which would limit legislators' control over the allocation of federal revenues. In addition, many western Republicans and property rights advocates did not approve of a provision in the bill that would have enabled the government to buy land with CARA funds. Finally, some environmental advocates opposed the bill because they said it would encourage additional offshore oil drilling and additionally, the funding for the Land and Water Conservation Fund would still be subject to annual appropriations.<sup>12</sup>

Despite the failure to enact CARA, the legislation has produced some positive results. In 2001, the bill's widespread public and congressional support led to the creation of the State Wildlife Grant (SWG) program, which provides increased federal funds for wildlife diversity conservation.

### ***State Wildlife Grants***

Congress created the State Wildlife Grants (SWG) program in 2001 to support cost effective conservation aimed at keeping wildlife from becoming endangered. The State Wildlife Grants program has broad, bipartisan support in Congress and from the President, and is also supported by the Teaming With Wildlife coalition, an organization made up of more than 3,000 groups representing sportsmen and environmentalists, fish and wildlife managers, and tourism and nature businesses.<sup>13</sup>

The State Wildlife Grants program provides states with a 50 percent federal match for approved wildlife conservation projects. In its first five years, the program has provided \$340 million in federal wildlife funding.<sup>14</sup> Funds appropriated under the State Wildlife Grants program are allocated to the states according to a formula that takes into account each state's size and population.<sup>15</sup> For fiscal year 2005, a total of \$69,120,568 was appropriated, with the largest portions going to Alaska, California, Texas, New York, Florida, Illinois, Pennsylvania, Ohio, Michigan, and Georgia.<sup>16</sup>

As a condition of funding, each state is required to complete a State Wildlife Conservation Strategy by October 2005. The strategies are intended to serve as a roadmap for all state conservation efforts. They are to target species with the greatest conservation need and must include eight specific elements:



- Distribution and abundance of species of wildlife species,
- Extent and condition of wildlife habitats,
- Threats to species and habitats,
- Actions and priorities for conserving wildlife species,
- Periodic monitoring of species and their habitats to assess the effectiveness of conservation efforts,
- Periodic reviews of the state wildlife conservation strategy, at intervals not to exceed 10 years,
- Coordination between federal, state and local agencies and Indian tribes,
- Public participation in the development process.<sup>17</sup>

After completion of their State Wildlife Conservation Strategies, states will be faced with the enormous task of raising funds to meet the 50 percent match requirement. As a result, recent efforts to increase wildlife funding have shifted to creating new state-level mechanisms that will meet SWG's match requirement.

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<sup>1</sup> Paige, L.C. "America's Wildlife: The Challenge Ahead." International Association of Fish and Wildlife Agencies, Washington, D.C. 2000.

<sup>2</sup> U.S. Fish & Wildlife Service. "Federal Aid in Wildlife Restoration (Pittman-Robertson)." <http://federalaid.fws.gov/wr/fawr.html> (9 Mar. 2004).

<sup>3</sup> U.S. Fish & Wildlife Service. "Federal Aid Restoring America's Wildlife." <http://federalaid.fws.gov/wr/restorin.html> (9 Mar. 2004).

<sup>4</sup> U.S. Fish & Wildlife Service. "Federal Aid in Sports Fish Restoration." <http://federalaid.fws.gov/sfr/fasfr.html> (9 Mar. 2004).

<sup>5</sup> U.S. Fish & Wildlife Service. "The Federal Duck Stamp Program." <http://duckstamps.fws.gov/> (22 Feb. 2005).

<sup>6</sup> U.S. Fish & Wildlife Service. "Federal Aid Restoring America's Wildlife." <http://federalaid.fws.gov/wr/restorin.html> (9 Mar. 2004).

<sup>7</sup> Paige, L.C. "America's Wildlife: The Challenge Ahead." International Association of Fish and Wildlife Agencies, Washington, D.C. 2000.

<sup>8</sup> The Wildlife Conservation Fund of America. "Fish and Wildlife Agency Funding: State-by-State Results of WCFA Revenue Sources Survey for Fiscal Year 1995."

<sup>9</sup> Paige, L.C. "America's Wildlife: The Challenge Ahead." International Association of Fish and Wildlife Agencies, Washington, D.C. 2000.

<sup>10</sup> Teaming With Wildlife. "Wildlife Funding Bleak According to Survey of 50 States." 24 Aug. 1999. <http://www.teaming.com/site/news.cfm> (8 Mar. 2004).

<sup>11</sup> Teaming With Wildlife. "The Conservation and Reinvestment Act (CARA)." <http://www.teaming.com/site/cara.cfm> (9 Mar. 2004).

<sup>12</sup> "Conservation and Reinvestment Act (CARA), 1999-2000 Legislative Chronology." *Congress and the Nation, 97-01*. Vol. 10. Washington, D.C.: CQ Press, 2002. CQ Electronic Library, CQ Public Affairs Collection. <http://library.cqpress.com.proxy.lib.umich.edu/cqpac/catn97-97-6348-325200>, Document ID: catn97-97-6348-325200 (12 Jan. 2005).

<sup>13</sup> Teaming With Wildlife. "About." <http://www.teaming.com/index.htm> (14 Feb. 2005).

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<sup>14</sup> Teaming With Wildlife. “More information on State Wildlife Grants.” <http://www.teaming.com/site/> (9 Mar. 2004).

<sup>15</sup> Teaming With Wildlife. “Wildlife Grants Overview.” <http://www.teaming.com/pdf/state%20wildlife%20grants%20overview.pdf> (12 Jan. 2005).

<sup>16</sup> Teaming With Wildlife. “Table: State-by-State Totals to Date.” <http://www.teaming.com/pdf/SWG%20State-by-State%20allocations.pdf> (14 Feb. 2005).

<sup>17</sup> Teaming With Wildlife. “State Wildlife Conservation Strategies: Eight Required Elements.” [http://www.teaming.com/state\\_wildlife\\_strategies.htm](http://www.teaming.com/state_wildlife_strategies.htm) (6 Feb. 2005).

### 3 METHODS

This project used a case study based research process. The research focused on identifying approaches that states have taken to secure funding for wildlife conservation programs and highlighting the key attributes of successful programs. Within this process, there were ten stages of research. A literature review and preliminary interviews were conducted to assist with the development of the primary research questions, preliminary evaluative framework, and case study interview questions. This initial research also informed the selection of the funding mechanisms to be highlighted in the case studies. After case studies were completed, the evaluative framework was finalized. This evaluative framework provided a common lens through which the impact that specific factors had on the outcome of each case study could be assessed. This analysis and the information generated from case studies were then synthesized into recommendations. The project report is available in PDF form on International Association of Fish and Wildlife Agencies (IAFWA) and Ecosystem Management Initiative's (EMI) web pages. Additional deliverables include a concise document that summarizes each case study and makes the project's recommendations accessible to a broad array of professionals and other interested parties.

#### **Research Stages**

The project incorporated the following research stages:

- 1) Literature review and preliminary interviews
- 2) Development of research questions
- 3) Development of a preliminary evaluative framework
- 4) Development of case study interview questions
- 5) Selection of case studies
- 6) Completion of case studies
- 7) Completion of the evaluative framework
- 8) Analysis of case studies
- 9) Development of recommendations
- 10) Development of deliverables

#### ***1) Literature review and preliminary interviews***

A literature review was conducted in an effort to identify current and historic literature about wildlife funding. The review included IAFWA files of state activities relating to wildlife funding and later incorporated information gathered during case study research.

Several interviews were conducted with individuals in state agencies and nonprofit organizations familiar with wildlife funding techniques. These individuals provided guidance about the kind of information that would be helpful for states seeking wildlife diversity funding. Insights from these interviews were used to determine what

information would be most useful to state agency professionals interested in instituting new fundraising programs for wildlife diversity.

## ***2) Development of research questions***

The research questions were developed through the preliminary interviews and conversations with IAFWA staff and project advisors. The primary research questions addressed through this project were:

- 1) What mechanisms do states currently use to fund wildlife conservation, apart from hunting and fishing user fees?
- 2) What strategies were used to implement the funding mechanisms?
- 3) What challenges were encountered?
- 4) What enables these mechanisms to endure?
- 5) Of those mechanisms that were not adopted, why did they not succeed?

## ***3) Development of a preliminary evaluative framework***

A preliminary evaluative framework was developed at this stage in the research process to guide the formation of case study interview questions. At this stage, the framework consisted of a list of factors that individual team members believed might impact the implementation and administration of wildlife funding mechanisms as informed by the preliminary interviews and literature review. The final version, which was refined after the case study interviews were completed, was intended to assist the analysis of the case studies.

## ***4) Development of case study interview questions***

The research questions and preliminary evaluative framework helped identify the information that needed to be obtained through the case study interviews. Based on these information requirements, case study interview questions were developed. These questions were reviewed by professionals familiar with conservation funding, IAFWA staff, and project advisors. The questions probed for information regarding the choice and development of the funding mechanism, the campaign to implement the funding mechanism, the administration of the mechanism, challenges faced during the implementation of the mechanism, reflections as to what could have been done differently, and recommendations to other states seeking to implement a similar funding mechanism. (*See Appendix B: Case Study Questions for case study questions*)

### **5) Selection of case studies**

Several criteria were considered when selecting the set of funding mechanisms to be used as case studies. The overall goal was to portray a diverse set of funding mechanisms that would highlight the flexibility that state agencies have when choosing potential funding mechanisms. The selection criteria included:

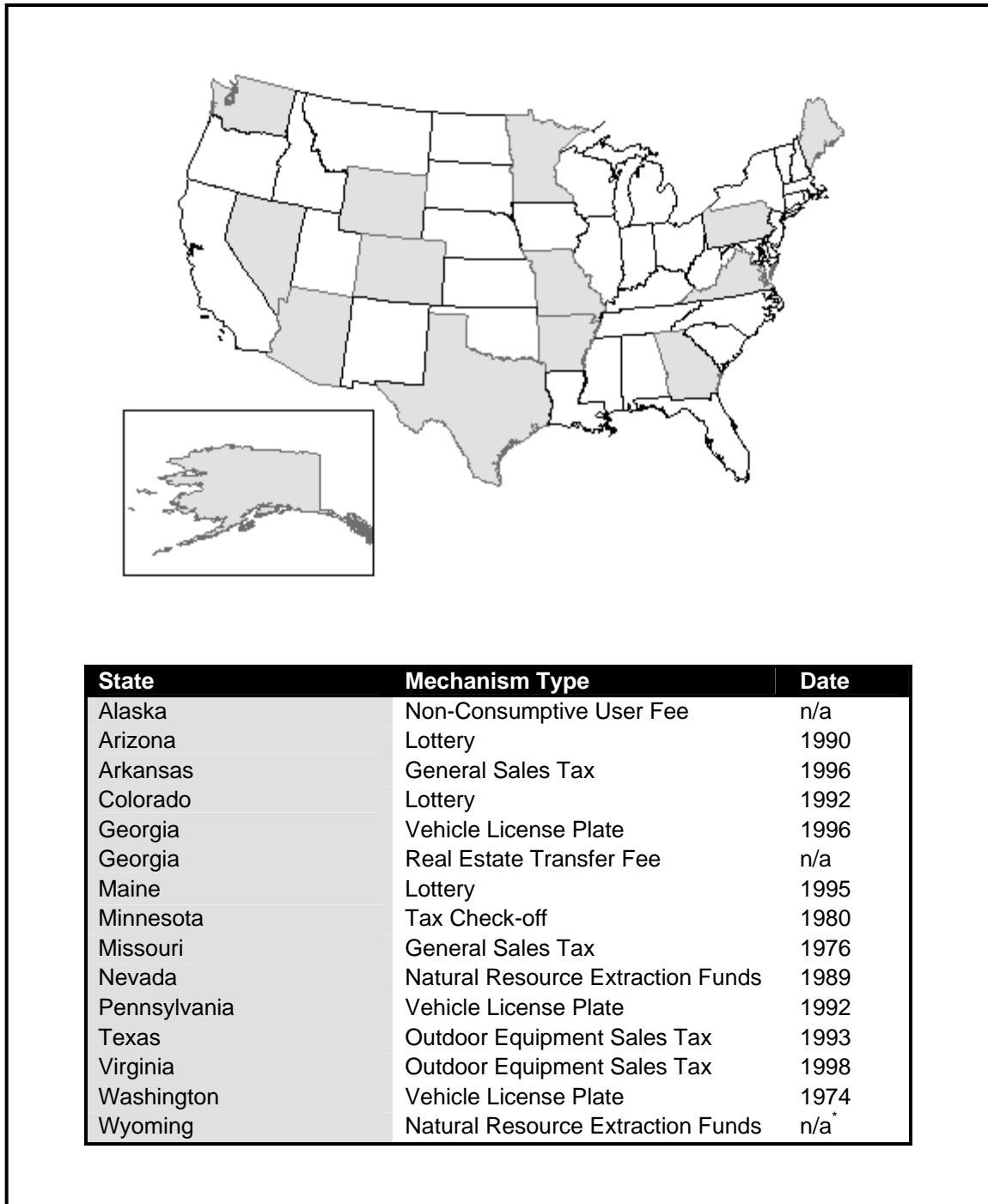
- Geographical diversity,
- Mechanism diversity,
- Level of innovation,
- Successful mechanisms, and
- Failed mechanisms.

In selecting the funding mechanisms to be used as case studies, two sources were consulted. First, IAFWA's knowledge of states' experiences with funding mechanisms was sought. IAFWA was able to provide guidance based on their experiences working with state agencies. They indicated which states, in their view, had innovative or successful funding mechanisms, as well as states that had important lessons to be learned from their fundraising efforts. Second, recommendations from professionals familiar with conservation funding were solicited.

Fifteen examples, representing 14 states and eight different mechanism types, were eventually selected for inclusion. States represented in case studies include Alaska, Arizona, Arkansas, Colorado, Georgia, Maine, Minnesota, Missouri, Nevada, Pennsylvania, Texas, Virginia, Washington, and Wyoming. Mechanisms represented in the case studies include

- Constitutional amendment for an 1/8<sup>th</sup> cent increase in sales tax,
- Revenue from wildlife or personalized automobile license plates,
- Portions of the revenue generated from state lotteries,
- Revenue from existing taxes on sporting goods,
- Revenue generated from the sale of wildlife viewing passes,
- Real estate transfer fee,
- Natural resource extraction funds, and
- Non-consumptive user fees.

**Figure 1: Case Study Selection.** The states highlighted in gray were profiled. The associated table lists the state, mechanism type, and date adopted.



\* Wyoming's first attempt to pass the Wyoming Legacy Trust, which occurred in 2000, failed. A second attempt passed in 2005. It is the failed first attempt that is documented in this report.

### **6) Completion of case studies**

For each case study, at least two interviews were conducted. One or more state agency employees were interviewed, along with one or more individuals outside the agency. In some cases, there was no outside involvement, and thus this interview was not possible. In these instances, every effort was made to seek diverse perspectives from within the agency. The majority of interviews were conducted over the phone, however where location permitted, contacts were interviewed in person. Once the case studies were written, revisions and comments from the individuals interviewed for the cases were solicited.

### **7) Completion of the evaluative framework**

The preliminary evaluative framework was refined based on the results of the case study research. The specific factors captured in the evaluative framework were a compilation of the factors that individual team members, based on case study research, believed had either helped or hindered the implementation and administration of specific funding mechanisms. The framework was completed for each of the 15 case studies.

The factors included in the evaluative framework can be grouped into six categories. These categories are: background information on the funding mechanism; support for the funding mechanism; opposition to the funding mechanism; factors critical to the outcome of the funding mechanism; implementation and/or administration of the funding mechanism; and state demographics. Tables 1-6 (below) list the factors included in the evaluative framework. These tables also include the question that was posed when evaluating each factor.

**Table 1: Background Information on the Funding Mechanism**

<b>Factor</b>	<b>Question Posed</b>
Mechanism type	What kind of funding mechanism was used?
Approval strategy	What strategy was used to gain approval of the funding mechanism?
Implementation method	How was the funding mechanism implemented?
Implementation timeframe	How long did the funding mechanism take to implement? <sup>†</sup>
Legislative appropriation	Does the funding amount vary through legislative appropriation?
Legislative oversight	What role does the legislature play?
Dollars raised per year	How much money does the mechanism raise per year?
Allocation of funds	What percentage of the revenue generated from this mechanism is spent on wildlife diversity?

<sup>†</sup> Implementation time was measured from the time the mechanism was selected to the time it was adopted.

**Table 2: Support for the Funding Mechanism.** If an entity was supportive at any point in the implementation or administration of the funding mechanism, the entity was considered supportive and was rated accordingly.

Factor	Question Posed
Legislative support	How supportive was the state legislature? <sup>‡</sup>
Reasons for legislative support	Why did the legislature support the funding mechanism? <sup>§</sup>
Gubernatorial support	How supportive was the governor? <sup>**</sup>
Reasons for gubernatorial support	Why did the governor support the funding mechanism? <sup>††</sup>
Agency support	How supportive was the agency?
Public support	How supportive was the public?
Business community support	How supportive was the business community?
NGO community support	How supportive was the NGO community?

**Table 3: Opposition to the Funding Mechanism.** If an entity acted in opposition to the funding mechanism at any point in the implementation or administration of the funding mechanism, the entity was considered to be in opposition to the funding mechanism and was rated accordingly.

Factor	Question Posed
Legislative opposition	How opposed was the state legislature? <sup>‡‡</sup>
Reasons for legislative opposition	Why did the legislature oppose the funding mechanism? <sup>§§</sup>
Gubernatorial opposition	How opposed was the governor? <sup>***</sup>
Reasons for gubernatorial opposition	Why did the governor oppose the funding mechanism? <sup>†††</sup>
Agency opposition	How opposed was the agency?
Public opposition	How opposed was the public?
Business community opposition	How opposed was the business community?
NGO community opposition	How opposed was the NGO community?
Organized opposition	Was the opposition organized?

<sup>‡</sup> Based on opinions obtained during case study interviews.

<sup>§</sup> This factor was not accessed if there was no legislative support.

<sup>\*\*</sup> Based on opinions obtained during case study interviews.

<sup>††</sup> This factor was not accessed if there was no gubernatorial support.

<sup>‡‡</sup> Based on opinions obtained during case study interviews.

<sup>§§</sup> This factor was not accessed if there was no legislative opposition.

<sup>\*\*\*</sup> Based on opinions obtained during case study interviews.

<sup>†††</sup> This factor was not accessed if there was no gubernatorial opposition.



**Table 4: Factors Critical to the Outcome of the Funding Mechanism.** If an entity was considered critical to the outcome of the implementation process or to the funding mechanism’s subsequent administration, that entity was considered critical to the outcome and was rated accordingly.

<b>Factor</b>	<b>Question Posed</b>
Legislature	Were legislative actions critical to the outcome?
Governor	Were the governor’s actions critical to the outcome?
Agency	Were the agency’s actions critical to the outcome?
Public	Were the public’s actions critical to the outcome?
Business community	Were the business community’s actions critical to the outcome?
NGO community	Were the NGO community’s actions critical to the outcome?

**Table 5: Implementation and/or Administration of the Funding Mechanism.** These factors were rated based on a consideration of the factor’s impact on both the implementation and the administration of the funding mechanism. If the factor impacted either phase, it was rated accordingly.

<b>Factor</b>	<b>Question Posed</b>
Constituent base	To what constituent base did the funding mechanism appeal?
Strategic planning	How extensive was the agency’s use of strategic planning?
Transparency	Was the strategic planning process open?
Demonstration of need	How well was the need for additional funding demonstrated?
Fundraising	How much fundraising was done?
Marketing/promotion	How much marketing/promotion was done? <sup>+++</sup>

**Table 6: State Demographics.** State demographic factors were rated for the time period that coincided with implementation of the funding mechanism.

<b>Factor</b>	<b>Question Posed</b>
State growth	How fast was the state’s population growth?
Historical basis of support for conservation	Was there a historical basis of support for conservation measures?

For each factor, selection of the appropriate value was a qualitative judgment made based on information obtained through case study research. If it was determined that for any given case study there was not enough data to select the value of a particular factor, it was left blank. If more than one value was deemed acceptable, the best option was selected. If a particular factor was not applicable, “not applicable,” was selected as the

<sup>+++</sup> Marketing and promotion included activities such as: presentations, TV ads, radio ads, and other activities that increased public awareness.

value. Once the evaluative framework was completed for all case studies, the results were entered into a series of evaluative tables. These tables provided an opportunity to analyze the impact of each factor across all 15 of the case studies. (*Completed evaluative tables can be found in Appendix D: Evaluative Framework*)

### ***8) Analysis of case studies***

The evaluative framework provided a common lens through which the impact that specific factors had on the outcome of each case study could be assessed. To guide the analysis, a list of ideas about what factors were considered in choosing a mechanism, the process followed in choosing a mechanism and planning a campaign, building support, dealing with challenges and opposition, and administering the mechanism was developed. These ideas were then explored using the information captured in the evaluative tables and each team member's general knowledge of the case studies. This list of ideas was examined:

#### ***Ideas relating to factors considered in choosing a mechanism***

- The amount and purpose of the funding needed by the agency.
- A broader constituency leads to increased support.
- How well the mechanism appeals to the variety of constituents in the state.
- The amount of administration required for the mechanism.

#### ***Ideas relating to process followed in choosing a mechanism and planning a campaign***

- The use of public opinion research can be helpful in choosing a mechanism.
- Strategic planning is an important part of the campaign.
- Campaign fundraising is important for generating money for the campaign, as well as increasing awareness for the mechanism.
- Lengthy campaigns do not result in higher levels of funding.

#### ***Ideas relating to building support***

- Demonstration of the need for more funding by the agency is important for building support for the mechanism.
- Showing an explicit connection between the need for funding and the intended use of the money helps gather support.
- The support of urban centers improves the chances of success.
- Campaign publicity, both focused and clear, is important, especially for ballot initiatives and public referenda.
- Having motivated and supportive agency staff can be helpful in a campaign.
- Active support from the governor is helpful for all campaigns, especially for ballot initiatives and public referenda.
- Support from businesses affected by the funding mechanism is important for the mechanism's approval.
- Active support of nongovernmental organizations can be helpful in a campaign, especially for ballot initiatives and public referenda.

- If the legislature plays a role in any part of the process of the mechanism's approval, solid legislative support is important.

#### *Ideas relating to dealing with challenges and opposition*

- When appropriations are controlled by the legislature, the mechanism provides less reliable funding over time.
- If funding varies through legislative appropriation, then ongoing public support is necessary to maintain expected funding levels.
- Overcoming organized opposition is very difficult.
- A negative public perception of agency programs and the credibility the agency's need can be a difficult challenge to overcome.
- Keeping early campaign discussions under the radar can be one strategy to overcome opposition.
- Involving outside organizations can enhance credibility of funding need.

#### *Ideas relating to administering the mechanism*

- Marketing is important for those mechanisms that require consumer purchases.
- The agency must continually defend and gather support for the funding mechanism to sustain funding levels and/or the existence of the program.

The results of this analysis are detailed in Chapter 19: Key Findings & Case Study Analysis.

### **9) Development of recommendations**

The case study analysis facilitated the development of recommendations. In this stage, the themes that arose through the analysis of the case studies were integrated to form a series of recommendations for state agencies. Based on patterns that appeared in the evaluative framework, as well as anecdotal evidence gleaned from case study interviews, recommendations were created. Recommendations ranged from advice to broaden the constituency of the funding mechanism to incorporating strategic planning.

### **10) Development of deliverables**

The final report is available in bound form at the University of Michigan and IAFWA headquarters. The report is also available in PDF format on the IAFWA Teaming With Wildlife ([www.teaming.com](http://www.teaming.com)) and EMI web sites ([www.snre.umich.edu/emi](http://www.snre.umich.edu/emi)), thereby making the complete project available to any interested party.

To ensure that the project's recommendations are accessible to a broad array of professionals, the recommendations were compiled into a concise summary of findings. The intent of the summary is to provide states with a framework from which to design and implement their own wildlife diversity funding mechanisms. The summary serves as a synthesis of the information included in the full report. In addition to the project's recommendations, a summary of each case study is included, which outlines how the funding mechanism was created, implemented, and managed. The summary was distributed at the North American Wildlife Conference in March 2005 and is also available in PDF format on the EMI and IAFWA Teaming With Wildlife web sites.



## **SECTION TWO – CASE STUDIES**



**4**  
**STATE OF ALASKA**  
*Wildlife Viewing Pass*



In March 2003, a bill was introduced in the Alaska State Legislature that would require non-residents who view wildlife through a commercial tour to buy an annual viewing pass. The bill, introduced by the Governor’s Office, became known as the “Wildlife Viewing Pass.” By making the definition of “tour” broad, the Alaska Division of Wildlife Conservation (Division) sought to require those who enjoy wildlife, but do not contribute through the purchase of hunting or fishing licenses, to support wildlife conservation. Several factors worked against the bill, including insufficient time to organize a public campaign and ideological opposition to the concept from some legislators. Consequently the bill only made it out of one of its four assigned committees. The Division still seeks an alternative funding mechanism to match new federal dollars for wildlife conservation.

**Alaska Wildlife Viewing Pass**

Mechanism type:	Non-consumptive user fee
Implementation method:	Legislative bill
Implementation timeframe:	Did not pass

**Funding Need**

Through the State Wildlife Grants (SWG) program, states receive matching federal funds for dollars spent on wildlife conservation, with emphasis on those species that are neither hunted nor fished (commonly referred to as “non-game” species). Prior to SWG, the Division did not have significant funds dedicated to wildlife diversity programs or a reliable source of state matching funds for new SWG dollars. The Division identified the need to find a new funding mechanism. A shortage of general funds in state coffers presented a real challenge. The Division wanted to create a program that would not be too administratively cumbersome, but that would bring in significant annual funds.<sup>1</sup>

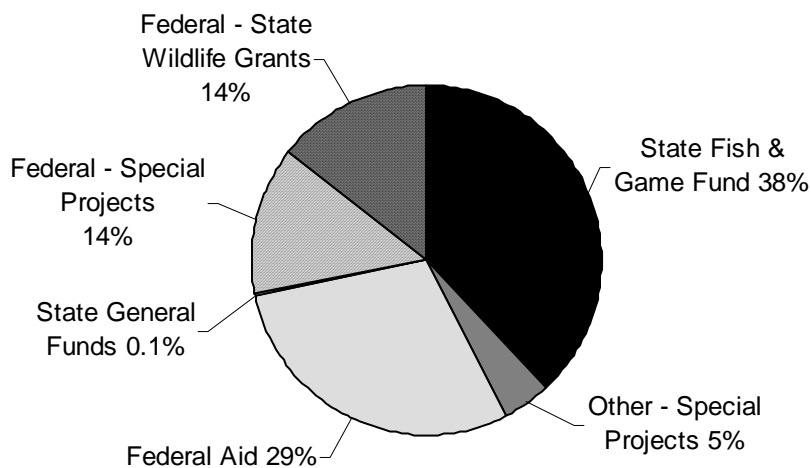
## Alaska Division of Wildlife Conservation

The mission of the Division of Wildlife Conservation (Division) in the Alaska Department of Fish and Game is to “conserve and enhance Alaska’s wildlife and habitats and provide for a wide range of public uses and benefits.”<sup>2</sup> The Division’s ‘Guiding Philosophy and Values’ state that “The Division of Wildlife Conservation recognizes wildlife as a public trust belonging to all Alaskans.”<sup>3</sup> The Division manages wildlife populations and their habitat, researches management techniques, provides scientific information, shares information with the public and government, and provides education through public service projects.

Hunters and trappers, through the purchase of licenses and permits, provide a major source of funding for the Division. The annual economic value of hunting in Alaska exceeds \$100 million. Furthermore, trapping contributes several million dollars annually to the economy while also offering an important alternative to subsistence for those residents that have limited incomes. The Division has a specific fund for resident hunting and trapping license fees, which is called the Fish and Game Fund. A portion of these fees is dedicated each year to the operation of the Fish and Game Licensing System, which includes vendor payments.

Another source of funding for the Division comes from matching federal funds, which are derived from excise taxes on firearms, ammunition, and archery equipment. There is concern though, that these revenues could shrink in the future if federal actions are taken to restrict the sale of firearms and ammunition. The Division currently receives no funding from the state’s general fund.<sup>4</sup>

**Figure 2: Alaska Game and Fish Commission, Division of Wildlife Conservation: Revenue Sources for FY 2003.** The Division’s total budget was just under \$28 million.<sup>5</sup>





## **Campaign**

In order to meet the federal match under the SWG program, the Division began by assessing several mechanisms including license plates, tax check-offs, and a tax on car rentals. The Division worked internally to come up with a new funding mechanism and rejected the idea of a license plate program because such a program would not bring in enough money. Alaska has such a small population and the Division had a big enough funding need that the ultimate solution would need to bring in sufficient money, ideally over \$4 million. In choosing a mechanism, the Department of Law advised the Division that it was generally illegal in Alaska for tax revenues to be put into a dedicated fund. This meant that the Division was limited in its options.

After determining that funding mechanisms used in some other states would not work in Alaska, the Division worked with the Governor's Office and came up with the idea of requiring those who took a commercial tour to view wildlife to buy an annual viewing pass. It was determined that this was the best mechanism to raise revenues and meet the federal match. This proposal would enable wildlife watchers to contribute to state coffers just as traditional hunters and anglers do through the purchase of licenses.<sup>6</sup>

If passed by the State Legislature, such a mechanism would generate sufficient funding in a creative manner. Projected estimates of what the measure could bring were close to \$11 million a year, which was significantly more than was needed to meet the State Wildlife Grants match. Only a portion of the fees raised from the sale of these passes, estimated at about \$4 million annually, was needed to meet the federal match.<sup>7</sup>

No other state had proposed this type of funding mechanism, but based on the fact that Alaska has approximately 1.4 million visitors each year, most of whom come to watch wildlife and admire Alaska's scenery, Alaska may be the only state where such a mechanism could work. As Michelle Sydeman, Assistant Director to the Division of Wildlife Conservation, commented, "We are in a unique position in that we have a relatively small population base, but a huge number of visitors that come here with wildlife in mind."<sup>8</sup>

*"We are in a unique position in that we have a relatively small population base, but a huge number of visitors that come here with wildlife in mind."*

*- Michelle Sydeman, Assistant Director, Division of Wildlife Conservation*

### ***Initial Concerns About the Bill***

As initially conceived, House Bill 163 and Senate Bill 122, proposed that both residents and non-residents would contribute to the conservation of wildlife by purchasing a \$15 annual viewing pass. This provision was modified with an amendment that shifted the requirement to non-residents only. With this new focus, Matt Robus, the Director of the Division of Wildlife Conservation, was concerned that the bill could not withstand legal challenge because it singled out visitors to the state.<sup>9</sup>

Another concern stemmed from the fact that a large percentage of the fees would be paid by customers of the most powerful segment of the tourism industry in Alaska, the cruise-line industry. The Division expected that these large multi-national corporations and other large tourism interests might not support the proposal.<sup>10</sup>

### ***Creating Support***

Several steps were taken to generate support for the legislation. Within the agency, the Division of Wildlife Conservation held extensive meetings and briefings to gain agency support. Most everyone in the agency was on board; however a few key department representatives were skeptical and thought the pass lacked much chance of passing the State Legislature. Officially though, the Division went full steam ahead with its plans for introduction.

In 2003, the year the legislation was introduced, Governor Murkowski had just been elected and was supportive of the proposal. He helped by introducing the bill during his first few months in office; however ongoing visible support from his staff during bill hearings was limited, and this may have hurt the bill's chances of passage.

In terms of getting the general public to support the mechanism, little was done to campaign publicly for the legislation. The Division did not have a public campaign organized because of the timing of the bill's introduction. The Governor's Office introduced the legislation soon after Murkowski took office and shortly after the Wildlife Viewing Pass idea had been conceived. This meant that the Division had to move fast and the rushed circumstances ultimately affected the bill's outcome.

The only outside support came from smaller, more progressive eco-tourism groups because they saw the need for funding wildlife conservation efforts. The state largest and most influential hunting and fishing group also supported the bills.<sup>11</sup>

### ***The Opposition***

Because Alaska is a "Frontier State" with a strong economic reliance on exploiting natural resources, passage of conservation measures generally is challenging.<sup>12</sup> Alaska also has some conservative hunting interests who are opposed to giving non-consumptive wildlife constituents a "seat at the table." Those who hold this belief opposed the bill because they feared that if the bill passed, their interests and concerns could be overshadowed by, or in direct competition, with the interests of wildlife viewers and the nature tourism industry.

Within the Legislature, the bill faced significant challenge. While many legislators thought it was a good idea, they were not willing to spend the effort needed to ensure its passage. The bill was assigned to four committees, two of which were led by people who opposed it. The Division set up numerous private meetings with legislators within these committees to try to gain their support. Even though several hearings were held on the bill, it ultimately died in committee.

A major opponent of the bill outside of the State Legislature was the tourism industry, which felt it was unfair that it should be targeted for the new fee. The industry saw the legislation as one of many new proposed “taxes” targeted at the industry. Sarah Dunlap, who operates a bear-viewing tour in Juneau, said some of her clients already pay a \$50 federal fee for use of a viewing site, and this new fee would be too much.<sup>13</sup>

Even the media hurt the bill’s image. Newspaper coverage in Alaska made the mechanism seem outlandish and silly. One article from the Anchorage Press stated, “The fee is also unusual because lawmakers, both in committee and in the halls, cannot resist belittling it: ‘What if I pay the fee and don’t see anything – do I get my money back? What if I’m here just to see grandma, do I still have to pay? What if I’m blind?’”<sup>14</sup> Such criticism only undermined the importance of the bill.<sup>15</sup>

## Challenges

Many changes were made to the bill to address public concerns. For instance, legislators inserted language that excluded blind people from buying a pass. A more significant challenge lay within the fact that only a few Division staff members were working to support the passage of the bill. This meant that dedicating the time and energy needed for a successful campaign was a real challenge. As is the case in most state agencies, those staff also had plenty of other duties that kept them busy and this meant they could not devote all their time to the bill because they were spreading efforts over a variety of initiatives.

If the Wildlife Viewing Pass legislation had passed, one administrative obstacle would have involved expanding the vendor system to account for the sale of these annual wildlife viewing passes. Currently, there is a broad network of Fish and Game offices and sporting stores that sell licenses in Alaska. This network of vendors would have been responsible for coordinating and recordkeeping in distributing the wildlife viewing passes. Robus recalled, “We kind of tried to develop a niche proposal [using the pre-existing network of vendors]. It would have worked if it passed, but it didn’t, so that’s why we’re on the unsuccessful side of the ledger.”<sup>16</sup>

## Reflections

The Division still believes that the public is sympathetic to the need for a new funding source and feels hunters should not be solely contributing to wildlife protection. A significant portion of the public thought that it was reasonable to ask avid wildlife viewers to support funding wildlife programs since they would directly benefit from such conservation. For these reasons, the Division is likely to attempt passage of a new proposal sometime in the future; and they will keep in mind the importance of getting support ahead of time, ensuring that support will last, and finding champions in the Legislature to advocate for the cause.

*“We kind of tried to develop a niche proposal. It would have worked if it passed, but it didn’t, so that’s why we’re on the unsuccessful side of the ledger.”*

*- Matt Robus, Director, Division of Wildlife Conservation*

In advising another state, Robus and Sydeman believe that in order for a bill to be successful, the original supporters, especially high-ranking ones, like a governor, need to commit their support to the entirety of the process. Furthermore, it is essential to know what political support is required to pass the bill and to make sure the political supporters are ready to stand behind the agency.<sup>17,18</sup>

### **The State of Alaska**

**Size:** 571,951 square miles

**Population in 2000:** 626,932; 65.7% urban; 34.3% rural

**Population in 1990:** 550,043

**Population Change:** Up 14% 1990-2000; Up 36.9% 1980-1990<sup>19</sup>

Alaska accounts for 16 percent of the nation's land area and 0.22 percent of the nation's population. Because the state has such large intact ecosystems, Alaska boasts some of the most pristine natural environments in our country. For this reason, millions of visitors are drawn to Alaska's wilderness, inspired by the state's "last frontier" image. Recent surveys show that wildlife viewing and photography are of great importance to over 85 percent of residents and visitors to Alaska. It is no wonder that the tourism industry contributes over \$1 billion annually to Alaska's economy and is the state's third largest industry.<sup>20</sup>

While many visitors seek the wilderness appeal, Alaska also holds some of the nation's most productive resources. Alaska's economy remains heavily dependent on oil revenues and the federal government, which accounts for some of its economic vulnerability to fluctuating oil prices and production, even though oil production remains one of the most profitable industries in the state. The state government created a Permanent Fund, which pays residents a proportion of the revenues generated from oil production each year in the form of royalties. While the North Slope of Alaska is producing only half as much oil as it did in the late 1980s, the Permanent Fund was worth \$21.8 billion in 2002.

From a political standpoint, Alaska is predominantly a Republican state, and in national politics, it has been solidly Republican since the 1970s. The Alaskan congressional delegation has 86 years of seniority in the U.S. Congress, which accounts for the fact that elected officials have held high-ranking positions over the years. These positions have allowed them to fight for Alaska's economic interests over the interests of many mainstream environmental groups.<sup>21</sup>

## Summary

While the Division worked hard to move the bill forward, there are three important lessons that can be taken from Alaska's failed effort. These include

- **Plan sufficient time:** Since the Division had little time to prepare a public campaign and properly get out the message to all its constituents about the need and the significance of the bill, the public hardly knew they were missing an opportunity to actively express their support.
- **Gain political support:** One of the biggest lessons from Alaska's failed campaign is the need to gain the support of the necessary decision-makers and opinion leaders. This includes making sure the important legislators are willing to actively fight for the bill. It is critical that those in position to influence a bill's advancement understand why the bill is important and are committed to championing it through the process.
- **Support of the Governor:** For the Wildlife Viewing Pass legislation to have been successful, the Governor's support was essential to support the bill throughout the process. Ongoing visible support from the Governor's staff during bill hearings was limited, and this may have hurt the bill's chances of passage.

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<sup>1</sup> Robus, Matt. Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>2</sup> Alaska Division of Wildlife Conservation. "Division Overview."  
[http://www.wildlife.alaska.gov/division\\_info/overview.cfm](http://www.wildlife.alaska.gov/division_info/overview.cfm) (3 Nov. 2004).

<sup>3</sup> Alaska Division of Wildlife Conservation. "Division Overview."  
[http://www.wildlife.alaska.gov/division\\_info/overview.cfm](http://www.wildlife.alaska.gov/division_info/overview.cfm) (3 Nov. 2004).

<sup>4</sup> Alaska Division of Wildlife Conservation. "Division Overview."  
[http://www.wildlife.alaska.gov/division\\_info/overview.cfm](http://www.wildlife.alaska.gov/division_info/overview.cfm) (3 Nov. 2004).

<sup>5</sup> Alaska Game and Fish Commission, Division of Wildlife Conservation. "Strategic Plan."  
[http://www.wildlife.alaska.gov/management/planning/strategic\\_plan/strapplanp1.pdf](http://www.wildlife.alaska.gov/management/planning/strategic_plan/strapplanp1.pdf) (4 Dec. 2004).

<sup>6</sup> Robus, Matt. Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>7</sup> Chambers, Mike. "Tourism groups pan tax." *The Associated Press*. 16 Mar. 2003.

<sup>8</sup> Sydeman, Michelle. Assistant Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>9</sup> Robus, Matt. Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>10</sup> Robus, Matt. Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>11</sup> Robus, Matt. Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>12</sup> Sydeman, Michelle. Assistant Director, Alaska Division of Wildlife Conservation. Personal interview. 27 October 2004.

<sup>13</sup> Chambers, Mike. "Tourism groups pan tax." *The Associated Press*. 16 Mar. 2003.

<sup>14</sup> Carey, Michael. "Who will pay for Alaska?" *The Anchorage Press*. 10 Apr. 2003.

<sup>15</sup> Sydeman, Michelle. Assistant Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>16</sup> Robus, Matt. Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>17</sup> Sydeman, Michelle. Assistant Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

<sup>18</sup> Robus, Matt. Director, Alaska Division of Wildlife Conservation. Personal interview. 27 Oct. 2004.

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- <sup>19</sup> Barone, Michael, and Richard E. Cohen. "State of Alaska." *Almanac of American Politics 2004*. National Journal, 2004.  
[http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/ak/ak\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/ak/ak_profile.htm) (3 Nov. 2004).
- <sup>20</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001.  
<http://www.census.gov/prod/2002pubs/FHW01.pdf> (12 Nov. 2004).
- <sup>21</sup> Barone, Michael, and Richard E. Cohen. "State of Alaska." *Almanac of American Politics 2004*. National Journal, 2004.  
[http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/ak/ak\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/ak/ak_profile.htm) (3 Nov. 2004).

**5**  
**STATE OF ARIZONA**  
*Heritage Fund*



In 1990, Arizona voters passed the Heritage Initiative into law under Proposition 200. The Heritage Initiative, referred to as the Arizona Heritage Fund (Fund), earmarks up to \$20 million per year of state lottery revenues for the acquisition, development, and protection of recreational, natural, wildlife, and cultural resources. Heritage Fund monies are equally split between the Arizona Department of Game and Fish and the Arizona Parks Department. The story of the Heritage Fund's creation and implementation is strongly influenced by the involvement of the Heritage Fund Alliance, a campaign committee turned nonprofit that ran the ballot initiative campaign for the Fund and continues to monitor the Legislature's activities for any sign of a proposition to divert monies from the Fund.

**Arizona Heritage Fund**

Mechanism type:	Lottery
Implementation method:	Legislative bill
Implementation timeframe:	Approximately 1 year

**Funding Need**

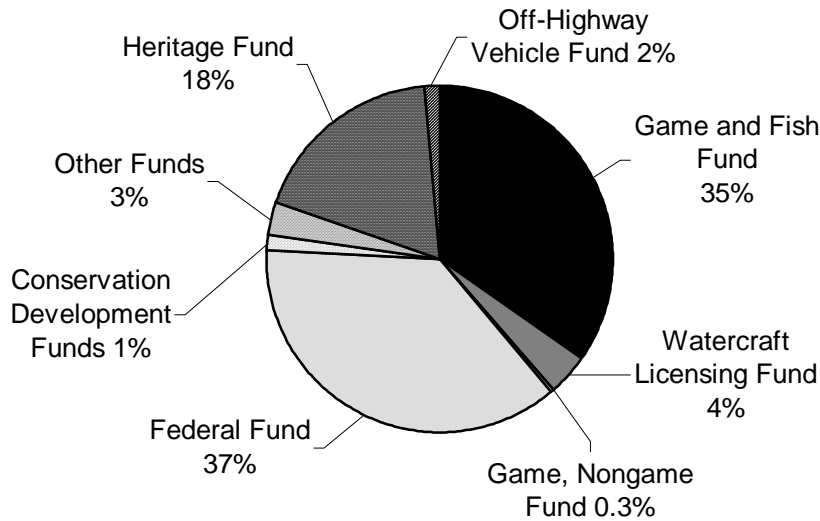
The idea of creating a recreation/conservation trust fund in Arizona can be attributed to several studies and plans that documented the need to stem natural resource degradation in the state. The 1989 State Comprehensive Outdoor Recreation Plan, the Arizona Game and Fish Department's draft 1990-95 Nongame and Endangered Wildlife Strategic Plan, and 1988 Wildlife for Tomorrow survey, as well as informal research conducted by Arizona Nature Conservancy staff in the late 1980s suggested that Arizona faced the imminent loss of recreation opportunities and wildlife habitat if immediate action was not taken. Based on data from these studies, The Nature Conservancy (TNC) decided to investigate the administrative and political feasibility of creating a mechanism

to increase funding for the Arizona Game and Fish Department and the Arizona State Parks Board.<sup>1</sup>

### Arizona Game and Fish Department

The Arizona Game and Fish Department (Game and Fish) oversees wildlife and wildlife diversity programs that are supported by the Heritage Fund. Game and Fish’s mission is “To conserve, enhance, and restore Arizona’s diverse wildlife resources and habitats through aggressive protection and management programs, and to provide wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation, and use by present and future generations.”<sup>2</sup> Game and Fish is overseen by the Arizona Game and Fish Commission, which is responsible for establishing policies and rules for the management, preservation, and harvest of Arizona’s wildlife.<sup>3</sup>

**Figure 3: The Arizona Game and Fish Department: Revenue Sources for FY 2003.** For FY 2003 the total revenue was \$55,893,700. “Other Funds” includes Game and Fish Land and Water Conservation/Recreation Development, Wildlife Theft Prevention Fund, Waterfowl Conservation Fund, Wildlife Endowment Fund, Trust Donation Fund, Publications Revolving Fund.<sup>4</sup>



### Campaign

Two meetings were coordinated by TNC in August of 1989 to determine the structure of a broad-based conservation and recreation funding mechanism and political strategy to make it a reality. The first meeting exclusively involved top Arizona Nature Conservancy staff and officials in the Arizona Game and Fish Department (Game and Fish) and the Arizona State Parks Board (Parks). The meeting led to the decision that an “Arizona Heritage Fund” would be developed to fund a variety of programs, including natural



areas of preservation, wildlife habitat inventory and acquisition, public access, environmental education, trails, local parks, and historic preservation.<sup>5</sup>

Motivated into action by the studies done by the Game and Fish Department and TNC, a second meeting was held to examine the political feasibility of the Heritage Fund. Attendees were kept to a minimum and involved only those able to provide pertinent advice: Duane Shroufe as Director of the Game and Fish Department, the Director of the Parks Board, TNC staff, political consultants, and interested former and current state legislators. The attendees produced a list of recommendations that included using the ballot initiative process to create the Heritage Fund by allocating a portion of the gas tax as the revenue source. At the time, the attendees considered the state lottery to be an infeasible revenue source because the lottery was not popular with the conservative Legislature. They also recommended conducting a poll that would test voter preferences as it related to the source of monies for the Heritage Fund. Shroufe explained that the state was becoming fiscally conservative and had not passed a new tax in several years. They wanted to be extremely careful that the mechanism they chose would be approved by voters, and thought that a new tax would probably not be popular.<sup>6</sup>

A poll was conducted by TNC that same year that surveyed voter's funding preferences. Participants were asked to choose between the allocation of a portion of lottery revenues, a sales tax, and a portion of the gas tax, among others. The results showed the lottery as the favored mechanism. Since using the initiative process to create the Heritage Fund would require significant public support, it was important to put something in front of the public that would be supported. As a result, the decision was made to follow the polls and to use lottery monies as the funding source for the \$20 million Heritage Fund initiative. The initiative was drafted and released at various news conferences around the state in March 1990.<sup>7</sup>

Shroufe recalled much debate over how much funding the initiative should specify, "We went with \$20 million because we figured that we could start a new program with \$10 million each [Game and Fish and the Parks Department]. At the time, our annual budget was about \$28 to \$30 million, so we were looking at an increase of a third. We thought that asking for more money than that would be difficult to show results with."<sup>8</sup> In hindsight he wished they had asked for more money, because he thought they could have gotten it. Shroufe noted, "Asking for that amount of money turned out to be the easy part."<sup>9</sup>

The Nature Conservancy along with the Arizona Game and Fish Department and the Arizona Parks Department chose to have these early discussions quietly, and involved only a few key individuals in an effort to keep their objectives under the radar screen. The initiative was fully created prior to any campaign activity; as Shroufe recalled, "We very carefully made sure that this train [the Heritage Initiative] was built right, that everything was in place, so that when the Secretary [of State] finally declared this to be an initiative, the only thing Game and Fish had to do, and were allowed to do, was give out information."<sup>10</sup>

Shroufe explained that they purposely did not involve a lot of people because they were concerned that their efforts would get bogged down fighting about where money should go and who should get it. The campaign to publicize Proposition 200 began only five months prior to the election. Shroufe said this short campaign also was a conscious decision because “the longer programs like that slosh around in the public view, the more adversaries you’re going to get and the more your friends turn into enemies.”<sup>11</sup>

### ***Signature Campaign***

State law prohibits the involvement of government officials and government agencies from participating in a signature gathering campaign, except to distribute educational materials; thus the effort was run entirely by nongovernmental organizations. The Arizona Heritage Fund Alliance (Alliance) was established shortly after the initiative was drafted, to coordinate the initiative process and the ensuing ballot proposition campaigns. The Alliance was officially considered a “campaign committee” and was listed as such with the Arizona Secretary of State. With significant organizational and financial assistance from TNC, the Arizona Heritage Fund Alliance began developing a coalition of supportive individuals and groups. In the end, the Alliance constituted a coalition of more than 85 recreation and conservation interest groups of approximately 25,000 members, as well as numerous cities, towns, and individuals. In addition to TNC, among the more prominent supporters were the Wilderness Society and the Parks and Recreation Association. Chairmen of the Alliance included former U.S. Senator Barry Goldwater and U.S. Congressman Morris Udall, as well as former Governor Bruce Babbitt.

With the beginning of the signature campaign in 1990, the Alliance recruited and trained petition circulators, identified major venues for signature collection, stored completed petitions, and delivered them to the Secretary of State’s office. As a result of their extensive outreach efforts, the campaign benefited from a generally supportive media. While the Alliance primarily led the campaign efforts, individual contributions made to the Heritage Fund campaign enabled the hiring of a political consulting firm which provided strategic advice and assistance.

A major achievement during the signature gathering campaign was getting the support of both gubernatorial candidates, Fife Symington (R) and Terry Goddard (D). Shroufe convinced them that supporting this initiative would earn votes by utilizing survey results conducted by TNC in 1990 which showed that 86.4 percent of respondents said they were more likely to vote for a candidate who was strongly for protecting Arizona’s environment. Signing ceremonies were held when the candidates signed the petitions, attracting the media to the benefit of both the candidate and the proposition.

*“We very carefully made sure that this train [the Heritage Initiative] was built right, that everything was in place, so that when the Secretary [of State] finally declared this to be an initiative, the only thing Game and Fish had to do, and were allowed to do, was give out information.”*

*- Duane Shroufe, Director,  
Arizona Game and Fish*

By the July deadline, over 130,000 signatures had been collected and filed with the Secretary of State (43,000 more than required by state law), and the Heritage Initiative as Proposition 200 was placed on the November ballot.<sup>12</sup>

### ***Ballot Proposition***

The campaign to pass the proposition was continued under the direction of the Heritage Fund Alliance. Approximately 16 presentations were made to civic and business groups across the state about the need for the increased funding. Fundraising efforts were also coordinated to secure money for brochures, flyers, and other educational medium, which not only raised money, but worked to increase the awareness of the Fund on the upcoming ballot. Newspapers were contacted to solicit editorial support and favorable news coverage of the campaign, which led to the support of all of the major newspapers in the state, including the major dailies in Phoenix, Tucson (with the exception of the Tucson Citizen), and Flagstaff. The Alliance coordinated the production of a television ad to begin airing three weeks prior to the election, participated in radio talk shows, coordinated the distribution of flyers and brochures, conducted telephone canvassing, and lobbied city councils to pass resolutions supporting the proposition. In the end, the proposition passed by a 62 percent to 38 percent margin, and was subsequently signed into law by Governor Rose Mofford.<sup>13</sup>

### ***Unorganized Opposition***

While opposition to the Heritage Fund existed, formidable opposition was not mounted to counter either the signature campaign or the ballot campaign. Shroufe noted, “If they [the opposition] had had more time, they would have been more organized and more vocal in their opposition and found something they could sink their teeth into.”<sup>14</sup> In total, those opposed to the Heritage Fund represented roughly 9,300 members, compared to 25,000 in support of the mechanism. Opponents to the proposition included the Arizona Farm Bureau, the Arizona Cattle Growers’ Association, Kaibab Forest Products, and the Arizona Tax Research Association. Over time, these opponents have become more organized and have supported subsequent efforts in the Legislature to divert money away from the Heritage Fund.

*“If they [the opposition] had had more time, they would have been more organized and more vocal in their opposition and found something they could sink their teeth into.”*

*-Duane Shroufe, Director,  
Arizona Game and Fish*

The Arizona Cattle Growers Association, an affiliate of the National Cattle Growers Association, protects the welfare of the cattle industry. They were opposed to the Heritage Fund because they did not believe that the government should own land aside from parks, and was therefore opposed to the Heritage Fund’s land acquisition component. The organization believed that tying up land in “non-private hands” prevents the public from using it and takes land off the county tax rolls. The Cattle Growers Association’s opposition was generally not well organized during the signature and proposition campaigns, but it has since supported diversions of the money to the Arizona

At-Risk School Children program, and continues to monitor land purchases made under the Heritage Fund.

The Arizona Farm Bureau calls themselves “a voice for agriculture and rural life.”<sup>15</sup> They opposed the Heritage Fund based on the principle that it can be used to purchase private land, taking it off tax rolls, and believed that the state should not have allocated money for a new program during a fiscal crisis. The Farm Bureau opposed the Heritage Fund during the signature gathering campaign by publicizing their opposition in the *Arizona Farm Bureau News*.<sup>\*</sup> During the ballot proposition, the Farm Bureau’s only actions were responding to media inquiries about their positions. However, they continue to support funding diversions attempted by the Legislature.

The Arizona Tax Research Association (Association) is a nonprofit organization that “promotes efficiency and economy in the expenditure of public funds consistent with the efficient performance of essential services.”<sup>16</sup> According to a pamphlet published for the November 1990 general election, they opposed the Heritage Fund because, “Designating \$20 million of general fund revenues annually for Heritage Fund spending, instead of requiring this program to compete with other state funding programs is a bad idea... [The Heritage Fund] initiative hampers effective budgetary control by the Legislature.”<sup>17</sup> The Arizona Tax Research Association’s only actions against the Heritage Fund, other than the general election publicity pamphlet, included an article against the proposition in their newsletter mailed to all members of the organization, and the participation of the Executive Director in a debate in 1990 with a supporting environmental group. The Association attempted to organize an alliance of opposing industry groups but failed because these industry groups reportedly felt that the fight against the Heritage Fund was a lost cause.

Kaibab Forest Products, a private timber company, also opposed the Heritage Fund. Many employees signed Heritage Initiative petitions until the company became aware of the types of programs that would receive money under the Fund, particularly those that focused on habitat evaluation and acquisition. Kaibab Forest Products took no action against the Heritage Fund, though they were prepared to launch a \$50,000 campaign including ads before election day. They decided not to move forward with the campaign because the company leadership liked the parks component of the Heritage Fund and decided to fight any battles with Game and Fish at the Commission level. As such, currently they target meetings of the Commission and speak with Commission members when the Heritage Fund objectives run counter to the goals of the company’s ability to harvest timber.<sup>18</sup>

## **Program Administration**

The Arizona Game and Fish Department and the Arizona State Parks Board are each responsible for the implementation of the Heritage Fund, as each is allocated up to \$10 million annually. The law specifically mandates the expenditure of funds for the acquisition and development of state, regional, and local parks, trail development,

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<sup>\*</sup> See *Arizona Farm Bureau News*. March 19, 1990.

environmental education, natural area acquisition, operation, and maintenance, wildlife habitat evaluation, acquisition, management and protection, urban wildlife, public access, and cultural/historic preservation. Each agency hired additional staff to coordinate Heritage Fund programs. The Game and Fish Department hired 89 new full time employees that work in programs provided for by the Heritage Fund and step into advocacy rolls when the fund faces attacks from the Legislature.

The Heritage Fund has been the target of attempted funding diversions by several state legislators with the support of opposition groups, making defending the Fund part of the ongoing administration.<sup>†</sup> The Legislature has attempted to divert or cancel the funding about 20 different times; one of which successfully eliminated \$10 million dollars from the Fund's balance one year.<sup>19</sup> Each proposal has been vigorously opposed by the Arizona Heritage Fund Alliance and other supporters. The Alliance was prepared to disband after Proposition 200 passed in 1990, but with the continuous attempts by the Legislature to divert money from the Fund, the Alliance decided to form a nonprofit organization, The Arizona Heritage Alliance, with the specific purpose "To protect, preserve and enhance the Arizona Heritage Fund and its objectives."<sup>20</sup>

As a nonprofit, the Alliance works to oppose "raids" on the Fund and to monitor how the monies are being administered by the Arizona State Parks Board and the Arizona Game and Fish Commission. In this role, the Alliance established a phone network and mailing list to inform supportive groups and individuals of proposed diversions and enable supporters to contact legislators directly to voice opposition to funding diversions. In several of the failed attempts to divert money from the Fund, major sponsors of these proposals specifically cited the influence of the Alliance in the defeat of the proposals.<sup>21</sup>

## **Challenges**

According to Shroufe, the Legislature has posed problems every session. With the Alliance acting as a watchdog over the Fund and legislative activity that might threaten its security, most of the "raid" attempts have been unsuccessful. Shroufe also attributed this lack of success to the broad base of support they have developed across the state. Arizona Parks and Game and Fish have both allocated portions of the money to competitive grants that have funded local projects resulting in a significant coalition of support from elected officials at the local level, as well as the education community. Though this support is not formally organized, they have proven willing to write letters of support when the Heritage Fund is under attack.

In addition to the continuous challenges the Legislature poses to the Heritage Fund, according to Shroufe, the bigger issue is the threat of losing the lottery altogether, "We've always had a conservative component of the Legislature that doesn't believe in gambling and threatens to do away with the lottery, which would automatically do away

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<sup>†</sup>A few diversion attempts were: in 1991 Representative Ben Benton proposed to delay allocations to the state agencies; in 1992 Representatives Mark Killian and Jane Hull attempted to divert \$10 million to an At-Risk School Children program; in 1993 Senate Appropriation Chairman Carol Springer attempted to divert \$4.5 million from the parks portion of funding.

with the Heritage Fund.”<sup>22</sup> There was an initiative on the ballot several years ago that would have done just that, but it was overwhelmingly defeated. However, the uncertainty caused by this threat led to a lapse in the careful administration of the lottery program. During this time, the \$10 million allocated to each department dwindled to \$8 million. Shroufe said that the administration of the lottery has taken on a renewed vigor because the lottery will not be up for reauthorization for another ten or 15 years.

*“We’ve always had a conservative component of the Legislature that doesn’t believe in gambling and threatens to do away with the lottery, which would automatically do away with the Heritage Fund.”*

*- Duane Shroufe, Director,  
Arizona Game and Fish*

With the Legislature’s looming discontent with the lottery and its repeated attempts to divert money from the Heritage Fund, Shroufe said that while they will continue the mechanism as long as it generates program funding, they are beginning to look in other directions for reliable funding sources, “We’ll leave the Heritage Fund alone and find another source. We’re trying to work towards a state sales tax next.”<sup>23</sup>

## Reflections

When asked if there were things he would have done differently in the campaign for the Heritage Fund, Shroufe said he would have asked for more money and he would have stipulated that the amount allocated to each department be adjusted for yearly inflation, “Inflation has been eating away at the \$10 million, it’s probably only worth about \$7 million today. You don’t want something that will become worth less over time.”<sup>24</sup>

*“It’s not who’s for you, it’s who’s against you when going to the ballot box. You have to make sure that the detractants are minimal.”*

*- Duane Shroufe, Director,  
Arizona Game and Fish*

Offering advice to another state, Shroufe said it is important to know the voter and put something before them that they can agree with without having to know the explicit details of the legislation or funding mechanism. He also emphasizes the importance of knowing the opposition. Shroufe noted, “It’s not who’s for you, it’s who’s against you when going to the ballot box. You have to make sure that the detractants are minimal.”<sup>25</sup>

## **The State of Arizona**

**Size:** 113,998 square miles

**Population in 2000:** 5,130,632; 88.2% urban; 11.8% rural

**Population in 1990:** 3,665,228

**Population Change:** Up 40.0% 1990-2000; Up 34.8% 1980-1990

Arizona has grown phenomenally, from 3.6 million in 1990 to 5.1 million in 2000, making it one of America's fastest-growing and most rapidly changing states. Arizona was one of the boom states of the 1990s, when its population rose by 40 percent, the highest except for its neighbor, Nevada. Its growth is based on high-tech industry developments and low taxes. Despite popular conception, it is not growth based on an influx of elderly retirees--only 13 percent of its residents are over 65, compared to 12 percent nationally. Nor is this growth based on farming subsidized by cheap water, since thirsty cotton farms are being phased out for urban users who can easily outbid them. Recent growth is also not based on, though it is helped by, immigration--Arizona has attracted immigrants from Mexico and Latin America eager for entry-level jobs, many who cross the lightly guarded desert border. In 2000, 25 percent of Arizona's population was Hispanic and 5 percent was Native American. Above all, the engine of Arizona's growth has been technology: Phoenix has become home to many prominent high-tech industries, including Motorola and Intel.

Beyond Arizona's phenomenal population growth, the state is experiencing an expanding private sector. The public sector in Arizona is, if not shrinking, yielding to the state's preference for privatization. Arizona cut state taxes sharply in the 1990s, though voters did approve a sales tax increase for education and a hotel and rental car increase for stadiums and tourism promotion in 2000.

It is not easy to categorize Arizona's political tendencies, but with some exceptions the state seems to lean to the right. A female governor, Janet Napolitano, was elected in 2002, and in 1998 Arizona became the first state to elect women to all of its top five statewide executive offices; all but Napolitano were Republicans. It is one of the relatively few states with more registered Republicans than Democrats. The state remains heavily Republican in most other federal elections, though Democrats have won the governorship in four of the last eight elections.<sup>26</sup>

When it comes to wildlife, Arizonians are watchers. According to a 2001 U.S. Fish and Wildlife Survey, of 35 percent of the population surveyed, 28 percent considered themselves sportspersons, while 85 percent engaged in wildlife related activities.<sup>27</sup>

## Summary

Despite the threat posed by the Legislature, the Heritage Fund has managed to provide consistent funding for over ten years. The following factors allowed the Heritage Fund to be implemented and overcome obstacles that threaten its existence:

- **Decisions made below the radar screen:** In the early stages of the Heritage Fund's creation, those involved kept quiet about their objectives and involved only key players in Game and Fish Department, State Parks Board, and The Nature Conservancy. This limited involvement gave opposition less time to organize and avoided bickering among parties about the details of how the mechanism should work.
- **Knowing the voter:** The revenue source for the Heritage Fund was chosen with care and consideration, and in response to voter preferences and trends. The TNC, Game and Fish, and the Parks Board used voter survey results to craft the mechanism. Realizing that voters would likely not pass a new tax, an allocation from an existing voluntary revenue stream was chosen.
- **The Arizona Heritage Alliance as watch dog:** The decision of the Alliance to reconstitute itself as a nonprofit to guard the Fund from repeated attempted diversions has no doubt allowed the Heritage Fund to continue. As a nonprofit completely devoted to defending the Fund, they are able to pour all of their resources into this purpose, allowing the Game and Fish Department and State Parks Board to concentrate on the programs the Heritage Fund was meant to provide for.
- **Broad base of support:** The Arizona Game and Fish Department and the State Parks Board have created competitive grant programs using Heritage funds to conduct projects that are visible at the local level. This visibility has created a broad base of support for the Heritage Fund that is easily mobilized when the Fund is threatened.

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<sup>1</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.

<sup>2</sup> Arizona Game and Fish Department. "Arizona Game and Fish." <http://www.gf.state.az.us/index.shtml> (26 Nov. 2004).

<sup>3</sup> Arizona Game and Fish Department. "Arizona Game and Fish." <http://www.gf.state.az.us/index.shtml> (26 Nov. 2004).

<sup>4</sup> Arizona Game and Fish Department. "Annual Report, 2002-2005." [http://www.gf.state.az.us/pdfs/inside\\_azgfd/Annual%20Report%202002-2003.pdf](http://www.gf.state.az.us/pdfs/inside_azgfd/Annual%20Report%202002-2003.pdf) (28 Jan. 2005).

<sup>5</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.

<sup>6</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.

<sup>7</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.

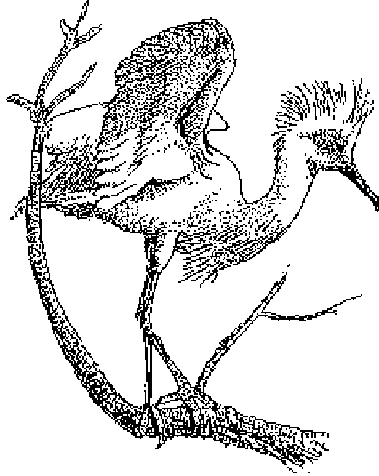
<sup>8</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.

<sup>9</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.



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- <sup>10</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>11</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>12</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.
- <sup>13</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.
- <sup>14</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>15</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.
- <sup>16</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.
- <sup>17</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>18</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.
- <sup>19</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>20</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.
- <sup>21</sup> Mutter, Lawrence. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Arizona State University Dissertation in Fulfillment of Degree Requirements for Doctor of Public Administration. 1994.
- <sup>22</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>23</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>24</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>25</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.
- <sup>26</sup> Barone, Michael, and Richard E. Cohen. "Arizona State Profile." *Almanac of American Politics 2004*. National Journal, 2004.  
[http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/az/az\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/az/az_profile.htm) (26 Nov. 2004).
- <sup>27</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001.  
<http://www.census.gov/prod/2002pubs/FHW01.pdf> (26 Nov. 2004).

**6**  
**STATE OF ARKANSAS**  
*Conservation Sales Tax*



In 1996, the State of Arkansas passed a constitutional amendment that raised the general sales tax by 1/8<sup>th</sup>-cent and dedicated that revenue to four state departments: The Arkansas Game and Fish Commission (AGFC), the Arkansas Parks and Tourism Commission, the Department of Arkansas Heritage, and the anti-litter Keep Arkansas Beautiful Commission. For the years 2003-2004, the tax provided approximately \$22 million to the Arkansas Game and Fish Commission for the “control, management, conservation, and restoration” of fish and wildlife species.<sup>1</sup> The story of the Arkansas Conservation Sales Tax illustrates the importance of obtaining political support for wildlife funding initiatives. Much of the amendment’s success can be attributed to Arkansas Governor Mike Huckabee, who spent four days boating down the Arkansas River in a successful effort to generate support for the amendment.<sup>2</sup>

**Arkansas Conservation Sales Tax**

Mechanism type:	General sales tax
Implementation method:	Constitutional amendment
Implementation timeframe:	Approximately 12 years

**Funding Need**

By the early 1980s, AGFC’s traditional revenue sources – hunting and fishing license sales, fines for regulation violations, and federal excise taxes on sporting goods – could no longer meet the agency’s financial needs. By 1982, AGFC faced a funding shortfall of \$13 million for the four-year period between 1982 and 1986. To address this problem, AGFC initially persuaded the state’s General Assembly to increase resident hunting and fishing license fees by \$3. Although this increase would provide AGFC with an estimated \$1.3 million annually, a longer-term solution was clearly needed.<sup>3</sup> AGFC’s funding options were constrained by Arkansas Constitutional Amendment 35. The amendment, which gave AGFC political independence, also prohibited agency access to state general

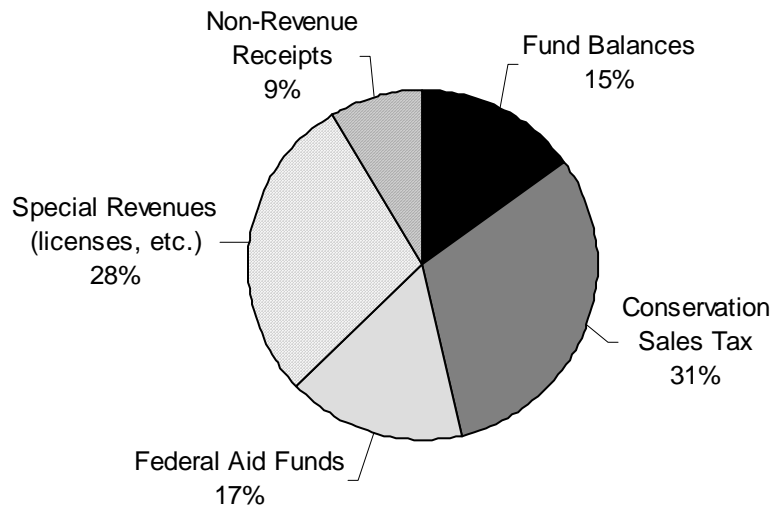
revenue. Consequently, AGFC recognized that a second constitutional amendment that provided access to needed public money would be required.<sup>4</sup>

### **Arkansas Game and Fish Commission**

The Arkansas Game and Fish Commission (AGFC) is responsible for the "control, management, restoration, conservation and regulation of bird, fish, game and wildlife resources of the state..."<sup>5</sup> AGFC attained its present constitutional status through a 1945 amendment to the state constitution. Amendment 35 established AGFC's political independence, but requires that AGFC operate exclusively on revenues from hunting and fishing license sales, fines for regulation violations, and federal funding.<sup>6</sup>

Today, AGFC's activities are financed primarily through the sale of hunting and fishing licenses, tags, and permits; the Conservation Sales Tax; and Federal Aid. General revenue funds are not used for AGFC programs.<sup>7</sup>

**Figure 4: Arkansas Game and Fish Commission: Revenue Sources for FY 2004.<sup>8</sup>**



### **Campaign**

Seven years earlier, Missouri passed a constitutional amendment that raised that state's general sales tax by 1/8<sup>th</sup> of a percent. The revenue from this tax was dedicated to the Missouri Department of Conservation. It was Missouri's successful program that served as the inspiration for AGFC's subsequent campaign. AGFC Deputy Director David Goad stated, "We modeled our method after the Missouri Conservation Sales Tax...It had worked for them and we felt that it would work for us."<sup>9</sup>

In addition to having been successful in a neighboring state, AGFC saw the Conservation Sales Tax as long lasting and able to grow as the economy of the state grew. AGFC Director Steve Wilson also saw the advantages of tapping into the larger

population – he felt that hunters and anglers should not be expected to fund AGFC by themselves.<sup>10</sup> Finally, the mechanism for collecting the funds was straightforward and easily understood and would require minimal administration once it was in place.<sup>11</sup>

### ***The First Campaign***

In 1984, AGFC initiated an intense signature campaign to put a constitutional amendment on that year's general election ballot. The campaign was driven from within AGFC, with little support from non-agency partners. Although AGFC succeeded in raising the necessary signatures, the ballot initiative failed 45 percent supporting the amendment to 55 percent against the amendment. The amendment's defeat may be attributed to the following:

- AGFC's decision to "go it alone" without significant non-agency support,
- An insufficient campaign strategy,
- A challenging political climate,<sup>\*</sup>
- A failure to make the case for increased agency funding,
- Low levels of agency credibility,<sup>†</sup>
- Reduced support from AGFC's core constituency,<sup>‡</sup> and
- Failure to engage the General Assembly in its decision to pursue a sales tax increase – many State Senators opposed the provision of revenues that were not appropriated by the General Assembly.<sup>12</sup>

### ***A Second & Third Attempt***

A 1986 effort to implement the amendment also failed, despite efforts to correct the 1984 campaign's shortcomings. In this case, the campaign was aborted due to concerns that the amendment would jeopardize the state's participation in the federal food-stamp program. Regardless, passage of the amendment was unlikely due to ongoing opposition from both the public and the General Assembly.

After the 1984 and 1986 defeats, AGFC dropped its efforts to create a 1/8<sup>th</sup>-cent conservation sales tax. Instead, AGFC began the work of repairing its damaged relationship with the General Assembly. According to Nancy DeLamar, former Director of The Nature Conservancy's Arkansas Field Office, it had become clear that "unless the

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\* In the fall of 1983, the General Assembly raised the state sales tax by one cent with all revenue going to public schools and state-sponsored higher education programs.

† Around this time, a group of former employees raised allegations of "cronism, mismanagement, and misuse of funds" by the AGFC. These concerns were heightened by AGFC's January 1984 decision to provide complementary hunting and fishing licenses to its 400 employees for the first time in its 39-year history.

‡ In March 1984, AGFC curtailed the practice of deer hunting with dogs, infuriating much of AGFC's core constituency. The increase in resident license fees had also generated public anger towards AGFC. This public outcry, combined with allegations of mismanagement, led to strained relations with the General Assembly.

legislature was comfortable with a designated funding vehicle, they would fight it tooth and nail.”<sup>13</sup>

By this time, it had become clear that AGFC, as well as other state conservation agencies, were facing a legitimate budget crisis. Since 1985, the Arkansas Parks and Tourism Commission (Parks and Tourism) had been documenting the deterioration of its existing facilities and its inability to develop new parks and facilities. Similarly, AGFC had been documenting their backlog of maintenance and capital projects. AGFC demonstrated that despite cutbacks, the agency was unable to meet the demands that citizens were placing on it. AGFC and Parks and

*“Unless the legislature was comfortable with a designated funding vehicle, they would fight it tooth and nail.”*

*- Nancy DeLamar, former Director, The Nature Conservancy’s Arkansas Field Office*

Tourism, now recognizing the importance of obtaining legislative support, began the process of educating legislators to the need.<sup>14</sup> As AGFC Deputy Director David Goad stated, “You can’t just say that you need to have additional money. You’ve got to say, ‘We need additional money, this is how we need to spend it, and this is how we are going to spend it.’”<sup>15</sup> Armed with this information, AGFC requested that the Assembly create a special 14-member Game and Fish Commission Funding Study Committee, which would make funding recommendations in the 1993 legislative session.<sup>16</sup> Similarly, Arkansas Parks and Tourism Commission members began working with members of the Arkansas General Assembly, arranging visits to parks to see the need for funding first-hand.<sup>17</sup>

The General Assembly complied with AGFC’s request to create the Game and Fish Commission Funding Study Committee and, after looking at other funding alternatives, the funding committee agreed to support a constitutional amendment creating a conservation sales tax. With this support came one important change – the funds from the 1/8<sup>th</sup>-cent tax would now be shared between AGFC, the Arkansas Parks and Tourism

*“You can’t just say that you need to have additional money. You’ve got to say, ‘We need additional money, this is how we need to spend it, this is how we are going to spend it.’”*

*- David Goad, Deputy Director, Arkansas Game & Fish Commission*

Commission, the Department of Arkansas Heritage, and the Keep Arkansas Beautiful Commission. AGFC and the Parks and Tourism Commission would each receive 45 percent of the sales tax revenue. The Department of Arkansas Heritage would receive nine percent and the Keep Arkansas Beautiful Commission would receive one percent. This decision was a strategic one. Senator Allan Gordon, the funding committee co-chairman, realized the AGFC would “touch a whole new constituency” if Parks and Tourism became a part of the effort.<sup>18</sup>

Goad attributed the Assembly’s eventual support to a number of factors including the contribution of hunting and fishing revenues to the state’s economy and the relationships that were developed between the AGFC and state legislators through AGFC and their partner agencies’ educational process.

The Assembly's support was critical. Not only did it eliminate a significant and vocal source of opposition, but also through its agreement to place the amendment on the November 1994 general election ballot, a lengthy and resource-consuming signature campaign was avoided. This lack of campaign freed AGFC and its partner agencies to focus on a campaign to generate public support for the amendment.<sup>19</sup>

A small team was created to manage the campaign. This core working group included leadership from all of the agencies involved: AGFC, the Arkansas Parks and Tourism Commission, the Department of Arkansas Heritage, and the Keep Arkansas Beautiful Commission, as well as representatives from the Governor's office, The Nature Conservancy, and several private citizens. This small working group met regularly to work on strategies and to raise funds. This "skunk works" approach proved to be very effective and kept the campaign moving forward.<sup>20</sup>

Despite such auspicious beginnings and continuing efforts to correct the shortcomings of previous campaigns, the 1994 ballot initiative was doomed due to circumstances that could not be foreseen. Just prior to the election, a state judge ordered the removal of all amendments from the ballot because of the failure of the Secretary of State to properly advertise the constitutional amendments.<sup>21</sup> The order was the result of a lawsuit filed by Clarence Harris of Pulaski County Arkansas. Harris was the founder of the Arkansas Hunting Association – an organization known for holding a "grudge" against AGFC for its wildlife management practices.<sup>22</sup> Due to the lateness of the ruling, the physical ballots could not be altered, the question remained on the ballot, and citizens were encouraged to vote anyway. AGFC believed that had the amendment been legally, instead of only physically on the ballot, it would have passed. This support led the Assembly to once again place the amendment on the 1996 ballot.<sup>23</sup>

### ***The 1996 Election***

In 1996, the same group of partners launched a carefully choreographed campaign to generate public support for the Conservation Sales Tax amendment. This time a "Natural State Campaign Director" was hired to manage the campaign. Mary Klaser, the new Campaign Director, is credited for much of the initiative's eventual success.<sup>24</sup> The campaign also benefited from the extensive experience gained through previous ballot initiatives. Many of the campaign's key leaders, as well as the strategies and tactics they employed, were first used during the 1994 drive.<sup>25</sup> Additionally, the shortcomings so evident in earlier campaigns were by this time corrected.

### ***Strategic Planning***

The core working group, first formed for the 1994 campaign, re-organized itself and proceeded to orchestrate the 1996 publicity and fundraising campaign. This group created a detailed plan for the entire campaign, developed a realistic campaign budget, and led fundraising efforts.<sup>26</sup> Funding for the campaign was raised through extensive fundraising activities and through donations made by organizations and individuals throughout the state.<sup>27</sup> According to DeLamar, "the continuing participation of leadership from all the agencies involved cannot be overestimated."<sup>28</sup>

The Nature Conservancy financed several public opinion polls to assess opinions on the proposed constitutional amendment. One poll found 61 percent of respondents in support of the amendment, with 31 percent opposed and eight percent undecided. The poll found that support was highest in suburban and urban areas, that support levels increased as education levels increased, and that wealthy Arkansans were more likely to support the amendment than those with lower household incomes. Additionally, the polling helped identify the campaign messages that would have the most impact. The findings suggested that “Arkansas’ mountains, woods, wildlife, and rivers are a part of our heritage, and we owe it to our children and grandchildren to protect them” was the strongest message. The poll also found that a promise to build nature centers “so Arkansas children can learn about the outdoors and how to protect it” would receive strong support.<sup>29</sup> Finally, the poll identified the importance of expressing the urgent need for funds, not only to take care of the lands and buildings the state already owned, but also to take care of lands and historical sites for future generations. The urgency of the need became a strong and compelling part of the message. According to DeLamar, this market research was a critical element of the campaign’s success, “The poll...informed us of what the message had to be in order to get the voter to respond.”<sup>30</sup>

### *Generating Public Support*

The Natural State Committee (Committee), which had originally formed in the 1994 campaign, was a critical component of the campaign’s publicity efforts. The Committee, which included at least one person from each of Arkansas’ 75 counties, also relied on the assistance of nongovernment organizations and private citizens. With the help of agency staff, this group did the hard work of communicating to the voting public the proposed amendment’s benefits.<sup>31</sup>

These communication efforts were extensive and consistent. The campaign created a video that addressed each agency’s funding needs and discussed how additional revenue would be spent. A standard slideshow was created and speakers were trained to ensure that the campaign message was clearly and consistently communicated.<sup>32</sup> County-specific presentations were also created. These presentations showed residents how much revenue parks, tourism, and wildlife generated for the county, how much the county would pay into the sales tax, and provided projections for the county’s return on investment. Although agency employees could not directly lobby for the amendment, they could educate the public about the funding need and discuss the ways in which funding from the Conservation Sales Tax, if passed, would be spent. According to DeLamar, “they [agency staff] drew a fine line between informing the public and lobbying. But they were also extremely cautious...if there was any question they would defer to after hours” when they were no longer in an official capacity.<sup>33</sup>

The campaign had goals for the number of presentations to be made in each county and specific individuals were tasked with ensuring that these presentations were completed. Goad recalled that AGFC gave presentations to civic clubs, at county fairs, and “any other place that could draw a crowd.”<sup>34</sup> According to Goad, “We [AGFC] talked to every Lions Club, Kiwanis Club, and canoe club in the state; we talked to anybody that would listen.”<sup>35</sup> Staff members from Arkansas Parks and Tourism responded similarly, making numerous presentations while participating in meetings, and

fairs. The Department of Arkansas Heritage reached additional constituencies through museums, historical meetings, and conferences. Conservation partners placed ads supporting the initiative in their publications, providing the campaign with extensive positive publicity and significant financial savings. In addition, the campaign ran television and newspaper ads, created literature that was distributed to the public, and ran a campaign hot line to answer the public's questions.

*"We [AGFC] talked to every Lions Club, Kiwanis Club, and canoe club in the state; we talked to anybody that would listen."*

*- David Goad, Deputy Director,  
Arkansas Game & Fish  
Commission*

The campaign's resource requirements were extensive. Within AGFC alone, there were 50 to 60 individuals dedicated to the campaign, including AGFC's entire communications staff. AGFC's remaining employees were "sitting at the ready, anytime help was needed."<sup>36</sup> The State Parks and Tourism Department, the Keep Arkansas Beautiful Commission, and the Department of Arkansas Heritage were similarly involved in the campaign process. DeLamar recalled that agency directors were intimately involved in the campaign process and expected the staff to be as well.<sup>37</sup>

Goad believed that much of the public's support originated with the state's large population of hunters and anglers.<sup>38</sup> A 2001 survey by the U.S. Fish and Wildlife Service found that 31 percent of state residents engaged in hunting and fishing activities while 39 percent participated in wildlife watching.<sup>39</sup> Additionally, Goad identified AGFC's promise to build nature centers in four major metropolitan areas as critical to building public support in urban areas.<sup>40</sup> It is also clear that broadening the amendment's constituency was important for gaining the public's support. According to DeLamar, polls had shown that hunters and anglers could not pass this amendment alone. However, by including parks and recreation, wildlife diversity, and historic preservation interests, the campaign's support reached a critical mass. Finally, public support was buoyed by the agencies' ability to make a strong case for increased funding. DeLamar felt that engagement of agency employees was critical to this outcome, "The confidence the public had in the state agencies resided at the local level...They [local employees] were the single best spokesmen for what we were trying to do."<sup>41</sup>

### ***Opposition Arises***

The amendment attracted very little organized opposition from the public. The opposition that did exist resulted from strong anti-government and anti-tax sentiments in some segments of the population. These viewpoints began to receive significant attention in the summer of 1996, when several radio stations, owned by libertarian Pat Demaree, began criticizing the amendment. These broadcasts, characterized by Klaser as "talk radio hell" further inflamed existing resentment over other state natural resource management



issues.<sup>42</sup> DeLamar also recalled some opposition from advocacy groups who were concerned that the tax would disproportionately impact lower income individuals.<sup>§,43</sup>

### *An Important Endorsement*

In July 1996, Arkansas Governor Mike Huckabee publicly endorsed the Conservation Sales Tax initiative.<sup>44</sup> However, it was his actions in October of that year that really fired up public support for the constitutional amendment. The Governor, a life-long bass angler and hunter, took a four-day river trip to promote the Conservation Sales Tax amendment. He launched his bass boat in Fort Smith, Arkansas and traveled the Arkansas River across the state to its convergence with the Mississippi, making promotional speeches along the way. The Governor was accompanied on his trip by a “flotilla” of other boats as well as his wife, who rode a Jet Ski.

Goad believed Governor Huckabee was motivated by his strong interest in hunting and fishing and by his concern for the state’s conservation efforts, “You can tell that he cares a lot, not only about the Game and Fish Commission, but about resource conservation efforts for our kids and grandkids.”<sup>45</sup> The trip generated a significant amount of positive media attention for the initiative and was an important impetus to the passage of the amendment. As Goad recalled, “Our Governor was for the amendment 100 percent. Had he not been so strongly for the amendment, it might have gone the other way.”<sup>46</sup>

### *The Vote*

Going into the election, polls indicated that 65 percent of the public supported the amendment. Nevertheless, the election was close – the Conservation Sales Tax passed with 50.6 percent of the vote. DeLamar felt this close victory was the result of “a hidden undercurrent of aversion for ... a tax that they [voters] may not be willing to reveal to a pollster, especially for a cause so noble.”<sup>47</sup> Despite this close call, the 1/8<sup>th</sup>-cent Conservation Sales Tax became Amendment 75 of the Arkansas state constitution. The measure was buoyed by support from suburban and urban areas; support from rural areas was not as strong.<sup>48</sup>

*“Our Governor was for the amendment 100 percent. Had he not been so strongly for the amendment, it might have gone the other way.”*

*- David Goad, Deputy Director,  
Arkansas Game & Fish  
Commission*

### **Program Administration**

AGFC does not take the Conservation Sales Tax for granted. To ensure ongoing public support for the amendment, AGFC constantly focuses on customer satisfaction. Using public surveys, AGFC maintains a list of those things the public would like to see accomplished. AGFC consistently works towards fulfilling those obligations and documents its progress in regular reports.<sup>49</sup>

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<sup>§</sup> In Arkansas, groceries and drugs are subject to sales tax.

The partner agencies also work through their commissions and constituencies to make sure the public is aware of the positive impact achieved through the funding. Local meetings and speeches before civic groups never fail to mention the Conservation Sales Tax amendment. All of the agencies use signage, annual reports, press releases, and logos to publicize and identify sites that are benefited by the income from the Conservation Sales Tax amendment.<sup>50</sup>

## **The State of Arkansas**

**Size:** 53,179 square miles

**Population in 2000:** 2,673,400; 52.4% urban; 47.6% rural

**Population in 1990:** 2,350,725

**Population Change:** Up 13.7% 1990-2000; Up 2.8% 1980-1990

Arkansas has the third lowest income level of any state and the second lowest percentage of college graduates. Although the state's economy faltered in 2000-2001, strong growth continues in the northwest corner of the state. There, nationally known corporations including Wal-Mart, Tyson's Chicken, and J.B. Hunt Transport have fueled a tremendous population boom.<sup>51</sup> The Fayetteville-Springdale-Rogers Metropolitan Statistical Area was the 6<sup>th</sup> fastest growing metropolitan area in the country between 1990 and 2000. Population in that region grew by 47.8 percent over the ten-year period.<sup>52</sup>

Politically, Arkansas has long been solidly Democratic. The General Assembly is still overwhelmingly Democratic – one of the last in the South to be so. Nonetheless, Republicans seem to be gaining ground. Although Arkansas was carried by Bill Clinton in 1992 and 1996, the state voted for George W. Bush in both 2000 and 2004. Republican Mike Huckabee was elected Lieutenant Governor in 1993, was elevated to Governor in 1996, and was elected Governor in 1998 and 2002. Recently, northwest Arkansas has become a strong Republican base.<sup>53</sup> Arkansas is aptly named "The Natural State." Support for outdoor recreation is strong, with 52 percent of state residents participating in wildlife related recreational activities in 2001.<sup>54</sup>

## **Challenges**

The Arkansas Conservation Sales Tax has not presented any ongoing challenges for AGFC, the Arkansas Parks and Tourism Commission, the Department of Arkansas Heritage, or the Keep Arkansas Beautiful Commission. The funding source is permanent, the funds are not subject to redirection by legislative action, and administration of the mechanism does not require dedicated personnel.<sup>55</sup>

## **Reflections**

When asked how she would advise another state interested in instituting a conservation sales tax, DeLamar recommends that agencies take the following steps. First, DeLamar advises agencies to identify the individuals and institutions that must be

involved to pass the amendment and to obtain their active support. She also suggests that agencies conduct market research to identify the message that is required to obtain sufficient support for the amendment. DeLamar feels that it is important to engage all levels of agency employees in the campaign process and suggests that agencies work strategically to accomplish their goals. She advises agencies to create a plan that addresses campaigning, fundraising, budgeting and financial management, legal concerns, and so forth. DeLamar said to “think through the obstacles and the potholes that are out there and then stick to your plan.”<sup>56</sup> Finally, DeLamar recommends that agencies be prepared to spend three to five years working on passage of the amendment.<sup>57</sup>

## Summary

Arkansas’ 1/8<sup>th</sup>-cent Conservation Sales Tax is a very successful program that provides over 30 percent of AGFC’s annual funding. The funding for Parks and Tourism is the same, with lesser percentages earmarked for the Department of Arkansas Heritage and the anti-litter Keep Arkansas Beautiful Commission. This initiative’s success can be attributed to the following:

- **Strong political support:** Previous attempts by AGFC to implement a conservation sales tax failed due, in large part, to political opposition from the General Assembly. Recognizing this opposition, AGFC worked to improve its relations with the Assembly. The creation of the Game & Fish Commission Funding Study Committee was an important step in this process. It allowed the General Assembly to become involved in the funding mechanism choice and eventually the Assembly recognized the necessity of a dedicated funding mechanism. It is also clear that without the prominent support of Governor Huckabee, the amendment would not have passed.
- **An expanded constituent base:** Given the amendment’s narrow victory, the decision to expand constituent support by including the Arkansas Parks and Tourism Commission, the Department of Arkansas Heritage, and the anti-litter Keep Arkansas Beautiful Commission was critical to the amendment’s passage.
- **Strategic planning:** A campaign to implement a new state sales tax cannot be done in an ad-hoc manner. The formation of the core working group (dubbed a “skunk works” group by DeLamar), the Natural State Committee, the hiring of a campaign director, the market research, and the extensive campaign planning was an important element of the amendment’s success.
- **A strong case for increased agency funding:** Together, the four agencies were able to document an undeniable need for increased funding. Furthermore, the agencies were very specific in describing how new funds would be used. This effort helped to enhance agency credibility and was also critical to the amendment’s passage.
- **Perseverance:** The effort took almost 15 years, but AGFC’s perseverance was eventually rewarded with one of the most successful wildlife funding mechanisms in the country.

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- <sup>1</sup>Arkansas Game and Fish Commission. “Summary Budget Manuals Volume 3 – Arkansas Game & Fish Commission.” <http://www.arkleg.state.ar.us/data/agencybudget.asp> (27 Aug. 2004).
- <sup>2</sup>Taylor, Jim. “Arkansas State Parks: Building a Better Future.” <http://www.arkansastravel.com> (28 Jan. 2005).
- <sup>3</sup>Griffiee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>4</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>5</sup>Arkansas Game and Fish Commission. “Summary Budget Manuals Volume 3 – Arkansas Game & Fish Commission.” <http://www.arkleg.state.ar.us/data/agencybudget.asp> (27 Aug. 2004).
- <sup>6</sup>Griffiee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>7</sup>Arkansas Game and Fish Commission. “Summary Budget Manuals Volume 3 – Arkansas Game & Fish Commission.” <http://www.arkleg.state.ar.us/data/agencybudget.asp> (27 Aug. 2004).
- <sup>8</sup>Arkansas Game and Fish Commission. “Summary Budget Manuals Volume 3 – Arkansas Game & Fish Commission.” <http://www.arkleg.state.ar.us/data/agencybudget.asp> (27 Aug. 2004).
- <sup>9</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>10</sup>Griffiee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>11</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>12</sup>Griffiee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>13</sup>DeLamar, Nancy. Former Director, The Nature Conservancy’s Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>14</sup>DeLamar, Nancy. Former Director, The Nature Conservancy’s Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>15</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>16</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>17</sup>DeLamar, Nancy. Former Director, The Nature Conservancy’s Arkansas Field Office. E-mail communication. 28 Jan. 2005.
- <sup>18</sup>Gordon, Allan. As quoted in Griffiee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>19</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>20</sup>DeLamar, Nancy. Former Director, The Nature Conservancy’s Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>21</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>22</sup>Griffiee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>23</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>24</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>25</sup>Griffiee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>26</sup>DeLamar, Nancy. Former Director, The Nature Conservancy’s Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>27</sup>Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>28</sup>DeLamar, Nancy. Former Director, The Nature Conservancy’s Arkansas Field Office. E-mail communication. 28 Jan. 2005.

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- <sup>29</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>30</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>31</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>32</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>33</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>34</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>35</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>36</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>37</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>38</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>39</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (4 Oct. 2004).
- <sup>40</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>41</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>42</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>43</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>44</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>45</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>46</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>47</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.
- <sup>48</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>49</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>50</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. E-mail communication. 28 Jan. 2005.
- <sup>51</sup> Barone, Michael, and Richard E. Cohen. "Arkansas State Profile." *Almanac of American Politics 2004*. National Journal, 2004. [http://nationaljournal.com/pubs/almanac/2004/states/ar/ar\\_profile.htm](http://nationaljournal.com/pubs/almanac/2004/states/ar/ar_profile.htm) (27 Aug. 2004).
- <sup>52</sup> CensusScope.org. "Rankings." [http://www.censuscope.org/us/metro\\_rank\\_popl\\_growth.html](http://www.censuscope.org/us/metro_rank_popl_growth.html) (27 Aug. 2004).
- <sup>53</sup> Barone, Michael, and Richard E. Cohen. "Arkansas State Profile." *Almanac of American Politics 2004*. National Journal, 2004. [http://nationaljournal.com/pubs/almanac/2004/states/ar/ar\\_profile.htm](http://nationaljournal.com/pubs/almanac/2004/states/ar/ar_profile.htm) (27 Aug. 2004).

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<sup>54</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (4 Oct. 2004).

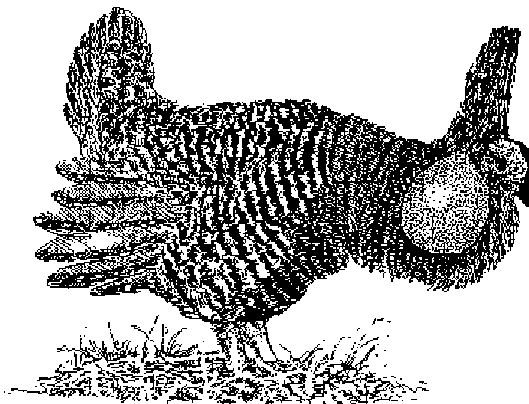
<sup>55</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.

<sup>56</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.

<sup>57</sup> DeLamar, Nancy. Former Director, The Nature Conservancy's Arkansas Field Office. Personal interview. 2 Nov. 2004.

## STATE OF COLORADO

### *Great Outdoors Colorado Trust Fund*



In 1992, Colorado voters approved the Great Outdoors Colorado (GOCO) amendment. The GOCO amendment dedicates the net proceeds of the state lottery to programs that “preserve, protect, enhance, and manage the state’s wildlife, park, river, trail, and open space heritage.”<sup>1</sup> Since it began awarding grants in 1994, the GOCO Board has awarded approximately \$400 million to eligible projects. All allocations for “wildlife purposes” (25 percent of the total funds) are made through the Colorado Division of Wildlife (Division). Since GOCO’s inception, almost \$100 million has been provided to the Division and its partners for the protection of Colorado’s diverse wildlife heritage, particularly wildlife diversity.<sup>2</sup> One key element of the amendment’s success was its broad appeal to Colorado citizens. By reaching out to other natural resource partners, including Colorado State Parks, local governments, and local land trusts, the Colorado Division of Wildlife was able to create a large constituent base for the GOCO amendment. Consequently, GOCO has become one of the largest and most successful wildlife diversity funding mechanisms in the country.

#### **Great Outdoors Colorado**

Mechanism type:	Lottery
Implementation method:	Constitutional amendment
Implementation timeframe:	Approximately 5 years

### **Funding Need**

By the late 1980s, it had become apparent that alternative funding sources were required to manage Colorado’s wildlife: hunting and fishing license sales, the Division of Wildlife’s primary revenue source, were in decline; the state’s recent population boom had created a host of new urbanization issues that needed to be addressed; and wildlife diversity advocates had recently become more outspoken.<sup>3</sup> As Rebecca Frank, former Wildlife Commissioner, said, “The Wildlife Commission realized that...we didn’t have

the money that we knew we were going to need to run the agency into the future.”<sup>\*4</sup> To address these concerns, the Wildlife Commission requested Governor Roy Romer appoint a blue ribbon panel to evaluate future funding options for the Division of Wildlife.<sup>5</sup>

### ***The Blue Ribbon Panel***

The Blue Ribbon Panel (Panel) was composed primarily of local Colorado businessmen. Frank noted that these individuals were perceived to be “big players”– people who had influence and access to money. They were also individuals whom the Wildlife Commission believed would be dedicated to the cause. Although not all were sportsmen, they understood the important role that wildlife played in Colorado’s economy. Division of Wildlife staff outlined 77 different funding mechanisms for the Panel’s review, and after careful consideration, the Panel developed three key recommendations. They recommended that the Division pursue a license fee increase to alleviate short-term funding problems. The Panel also suggested that a wildlife foundation be established for the purpose of raising private funds to support the Division. Finally, the Panel validated the need for a long-term, dedicated funding source. Although they did not choose the mechanism, the credibility that this Panel lent to the subsequent funding campaign was very important.<sup>6</sup>

*“The Wildlife Commission realized that...we didn’t have the money that we knew we were going to need to run the agency into the future.”*

*- Rebecca Frank, former Wildlife Commissioner*

### ***The Citizen’s Committee***

A citizen’s committee was established to pursue the Panel’s recommendation to create a long-term, dedicated funding source. The Citizen’s Committee (Committee) was composed primarily of representatives from state government, conservation organizations, and the business community.<sup>7</sup> The Citizen’s Committee focused much of their attention on the Colorado State Lottery. Originally established in the early 1980s, a portion of the lottery’s proceeds was supposed to be dedicated to greenways and open space. However, because the distribution of funds was not codified in the state’s constitution, the State Legislature had the power to reallocate the money as it wished. Shortly after the creation of the state lottery, the Legislature’s Capital Development Committee, which allocated all of the state’s money for capital improvements, began taking lottery proceeds originally intended for greenways and open space and putting it into unrelated capital projects. According to Frank, this reallocation “created an atmosphere of voter anger toward the Legislature. It was clear that voters were angry about this and would support redistributing the money.”<sup>8</sup>

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\* An eleven-member Wildlife Commission (Commission), appointed by the Governor, establishes Division of Wildlife regulations and policies for hunting, fishing, watchable wildlife, wildlife diversity, and threatened and endangered species. The Commission also approves the Division’s annual budget proposals and long-range plans



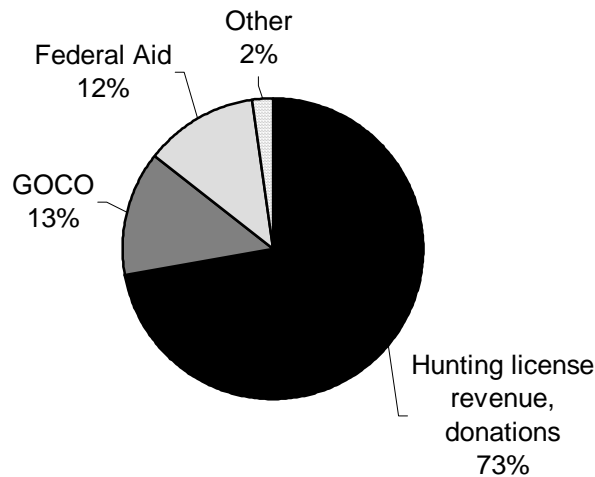
## Colorado Division of Wildlife

The Colorado Division of Wildlife (Division) is responsible for protection and management of the state's wildlife and its habitat. The Division regulates hunting and fishing activities, manages state wildlife areas, provides technical assistance to private and public landowners, and develops programs to protect and recover threatened and endangered species.<sup>9</sup>

The Colorado Division of Wildlife receives no state tax revenue. The Division's primary sources of revenue include hunting and fishing license fees, Federal Aid, and GOCO grants. GOCO grants constitute the majority of wildlife diversity funding and are allocated to four program areas: habitat protection, species conservation, wildlife education, and wildlife viewing recreation. The focus of species conservation and habitat protection efforts are to: 1) prevent further decline of and recover Colorado wildlife species; 2) reduce the necessity of further federal listing of species under the Endangered Species Act; and 3) down-list and de-list species listed as threatened or endangered.<sup>10</sup>

An eleven-member Wildlife Commission (Commission), appointed by the Governor, establishes Division of Wildlife regulations and policies for hunting, fishing, wildlife viewing recreation, wildlife diversity, and threatened and endangered species. The Commission approves the Division's budget and long-range plans.<sup>11</sup>

**Figure 5: Colorado Division of Wildlife: Revenue Sources.** The typical annual budget for DOW is approximately \$106 million. GOCO funds contribute up to \$35 million per year, adjusted for inflation.<sup>12</sup>



The Citizen's Committee felt that a constitutional amendment would be required to secure the distribution of lottery funds for wildlife programs. However, before going directly to the voters, the Citizen's Committee decided to determine if they could convince the Legislature to support the Division's efforts to secure dedicated, long-term funding. Members of the Wildlife Commission, the Division of Wildlife, the Blue Ribbon Panel, and the Citizen's Committee were all involved in a process of educating

legislators to the need for increased wildlife funding. According to Frank, “We gave them the opportunity to participate. At the same time, we asked them to stop tinkering with the lottery as it was intended to be.”<sup>13</sup> Despite this effort, the Division was unable to obtain legislative support for its long-term funding initiative. Frank believed that the Legislature’s hesitation was rooted in its reluctance to give up control of lottery funds.

Consequently, the Citizen’s Committee set out to create a constitutional amendment that would designate a portion of state lottery proceeds to wildlife initiatives. Recognizing that hunters alone could not provide adequate support for such an enormous undertaking, the Citizen’s Committee reached out to Colorado’s State Parks Department, open space organizations, and other outdoors constituents. As Frank noted, “The sportsmen’s community could not do this alone. They just didn’t have the power to do anything big.”<sup>14</sup> In the end, the Citizen’s Committee, by this time called Citizens for

*“The sportsmen’s community could not do this alone. They just didn’t have the power to do anything big.”*

*- Rebecca Frank, former Wildlife Commissioner*

Great Outdoors Colorado, proposed a constitutional amendment that would designate a portion of lottery proceeds to four areas: wildlife,<sup>†</sup> open space, outdoor recreation, and local government programs. A citizen’s ballot would be used to refer the amendment to a vote of the people – the process of gaining the necessary 70,000 signatures would generate much of the publicity needed to fuel the campaign.<sup>15</sup>

## **Campaign**

The GOCO Trust Fund was conceived and implemented over a five-year period. The campaign was characterized by a disciplined sense of urgency. According to Bruce McCloskey, Director of the Colorado Division of Wildlife, “We were going to get one shot, so we had to do it right, take our time and lay the groundwork. People got so excited they wanted to go, but I remember being told ‘not till next year, that’s way down the road, we’ve got to do all these other things first.’”<sup>16</sup>

## **Political Support**

Governor Romer was a very important supporter. He personally met with the Parks Board and Wildlife Commission to discuss the funding mechanism structure; he provided political advice on how to sell the GOCO amendment, and was also involved in publicity efforts. He provided important strategic advice and as an elected official, was not bound by state laws limiting his involvement in the campaign. As a result, he was a very active and visible promoter of the amendment.<sup>17</sup> In McCloskey’s view, this support was both personally and politically motivated. While the Governor had a history of support for environmental measures, it was clear that he also saw significant political advantages to supporting a measure with such broad-based public appeal. Clearly, Governor Romer’s support was a critical component of the amendment’s success.

<sup>†</sup> Wildlife funds support efforts to keep species off the federal threatened and endangered species list through recovery efforts and the protection (i.e. acquisition) and restoration of critical wildlife habitats, wildlife education programs, and wildlife viewing programs. For more information see: <http://www.goco.org/program/wildlife.html>.

The Governor's personal attorney, Ken Salazar, was asked to lead the campaign. Salazar later became the Director of the Department of Natural Resources and has been described as the political "mastermind" behind the campaign.<sup>‡</sup> In fact, McCloskey credited much of GOCO's success to strong political advice received early in the campaign, "We couldn't have done this without...a whole lot of politically smart elected officials figuring out the steps needed to accomplish this."<sup>18</sup> Much of the strategic planning process occurred behind closed doors. According to McCloskey, "It was kept a little quiet because we didn't want to get the opposition built up...By the time other folks woke up and figured out what was going on, the thing was too far down the road and they couldn't stop it."<sup>19</sup> The closed-door nature of the strategic planning process prevented other interests from becoming actively engaged. As a result, there was little disagreement over the disposition of the lottery proceeds. Once the campaign became public, it was too late to suggest alternatives for the disposition of funds.<sup>20</sup>

Frank characterized the State Legislature's reception as a "mixed bag." Although there was strong support from some members, the overall reaction was cool. This reaction was demonstrated by the Legislature's unwillingness to comply with the Citizen's Committee requests to distribute lottery finds according to the lottery's original intent. Two actions taken by the Citizen's Committee were probably critical to eliminating the Legislature's vocal opposition. First, it was agreed that GOCO would receive a reduced level of funding in its first few years so that projects already funded through the Capital Development Committee would continue to be supported. Additionally, GOCO funds were capped with all excess money reverting to the Legislature.<sup>21</sup>

### ***Outside Assistance***

Since Colorado laws prohibit the use of state funds and personnel to support ballot initiatives, private money was sought. The Governor's role in soliciting these funds was critical. By the time the GOCO campaign went public, the list of supporters was well into the hundreds. It included private donors, corporate donors such as Coors, Anheuser-Busch, Gart Brothers and Eagle Claw, nonprofits including the Sierra Club, Audubon, The Nature Conservancy, The Conservation Fund, as well as other community clubs and organizations. Such broad-based support created an ample war chest. As McCloskey recalled, "By the time this thing got rolled out, there wasn't anybody who was anybody that wasn't signed on. That was the genius of the thing."<sup>22</sup>

*"By the time this thing got rolled out, there wasn't anybody who was anybody that wasn't signed on. That was the genius of the thing."*

*- Bruce McCloskey, Director,  
Division of Wildlife*

The Citizen's Committee also relied heavily on outside expertise. As McCloskey acknowledged, "We [the Division of Wildlife] can manage wildlife but we don't know diddly-squat about a three year project to amend the constitution. That's out of our

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<sup>‡</sup> In November 2004, Salazar was elected to serve as one of Colorado's representatives to the U.S. Senate.

bailiwick.”<sup>23</sup> Recognizing that a common message was essential and that advertising would be very expensive, the Citizen’s Committee hired a public relations firm to manage the advertising campaign. The Committee also benefited from the advice of area attorneys. These attorneys donated their time to craft the constitutional amendment, to anticipate the legal arguments, and to do the legal research necessary to ensure success.<sup>24</sup>

### ***The Public Campaign***

Although almost five years went into the entire process, the public campaign did not begin until about six months prior to the election. The campaign was focused and organized. Although the entire effort was composed of 300 to 400 volunteers, it was orchestrated by Citizens for Great Outdoors Colorado, a volunteer organization set-up to support the GOCO campaign. State employees dedicated thousands of hours to the campaign – all of it on weekends, at night, or on vacation time to ensure compliance with state law. There was a very detailed plan to obtain the necessary 70,000 signatures.

McCloskey likened it to a political election campaign. Volunteers were given specific directives, “This is your precinct, this is your county, and we are expecting you to get this many signatures.”<sup>25</sup> Television, billboard, radio, newspaper, and magazine ads were all used. Newspaper editorial boards provided strong support. Local debates and open houses were held to help educate the public.

*“We can manage wildlife but we don’t know diddly-squat about a three year project to amend the constitution. That’s out of our bailiwick.”*

*- Bruce McCloskey, Director,  
Division of Wildlife*

Coloradoans have demonstrated a tremendous level of support for outdoors and environmental initiatives and this history of support was instrumental in ensuring passage of the GOCO amendment. For instance, Colorado became the first and only state to reject the Olympics when citizens voted to oppose the 1976 Winter Games. For many, the issue was the environment -- damage that supposedly would be caused by spectators descending on the competition sites.<sup>26</sup> In fact, Colorado’s natural beauty played a key role in generating support for the amendment. As McCloskey stated, “When you think of Colorado, you think of mountains, scenery, and beauty. That’s why people live here. Everybody here cares about the environment and wildlife.”<sup>27</sup>

*“When you think of Colorado, you think of mountains, scenery, and beauty. That’s why people live here. Everybody here cares about the environment and wildlife.”*

*- Bruce McCloskey, Director,  
Division of Wildlife*

The division of funds across wildlife, recreation, open space and local government initiatives was very strategic and was done to ensure broad-based support. By uniting the interests of hunters, anglers, outdoor enthusiasts, conservation organizations, wildlife organizations and local governments, the net had been cast so broadly that there was simply no opposition left. Almost everyone in Colorado was assured of caring for at least one of these areas.<sup>28</sup> According to Frank, “It was something that everyone could feel good

about.”<sup>29</sup> Since the petition was worded such that citizens had to either support funding for all four sections or to oppose everything, support was very strong.<sup>30</sup>

The timing of the amendment was also important. The early 1990s was a period of exceptional growth in Colorado. One key message throughout the campaign was the need to prepare for the continued influx of people into the state.<sup>31</sup> Finally, the strength of Colorado’s leisure and hospitality industry may have also played an important role in generating public support. Tourism is the state’s third largest industry, providing 11.5 percent of the state’s employment (approximately 245,000 jobs in 2003).<sup>32</sup>

The opposition that did exist was primarily ideological. According to McCloskey there were anti-gambling forces that felt the state simply should not run a lottery. However, the Governor’s endorsement, coupled with an emphasis on the lottery’s voluntary nature and the lack of opposition funding, minimized this threat.<sup>33</sup> In the end, the measure passed with a 58 percent voter support.<sup>34</sup>

## **Program Administration**

GOCO receives 50 percent of the Colorado lottery proceeds, up to \$35 million per year, adjusted for inflation. If GOCO’s share exceeds that amount, the remainder goes to the state Public School Fund. The lottery is the GOCO fund’s sole source of funding.<sup>35</sup>

Grants are awarded by a 17-member board of directors. Board members are appointed by the Governor and are subject to confirmation by the Colorado State Senate. The Board structure is designed to provide representation to all parts of the state. Two board members are selected from each of Colorado’s seven congressional districts. No two members from one congressional district can be from the same political party. The remaining board members include the Executive Director of the Colorado Department of Natural Resources, a representative from the Colorado Board of Parks and Outdoor Recreation, and a representative from the Wildlife Commission. One member must represent agricultural interests and two must be from the Western Slope.<sup>§,36</sup>

The Colorado Constitution requires the GOCO Board to allocate funds to four areas “in substantially equal portions over time”:

- “Investments in the wildlife resources of Colorado through the Colorado Division of Wildlife,”
- “Investments in the outdoor recreation resources of Colorado through the Colorado Division of Parks and Recreation,”
- “Competitive grants... to identify, acquire, and manage open space and natural areas of statewide significance,” and

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<sup>§</sup> The Western Slope is the portion of Colorado west of the Continental Divide. It is a predominantly rural area.

- “Competitive matching grants to local governments... to acquire, develop, or manage open lands and parks.”<sup>37</sup>

Local governments, nonprofit land conservation organizations, the Colorado Division of Wildlife and Colorado State Parks are eligible to apply for competitive grants for open space and natural areas, however, matching funds are required.<sup>38</sup>

## **The State of Colorado**

**Size:** 104,094 square miles

**Population in 2000:** 4,301,261; 84.5% urban; 15.5% rural

**Population in 1990:** 3,294,394

**Population Change:** Up 30.6% 1990-2000; Up 14.0% 1980-1990

Colorado is predominantly an urban state. More than half of the state’s population lives in metropolitan Denver and four-fifths of the population lives in the urban strip paralleling the Rocky Mountain Front Range. Cycles of boom and bust – the historic gold rush of the late 1800s, the energy boom of the 1970s, and finally the telecommunications boom of the 1990s – have dominated Colorado’s economic history. As in previous economic cycles, the latest boom has brought many changes to the State of Colorado. The thriving telecommunications industry, coupled with the state’s physical environment, has attracted well-educated and highly-skilled newcomers from around the country. The state population grew by 30.6 percent in the 1990s. By 2000, Colorado ranked number one in high-tech workers per capita and third in venture capital financing per capita. The visible signs of this population surge are evident – in the revitalization of Downtown Denver, south Denver’s sprawling Tech Center, and in Douglas County’s fast growing subdivisions. In fact, Douglas County was the second fastest-growing American county in the 1990s.

This wave of growth has also changed Colorado’s politics, with state government becoming increasingly dominated by religious and family-oriented conservatives. Democrats continue to control the State House and Senate by narrow margins. However, the state currently has a Republican governor, and twice supported George W. Bush for president.<sup>39,40</sup>

Outdoor recreation in the State of Colorado is strong with 47 percent of Colorado residents participating in wildlife-related recreation in 2001. In that year, total expenditures on wildlife-related recreation totaled \$5,709,602.<sup>41</sup>

## **Challenges**

The GOCO fund application process is very intense and requires the Division of Wildlife to engage in a much higher level of coordination with external partners than was previously necessary. Although matching funds are not required for the Division to access “wildlife purpose” funds, the Division must coordinate extensively with other organizations to leverage GOCO funds. Various nongovernmental organizations help to

identify potential projects, secure matching funds, complete the funding application, and act as a co-applicant to the GOCO Board. Once applications have been submitted, the Division must continue to work with the GOCO Board to ensure legal compliance and to track expenditures. Both GOCO and the Division are subject to several audits throughout the year, resulting in the need to maintain extensive documentation. Although GOCO funds are exempt from legislative oversight and constraints, the Division is not. Thus, the Division annually reports the use of GOCO funds for information purposes to the Colorado Legislature.<sup>42</sup>

All of this coordination consumes Division resources. Currently, the Division of Wildlife dedicates 1.5 people to administration of the program. As McCloskey commented, “Its labor intensive, but it’s also about 12 to 15 percent of our budget. It leverages the State Wildlife Grant money, it is there forever, and we’ve become dependent on it.”<sup>43</sup>

## Reflections

When asked how he would advise another state agency interested in instituting a GOCO-like funding source, McCloskey has three recommendations. First, he suggests that agencies obtain broad-based support by reaching out to opposition and finding ways to create benefit for them as well. Second, he recommends that agencies seek to create a permanent funding mechanism. In McCloskey’s view, “Don’t do a bill. Put it in the constitution instead. It’s a fight, it’s a lot of work, but then you are done. You don’t have to do it every year.”<sup>44</sup> Finally, he suggests that agencies think strategically when planning the campaign.<sup>45</sup>

## Summary

Great Outdoors Colorado is a very successful program. It provides a significant level of funding for wildlife-related initiatives. Since its inception in 1992, GOCO has provided millions of dollars in funding for state wildlife projects, including recovery and habitat conservation efforts for species such as the boreal toad, Gunnison sage grouse, black-footed ferret, Colorado River cutthroat, Preble’s meadow jumping mouse, and lynx.<sup>46</sup> Additionally, the funding is secure and permanent. The Colorado state constitution dictates the overall funding levels, as well as the distribution of funds among wildlife, recreation, open space, and local government projects. The State Legislature has no power to allocate or control the use of the revenue. Further, the constitution does not allow the Legislature to reduce normal appropriations to the Division based upon the Division’s receipt of GOCO funds. The only way to modify the GOCO program would be through a second constitutional amendment to remove the lottery or change the distribution of funds.

The success of the GOCO program can be attributed to three key elements:

- **Broad-based support:** The distribution of funds was specifically designed to ensure broad-based support. By casting the net wide, opposition was essentially eliminated. Although this method of sharing the pie reduced each agency’s level of funding, it

assured passage of the amendment. According to Frank, “A slice of the pie is better than no pie at all.”<sup>47</sup>

- **Political support and strategic planning:** Clearly, political support and strategic planning were key elements of the amendment’s success. By relying on the support of individuals who were comfortable working within the political process, the Division greatly enhanced their chances of success. As Frank advised, “don’t be afraid of the political process – just put somebody out there [to do it] for you.”<sup>48</sup>
- **A strong fundraising and publicity campaign:** By compiling an extensive list of supporters, the campaign was able to generate significant private funds for publicity efforts as well as a strong volunteer base. The creation of the Blue Ribbon Panel was an important component of this process. This group of influential businessmen had been educated to the need for increased funding, had access to money, and numbered among the earliest and strongest of the amendment’s supporters.

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<sup>1</sup> Great Outdoors Colorado. “Purpose.” <http://www.goco.org/overview/purpose.html> (8 Nov. 2004).

<sup>2</sup> Larson, Rich. GOCO Liaison, Colorado Division of Wildlife. Personal interview. 9 Nov. 2004.

<sup>3</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>4</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>5</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>6</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>7</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>8</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>9</sup> Colorado Division of Wildlife. “About the DOW.” <http://wildlife.state.co.us/about/index.asp> (8 Nov. 2004).

<sup>10</sup> Larson, Rich. GOCO Liaison, Colorado Division of Wildlife. Personal interview. 9 Nov. 2004.

<sup>11</sup> Colorado Division of Wildlife. “About the DOW.” <http://wildlife.state.co.us/about/index.asp> (8 Nov. 2004).

<sup>12</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>13</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>14</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>15</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>16</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>17</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>18</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>19</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>20</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>21</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>22</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>23</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>24</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>25</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>26</sup> Sanko, John. “Colorado only state ever to turn down the Olympics.” *Denver Rocky Mountain News*. 12 October 1999. <http://www.denver-rmn.com/millennium/1012stone.shtml> (8 Nov. 2004).

<sup>27</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>28</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>29</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

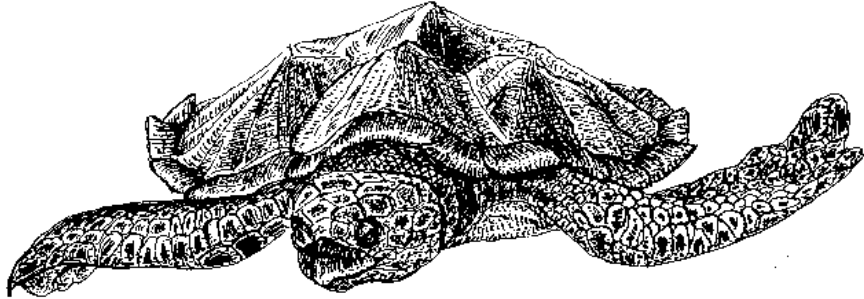
<sup>30</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

<sup>31</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.



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- <sup>32</sup> Colorado Office of State Planning and Budgeting. "Colorado Economic Perspective." 18 Dec. 2003. [http://www.state.co.us/gov\\_dir/govnr\\_dir/ospb](http://www.state.co.us/gov_dir/govnr_dir/ospb) (8 Nov. 2004).
- <sup>33</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.
- <sup>34</sup> Larson, Rich. GOCO Liaison, Colorado Division of Wildlife. Personal interview. 9 Nov. 2004.
- <sup>35</sup> Great Outdoors Colorado. "Purpose." <http://www.goco.org/overview/purpose.html> (8 Nov. 2004).
- <sup>36</sup> Great Outdoors Colorado. "Organization." <http://www.goco.org/overview/org.html> (8 Nov. 2004).
- <sup>37</sup> Great Outdoors Colorado. "Purpose." <http://www.goco.org/overview/purpose.html> (8 Nov. 2004).
- <sup>38</sup> Trust For Public Land. "Funding Profile: Colorado." <http://www.tpl.org/> (8 Nov. 2004).
- <sup>39</sup> Barone, Michael, and Richard E. Cohen. "Colorado State Profile." *Almanac of American Politics 2004*. National Journal, 2004. [http://nationaljournal.com/pubs/almanac/2004/states/co/co\\_profile.htm](http://nationaljournal.com/pubs/almanac/2004/states/co/co_profile.htm) (9 Nov. 2004).
- <sup>40</sup> CNN. "Election 2004." <http://www.cnn.com/ELECTION/2004/> (28 Jan. 2005).
- <sup>41</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (4 Oct. 2004).
- <sup>42</sup> Larson, Rich. GOCO Liaison, Colorado Division of Wildlife. Personal interview. 9 Nov. 2004.
- <sup>43</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.
- <sup>44</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.
- <sup>45</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.
- <sup>46</sup> Great Outdoors Colorado. "Achieving Results." <http://goco.org/overview/achieve.html> (9 Nov. 2004).
- <sup>47</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.
- <sup>48</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

**8**  
**STATE OF GEORGIA**  
***Nongame Wildlife Tags***



**G**eorgia currently has two Nongame Wildlife Tags, or license plates, that benefit wildlife diversity programs run by the Department of Natural Resources Wildlife Resources Division (Division). The Nongame Wildlife Tags (called license plates in many other states) were created when the Georgia General Assembly passed authorizing legislation in 1996. The first tag went on sale at the beginning of the 1997 tag cycle. Since then, there have been two different tags. The first tag, featuring a bobwhite quail in a longleaf pine habitat, generated \$13.6 million for the Division's wildlife diversity programs.<sup>1</sup> The second tag, released in December of 2003, features a bald eagle and an American flag. As of August of 2004 it had raised approximately \$4.5 million.<sup>2</sup> The wildlife tags have been one of the most popular choices of specialty tags for Georgia drivers. From soliciting help from non-traditional parties to involving the public in the tag's design, the story of Georgia's Nongame Wildlife Tags particularly exemplifies the utility of employing a creative strategy.

**Georgia Nongame Wildlife Tags**

Mechanism type:	Vehicle license plate
Implementation method:	Legislative bill
Implementation timeframe:	1 to 2 years

**Funding Need**

The Wildlife Resources Division began considering alternative ways to raise money for wildlife diversity programs when funds from the 1990 wildlife diversity income tax check-off began to decline as competing tax check-offs gave donors additional options. At the time, the Division received the majority of its game species funding from the sales of hunting and fishing licenses, and realized that with the decline in wildlife diversity tax check-off revenue, additional sources of funding would be necessary to continue wildlife diversity programs. This concern was made more urgent with the surprise failure of the Conservation and Reinvestment Act (CARA), which would have doubled federal funding

for state-level fish and wildlife management, and would have provided states with the resources necessary to manage all wildlife. Without this Federal Aid, the Division began thinking strategically.<sup>3</sup>

## **Campaign**

After deciding that an additional source of funding was necessary, the Division briefly considered advocating for 1/8<sup>th</sup>-cent sales tax increase, but abandoned the idea predicting that it was unlikely to get past the current speaker of the State House of Representatives. David Waller, then State Wildlife Director, was aware of the success Pennsylvania had implementing a wildlife tag program and decided to push for something similar in Georgia. In addition to the demonstrated success of this funding mechanism in another state, Waller felt comfortable that a tag program would have the support of the Governor and of the General Assembly.<sup>4</sup>

The decision to move forward with the tag funding mechanism meant that the Wildlife Resources Division had to wage two different campaigns to ensure the success of the tag program. The first was a campaign to pass the initiative in the state General Assembly and the second was a campaign to sell the tags to Georgia drivers. The Division had experience working with the General Assembly and Waller and other top Division staff had existing relationships with key committee members. A marketing campaign, on the other hand, posed a new challenge.

### ***Lobbying the General Assembly***

The Division's first attempt introducing a tag bill revealed that several other organizations had a similar idea. An existing bill was sitting before the General Assembly that included several specialty tags to benefit programs including veteran's organizations and firefighters. Under pressure from the bill's authors, Waller conceded to adding the Division's wildlife tag into the bill already under consideration, on the condition that if the bill did not pass, the Division could pull the wildlife tag out of the bill and run it alone. As Waller had predicted, the bill failed and the Division was able to mount a separate campaign for wildlife tags, absent the competition of other specialty tags vying for passage in the Assembly.

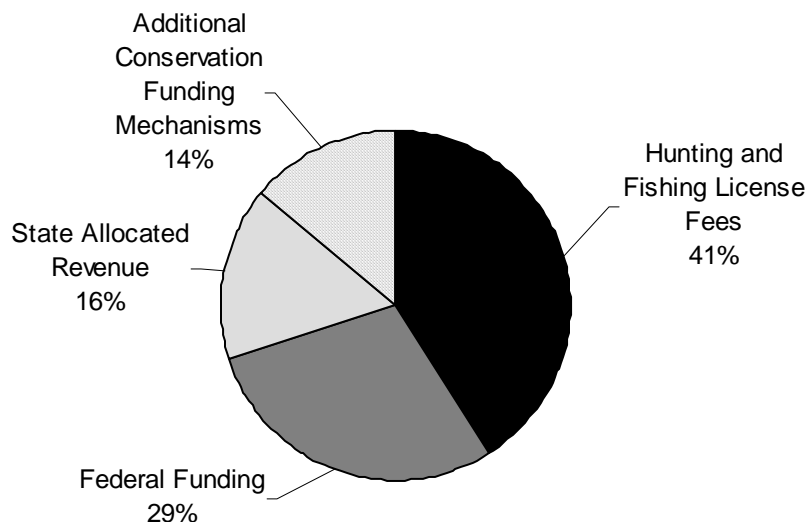
While there was never a formal plan to partner with other organizations in the effort to pass the wildlife license tags in the Assembly, conservation organizations were made aware of the Division's intentions and support was garnered by meeting with organizations one by one. According to Beth Brown, the Division's Director of Communications, it was easier to engage traditional hunting organizations, especially national organizations with local chapters because they tended to be better organized and more interested in wildlife issues than conservation groups focused on recreation. Several organizations, especially the Georgia Wildlife Federation, worked to influence the passage of the legislation by informing their members by publishing articles in their newsletters and magazines and working to lobby legislative members in the General Assembly.

## Georgia Wildlife Resources Division

The Georgia Department of Natural Resources, Wildlife Resources Division (Division) is responsible for the protection, conservation and management of Georgia's wildlife and freshwater fisheries. Duties of the Division include fisheries and game management, enforcing the laws, rules and regulations that pertain to wildlife diversity, boater safety, litter and waste control, the protection and conservation of wildlife diversity and natural heritage, as well as managing the allocation of hunting and fishing licenses, and boat registration.<sup>5</sup>

The tag program is managed by the Division's Nongame and Heritage Section and is its primary funding source. The revenue from tag sales goes into an interest bearing account rather than into the state's general fund, and is used exclusively for wildlife conservation, education and recreation programs for wildlife diversity and protected plant species managed by the Division. Currently, there are no additional state funds allocated for the Division's wildlife diversity programs.<sup>6</sup> Collectively, the tags, a wildlife diversity tax check-off, and the annual fundraising event, Weekend for Wildlife, account for 14 percent of the Wildlife Resources Division revenue ("Additional Conservation Funding Mechanisms" in Figure 6). Weekend for Wildlife is an upscale event held at Cloister Resort on Sea Island. The event is used to raise awareness among wealthy or high profile Georgians about wildlife diversity issues. The donors come to the resort for wildlife viewing excursions and wildlife education presentations. The event is attended by the Governor and the First Lady, who invite friends and campaign donors including lobbyists and other high profile Georgians. The event raises approximately \$400,000 a year for the Division of Wildlife Resources. The wildlife diversity tax check-off was created by legislative action in 1990 and at its peak yielded \$489,000. All revenue is earmarked for the Georgia Non-Game Wildlife Conservation and Wildlife Habitat Acquisition Fund, but the income has declined in recent years.<sup>7</sup>

**Figure 6: Wildlife Resources Division: Revenue Sources for FY 2003.** The Wildlife Resources Division's 2003 fiscal year expenditures were \$52.6 million dollars.<sup>8</sup>



Jerry McCollum of the Georgia Wildlife Federation, an organization with a substantial number of members that hunt and fish, explained that they got involved because the issue of funding wildlife diversity fell within the organization's purview, and they had a long history working for similar issues, "[We] have a grand history for getting involved in exactly this kind of thing...By and large, hunters love to see all kinds of wildlife when they're in the woods. There is no hunter who will not acknowledge the good feeling of seeing a rare non-game critter while they're in a deer stand."<sup>9</sup>

*"There is no hunter who will not acknowledge the good feeling of seeing a rare non-game critter while they're in a deer stand."*

*- Jerry McCollum, current employee, Georgia Wildlife Federation*

The Wildlife Resources Division worked to gain political support by building on an existing wildlife diversity fundraising mechanism. In 1996, the Division was able to use the existing "Weekend for Wildlife" to promote the tag legislation and the general need for wildlife diversity funding (see *Georgia Wildlife Resources Division text box for more information on "Weekend for Wildlife"*). The Division presented the tag legislation to donors in attendance in an effort to build support among an audience with an existing appreciation for wildlife. The Governor left the weekend supporting the Division's initiative and other new supporters helped to apply political pressure on the Assembly to pass the initiative.

The Division knew that legislative support was not guaranteed. Brown explained, "We find that when it's a hunting or fishing issue there are more people in the Assembly willing to step up, but there aren't many champions for non-game."<sup>10</sup> Because the tags would generate dedicated funding rather than contribute to the general fund, the Division was worried about some resistance. According to Waller, "We knew that if we got the bill through the [State] Senate we were good to go. It was getting it through the House that would be a challenge."<sup>11</sup> The Lieutenant Governor in the Senate was a dedicated birder and was aware of the need for wildlife diversity funding. With the Governor also in support of the idea, the Division focused its efforts on generating support in the House.

Waller attributed the eventual passage of the bill to excellent personal contacts and relationships he and other Division staff developed with the Motor Vehicle Committee members (the committee responsible for the bill). Division staff met with legislators in person and gave presentations on the initiative to both the House and the Senate. While the Division was not able to find any dedicated bird watchers to champion the bill in the House, they were able to obtain the general consent of the majority of members.

Despite the bill's eventual passage, there were obstacles encountered along the way. Near the end of debate on the bill, some members of the General Assembly became obstinate over a detail of the tag's design, which almost defeated the bill. The issue of debate centered around whether the county name should appear on the tag or not. According to Waller, "A key supportive Senator said 'think about this, here is a state agency coming in with a proposal to generate its own money to run programs and here

we are giving them a hard time about it. We should be supporting them.’ And that was the end of the discussion.”<sup>12</sup>

## **Program Administration**

Once the bill was through the Assembly, the Division of Wildlife Resources began its campaign to sell tags to Georgia drivers. In an effort to build on past successes, the Division talked with staff from the successful effort in Pennsylvania and with supporters of a previously successful Georgia Olympics tag for advice on how to market and sell tags.

## **Marketing Tags**

The state has released two different tags, one in 1997 and the second in 2003. For both tag editions, the Division commissioned artists to provide several different tag designs, including a hummingbird, a quail, a red fox, and a blue bird, and conducted surveys of which were the most popular tags. For the first tag, they set up displays of the tag designs in malls, at flower shows, and at county fairs, as well as in the county tag offices in an attempt to gauge the preferences of likely buyers from a varied demographics. When the votes were tallied, a tag featuring a quail in a long leaf pine habitat was the most popular and became the design for the first tag.

The Division repeated the strategy of surveying the public for the second tag, released in December 2003, but instead had people vote for their favorite designs online. Announcements were made in local newspapers and on the radio that new tag designs were being displayed on the Division’s website and encouraged people to cast their vote. The online survey also asked questions about gender, education and income level, who purchased tags in the household, whether the person hunted, if a wildlife tag was purchased from the previous cycle, and whether the person planned to purchase a new tag. The compiled data revealed, among other things, that men tended to be the primary tag purchasers and the majority of people, except females and those who were not hunters or anglers, preferred a design featuring a bald eagle and an American flag. Women and non-hunters preferred a design with a hummingbird. This marketing research proved valuable. According to Brown, “The basic marketing research we did allows us to look back now and think about introducing another tag with the hummingbird design we know women tended to prefer.”<sup>13</sup>

The Division conceded that both the quail tag and the bald eagle/flag tag were not traditional wildlife diversity designs. Though the quail is a game bird and the American flag has little to do with wildlife at all, the Division paid heed to public preference for the design on the belief that it was better to sell tags than to fail on principle. Instead, the Division emphasized that the first tag’s design featured a long leaf pine habitat that hosts many species, and that the eagle is a recovered, non-game species in Georgia. Both tags have been extremely successful in part because the tag’s design appealed to a broader audience than only those who might be inclined to support wildlife diversity. The quail tag caught the eye of hunters (though this tag caused some confusion about what the tag was benefiting later on) and the bald eagle tag stirred the sentiment of patriotic Georgians. Waller reflected, “There’s a lot of sentiment for the American flag right now

what with the current conflict, and the eagle is also a non-game species. Some people [in the Division] didn't like the idea of the flag, but I said, 'If the flag will get people to buy it, let's put it on there.' And it's worked."<sup>14</sup>

### ***Involving County Tag Offices***

According to Waller, the next and most important thing the Division did during the course of the marketing campaign was to meet with staff from county tag offices where people would be purchasing the Nongame Wildlife Tags. Waller asked a friend from the tag office in his county to get together some people from the two largest counties in the state to meet for lunch to get their ideas for selling tags. Waller explained, "During the meeting I said to them, 'We don't want this to be a burden on you; we want you to feel good about it. So you tell me what would work.' And they had all kinds of ideas."<sup>15</sup> One idea was to give one dollar of the \$15 selling price of the tag to the county. The county tag offices were thrilled at the prospect of getting a share of the money and had an incentive to sell the new tags. Counties continue to receive one dollar from the sales of the newest Nongame Wildlife Tag.

*"There's a lot of sentiment for the American flag right now what with the current conflict, and the eagle is also a non-game species. Some people [in the Division] didn't like the idea of the flag, but I said, 'If the flag will get people to buy it, let's put it on there.' And it's worked."*

*- David Waller, State Wildlife Director, Game and Fish Department*

Another idea generated during the lunch meeting was to hang giant posters of the wildlife tags in the county offices. Accordingly, six feet by four feet tag posters were made visible to people walking into the office, along with a page description of how the money would be used. T-shirts with a picture of the tag were also made for the county

*"We don't want this to be a burden on you; we want you to feel good about it. So you tell me what would work."*

*- David Waller, State Wildlife Director, Game and Fish Department*

staff, inspiring some offices to have "wildlife tag t-shirt Fridays" where everyone in the office wore the t-shirts. The involvement energized the offices and staff routinely asked people buying tags to consider purchasing the wildlife tags. For the second tag, Division staff personally visited all 159 offices to generate enthusiasm and started a "breakfast challenge," providing breakfast to the offices that sold the most tags.<sup>16</sup>

Media coverage of the program was also an important component of the campaign. Staff from the Division made appointments with the environmental journalists in Atlanta and sent news releases out across the state every Friday. "A lot of the smaller county newspapers would run anything we would send them because they were always looking for stories. That's a big way we got the message out to the rural parts of the state," Waller said.<sup>17</sup> For the bald eagle tag, the Division was able to use money generated from the first tag to launch an even more extensive media campaign, including radio advertisements and announcements at football games.

When tags first went on sale, the Division decided to give the lowest numbered tags to people who were helpful in the effort. The Governor and Lieutenant Governor received the first two tags and the chair of the Game and Fish Committee received the third tag. It turned out that this gesture of gratitude also worked to promote the tags. Everyone wanted to have a low numbered tag, which may have contributed to the early success of the program.

In addition to the extensive front-end marketing, the Division conducted follow-up research that improved their marketing strategy for the second tag. In 1998, a mail survey was conducted of Georgians who owned a motor vehicle with the original wildlife tag. Among the results, the survey found that the majority of respondents who purchased a wildlife tag were males living in urban areas, that half of the respondents were in their 40s, and that respondents were fairly evenly split between sportsmen and non-sportsmen. The marketing campaign developed for the second tag was heavily based on the results of this survey, leading to an eagle/flag tag rather than a humming bird design, and the decision to advertise at sporting events.<sup>18</sup>

### ***Advisory Council***

With the passage of the bill allowing for the Nongame Wildlife Tags, an advisory council was created to provide direction and recommendations for the program. The council is composed of several conservation organizations including the Sierra Club, the Georgia Conservancy, The Nature Conservancy, and the Georgia Wildlife Federation, as well as representatives from universities and local industries. The council meets once a year, primarily to advise the Division on how to best spend the money raised from the tag program. Waller explained, “We say, ‘We’ve got this pot of money and we want your input for how best to spend this money for the Non-Game Program.’”<sup>19</sup> The council provides credibility to the tag program, ensuring that funds are allocated efficiently, and effectively serves as approval from the community, especially from the conservation organizations.

The tag program has served to strengthen relationships between the Division and conservation organizations. Some of the funding generated by tag sales goes to a small grants program managed by the Division. Grants have been awarded to nature centers as well as state parks and advocacy organizations. Conservation and hunting organizations, to varying degrees, have been helpful in fending off legislative attacks on the program. In 2003, there was an effort in the Assembly to derail the funding by challenging the constitutionality of the initiative, resulting in pressure to shift the money to the general fund. With the assistance of the Georgia Wildlife Federation, the Division was able to keep the funding from the wildlife tags in a dedicated fund where money would only be used for the benefit of wildlife diversity.<sup>20</sup>

### **Challenges**

Dealing with the competition of other specialty tags will be the Division’s primary challenge in continuing to generate sufficient funding into the future. Competing tags are arising from both within the Department of Natural Resources and from outside organizations who are hoping to tap into, what for the Division has been a lucrative



funding stream. As more specialty tags come onto the market, the public is forced to choose to support one of many interests they may care about. As McCollum noted, “I think the success of the first tag absolutely guarantees that other people will be trying this fundraising method. Anytime you have a product that does well you get similar products that pop up.”<sup>21</sup>

After witnessing the popularity of the first quail Nongame Wildlife Tag, an additional tag program was created by the Assembly in 2001 to benefit the Bobwhite Quail Initiative. The money raised from the sale of these tags goes to the general fund and is then allocated for the conservation of bobwhite quail--a favorite, but declining game species among Georgia hunters. The initiative was inspired in part by some confusion that arose during the sale of the first wildlife tag, which also featured a bobwhite quail. Some buyers reported the expectation that funds from the first tag would directly benefit the quail rather than wildlife diversity.

*“I think the success of the first tag [license plate] absolutely guarantees that other people will be trying this fundraising method.”*

*- Jerry McCollum, current employee, Georgia Wildlife Federation*

Because the Bobwhite Quail Initiative is widely supported in the General Assembly, the Division cannot politically afford to ignore the tag, even though it competes with the Nongame Wildlife Tags. However, the bobwhite quail tag is not promoted to the extent of the Nongame Wildlife Tags; the bobwhite quail tag does not have posters hanging in the tag offices or t-shirt adorned county staff. The Division has also attempted to clarify what each of the tags benefit in its promotional material, as well as in the tag office. The design of the most recent bald eagle tag further broadens the distinction.

Conservation organizations have expressed interest in creating their own specialty tag as well. The Division works “behind the scenes” with these organizations, explaining the importance of the funding, and encouraging insistent groups to prominently display their logo on their tags, making the distinction between the tags clear. As a result, the Division has, by and large, effectively avoided competition from the conservation and hunting community, with the exception of Trout Unlimited, which released a tag despite opposition from the Division. McCollum said, “We [the Georgia Wildlife Federation] want the DNR to be the beneficiary of every tag no matter what, and do not want a bunch of other organizations with wildlife tags.”<sup>22</sup> Despite their best efforts to retain a monopoly on the tag market as a whole, the Division finds itself competing with a variety of other specialty tags outside of wildlife issues, from tags that benefit universities to garden clubs. In an effort to compensate for any decrease in funding, the Division raised the price of the Nongame Wildlife Tags from \$15 to \$20. According to Brown, the Division will be content with matching the funding generated by the tag. By August of 2004, 264,447 tags had been sold, which is on pace to exceed sales of the previous tag.<sup>23</sup>

## **Reflections**

In advising other states thinking of implementing wildlife tag program, Waller says it is most important to talk to the individuals who will be selling the tags, “The best thing

we did was give the tag offices a dollar. That gave them an incentive to sell the tags.”<sup>24</sup> Waller also emphasizes promoting the program state-wide, rather than only in heavily populated areas and listening to the ideas generated by others, “Following the tag office’s suggestions to hang ads on the walls of their office and giving low numbered tags to the Governor and Commissioners was surprisingly beneficial.”<sup>25</sup>

## **The State of Georgia**

**Size:** 59,425 square miles

**Population in 2000:** 8,186,453; 71.7% urban; 28.3% rural

**Population in 1990:** 6,478,216

**Population Change:** Up 26.4% 1990-2000; Up 18.6% 1980-1990

Georgia has been one of the great boom areas of America over the last dozen years--half of the nation’s top ten fastest growing counties between 2000 and 2003 were in Georgia. Georgia’s population grew by 26 percent in the 1990s, the sixth highest rate of population growth among states, the highest east of Colorado, and the highest rate of growth for Georgia since the end of the Civil War. About two thirds of the increase is attributed to an influx of new residents, rather than natural population growth.<sup>26</sup>

The demographic composition of the state is diverse. The state has more African Americans than any other state except New York and Texas, and is predicted to surpass them soon if present trends continue. The state has also has been attracting immigrants. Georgia’s Hispanic population rose by about 300,000 in the 1990s. Though historically a more rural state, Georgia is quickly becoming urban. In 2000, 71.7 percent of the population lived in urban areas.

Politically, Georgia has been considered to be a fairly strong Democratic state until recently. Bill Clinton carried Georgia in 1992 and lost it by a narrow margin in 1996. Throughout the 1990s all but one of Georgia’s congressional representatives were Democrats, and Governor Zell Miller (D) was elected for two terms. The trend changed in 2000 when George W. Bush carried Georgia by a solid 55 percent to 43 percent margin. Currently, Georgia has split representation in the U.S. House and the Senate, as well as in the General Assembly.<sup>27</sup>

Of the 32 percent of the population surveyed in 2001 by the U.S. Fish and Wildlife Service, 19 percent of Georgia’s population considered themselves sportspersons. In the same survey, 22 percent of the population engaged in wildlife watching activities.<sup>28</sup>

## **Summary**

The funding generated by the wildlife tag program exceeded the expectations of nearly everyone involved with the campaign. The Division took several key steps that set this funding mechanism apart from the other wildlife funding programs in the state:

- **Involving county tag offices:** Waller attributed asking for the suggestions of the county tag offices among the most important things the Division did. The idea to dedicate one dollar for every tag sold to the counties effectively provided an incentive to sell the wildlife tags. Involving the county offices in the marketing process and educating staff on the benefit of the funding, further energized the people who were responsible for the sale of the tags.
- **Involving the public in the design:** Waller credited much of the success of both tags to the design. The Division let go of biases of what a Nongame Wildlife Tag should like, and instead listened to what the public wanted to buy. The results were designs that, while not relating exclusively to wildlife diversity, appealed to a broad constituency. Waller suspected that many people who buy the tags do not know that the sales benefit wildlife. “It doesn’t matter that people don’t know where the money goes,” said Waller, “it’s a fundraiser, and it’s doing its job.”<sup>29</sup>
- **Developing a marketing campaign:** The Division recognized that to make money for wildlife from tag sales, they would have to be strategic in marketing the tags to consumers. The development of a detailed marketing plan that included identifying and targeting a market for tags and an advertising plan was essential for the successful sale of the tags.
- **Relationship building:** There was little support for an initiative that dedicated funding specifically for wildlife diversity in the General Assembly. The Division recognized this lack of support and worked to develop personal relationships with the Motor Vehicle Committee, as well as with other politically influential residents across the state. The Division was able to capitalize on the enthusiasm from the existing “Weekend for Wildlife” fundraising program, increasing awareness about the need to support wildlife diversity funding programs, and political pressure to support the initiative in the Assembly.

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<sup>1</sup> Georgia Department of Natural Resources. “Wildlife Resources Division Wildlife License Plate Marketing Campaign.” E-mail communication, Brown, Beth, Public Relations Program Manager, Georgia Department of Wildlife. 13 Oct. 2004.

<sup>2</sup> Brown, Beth. Public Relations Program Manager, Georgia Department of Wildlife. Personal interview. 11 Oct. 2004.

<sup>3</sup> Georgia Department of Natural Resources. “Just the Facts.” 2003.

<sup>4</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.

<sup>5</sup> Georgia Department of Natural Resources, Wildlife Resources Division. “Mission Statement, Sections, Duties, and Expenditures.” <http://www.gadnr.org/documents/vision.html> (26 Oct. 2004).

<sup>6</sup> Georgia Department of Natural Resources. “Wildlife Resources Division Wildlife License Plate Marketing Campaign.” E-mail communication, Brown, Beth, Public Relations Program Manager, Georgia Department of Wildlife. 13 Oct. 2004.

<sup>7</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.

<sup>8</sup> Georgia Department of Natural Resources. “Just the Facts.” 2003.

<sup>9</sup> McCollum, Jerry. Current employee, Georgia Wildlife Federation. Personal interview. 19 Nov. 2004.

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- <sup>10</sup> Brown, Beth. Public Relations Program Manager, Georgia Department of Wildlife. Personal interview. 11 Oct. 2004.
- <sup>11</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>12</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>13</sup> Brown, Beth. Public Relations Program Manager, Georgia Department of Wildlife. Personal interview. 11 Oct. 2004.
- <sup>14</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>15</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>16</sup> Brown, Beth. Public Relations Program Manager, Georgia Department of Wildlife. Personal interview. 11 Oct. 2004.
- <sup>17</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>18</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>19</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>20</sup> McCollum, Jerry. Current employee, Georgia Wildlife Federation. Personal interview. 19 Nov. 2004.
- <sup>21</sup> McCollum, Jerry. Current employee, Georgia Wildlife Federation. Personal interview. 19 Nov. 2004.
- <sup>22</sup> McCollum, Jerry. Current employee, Georgia Wildlife Federation. Personal interview. 19 Nov. 2004.
- <sup>23</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>24</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>25</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.
- <sup>26</sup> U.S. Census. "Georgia." <http://www.census.gov> (26 Oct. 2004).
- <sup>27</sup> Barone, Michael, and Richard E. Cohen. "Georgia State Profile." *Almanac of American Politics 2004*. National Journal, 2004. [http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/ga/ga\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/ga/ga_profile.htm) (26 Oct. 2004).
- <sup>28</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (28 Oct. 2004).
- <sup>29</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept. 2004.

# 9

## STATE OF GEORGIA

### *Mini-Case: Heritage Fund Amendment*



In 1998, the Georgia Wildlife Federation ran a public campaign in support of an amendment that would have raised millions of dollars for wildlife conservation through a tax on the state's real estate transfer fee. Known as the Heritage Fund Amendment, the General Assembly approved the amendment but the public defeated the ballot initiative by a narrow margin. Georgia's experience is typical of other states that have tried to pass a real estate transfer fee. The campaign was unsuccessful because of organized opposition from the real estate community, which has extensive networking and leveraging abilities. The last state to pass a real estate transfer fee was Florida in 1988, and the circumstances were unusual in that the real estate community didn't present an organized opposition. While a tax on real estate transfer fees could raise a significant dollar amount for wildlife conservation, many professionals (agency officials, nonprofit employees) see it as not worth the enormous resources that would be needed to address the opposition.

#### **Georgia Heritage Fund Amendment**

Mechanism type:	Real estate transfer fee
Implementation method:	Legislative bill
Implementation timeframe:	Did not pass

#### **Campaign**

The Heritage Fund Amendment would have increased the fee associated with the transfer of property deeds every time property was sold in the state. The Georgia Wildlife Federation (Federation) attempted to raise the fee by \$2 per thousand dollars

of the purchase price. At the time, Jerry McCollum, an employee of the Georgia Wildlife Federation, said that the real estate transfer fee was seen as easier to pass than an amendment to raise the general sales tax.

The money generated from raising the transfer fee would have gone directly into the Heritage Trust Fund (Fund), with a portion of the fee going to the counties for collecting the fee, and another portion to the State Department of Revenue for handling and transferring the fee to the Fund. The idea behind the Heritage Trust Fund was to create a permanent trust fund for land acquisition that would help to benefit wildlife and to acquire historic sites and recreation areas. The net revenue to the Fund would have been about 80 to 85 percent of the fee increase and the program would have generated from \$30 to \$35 million a year. The program and the Fund would have been managed by the Georgia Department of Natural Resources.

In accordance with state law, the General Assembly had to first pass the amendment in order for it to be placed on the state's general election ballot. The Georgia Wildlife Federation led a coalition of other conservation and environmental groups to support passage of the amendment. McCollum represented the Georgia Wildlife Federation and chaired the effort. He helped to raise over a million dollars with donations coming from many financial supporters, including the Turner Foundation.

Despite a strong campaign, the Georgia Association of Realtors and the Georgia Association of Homebuilders, as well as the Chamber of Commerce in Atlanta, staunchly opposed the amendment because they would be most directly impacted by the increase in fees. The Association of Realtors had the greatest influence in opposing the amendment because they had the use of yard signs to advertise their opposition. Realtors put "For Sale" signs on lawns everyday and it was easy for them to put up additional signs that said to "Vote no on doubling your property tax."<sup>1</sup> Even though the amendment would not have doubled the state's property tax, the message was simple and ubiquitous and ultimately helped eliminate public support for the amendment. Furthermore, in Atlanta and other urban areas in Georgia, several popular talk show hosts attacked the amendment and made false claims about what the amendment would do. For instance, Neil Bortz, an Atlanta talk show host, characterized the amendment as "doubling your property tax so they can build a bunch of ball fields."<sup>2</sup>

## **Summary**

While the General Assembly was able to pass the amendment, at the end of the public campaign, Georgians narrowly rejected the proposal by 53 percent.<sup>3</sup> The amendment passed overwhelming in the rural areas of Georgia, but not in Atlanta and other major cities, where radio talk show hosts and the Association of Realtors defeated it. Although it was a popular initiative, the organized opposition led by the Association of Realtors prohibited the Georgia Wildlife Federation and other supporters from getting an accurate message out to the public about the benefits of the Heritage Fund. Two key lessons can be learned from Georgia's case. They include

- **Identify organized opposition:** If the Georgia Wildlife Federation had known ahead of time where the likely opposition would come from, the coalition could have strategically planned ahead of time and raised money to combat the opposition's campaign. As McCollum said, "If we had \$3 or \$4 million, we might have passed it. That's the way the cookie crumbles."<sup>4</sup>
- **Actively counter misinterpretations:** The Association of Realtors successfully convinced many citizens that the amendment would double property taxes. Although false, the tactic was extremely influential. Actively countering these false claims would have helped to improve public support.

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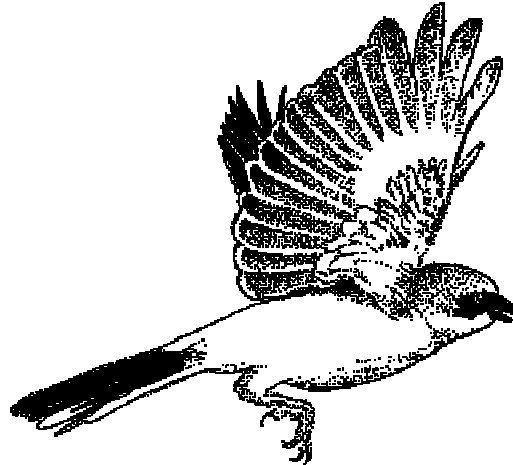
<sup>1</sup> McCollum, Jerry. Current employee, Georgia Wildlife Federation. Personal interview. 17 Nov. 2004.

<sup>2</sup> McCollum, Jerry. Current employee, Georgia Wildlife Federation. Personal Interview. 17 Nov. 2004.

<sup>3</sup> The Trust for Public Land. <http://www.tpl.org/> (20 Nov. 2004).

<sup>4</sup> McCollum, Jerry. Current employee, Georgia Wildlife Federation employee. Personal Interview. 17 Nov. 2004.

**10**  
**STATE OF MAINE**  
*Maine Outdoor Heritage Fund*



In 1995, the Maine State Legislature passed a law initiated by a voter petition creating the Maine Outdoor Heritage Fund (MOHF) to conserve wildlife and open spaces through the sale of instant lottery tickets. This case is an excellent example of how nonprofit organizations can successfully lead a campaign to generate additional funding for wildlife. The Sportsman’s Alliance of Maine and the Maine Audubon Society joined forces and created a mechanism to fund special projects that typically fell outside normal agency work. The groups led an extensive political and grassroots campaign to raise public awareness. There was so much public support that the Legislature passed the law without sending it to a vote. The lottery funds are dispersed through a competitive grants program, and agency, as well as conservation groups, may apply for money from the MOHF. Since the tickets went on sale in January 1996, over \$11.5 million has been raised for 400 projects.<sup>1</sup>

**Maine Outdoor Heritage Fund**

Mechanism type:	Lottery
Implementation method:	Legislative bill
Implementation timeframe:	1 year

**Funding Need**

By 1994, George Smith, Executive Director of the Sportsman’s Alliance of Maine, felt frustrated that there was not enough funding at the state level to conserve the outdoors for wildlife and people in Maine, “[Finding an alternative source of funding] grew out of frustration that we could not compete at the legislative level with education, health and human needs.”<sup>2</sup> Others in the conservation community, such as Sally Stockwell, Director of Conservation for the Maine Audubon Society, also felt this frustration. In recent years, members of the conservation community had been working with legislators to get more funding to the state’s natural resource agencies, but they had not been successful.<sup>3</sup>



Since the conservation community had not been successful in the Legislature, and most Maine citizens supported conservation but were not aware that conservation was so under funded, members of the conservation community, spearheaded by the Sportsman's Alliance of Maine and the Maine Audubon Society, decided to try to get money for conservation through a public referendum. It is important to note that the conservation community was not looking for more ongoing program funding for natural resource agencies; they were looking for funding that could be used by the agencies for projects outside their typical work and for funding to be used by other conservation groups to fund conservation projects throughout the state that were beyond what the agencies were likely to address.<sup>4</sup>

### **Maine Outdoor Heritage Fund**

The Maine Outdoor Heritage Fund (MOHF) is an additional lottery game that was integrated into the Maine lottery system. According to the law that established the Maine Outdoor Heritage Fund, "The fund is for the sole purpose of maintaining, improving and expanding state and local natural resource conservation programs and associated compatible public uses."<sup>5</sup>

The MOHF has its own unique lottery ticket, sold as \$1 instant lottery tickets, which can be sold anywhere lottery tickets are sold. Currently only half of the lottery vendors sell the \$1 MOHF game.<sup>6</sup> One can distinguish the MOHF ticket because it states on the ticket "Proceeds to Wildlife & Conservation," and the odds for the MOHF game are the same as other Maine State Lottery tickets.<sup>7</sup>

### **Campaign**

Before the conservation community launched their campaign, the Sportsman's Alliance of Maine (SAM), along with the Maine Audubon Society (Audubon), prepared a statewide survey to determine how the citizens thought the state should address the lack of funding for conservation projects.

This partnership between SAM and Audubon worked so well because they both focus on protecting Maine's environment, but they each appeal to different audiences. SAM is the largest group representing sportsmen and Maine Audubon is the largest group representing environmentalists, and they try to work together to further conservation issues in the state. They had worked well together in the past, so it was natural for the two to work together to lead this campaign.

The two groups work together well because they each have their own specialties that they bring to a campaign. SAM is a very strong political force in the state, whereas Audubon has excellent grassroots support in the state. Thus when the two groups join forces on a campaign, they are able to appeal to a wide audience and generate widespread support for an issue.<sup>8</sup>

### ***Generating Funding Ideas***

To generate funding ideas to present in this survey, Smith researched what mechanisms other states were using as sources of funding. In addition, using his political connections, Smith spoke with state political leadership, including the Governor's office and state legislators, about different ideas. The leadership indicated that going after a portion of the sales tax or state lottery, as had been done in other states, would not be politically feasible in Maine.

In order to come up with a politically feasible solution, he was advised that the new funding source should "fly under the radar" and not generate a large amount of money that legislators would want to reappropriate for their own causes. The Governor's Commissioner of Finance came up with an idea for a new instant lottery game, intended to generate \$1.5 million a year. The amount was small enough that legislators would not feel like this new funding source was affecting the state budget, but it was large enough to have an impact on conservation. Thus, this amount was determined politically and not based on any specific needs for conservation activities outlined by the conservation community.

Smith discussed this option with other political leaders and they all liked the idea. Many leaders had not liked the idea of dedicating a portion of the general lottery because that money went into the general fund and was an important part of balancing the state budget. The instant game idea, however, would not diminish money going into the general fund and would be easier to protect from being diverted by the Legislature. Additionally, creating a separate game would be an easier sell to the legislators and the public because the new game would be creating a new source of revenue and not detracting from existing sources.<sup>9</sup>

The state agencies that dealt with environmental issues were not closely involved in the process of choosing a mechanism, even though they would benefit from this new source of funds. Stockwell explained that the conservation community felt like it had already invested a lot of time and effort into getting more funding for the natural resource agencies and had been successful with a tax check-off and the loon license plate in the past. However, these new sources of funding did not provide adequate funds for the full array of projects the conservation community wanted to complete. So the community designed a funding program that would not just feed into the agency budget, but would create a separate source of funds to support new and expanded projects beyond what was currently being funded by the agencies.<sup>10</sup>

Once the instant lottery game was chosen as the best fundraising mechanism, Ken Elowe, Director of the Bureau of Fisheries and Wildlife and Conservation, expressed his concern over the way that the funds would be dispersed through a competitive grants process. He realized this method would be useful for special projects, but it would not help him build any new programs because it would be a competitive grants program and not a consistent source of money. Even though he had some concerns over the mechanism, he still supported the idea because it would bring in new funds for conservation activities in the state, even if not directly to his department.<sup>11</sup>

Although Smith already had an idea that would have political and agency support, he realized the need to have the support of the public. This public support was critical because broad-based support would be necessary for a referendum. The public opinion survey asked questions about what type of mechanism should be used to generate funding, including the instant lottery game and other mechanisms used in other states, as well as where the money should go and how it should be spent. The results were clear—over 50 percent of respondents preferred the instant lottery above all the other choices presented. As Smith expressed, “If we had to go to a referendum, we built it [the MOHF] in a way that we already knew it had sufficient support.”<sup>12</sup> Now with public support combined with political support, the conservation community could begin to craft a campaign.

*“If we had to go to a referendum, we built it [the MOHF] in a way that we already knew it had sufficient support.”*

*- George Smith, Executive Director, Sportsman’s Alliance of Maine*

### ***Building Support for Instant Lottery***

Once the conservation community decided the new instant lottery was the best way to raise funds, they needed to gather political and grassroots support. In line with their expertise, SAM focused on the political support and Audubon focused on the grassroots support.

### ***Political Support***

In order to build political support for this campaign, SAM relied on their extensive political connections. SAM is a very politically active organization in the state; they have a political action committee and they endorse candidates for office. Due to SAM’s political strength in the state, most candidates want an endorsement from SAM to help their campaigns.

SAM used two main strategies to gain political support. One strategy they used was to place the issue on their survey used to evaluate candidates. This placement not only spread the message about the new funding source, but it indicated to candidates that this issue was an important issue for SAM. Therefore many candidates supported the issue in order to get an endorsement from SAM.

Another strategy SAM used to gain political support was through relationships with the Governor. SAM and the Governor had close ties; SAM had endorsed the Governor when he ran for office and Smith had worked on the Governor’s campaign. In addition, Smith was a personal friend of the Governor. Smith explained that getting the Governor’s support was not easy because the Governor hated gambling, “He [the Governor] would have abolished the Maine lottery if he didn’t need the money.”<sup>13</sup> Nevertheless, using his personal connections, Smith was able to obtain the support of the Governor for this campaign, which Smith believed was critical to the success of the campaign.<sup>14</sup>

### ***Grassroots Support***

In order to build grassroots support for the campaign, Audubon relied on their extensive network of volunteers and affiliated organizations to gather signatures. They even hired a part-time coordinator for this effort, funded through private foundation grants.

The campaign to gather all the necessary signatures took almost six months. Audubon worked with over 100 volunteers throughout the state to gather signatures. The volunteers obtained the majority of the signatures at the polls one year before the issue would be on the ballot. They obtained the remaining signatures required at public locations, such as shopping malls and popular public events.<sup>15</sup>

Due to the strong support of conservation in the state, the volunteers only had to explain to the public about the lack of funding for conservation, and then most citizens supported the issue,<sup>16</sup> because the State of Maine has a long history of support for conservation measures. This support derives from the state's economy, which is dependent on its natural resource base, including tourism, fishing and hunting, and timber.<sup>17</sup> Not only is conservation important for its effect on the economy, but many citizens in Maine have an outdoors lifestyle and participate in many activities that depend on a healthy environment.<sup>18</sup>

### ***Passing the Law***

With all the necessary signatures gathered, the conservation community waited for the Legislature to place the measure on the ballot, which is the next step of a citizen initiated referendum after gathering the required signatures. During the months between submitting the signatures for approval and discussion of the issue in the Legislature, both SAM and Audubon lobbied the Legislature to support this issue and encouraged citizens to contact the Legislature. As a result, citizens from all over the state called and wrote letters to their representatives.

The Legislature did not place the issue on the ballot. Instead, for the second time in history, the Legislature passed the law on its own, without sending it to a vote. The Legislature took this historic step because they knew there was such widespread support for the issue that there was no reason to send the issue to a vote.<sup>19,20</sup>

### ***Opposition***

There was very little opposition to this new source of funding, and the minimal opposition that existed can be divided into two categories: effects on the general fund, and ideological opposition to gambling. One of the initial concerns about the new funding mechanism was how this new instant lottery would affect revenues going into the general fund. This was an easy problem to address since those proposing the instant lottery had analyzed this data and shown that the new lottery would not significantly affect the money going to the general fund. Once those in opposition were shown the data, they supported this new lottery.<sup>21</sup>

The ideological opposition was much harder to address. There were some groups, often religious groups, who did not approve of gambling and they did not approve of this

new funding mechanism, which was based on gambling. There were also some state legislators who also did not approve of gambling. To address this concern, the coalition treated this new mechanism just as another issue on which to lobby and demonstrated how this program would be beneficial to the state and that the benefits from the program outweighed the ideological concerns.<sup>22</sup>

Stockwell noted however that the conservation community did not have to deal with this opposition very much because it never went to a vote. She felt that if the Legislature had sent the issue to a vote, the community would have had to deal with this opposition, since there was a greater chance the opposition would have organized in the event of a referendum.<sup>23</sup> Those that were opposed did not organize and the issue never went to a public vote, so the opposition's impact on the campaign was minimal.

## **Program Administration**

The Maine Outdoor Heritage Fund is overseen by a seven member Board of Directors (Board) appointed by the Governor. There are three permanent members: the Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife, and the Coordinator of the Natural Areas Program. The four other members are citizen members, appointed by the Governor in staggered terms: one from a state sportsman's organization, one from a state wildlife conservation organization, one working in a field related to natural resources, and one with no designated affiliation.<sup>24</sup>

The money generated from the MOHF tickets is dedicated solely to this fund by law and can not be used for other purposes. The money is distributed by the Board twice a year to projects in four categories that promote recreation as well as conservation of Maine's special places, endangered species, and important fish and wildlife habitat.

MOHF awards grants to any one of the 16 designated state natural resource agencies for special projects, not ongoing programs. The law states that natural resource agencies may contract with nongovernmental organizations and individuals for the purpose of carrying out projects funded by the Fund. Applications are submitted under one of four different funding categories, with funds expended according to the designated percentages as required by the Heritage Fund law: fisheries and wildlife enhancement (35 percent), public land acquisition (35 percent), endangered species protection (15 percent) and natural resources law enforcement (15 percent). Applications are scored by the MOHF staff based on how well they meet the Heritage Fund's Guiding Principles,<sup>25</sup> and by individual Board members. Then at the biannual board meetings, applications are discussed and approved by the highest combination of score and Board votes.<sup>26</sup>

Each year, MOHF awards approximately \$1.5 million to a broad range of conservation initiatives that directly benefit Maine's outdoor heritage. For example, in the past year, MOHF awarded a \$10,000 grant sponsored by the Maine Department of Marine Resources, with partners Damariscotta River Association, Maine Rivers, Damariscotta Lake Watershed Association, Towns of Nobleboro and Newcastle, and National Park Service, to restore the degraded stream and viewing area around the state's most accessible large alewife run and to create educational resources for visitors to the site. It also awarded an \$18,000 grant sponsored by the Maine Department of Inland

Fisheries and Wildlife, with partner Kennebec Land Trust, to fund the acquisition of an 18-acre parcel connecting two existing parts of the Jamies Pond Wildlife Management Area. MOHF also awards grants for law enforcement and in this past year a \$6,375 grant was awarded to the Maine Department of Conservation, with partner Town of Newport, to purchase an ATV for patrolling Newport's multi-use trail system and also to create an educational brochure on safe trail usage.<sup>27</sup>

## **Challenges**

The campaign for the MOHF ran smoothly and did not encounter any major problems and the law passed easily in the Legislature. However, the administration of the program has faced a number of challenges; many of them not anticipated when the Fund was envisioned.

### ***Decreasing Funds***

One of the major challenges of the Fund is that the MOHF suffered from a decrease in funding in the past few years. Initially the program generated \$1.5 million a year, but that has decreased to \$750,000 in the recent past.

Stockwell attributed some of this decline in funding to the fact that this new lottery game did not attract a new group of lottery players, as the program had intended. When setting up the program, the conservation community had hoped MOHF would bring in a new group of people to play the lottery as another way to support conservation. However, this does not appear to be the case and the initial success of the program may be attributed to lottery players just trying the newest game on the market. Since MOHF is only allowed to issue two or three new tickets each year, the MOHF tickets become "stale" very quickly. Therefore, once something newer comes on the market, these lottery players stop purchasing the MOHF tickets, resulting in a decrease in revenue.<sup>28</sup>

### ***Lottery Commission***

Elowe attributed some of this decline to conflicts with the Lottery Commission, the agency that oversees the MOHF tickets, "This is the orphan child of the Lottery Commission...they perceive it as diminishing their own revenues that go in the state general fund."<sup>29</sup> The Lottery Commission has a budget set by the Legislature and they are responsible for raising a certain amount of money for the general fund. To meet its goals, the Lottery Commission wants to support lotteries that generate funds for the general fund and the MOHF tickets do not. Elowe claimed that the Lottery Commission believes the MOHF is competing with the other lottery tickets and thus less money is going into the general fund when people are purchasing the MOHF tickets. Therefore the Lottery Commission is not spending much money to promote or advertise the MOHF tickets.<sup>30</sup>

*"This is the orphan child of the Lottery Commission...they perceive it as diminishing their own revenues that go in the state general fund."*

*- Ken Elowe, Director,  
Department of Inland Fisheries  
and Wildlife*

Similarly, the Lottery Commission is limiting the types of MOHF tickets available. When the MOHF tickets were created eight years ago, all of the instant games were \$1 tickets, so the MOHF tickets were also \$1 tickets. Since then, not only has the number of instant games doubled and thus increased competition for the MOHF tickets, there are more expensive tickets available, including the popular Powerball game, which sell better than the \$1 instant games. The Lottery Commission will not allow the MOHF to increase the value of its ticket because, once again, the ticket would be competing with the other lotteries for general fund money.<sup>31</sup>

The conservation community recognizes the decreasing funding and is working on a number of ways to work with the Lottery Commission and increase the funding to the program. One way the MOHF Board is working to increase the funding is to increase the amount of advertising for the program. When the program began, the Lottery Commission and its advertising firm informed the MOHF Board that only the Commission and its advertising firm could advertise for the instant lottery games. Triggered by the growing frustration over the decreasing funding, the MOHF Board researched this claim and discovered it was not accurate. Now the MOHF Board is advertising for their instant lottery ticket.<sup>32</sup>

Another way the decreasing funding is being addressed is, in the 2004 legislative session, a new law was passed to increase the percentage of revenue that ticket agents receive when they sell the MOHF tickets. The conservation community is hoping that more establishments will sell the MOHF tickets because there is an increased incentive. The conservation community would also like to pass a law that would require agents to sell the MOHF tickets, since currently, agents are able to choose which tickets they sell. However this idea is controversial in the state and they know it will not pass this year.<sup>33</sup>

### ***MOHF Board of Directors***

Another challenge encountered in administration of the MOHF is the conflict of interest between the Board Members and the applicants for funds. The organizations represented on the Board are often the same that apply for funding, including agencies and nonprofits. This creates potential, or at least perceived, conflicts of interest that the Board has tried to resolve with a few different policies. While these policies have helped minimize apparent conflicts, the problem is based on the composition of the Board and not its operating policies.<sup>34</sup>

The composition of the Board presents additional challenges for the natural resource agencies. Some agency staff feel frustrated when their proposals are not funded. There appears to be a disconnect between the MOHF Board and the agency staff. There is a perception in the agencies that the money in the Fund should go to agency priorities. However, the MOHF Board is composed partially of people from outside the agency, and some projects that are not agency priorities, but Board Member priorities, get funded. Since agency staff sponsor and work on all the projects, the agency staff feel frustrated that outside parties appear to be setting the priorities for the agency.<sup>35</sup>

### ***Categorization of Funds***

Finally, one last challenge with the MOHF is that the Board Members are very restricted in the way they are allowed to allocate money. As discussed above, the law requires the money to be spent in the four categories according to the proportions indicated. If, for example, in one application round there are no applications for one category, but too many for another category, the Board is not allowed to shift money between categories.

This categorization of the distribution of funds was intentional when it was established and it was the result of negotiation between SAM and Maine Audubon. Each group had different conservation priorities and each wanted some of the money from the Fund to support their respective priorities, so they negotiated between themselves how the money would be spent. Thus, the Fund was intentionally set up this way, but this challenge was not anticipated.<sup>36</sup>

All of the challenges with the Board of Directors and the categorization of the funding are not able to be fixed without changing the law that set up the Fund. Although members of the conservation community recognize these challenges with the Fund, they are hesitant to bring the law before the Legislature at this time for fear that the Legislature will eliminate the dedicated funds and use the money for other purposes, due to the state's budget shortfalls.<sup>37</sup>

### ***Diversion of Funds***

Although the Fund is dedicated money, occasionally the Fund has to be defended from being diverted by legislative attempts to pass a law that would move the money to another use. However, there has never been a real threat to the program from the Legislature because there is still broad-based public support for the program.

In order to sustain public support for the program, the MOHF Board does an excellent job publicizing the projects sponsored by the Fund. The Board hired a media consultant, paid from MOHF funds, to handle media and press coverage. The consultant writes press releases on projects for local newspapers, prepares information for legislators about projects funded in each legislator's district, and creates advertisements for TV. In addition, MOHF has a contract with a television production company, URSUS Productions, that includes TV segments on MOHF funded projects and advertisements for the program and the lottery ticket. These segments and advertisements are seen on commercial, public, and cable stations throughout the state.<sup>38</sup>

In addition to maintaining public support for the program, the conservation community is taking steps to continually expand the number of vendors that carry the MOHF tickets. Currently, they are conducting an outreach program to encourage major chains to carry the tickets. The initial phase of the outreach program has been very successful and the community is working to continue to expand the locations.<sup>39</sup>



## **The State of Maine**

**Size:** 35,385 square miles

**Population in 2000:** 1,274,923; 40.2% urban; 59.8% rural

**Population in 1990:** 1,227,928

**Population Change:** Up 3.8% 1990-2000; Up 9.2% 1980-1990

Maine was not heavily settled until the mid 1800s, grew quickly and then stopped (its population did not top 1 million until the 1970s). Maine's economy was based on papermaking, timber, fishing, shoe factories, and chicken processing. With the rise of the high tech industry in the 1980s and 1990s, Maine began to boom with its "back-to-nature Yankee style" symbolized by the L.L. Bean headquarters, and the economy transformed into a tourist economy. As the economy in the state has changed, citizens have become more concerned to balance economic growth and environmental protection. It has become home to many environmentally-conscious consumers for such items as natural toothpaste, organic baby food, and canvas bags rather than paper or plastic at the supermarket. In addition, it was the first state to ban the juice box as insufficiently biodegradable and it recycles liquor bottles. However much of this transformation seems only to be taking place on the coasts—interior Maine is still declining.

Politically Maine is not easily pinned down as Democratic or Republican. The citizens like to vote for the person, not the party, and splitting the ticket is common. In the 2000 Presidential election, Al Gore won with 49 percent of the vote over Bush's 44 percent. That same year, the Republican U.S. Senator won handily with 69 percent of the vote while both U.S. House seats were won easily by Democrats with 66 percent of the vote.<sup>40</sup> In the 2004 Presidential election, Kerry won with 54 percent of the vote over Bush's 45 percent. The citizens reelected their two Democratic U.S. House seats.<sup>41</sup> The state still has two Republican U.S. Senators. However at the state level, Democrats are in control. The Governor is Democratic and the State House has 80 Democrats, 67 Republicans, and one Independent. The State Senate is barely controlled by Democrats with 18 Democrats and 17 Republicans.<sup>42</sup>

Support for outdoor recreation is average, with 52 percent of state residents participating in wildlife related recreational activities in 2001. In that year, total wildlife related expenses exceeded \$1 billion.<sup>43</sup>

## **Reflections**

Many of the challenges faced by the Fund today can be avoided by other states through structuring the program slightly differently than the MOHF. One consideration would be to allow for flexibility in the type of lottery game to avoid the challenge MOHF faces by being limited to a \$1 ticket. Another would be to not set funding categories by law, which limits how flexible the Board can be in awarding funds to worthy projects. To avoid the inherent conflicts in the Board, another state could try another composition of the board of directors, such as all citizen members. Finally, to avoid all the challenges

with the Lottery Commission, either forge a better relationship with the Lottery Commission, or have strategies in place to deal with potential conflicts.<sup>44,45</sup>

In addition to making some minor programmatic changes mentioned above, Smith emphasizes the need to continually build political and public support for the program, even once it is in place. Another important element is being knowledgeable about the economic status of the state. Due to the financial strain in Maine recently, passing the program today might not have been successful.<sup>46</sup> Even though the program currently does have support, both SAM and Audubon are nervous about trying to fix some of the challenges of the program because they are worried that the Legislature might get rid of the dedicated funding and use the money elsewhere.<sup>47,48</sup>

## Summary

The Maine Outdoor Heritage Fund is successful as a competitive grant program to fund a variety of conservation activities in the state. The founders of the MOHF consider the program a success because it has provided money for conservation programs that otherwise would not have received funding. As Smith stated, “It’s a big success [because] it’s oriented towards projects that normally wouldn’t be funded or are struggling to find funding.”<sup>49</sup> In addition, one of the biggest benefits of the program has been to encourage partnerships between natural resource agencies, the University, and other conservation organizations across the state, such that they are able to accomplish much more than could be done individually. These partnerships are a direct result of the Fund’s guidelines that state the Fund will give preference to those projects with multiple partnerships and to projects with matching funds from a variety of sources.<sup>50</sup> Although there have been some challenges in the administration of the program, these do not detract from the value it brings to the State of Maine.

*“It’s a big success [because] it’s oriented towards projects that normally wouldn’t be funded or are struggling to find funding.”*

*- George Smith, Executive Director, Sportsman’s Alliance of Maine*

However, to some, the MOHF is not a good example of a program that provides a consistent, stable source of funding for conservation. As Elowe stated, “As a competitive grant program on a limited scale, I would say it is a success. As a funding mechanism for comprehensive wildlife management, it’s not a success.”<sup>51</sup> From an agency point of view, the highest and best use of this program is as special project funding. However, the Fund does not allow for natural resource agencies to build a new program.<sup>52</sup>

Four key features that enabled the success of the program:

- **Grassroots support:** The outpouring of grassroots support was the result of the hard work and of the collaboration between Maine Audubon and SAM. The perceived broad citizen support was what led the Legislature to pass the law without sending it to a referendum.

- **Collaboration between two influential nonprofits:** Another important factor that led to the broad support of the MOHF was having the two largest and most influential conservation groups in the state work together on an issue. The citizens realized that if these two groups with different perspectives, SAM's hunting and fishing focus and Audubon's wildlife watching focus, could work together on something, then it must be an important issue. Elowe believed that if only one of the organizations worked on the issue and put in twice the effort, the program still would not have done as well.<sup>53</sup>
- **Support of the Governor:** The Governor's support was significant to this campaign because it was well known that the Governor was opposed to gambling, so supporting this program meant it was important.
- **Support of the Legislature:** Through the lobbying efforts of the conservation community, the legislators understood the agencies' funding problem and were sympathetic to this problem and willing to work on a solution. The proposed solution was amenable to the Legislature because it was presented as additional revenue for the state that would not divert a significant portion of incoming revenue, and these aspects of the mechanism appealed to the legislators' interests. Additionally, the legislators recognized how important the issue was because two very powerful organizations in the state were working together.<sup>54</sup> All of these factors together were critical for gaining the support of the Legislature.

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<sup>1</sup> Maine Department of Inland Fisheries and Wildlife. "Maine Outdoor Heritage Fund." <http://www.state.me.us/ifw/outdoorheritage/> (25 Oct. 2004).

<sup>2</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>3</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.

<sup>4</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.

<sup>5</sup> Maine Department of Inland Fisheries and Wildlife. "Maine Outdoor Heritage Fund." <http://www.state.me.us/ifw/outdoorheritage/> (25 Oct. 2004).

<sup>6</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>7</sup> Maine Department of Inland Fisheries and Wildlife. "Maine Outdoor Heritage Fund." <http://www.state.me.us/ifw/outdoorheritage/> (25 Oct. 2004).

<sup>8</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>9</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>10</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.

<sup>11</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.

<sup>12</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>13</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>14</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>15</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.

<sup>16</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.

<sup>17</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.

<sup>18</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>19</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.

<sup>20</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>21</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.

<sup>22</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

<sup>23</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.

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- <sup>24</sup> Maine Department of Inland Fisheries and Wildlife. "Maine Outdoor Heritage Fund." <http://www.state.me.us/ifw/outdoorheritage/> (25 Oct. 2004).
- <sup>25</sup> Maine Department of Inland Fisheries and Wildlife. "Maine Outdoor Heritage Fund." <http://www.state.me.us/ifw/outdoorheritage/> (25 Oct. 2004).
- <sup>26</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.
- <sup>27</sup> Maine Department of Inland Fisheries and Wildlife. "Maine Outdoor Heritage Fund." <http://www.state.me.us/ifw/outdoorheritage/> (27 Dec. 2004).
- <sup>28</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>29</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.
- <sup>30</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.
- <sup>31</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>32</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal communication. 21 Jan. 2005.
- <sup>33</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.
- <sup>34</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>35</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.
- <sup>36</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>37</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>38</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal communication. 20 Jan. 2005.
- <sup>39</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>40</sup> Barone, Michael, and Richard E. Cohen. "Maine State Profile." *Almanac of American Politics 2004*. National Journal, 2004. [http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/me/me\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/me/me_profile.htm) (27 Jan. 2005).
- <sup>41</sup> CNN. "Maine Election Results." <http://www.cnn.com/ELECTION/2004/pages/results/states/ME/> (27 Jan. 2005).
- <sup>42</sup> Barone, Michael, and Richard E. Cohen. "Maine State Profile." *Almanac of American Politics 2004*. National Journal, 2004. [http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/me/me\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/me/me_profile.htm) (27 Jan. 2005).
- <sup>43</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (27 Jan. 2005).
- <sup>44</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.
- <sup>45</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>46</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.
- <sup>47</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal interview. 1 Nov. 2004.
- <sup>48</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.
- <sup>49</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.
- <sup>50</sup> Stockwell, Sally. Director of Conservation, Maine Audubon Society. Personal communication. 27 Jan. 2005.
- <sup>51</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.
- <sup>52</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.
- <sup>53</sup> Elowe, Ken. Director, Department of Inland Fisheries and Wildlife. Personal interview. 29 Sept. 2004.
- <sup>54</sup> Smith, George. Executive Director, Sportsman's Alliance of Maine. Personal interview. 27 Oct. 2004.

**11**  
**STATE OF MINNESOTA**  
*Nongame Wildlife Checkoff Fund*



In 1980, Minnesotans were given the opportunity to contribute money to a new non-game wildlife check-off on state income and property tax forms. Since that time, over 2.6 million Minnesotans have donated approximately \$22 million to the Nongame Wildlife Tax Checkoff Fund (Fund). For the 2002-2003 biennium, contributions totaled over \$2 million. One hundred percent of this revenue is allocated to the Minnesota Department of Natural Resources (DNR) Nongame Program (Program).<sup>1</sup> Although thirty-five states included a wildlife diversity check-off on their 2002 individual income tax forms, Minnesota's Nongame Wildlife Tax Checkoff Fund has the highest participation rate in the United States.<sup>2</sup>

Minnesota's ability to successfully sustain its wildlife check-off largely results from the high level of positive publicity associated with the Nongame Program and the Nongame Wildlife Checkoff Fund.

**Minnesota Nongame Wildlife  
Checkoff Fund**

Mechanism type:	Tax check-off
Implementation method:	Legislative bill
Implementation timeframe:	1 legislative session

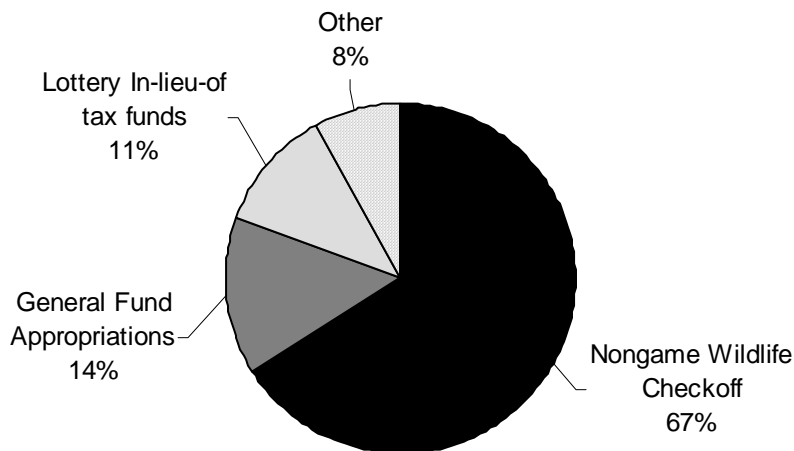
**Funding Need**

Carrol Henderson, the Nongame Program Supervisor, was hired in 1977 to initiate the DNR's Nongame Wildlife Program. For the first several years, Henderson was the Nongame Program's only staff and he relied extensively on outside organizations to pursue the Program's conservation objectives. Without significant funding, the Nongame Program was limited to providing coordination for the various NGOs working within Minnesota. Due to the limited funding, the Nongame Program was unable to directly participate in or finance conservation activities. To have a broader impact on wildlife conservation efforts within the state, additional funding would be required.<sup>3</sup>

## Minnesota Department of Natural Resources

The Minnesota Department of Natural Resources (DNR) works to “balance development needs with the need to protect natural resource values; preserve unique, threatened, and endangered resources; preserve unique cultural, historical, and archaeological resources; improve and restore degraded environments, and mitigate environmental losses; and integrate all natural resource concerns and perspectives in decision-making processes.”<sup>4</sup> DNR’s Nongame Program was established in 1977. The Program’s mission is to “protect, maintain, enhance, and restore native non-game wildlife their intrinsic values, ecosystem functions, and long term benefits.”<sup>5</sup> DNR’s Nongame Program receives approximately \$1.6 million per year. Almost 70 percent of this funding is provided through Minnesota’s Nongame Wildlife Checkoff Fund.<sup>6</sup>

**Figure 7: Minnesota Department of Natural Resources, Nongame Program: Revenue Sources.** DNR’s Nongame Program receives approximately \$1.6 million per year. Almost 70 percent of this funding is provided through Minnesota’s Nongame Wildlife Checkoff Fund.<sup>7</sup>



## Campaign

The Minnesota Nongame Wildlife Checkoff Fund was an unexpected gift to the DNR’s Nongame Program. Then Minnesota State Senator Collin Peterson wrote it into the state budget,<sup>\*</sup> with no input or involvement from the DNR. Senator Peterson, an “avid sportsman and conservationist,”<sup>8</sup> was inspired by an article in a local paper describing Colorado’s new wildlife check-off program.<sup>†</sup> The Senator saw the check-off as a voluntary program that provided a low maintenance way of generating revenue for wildlife conservation. As chance would have it, a member of the Senator’s staff had

<sup>\*</sup> Collin Peterson is currently a member of the U.S. House of Representatives, where he is a member of the Congressional Sportsman’s Caucus. This group stands in strong support of hunting, fishing, and conservation.

<sup>†</sup> Colorado’s check-off program, implemented in 1977, was the first in the nation.

previously worked for DNR's Nongame Program and was able to attest to the positive difference such funding could make. Henderson literally woke up one morning and discovered he had a check-off program – Senator Peterson had created it in a late night congressional budget session. In 1980, the Fund's first year, the program generated about \$567,000.<sup>9</sup>

## **Program Administration**

Minnesota's Nongame Wildlife Checkoff Fund is particularly notable for two things. First, the Fund is the only check-off in the state. In fact, Minnesota is the only state in the U.S. to have only one check-off program.<sup>10</sup> Furthermore, the Fund's participation rate, at 3.6 percent, is the highest in the United States.<sup>‡,11</sup>

### ***Remaining the Only Check-off***

The Department of Natural Resources' opposition to additional check-offs is motivated by concerns that additional check-offs would reduce the level of funding for the Nongame Wildlife Checkoff Fund. To dissuade others from attempting to create such funding mechanisms, they compiled examples from other states that suggested that new check-offs would not generate significant revenues for the sponsoring programs. These studies highlighted two concerns. First, they suggested that once a second check-off is added, the precedent against multiple check-offs is broken, creating an almost unmanageable number of check-off programs. Second, these studies indicated that overall donations do not significantly increase with the number of check-offs available, and that once more than one check-off is present, no single check-off receives enough money to make a substantial difference to the sponsoring program.

Both the State Legislature and the Minnesota Department of Revenue have supported the DNR's efforts to limit the number of check-off programs. Henderson believed that the Legislature's support arises from the close relationship between the DNR and the Minnesota Commission on Natural Resources, the legislative commission that provides agency oversight. The Commission is responsible for approving the Nongame Program's biennial budget, and therefore understands the importance of the Nongame Program's work and how vital the Nongame Wildlife Checkoff Fund is to the Nongame Program's success. Henderson said that, "They [the Minnesota Commission on Natural Resources] have a sense of pride in being a part of this program."<sup>12</sup>

Additionally, Henderson believed the self-sufficiency that the tax check-off mechanism provides to the Nongame Program is an important factor for continuing legislative support. Since so much of the Nongame Program's funding is derived from the check-off, the Program requires very little general fund revenue per year. According to Henderson, "That's a nice precedent nowadays, when there is such a limitation of public funding."<sup>13</sup>

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<sup>‡</sup> The national average participation rate for non-game check-offs is only 0.7 percent. For more information see, Federation of Tax Administrators. "Check-off Programs See Strong Growth." <http://www.taxadmin.org/fta/rate/Checkoff03.html>.

The Minnesota Department of Revenue (Revenue) is officially opposed to all tax check-off programs. According to Steve Kraatz, Director of Tax Operations for the Minnesota Department of Revenue, this opposition is rooted in a belief that tax check-off programs do not constitute good tax policy. Check-off programs add to Revenue's processing costs; each additional line on a tax form increases the Department of Revenue's annual processing costs by \$35,000. Each additional line also costs Revenue \$65,000 in one-time set-up fees.<sup>14</sup> Additionally, by increasing the complexity of the tax forms, check-off programs increase the opportunity for error.<sup>15</sup> As Kraatz explained, "You don't need all that luggage on a tax return. The taxes are complicated enough and we strive real hard to have a very, very simple tax return. I think if Revenue had their way, we'd probably yank it [the Nongame Wildlife Checkoff Fund]."<sup>16</sup>

Although many organizations have tried to create new check-offs, the DNR, the State Legislature, and the Department of Revenue have successfully opposed all proposed check-off programs since 1981.<sup>17</sup>

### ***Creating Public Support***

Henderson and his staff are very aware that maintaining strong public support is essential to the Fund's success. Henderson identified a number of ways in which he and his staff work to maintain and enhance this support.

First, Henderson and his staff maintain a high profile. Henderson stated that "one of the things that has always been an important part of our program is getting our activities in front of the public."<sup>18</sup> Staff members get in front of the public by initiating projects that will help increase public interest in the Nongame Program's work. Past high-profile projects have included the restoration of peregrine falcons, trumpeter swans, and bald eagles. Staff members also generate publicity through the savvy use of local media outlets. Henderson is a frequent visitor on local television and radio programs and frequently writes news releases for local papers. His intention is to ensure that no matter where people get their news, they will see positive stories about how the Fund has helped Minnesota wildlife. Henderson initially did most of the publicity himself, but as the program matured and his duties expanded, he hired a full time publicist and information specialist to promote the Nongame Wildlife Checkoff Fund and the Nongame Program.

*"One of the things that has always been an important part of our program is getting our activities in front of the public."*

*- Carrol Henderson, Nongame Program Supervisor*

Nongame Program staff also emphasize educational programs. For instance, Henderson has written five books about wildlife. According to Henderson, these books have stimulated an interest in helping wildlife and have provided a basis of credibility for



the Nongame Program that he believes is critical to the program's ability to develop support and donations.<sup>§</sup>

Another important element is the staff's willingness to work with unconventional natural resource partners. Henderson and his staff realize that Certified Public Accountants can play an important role in publicizing the tax check-off to their clients. To promote the Fund, staff members attend annual tax preparer training events. They also place inserts into the boxes of tax forms that are shipped to tax preparers. Additionally, they create an annual poster that tax preparers can give to their clients as a "thank you" for making a donation to the Fund.

The staff also works closely with the Department of Revenue. In this way, they are able to improve the check-off's wording on the tax form, thereby significantly increasing donations. In the beginning, the form read, "if you wish to donate \$1 or more to the Nongame Wildlife Fund enter the amount here," and the Nongame Program found that over 60 percent of the donations were \$1. By working with Revenue, they changed the form to read, "if you wish to make a donation to the Nongame Wildlife Fund, enter the amount here" and found that donations jumped by more than \$200,000 in one year. Other benefits of working with Revenue have been the creation of a loon logo next to the check-off line. This logo helps to promote the Fund and also reduces the error rate for that tax line.

The Nongame Program is also very careful to target their message to likely donors. According to Henderson, "Instead of going to the places that have the lowest donation rate and trying to squeeze some donations out of them, we go to the places with the highest rates and put most of our resources into those areas because we feel that is the most receptive audience."<sup>19</sup> Henderson and his staff once had the Department of Revenue sort the donations by occupation code and county of residence, providing them with insights into donation patterns. They found that people from affluent communities were prone to make donations while rural farmers were not. Interestingly, computer programmers were the top donating category with an almost 30 percent donation rate. With this type of demographic information in hand, they are able to target likely donors. For instance, the Nongame Program has developed a commercial that is shown in Twin Cities' movie theaters during tax preparation season. In this way, Nongame Program staff are able to target the affluent, urban audiences which their data indicate are likely donors.<sup>20</sup>

*"Instead of going to the places that have the lowest donation rate and trying to squeeze some donations out of them, we go to the places with the highest rates and put most of our resources into those areas because we feel that is the most receptive audience."*

*- Carrol Henderson, Nongame Program Supervisor*

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<sup>§</sup> Over the past twenty years, the publications have also generated over a quarter million dollars in royalties for the Nongame Program. The royalties are used to produce new books and educational materials.

Another element Henderson cited as important for the development of public support is Minnesotan's strong outdoors ethic. A recent U.S. Fish and Wildlife study has shown that approximately 65 percent of state residents participated in wildlife related recreational activities in 2001.<sup>21</sup> Henderson believed this interest makes wildlife diversity conservation an easy sell in the state. This view was echoed by Ken Speake, a reporter for KARE 11 News. In Speake's view, it is the natural features of the state, in particular the state's many lakes, which drives Minnesotans to be such strong supporters of outdoors initiatives.<sup>22</sup>

## **Challenges**

Despite Minnesota's success, a discussion of non-game tax check-off mechanisms would not be complete without touching upon the obstacles to expanding the use of this mechanism in other states.

As previously mentioned, 35 states included a wildlife diversity check-off on their 2002 individual income tax forms. Only seven jurisdictions with check-off programs - Arkansas, Hawaii, Maryland, Michigan, Missouri, West Virginia and the District of Columbia - do not have wildlife diversity wildlife check-offs. Furthermore, every state with an income tax has at least one check-off program. Therefore, in most states, any new wildlife diversity check-off program would be required to compete against other check-offs for donations, thereby potentially limiting the level of funding available.

Another concern is the low rate of participation in check-off programs. Although 65 percent of Minnesotan's participate in wildlife watching and wildlife related activities, only 3.6 percent of taxpayers contributed to the Nongame Wildlife Checkoff Fund in 2002.<sup>23</sup> Check-off programs do not seem to be highly successful as a means of creating a "user-pays" funding source.

A final concern is associated with the increasing utilization of tax preparers. Minnesota has found that the donation rate for people who use a tax preparer is about one-quarter the rate for people who complete their own tax forms. One cause for this finding may be that tax preparers have no incentive to promote the check-off. Their objective is to obtain the highest possible return for their clients - a goal that is in opposition to that of increasing wildlife diversity donations via the check-off.<sup>24</sup> It is not clear that Minnesota's extensive work to promote the mechanism with tax preparers has been able to overcome this bias.

## **Reflections**

When asked how he would advise another agency interested in promoting a wildlife diversity tax check-off, Henderson has several recommendations. He feels it is important for agencies to learn from states that have maintained successful programs. Henderson also advises agencies to maintain aggressive publicity campaigns for both the check-off and the wildlife program it supports. He suggests that agencies focus on enhancing the wildlife program's credibility by supporting projects that provide staff with something exciting to promote. Finally, he advises agencies to seek out unconventional partners.<sup>25</sup>

## **The State of Minnesota**

**Size:** 86,939 square miles

**Population in 2000:** 4,919,479; 70.9% urban; 29.1% rural

**Population in 1990:** 4,375,099

**Population Change:** Up 12.4% 1990-2000; Up 7.3% 1980-1990

The State of Minnesota has had an effect on the nation's public policy far out of proportion to its size. This upper Midwestern state has pioneered many of the nation's most innovative civic programs, including the nation's first anti-smoking bill, one of the first public campaign financing plans, the nation's first statewide educational choice plan, and authorization of charter schools. It was one of the first states to offer HMOs and provides the MinnesotaCare plan, which is intended to provide health care coverage for the poor.

Minnesota has been a heavily Democratic state, but Republicans have gained ground in recent elections. Although George Bush did not carry Minnesota in 2000 or 2004, Republicans currently hold the Governorship, one U.S. Senate seat, and four of eight U.S. House seats. Within the state, Republicans control the State Senate while Democrats control the State House.<sup>26</sup>

Support for outdoor recreation is strong, with 65 percent of state residents participating in wildlife related recreational activities in 2001. In that year, total wildlife related expenses exceeded \$2.8 billion.<sup>27</sup>

## **Summary**

The Minnesota Nongame Wildlife Checkoff Fund is one of the most successful check-off programs in the nation. The rate of participation in Minnesota's 2002 Nongame Wildlife Checkoff Fund, at 3.6 percent, was the highest in the U.S. Furthermore, the average contribution to the fund was \$13.23. Of the thirty-five states offering wildlife diversity check-offs, Minnesota's average contribution ranked in the top one-third.<sup>28</sup>

Four key elements contributed to the Fund's success:

- **Publicity:** The high level of publicity associated with the Nongame Program and the Nongame Wildlife Checkoff Fund is critical to the development and maintenance of strong public support. Henderson and his staff try to keep their "good works" in the public's consciousness through frequent news stories, television appearances, radio talk shows, and educational materials. According to Speake, "Carrol Henderson is the consummate salesman. He is so passionate about what he does and so engaging a personality that you just get excited about whatever he is doing because he is so excited about it himself."<sup>29</sup>
- **Credibility:** An important factor that feeds the Nongame Program's publicity machine is the high level of credibility associated with the Program. Some of this

credibility results from the educational materials created and distributed by the Program. It also derives from the Program's successful recovery efforts for high-profile species such as the trumpeter swan and peregrine falcon. Finally, the credibility is a function of the quality of the staff's interaction with Minnesota's citizens. Again, according to Speake, "He [Carrol Henderson] started the [Nongame] Program here in Minnesota and he surrounded himself with equally passionate, highly knowledgeable...people."<sup>30</sup>

- **Unconventional partners:** Henderson has recognized that much of the Fund's success depends on successful collaboration with both the Department of Revenue and tax preparers. Although these groups are not traditional conservation partners, they are critical for the smooth functioning and promotion of the check-off mechanism. Given Revenue's continuing concerns about the Fund, Henderson's efforts to ensure a strong connection with the Department is particularly important.
- **Sole check-off:** The Nongame Program's ability to prevent additional check-offs from being added to the state's tax forms is an important factor that has contributed to Minnesota's high participation rate in the Nongame Wildlife Checkoff Fund.

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<sup>1</sup> "Nongame Wildlife Program Biennial Work Plan." 15 Sept. 2004. Henderson, Carrol, via e-mail. 29 Oct. 2004.

<sup>2</sup> Federation of Tax Administrators. "Check-off Programs See Strong Growth." <http://www.taxadmin.org/fta/rate/Checkoff03.html> (30 Oct. 2004).

<sup>3</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.

<sup>4</sup> Minnesota Department of Natural Resources. "Mission Statement." <http://www.dnr.state.mn.us/aboutdnr/mission.html> (28 Oct. 2004).

<sup>5</sup> Minnesota Department of Natural Resources. "Nongame Program 10-year Strategic Plan." 20 Dec. 2002. [http://files.dnr.state.mn.us/ecological\\_services/nongame/nongamestrategicplan.pdf](http://files.dnr.state.mn.us/ecological_services/nongame/nongamestrategicplan.pdf) (28 Oct. 2004).

<sup>6</sup> "Nongame Wildlife Program Biennial Work Plan." 15 Sept. 2004. Henderson, Carrol, via e-mail. 29 Oct. 2004.

<sup>7</sup> "Nongame Wildlife Program Biennial Work Plan." 15 Sept. 2004. Henderson, Carrol, via e-mail. 29 Oct. 2004.

<sup>8</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.

<sup>9</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.

<sup>10</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.

<sup>11</sup> Federation of Tax Administrators. "Check-off Programs See Strong Growth." <http://www.taxadmin.org/fta/rate/Checkoff03.html> (30 Oct. 2004).

<sup>12</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.

<sup>13</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.

<sup>14</sup> Brick, Sue. Tax Operations, Minnesota Department of Revenue. E-mail communication. 22 Nov. 2004.

<sup>15</sup> Kraatz, Steve. Director of Tax Operations, Minnesota Department of Revenue. Personal interview. 3 Nov. 2004.

<sup>16</sup> Kraatz, Steve. Director of Tax Operations, Minnesota Department of Revenue. Personal interview. 3 Nov. 2004.

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- <sup>17</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.
- <sup>18</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.
- <sup>19</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.
- <sup>20</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.
- <sup>21</sup> U.S. Fish and Wildlife Service. "2001 National Survey of Fishing, Hunting, and Wildlife Related Recreation." <http://www.census.gov/prod/2002pubs/FHW01.pdf>. (28 Oct. 2004).
- <sup>22</sup> Speake, Ken. Reporter, KARE 11 News. Personal interview. 8 Nov. 2004.
- <sup>23</sup> Federation of Tax Administrators. "Check-off Programs See Strong Growth." <http://www.taxadmin.org/fta/rate/Checkoff03.html> (30 Oct. 2004).
- <sup>24</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.
- <sup>25</sup> Henderson, Carrol. Nongame Program Supervisor, Minnesota Department of Natural Resources. Personal interview. 29 Oct. 2004.
- <sup>26</sup> Barone, Michael, and Richard E. Cohen. "Minnesota State Profile." *Almanac of American Politics 2004*. National Journal, 2004. [http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/mn/mn\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/mn/mn_profile.htm) (28 Oct. 2004).
- <sup>27</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (28 Oct. 2004).
- <sup>28</sup> Federation of Tax Administrators. "Check-off Programs See Strong Growth." <http://www.taxadmin.org/fta/rate/Checkoff03.html> (30 Oct. 2004).
- <sup>29</sup> Speake, Ken. Reporter, KARE 11 News. Personal Interview. 8 Nov. 2004.
- <sup>30</sup> Speake, Ken. Reporter, KARE 11 News. Personal Interview. 8 Nov. 2004.

**12**  
**STATE OF MISSOURI**  
*Conservation Sales Tax*



In 1976, the State of Missouri passed a constitutional amendment that raised the general sales tax by 1/8<sup>th</sup> of 1 percent and dedicated that revenue to the Missouri Department of Conservation (Department). This case is an excellent example how an agency communicated its need for funding to the public. In order to provide credibility to their need for funding, the Department had an outside group evaluate the Department's programs. To communicate this need to the broad citizenry in the state, the Department created *Design for Conservation*, the campaign document in which they clearly outlined their need for funding and how the funding would be spent. The public's trust in the Department and their long-range plan outlined in *Design for Conservation* were key elements to why this constitutional amendment passed. Since the passage of this amendment, \$2 billion has been raised to fund conservation (game and wildlife diversity) activities within the state.<sup>1</sup>

**Missouri Conservation Sales Tax**

Mechanism type:	General sales tax
Implementation method:	Constitutional amendment
Implementation timeframe:	5 years

**Funding Need**

For the first 30 years of its existence, most of the Department's funding came from trapping, hunting and fishing licenses, Federal Aid, and a small amount of general revenue. In the mid to late 1960s, the population of the state was increasing, but the sale of licenses was not able to keep up with the funding needs of the Department; thus the Department was losing money quickly. The newly appointed Director of the Department, Carl Noren, reevaluated the Department when he began his job and felt that the Department was not fulfilling all of its responsibilities, especially with regard to wildlife diversity projects. However, the Department did not have enough funds to expand any programs. Noren made finding a stable source of funding for the Department a priority.<sup>2,3</sup>

The first step towards securing a stable funding source was to conduct a study of the Department and make recommendations for its future direction. In 1969, a team of three nationally recognized conservationists from outside the Department studied its programs and charted a course for future directions for the Department. The three member team consisted of Dr. Starker Leopold of the University of California, Irving K. Fox of the Water Resources Center at the University of Wisconsin, and Charles H. Callison of the National Audubon Society. Their year-long study was privately funded by the Edward K. Love Foundation. In 1970, the team released its report, *The Missouri Conservation Program Report (The Report)*, which outlined broadening the Department's programs to include management for all wildlife (not just game species) and provide for more outdoor recreation. *The Report* did not focus on expanding funding sources to meet the needs of these new programs, but did acknowledge that funding would be critical if their recommendations were to be realized.<sup>4</sup>

Since *The Report* did not detail the amount the Department would need to start these programs or recommend ways to raise the funds, the Citizen's Committee for Conservation (Committee), an independent committee composed of concerned citizens, was formed to help the Department study potential funding mechanisms.<sup>5</sup> As a first step in this process, the Department hired financial consultant Arthur Betts to explore the funding options. Betts concluded that there were only three sources of funding that would provide adequate funding: beer tax, severance tax, and soft drink tax. After further study by the University of Missouri Business School in 1971, it was decided that the solution that would meet the funding needs best would be a sales tax on soft drinks.<sup>6</sup>

## **Campaign**

The campaign to pass the amendment started in 1971 and took five years and two attempts. The first attempt to secure funding for the Department failed due to a technicality in the language. Following a few years of extensive preparation, the second attempt was successful in 1976.

### ***Failed First Attempt***

In order to pass this new sales tax to fund the Department, an initiative petition drive would be needed to gather the necessary signatures to put the item on the ballot. However, state law prohibited the Department from running a political campaign, so they needed help from their supporters. The Citizen's Committee, along with the Conservation Federation of Missouri, a statewide conservation group, led the effort for the initiative petition drive in late 1971.

## Missouri Department of Conservation

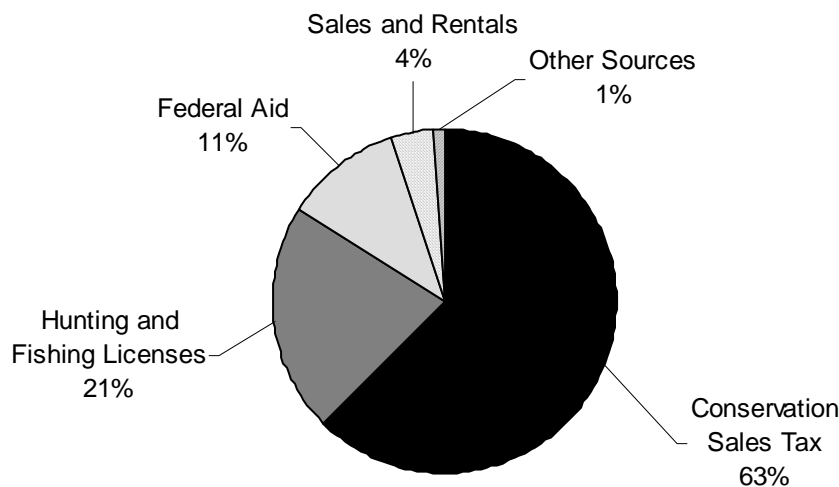
The Missouri Department of Conservation (Department) as it is known today was established in 1936 through a constitutional amendment. Prior to 1936, the Department existed, but was not politically independent. The people of the state wanted a non-political, scientifically based forestry and wildlife program, so they created, through a constitutional amendment, the non-political Conservation Commission with authority to manage the state's fish, forest, and wildlife resources.<sup>7</sup> The mandate of the Conservation Commission is, "The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state...shall be vested in a conservation commission."<sup>8</sup>

The Department's mission is a modern day interpretation of this mandate,<sup>9</sup> "To protect and manage the fish, forest, and wildlife resources of the state; To serve the public and facilitate their participation in resource management activities; To provide opportunity for all citizens to use, enjoy, and learn about fish, forest, and wildlife resources."<sup>10</sup> The Department works "to control, manage, restore, conserve and regulate the bird, fish, game, forests and all other wild resources in the state with the goal to create healthy, sustainable plant and animal communities well into the future."<sup>11</sup>

The Department is overseen by the Conservation Commission, which is made up of four people (no more than two from each political party), who are appointed for six-year terms by the Governor. They are responsible for setting the laws that regulate the resources, as well as hiring the Director of the Department.<sup>12</sup>

The Department's primary funding sources are the sales tax, hunting and fishing licenses, and Federal Aid. In addition, the Department receives revenue from sales and rentals, interest, and "all other sources."<sup>13</sup>

Figure 8: Missouri Department of Conservation: Revenue Sources for FY 2004.<sup>14</sup>





At the same time that the Citizen's Committee was getting organized to launch the campaign, the Department worked on formalizing and expanding *The Report* to support this new campaign. The Department expanded on *The Report* and outlined how it would spend the new funds generated from the tax. The new plan was a long-range plan to expand wildlife conservation and provide more outdoor recreational opportunities. It called for buying land for recreation, forestry, and protecting critical habitats. It also called for increased services to the public, more wildlife and forestry research, and broadened management programs. This expansion of *The Report* was titled *Design for Conservation (Design)*.<sup>15</sup>

Once *Design* was complete in late 1971, the Citizen's Committee began their petition drive. The petition, as a constitutional amendment, would impose a one cent tax on all 16 ounce carbonated beverages, and the money raised, estimated to be \$20 million annually, would support the programs outlined in *Design*. The Committee worked hard to gather support despite the opposition from the bottling industry. In nine months, the Committee was able to gather 164,000 signatures to place the amendment on the ballot, 74,000 more signatures than they needed. However, due to the lack of an enacting clause in the petition, it was not placed on the 1972 ballot.<sup>16</sup> The first attempt to create a stable funding source for conservation had failed.

### ***The 1976 Ballot Initiative***

Although the first attempt had failed, there was still the need and drive to raise money to support *Design*. The community that previously supported the tax was ready to make a push to put the bottle tax on the 1974 ballot, but due to changes in the law for initiative petitions, the conservation community had to wait until 1976.

In 1975, as the Citizen's Committee was preparing to pursue a second soft drink tax campaign, the members learned that the bottling industry had saved millions of dollars to fight the proposed tax. The Committee and the Department were concerned that this soft drink tax might not pass with so much opposition from the bottling industry. After further public polling by the University of Missouri, it was determined that either a soft drink tax or a sales tax increase was likely to pass. Therefore instead of taking on the bottling industry, the Citizen's Committee decided to try to fund *Design* through a general sales tax increase,<sup>17</sup> because there was no clear group who would oppose the measure.<sup>18</sup>

Rollin Sparrowe, member of the Citizen's Committee, believed the sales tax was a good choice because it was based on support from all the citizens, not just hunters and anglers, and there was no single group who would oppose the tax, like there had been with the soft drink tax.<sup>19</sup> Department employees also supported this effort because it would increase funding for the Department and they saw the growth potential for the needed and important programs.<sup>20</sup>

### ***Gathering Signatures for Sales Tax Amendment***

A second Citizen's Committee (Committee) was formed in 1975 to help lead the effort on this new constitutional amendment petition drive.<sup>21</sup> The Conservation Federation, led by Executive Director Ed Stegner, was the key organization gathering grassroots support for the amendment. They were integral in the formation of the

Department back in the 1930s, so they had a strong historical basis in the state and were widely supported by the citizens. The Conservation Federation strongly supported the increased funding for the Department because of their close ties with the Department and their organizational mission to protect the environment in the state. This powerful position enabled the Conservation Federation to reach out to other organizations in the state and form the grassroots base for this campaign.<sup>22,23</sup>

In coordination with the Conservation Federation, volunteers helped gather signatures at state fairs, grocery stores, sporting events, and many other public events.<sup>24</sup> Gathering support for the amendment was not difficult because the State of Missouri has a long history of support for conservation. The state's economy has historically relied on its abundant natural resources, so citizens realized the importance of protecting the environment. This support for conservation would be one of the reasons why the Conservation Sales Tax passed.<sup>25</sup>

The Department of Conservation played a key role in gathering support for this campaign. Due to state law, the Department employees were not allowed to advocate for the petition drive, so they only could be involved through educating the public about their plan for the future. The Department employees spent countless hours meeting with the public and explaining *Design for Conservation* and ensuring the public understood the Department's plans for the money. Although they were told not to get involved, some employees even gathered signatures during their free time; "We actually did carry

*"We actually did carry petitions on our own time. The Director at that time did not want staff to do that, but we had an Assistant Director who told his staff to do it anyway. So we went out and helped the Citizen's Committee on our own time. I went to St. Louis and to malls and collected signatures."*

*- Ollie Torgerson, former Department of Conservation employee*

petitions on our own time. The Director at that time did not want staff to do that, but we had an Assistant Director who told his staff to do it anyway. So we went out and helped the Citizen's Committee on our own time. I went to St. Louis and to malls and collected signatures," as relayed by Ollie Torgerson, former Department of Conservation employee.<sup>26</sup>

The Citizen's Committee, along with volunteers from the conservation community, gathered 208,000 signatures (58,000 more than they needed) to place the amendment on the ballot as Amendment 1.<sup>27</sup> However, the Citizen's Committee's job was not over yet. The measure still had to win at the polls.

### ***Supporting the Ballot Measure***

In early 1976, volunteers again helped raise awareness for the campaign and raised money for advertising. The advertising campaign was funded mainly through volunteer efforts, such as white elephant sales and auctions. Charles Schwartz, a well-known local artist who illustrated *A Sand County Almanac*, donated several paintings to help raise money for the campaign. As the vote drew near, there were radio and television advertisements. The Committee was able to get endorsements from national

organizations, such as National Audubon Society, Sierra Club, and National Rifle Association.<sup>28</sup>

The Department continued to hold meetings and explain *Design* to the public. Additionally, they showcased *Design* in their well respected magazine, *The Missouri Conservationist*. Throughout the campaign, the Department ran stories on the plan in the magazine to keep up support for the amendment.

The Department had to appeal to the broad constituency of the state. The campaign needed the support from the cities, so they highlighted that people living in the city would not be taxed disproportionately and they would have more places to recreate. For those living in rural areas, the Department reassured them that the Department would not be purchasing all the private land and turning it into parks and that any expansion in the Department would not threaten their way of life.<sup>29</sup>

This grassroots effort was able to succeed because the Department of Conservation had a well planned campaign in *Design for Conservation*; as Daniel Zekor, Federal Aid Coordinator for the Department of Conservation, said, “The number one feature of the whole effort was having a good plan [*Design for Conservation*], which was realistic and made sense. People could see what the benefits were going to be to them.”<sup>30</sup> The citizens

“The number one feature of the whole effort was having a good plan [*Design for Conservation*], which was realistic and made sense. People could see what the benefits were going to be to them.”

- Daniel Zekor, Federal Aid Coordinator, Department of Conservation

supported this new plan for two reasons. The first reason was that the *Design* was created based on the analysis by well respected individuals from outside the Department, giving it credibility. According to Torgerson, it was critical that this advice was generated from outside the Department to give the study more credibility.<sup>31</sup> The second reason was the citizens trusted the Department. Since its inception as a politically independent agency, the Department had gained the trust of the citizens by being responsible and accountable. The citizens trusted the Department to follow the plans laid out in *Design* with this new source of funds.<sup>32</sup>

As predicted, there was no well organized opposition to the sales tax like there was for the soft drink tax. The opposition came from those who opposed increasing taxes and those who opposed further government intrusion. There were also a few state legislators who were opposed to earmarking money specifically for the Department because they wanted freedom to appropriate funds.

Since the opposition was not well organized and based mainly on ideology, the Conservation Federation and others supporting the campaign did not have specific strategies to deal with the opposition. Instead, during the campaign, the Department focused on reaching as many citizens as possible to explain the plans laid out in *Design*, and teach them how this new plan would benefit all citizens in the state.<sup>33</sup> Since these groups in opposition did not organize, their impact was minimal on the campaign.

Amendment 1 passed by 25,000 votes, or 50.8 percent, on November 2, 1976,<sup>34</sup> almost 8 years after the need for more funding was recognized. According to the election results, the strongest support came from the urban areas where the citizens recognized the need for more places to recreate and preserve nature for future generations. The amendment did not do as well in the rural areas because there already were many places to recreate and the rural citizens were more conservative and opposed to increased government presence.<sup>35,36</sup>

## **Program Administration**

The sales tax program is very simple to administer. The money is appropriated by the Assembly directly to the Department's general fund, as mandated by the constitution. Once the money has been appropriated to the Department, the Conservation Commission determines how the money is spent.<sup>37</sup>

## **Challenges**

Unlike the other sales tax for conservation in the State of Missouri, the 1/8<sup>th</sup> of 1 percent amendment did not have a sunset clause, which has been an important part of its continued success. There have been attempts over the years by the Assembly to amend the law, or even get rid of it and use the money for other purposes, but the Department of Conservation, along with citizen support, has been able to withstand these attempts.

The reason the Department has been able keep the tax in place is because it has done an excellent job communicating with the public about the progress towards the goals outlined in the *Design*. The Director of the Department, appointed after the amendment passed, made it a priority that the Department follow the plans outlined in *Design* and communicate with the public about their progress. Since then, the Department has continued to remain accountable and sustained the public trust.<sup>38</sup>

## **Reflections**

In advising another state on designing a similar campaign, Torgerson recommends that the campaign have a strong citizen's committee and strong leadership at the grassroots level.<sup>39</sup> Zekor believes that the agency will have to clearly demonstrate its needs to the public and how the agency will spend the money, as the Department of Conservation did with *Design for Conservation*. In addition, the agency will have to be accountable to the public by regularly communicating needs, successes and failures, and regularly engaging the public in programs and decision-making processes.

To make a campaign work in today's climate, Zekor believes an agency would have to put together a broader campaign than the Department did back in 1975, "This day and age it might be a hard sell to designate strictly for wildlife."<sup>40</sup> A campaign today would have to include broader interests, such as historic preservation, parks, and tourism to gain broad support throughout the state.<sup>41</sup> As Sparrowe stated, the substance of the program and the delivery of the need to the public are just as important as the need to raise funds.<sup>42</sup>

## **The State of Missouri**

**Size:** 69,704 square miles

**Population in 2000:** 5,595,211; 69.4% urban; 30.6% rural

**Population in 1990:** 5,117,073

**Population Change:** Up 9.3% 1990-2000; Up 4.1% 1980-1990; Up 5.1% 1970-1980

In 1804 when Lewis and Clark set out on their expedition to the Pacific, they left from St. Louis. At the time, St. Louis was the one well-established city in the interior of the country and was a frontier city. Its population was diverse: the upper class of French merchants, the middle class of Yankee and Southern frontiersmen and fur traders, and the working class of black slaves (Missouri was the northernmost slave state in 1850). Into the 1900s Missouri did not play as large a part in the national consciousness as it did in the later 1800s through the early 1900s and the state's economy and growth suffered as people moved towards the coasts. However by the 1990s things started to look better as the economy and state population grew, but the rural character of Missouri still exists today due to the relatively slow growth of the metropolitan areas.

Politically, Missouri has moved from a solid Democratic state in the 1960s to a slightly Republican state in the 1990s. In the 2000 Presidential election, George W. Bush won by a 50 percent to 47 percent margin. His victory can be attributed to winning the rural vote since in both of the state's largest cities, St. Louis and Kansas City, the majority voted for Al Gore.<sup>43</sup> In the 2004 Presidential election, Bush won with 54 percent over Kerry's 46 percent. In 2004, the Republicans gained even more control in the state when Democratic Governor Holden was replaced by Republican Governor Blunt. On the federal level, Republicans hold both U.S. Senate seats and five of the nine U.S. House seats. At the state level, Republicans control both the House and the Senate.<sup>44,45</sup>

Support for outdoor recreation in Missouri is average, with 48 percent of state residents participating in wildlife related recreational activities in 2001. In that year, total wildlife related expenses exceeded \$1.8 billion.<sup>46</sup>

## **Summary**

The Missouri Conservation Sales Tax is a very successful program. It raises a large amount of unrestricted money for the Department. Other than the occasional threat by the Assembly to change or remove the tax, it is a secure source of funds for the Department. As Sparrowe expressed, "The main reason [the program is a success] is that it has delivered a very broad program through a traditional fish and wildlife agency and it has been able to evolve to meet the needs of modern society."<sup>47</sup>

Four key features enabled the success of the program:

- **Nonprofit leadership:** The efforts of the Conservation Federation were critical to passing this amendment. Their powerful position in the state enabled them to reach out to other organizations in the state and form the grassroots base for this campaign. Since the Department was not able to openly support the amendment, it was the nonprofit organizations that really were the driving force behind the campaign.
- **Grassroots support:** The tremendous grassroots support was the result of many hours of hard work from the nonprofit groups, especially the Conservation Federation. Despite some concern by a few legislators about earmarking money for the Department and minimal other opposition, the amendment passed because of strong grassroots support.
- **Design for Conservation, the Department of Conservation’s plan for expanding their programs:** *Design for Conservation* was successful because it was based on review of the Department by an outside party, giving the plan credibility it would not have had if the Department had completed its own self-review. The plan was realistic and easy for the citizens to understand and appealed to the broad range of citizens in the state.
- **Credibility of the Department of Conservation:** The public trusted the Department to carry out its plans as outlined in *Design* because the Department had been honest and delivered on its promises in the past. Without this credibility and trust, there is a good chance the amendment would have failed.

“The main reason [the program is a success] is that it has delivered a very broad program through a traditional fish and wildlife agency and it has been able to evolve to meet the needs of modern society.”

- Rollin Sparrowe, former member of Citizen’s Committee

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<sup>1</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.

<sup>2</sup> Griffie, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.

<sup>3</sup> Keefe, James F. *The First 50 Years*. Conservation Commission of the State of Missouri, 1987. [http://www.mdc.mo.gov/about/50\\_yrs/](http://www.mdc.mo.gov/about/50_yrs/) (26 Oct. 2004).

<sup>4</sup> Griffie, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.

<sup>5</sup> Keefe, James F. *The First 50 Years*. Conservation Commission of the State of Missouri, 1987. [http://www.mdc.mo.gov/about/50\\_yrs/](http://www.mdc.mo.gov/about/50_yrs/) (26 Oct. 2004).

<sup>6</sup> Griffie, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.

<sup>7</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal communication. 20 Jan. 2005.

<sup>8</sup> Missouri State Constitution. “Article IV, Executive Department, Section 40(a).” <http://www.moga.state.mo.us/const/a04040a.htm> (22 Jan. 2005).

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- <sup>9</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal communication. 20 Jan. 2005.
- <sup>10</sup> Missouri Department of Conservation. "About the Missouri Department of Conservation." <http://www.mdc.mo.gov/about/> (26 Oct. 2004).
- <sup>11</sup> Missouri Department of Conservation. "About the Missouri Department of Conservation." <http://www.mdc.mo.gov/about/> (26 Oct. 2004).
- <sup>12</sup> Missouri Department of Conservation. "About the Missouri Department of Conservation." <http://www.mdc.mo.gov/about/> (26 Oct. 2004).
- <sup>13</sup> Missouri Department of Conservation. Fiscal Year 2005 Internal Budget Request. 20 Jan. 2005.
- <sup>14</sup> Missouri Department of Conservation. Fiscal Year 2005 Internal Budget Request. 20 Jan. 2005.
- <sup>15</sup> Keefe, James F. *The First 50 Years*. Conservation Commission of the State of Missouri, 1987. [http://www.mdc.mo.gov/about/50\\_yrs/](http://www.mdc.mo.gov/about/50_yrs/) (26 Oct. 2004).
- <sup>16</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>17</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>18</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>19</sup> Sparrowe, Rollin. Former member, Citizen's Committee. Personal interview. 21 Oct. 2004.
- <sup>20</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>21</sup> Keefe, James F. *The First 50 Years*. Conservation Commission of the State of Missouri, 1987. [http://www.mdc.mo.gov/about/50\\_yrs/](http://www.mdc.mo.gov/about/50_yrs/) (26 Oct. 2004).
- <sup>22</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>23</sup> Sparrowe, Rollin. Former member, Citizen's Committee. Personal interview. 21 Oct. 2004.
- <sup>24</sup> Torgerson, Ollie. Former employee, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>25</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>26</sup> Torgerson, Ollie. Former employee, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>27</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>28</sup> Keefe, James F. *The First 50 Years*. Conservation Commission of the State of Missouri, 1987. [http://www.mdc.mo.gov/about/50\\_yrs/](http://www.mdc.mo.gov/about/50_yrs/) (26 Oct. 2004).
- <sup>29</sup> Sparrowe, Rollin. Former member, Citizen's Committee. Personal interview. 21 Oct. 2004.
- <sup>30</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>31</sup> Torgerson, Ollie. Former employee, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>32</sup> Sparrowe, Rollin. Former member, Citizen's Committee. Personal interview. 21 Oct. 2004.
- <sup>33</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>34</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>35</sup> Keefe, James F. *The First 50 Years*. Conservation Commission of the State of Missouri, 1987. [http://www.mdc.mo.gov/about/50\\_yrs/](http://www.mdc.mo.gov/about/50_yrs/) (26 Oct. 2004).
- <sup>36</sup> Griffee, Carol. *Odyssey of Survival: A History of the Arkansas Conservation Sales Tax*. The Arkansas Game & Fish Commission, 1999.
- <sup>37</sup> Missouri Department of Conservation. "About the Missouri Department of Conservation." <http://www.mdc.mo.gov/about/> (26 Oct. 2004).
- <sup>38</sup> Torgerson, Ollie. Former employee, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>39</sup> Torgerson, Ollie. Former employee, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>40</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>41</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.

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<sup>42</sup> Sparrowe, Rollin. Former member, Citizen's Committee. Personal interview. 21 Oct. 2004.

<sup>43</sup> Barone, Michael, and Richard E. Cohen. "Missouri State Profile." *Almanac of American Politics 2004*. National Journal, 2004.

[http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/mo/mo\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/mo/mo_profile.htm) (24 Jan. 2005).

<sup>44</sup> CNN. "Election Results: U.S. President/Missouri."

<http://www.cnn.com/ELECTION/2004/pages/results/states/MO/P/00/index.html> (24 Jan. 2005)

<sup>45</sup> Barone, Michael, and Richard E. Cohen. "Missouri at a Glance." *Almanac of American Politics 2004*. National Journal, 2004. <http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/mo/> (24 Jan. 2005).

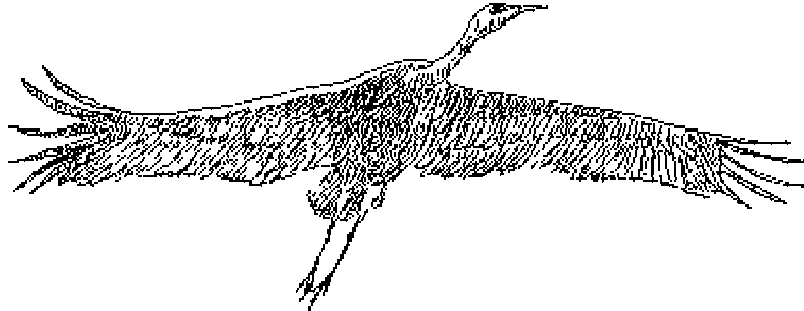
<sup>46</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001.

<http://www.census.gov/prod/2002pubs/FHW01.pdf> (24 Jan. 2005).

<sup>47</sup> Sparrowe, Rollin. Former member, Citizen's Committee. Personal interview. 21 Oct. 2004.



**13**  
**STATE OF NEVADA**  
*Mining Program*



**D**uring the 1980s, the Nevada Department of Wildlife (NDOW) identified a problem associated with accidental cyanide poisoning of wildlife at mining sites. In 1989, the State Legislature passed legislation that created the Mining Program, which requires mining operations to pay a fee to obtain a permit from NDOW before using cyanide or other chemicals harmful to wildlife. The fee paid to obtain the permit is the source of the funding mechanism that sustains the Mining Program. The Mining Program's main objective is to curtail wildlife mortalities associated with mining operations. The program is unique in that, from the start, it had the backing of the Nevada Mining Association (Association), a trade association of mining corporations. Through a collaborative partnership between NDOW and the Association, wildlife mortalities caused by mining activities have been successfully mediated and the program has even generated funds for other wildlife programs (both game and wildlife diversity).<sup>1</sup>

**Nevada Mining Program**

Mechanism type:	Natural resource extraction funds
Implementation method:	Legislative bill
Implementation timeframe:	Approximately 4 years

**Funding Need**

During the 1980s, NDOW began noticing a problem with wildlife losses associated with the use of cyanide ponds. These ponds were used by mining companies in the process of producing gold and can be toxic to migratory birds. Thousands of waterfowl had died when they landed on the cyanide ponds and, in the first year that mortalities were recorded, nearly 13,000 direct wildlife mortalities had occurred. Together with the Nevada Mining Association, NDOW identified the problem and began to address how to mitigate the mortalities.<sup>2</sup> Thus the Mining Program was initially created to protect both non-game and game wildlife from poisoning, and not to address an agency funding need.

## Nevada Department of Wildlife

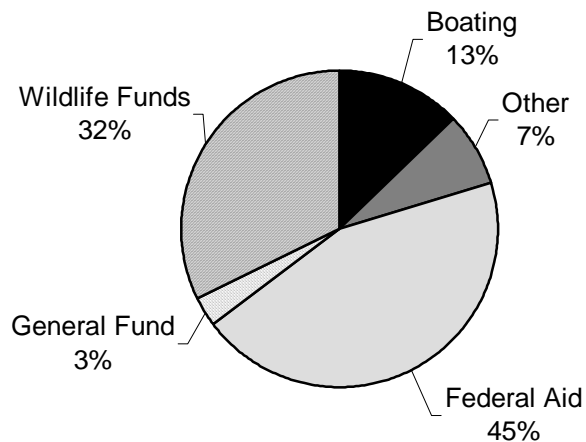
The Nevada Department of Wildlife (NDOW) is the state agency responsible for the restoration and management of fish and wildlife resources, and the promotion of boating safety on Nevada's waters. NDOW's mission is "To protect, preserve, manage and restore wildlife and its habitat for their aesthetic, scientific, educational, recreational, and economic benefits to citizens of Nevada and the United States, and to promote the safety of persons using vessels on the waters of Nevada."<sup>3</sup>

NDOW's Board of Wildlife Commissioners is a nine member, Governor-appointed board, responsible for establishing policies, setting annual and permanent regulations, reviewing budgets, and receiving input on wildlife and boating matters. This Commission was created in 1979 as part of the Nevada Administrative Code and helps to direct NDOW. It played a significant role in helping to pass the Mining Program.

The Habitat Bureau (Bureau), the predominant bureau associated with the Mining Program, works to acquire and improve important wildlife habitats. The Habitat Bureau's main objective is to ensure that Nevada's wildlife habitats are productive and in good ecological condition. Several recent bond initiatives have directed significant funding to the Bureau for its efforts, including the Question 1 Bond program passed in 2002, which provides money for land acquisition and wildlife-related projects.

The Department of Wildlife is primarily funded through the sale of hunting and fishing licenses and does not receive much money from the state general fund. Federal aid revenues account for over \$10 million of NDOW's revenues. Wildlife funds, boating funds, general funds, and other programs make up the rest of the NDOW's revenues.<sup>4</sup>

**Figure 9: Nevada Department of Wildlife: Revenue Sources for FY 2003.** The Mining Program falls under the "Other" category.<sup>5</sup>



## **Campaign**

Doug Hunt, NDOW Habitat Bureau Chief, recalled there were two courses of action that the NDOW could have taken to address the wildlife mortalities. The first course was to work cooperatively with appropriate mining representatives and other state agencies in a positive manner to address and resolve the mortality problems. The other, less desirable option, was to work with law enforcement agencies to limit or stop the mining based on violations of the Endangered Species Act and the Migratory Bird Treaty Act. After careful consideration of the alternatives and the realization that mining not only provided an economic boost for rural Nevada, but that it was desirable at all levels of government within the state, a cooperative working relationship developed between NDOW and the Association.<sup>6</sup> Hunt recalled sitting down with the Association and coming up with a “stair-step approach for everyone to pay their fair share.”<sup>7</sup>

The mining industry first wanted to try to fix the problem by implementing devices that in effect would “haze” the birds away from the ponds. None of these methods worked to successfully deter the wildlife. At the same time, industry officials were voluntarily collecting data to see if there were patterns in the mortalities and to see if there were possible solutions to alleviate the problem.<sup>8</sup>

NDOW had four objectives associated with working with the Association, which served as the basis for how they wanted to move forward in creating the Mining Program and what they wanted the program to fulfill. The first was to work through the legislative process with the goal of legally protecting wildlife from the hazards associated with mining operations. The second objective was to work cooperatively with the Association and other regulatory agencies to develop a reclamation program that insured disturbed lands would be mitigated for multiple uses. The third objective was to take advantage of opportunities associated with mining activity to enhance wildlife values. The final objective was to develop a mechanism in which the industry would pay for the services, provided by NDOW, for mining related program activities.

Based on NDOW’s rationale that the best solution would be to work with the Association rather than use enforcement as a means to solve the problem, joint legislation presented the best option for working together. Hunt said, “We have had an excellent working relationship with the Nevada Mining Association and have basically worked hand in hand to reduce wildlife mortalities associated with mining.”<sup>9</sup>

### ***Passing Legislation***

Former Habitat Bureau Chief Bob McQuivey helped to initiate the drafting of the legislation and was instrumental in communicating with the industry to begin the process. Jonathon Brown, a representative from the Nevada Mining Association, recalled that the initial creation of the legislation was done jointly with NDOW and

*“We have had an excellent working relationship with the Nevada Mining Association and have basically worked hand in hand to reduce wildlife mortalities associated with mining.”*

*- Doug Hunt, Habitat Bureau Chief, Nevada Department of Wildlife*

Association representatives. Once the draft legislation was complete, the Association took it to the State Legislature, and in conjunction with NDOW, testified on behalf of the new law to help insure its passage.

To generate support for the legislation, key legislators were briefed on the benefits of the proposed legislation. Because both the Association and NDOW had cooperated to draft legislation, the Legislature fully supported the initiative. In 1989, the legislation easily passed both the House and Senate without a single dissenting vote, and was signed into law by the Governor. Hunt recalled that the success of passing the program was largely due to the “proactiveness of everyone involved from industry to agency, in particular Bob McQuivey [his predecessor]. That was the real key, was wanting to do something positive that would support the industry and the state, as well as protect wildlife.”<sup>10</sup>

### ***Creating Support for the Mining Program***

The public was supportive of the legislation enacted to create the Mining Program and was involved through the Nevada Wildlife Commission’s public process. The Commission’s main objective was to see the mortality numbers go down and the group played a significant role in the creation of the Mining Program by gathering public support. As part of its mandate, the Commission operates under a public process, and input from the public is taken. The input gathered about the Mining Program showed that the public was supportive of the Mining Program and felt strongly that it was a good solution to a bad situation. Hunt recalled, “Just about everybody was supportive of it.”<sup>11</sup>

One event may have helped to gain political and public support for the Mining Program. A flock of migrating waterfowl perished as the result of contact with a solution pond at a mine on the same day that this same mine was presented an award for their environmental efforts. This ironic series of events helped to further highlight the need for the program. As Hunt recalled, “[The] Governor was supportive of the process as well; they were walking a fine line between supporting mining and watching this industry cause wildlife mortality. It was a real political and PR challenge and we were helpful in keeping perspective.”<sup>12</sup>

The only minor opposition to the legislation came from a few researchers who did not like the idea of cyanide being used in an open environment in the first place. Some minor disagreements also occurred between NDOW and the environmental community, but these disagreements did not pose any major threat to the program. Furthermore, the NDOW had the backing of mainstream environmental groups like The Nature Conservancy. These mainstream environmental groups saw the Mining Program as a positive step in combating wildlife mortalities.

Hunt thought that support for conservation programs in Nevada has arisen recently. Since the Mining Program has been in place, two bond initiatives have passed to raise money for wildlife conservation. NDOW works with The Nature Conservancy and much of the environmental community to gain public support for conservation initiatives, which is a more recent phenomenon. The support for the Mining Program makes sense

given that mining plays such an important role in the state's economy and that interests in environmental causes have grown in recent years.<sup>13</sup>

### ***Significance of the Industry's Support***

In a speech that Hunt has repeatedly given about the Mining Program, he discusses how critical the industry's backing was in making the program successful in a timely manner. Since the individual mines were responsible for collecting and voluntarily reporting mortalities, there would be opportunities for the public and the media to access this information. In his speech, Hunt said, "Recognizing the close scrutiny that this program would receive, because of the public's interest in wildlife, and the probability that many individuals and organizations would use the information in a negative manner, the industry in Nevada remained committed to collecting data which would prove invaluable for resolving this matter in a timely fashion."<sup>14</sup>

*"[The] Governor was supportive of the process as well; they were walking a fine line between supporting mining and watching this industry cause wildlife mortality. It was a real political and PR challenge and we were helpful in keeping perspective."*

*- Doug Hunt, Habitat Bureau Chief, Nevada Department of Wildlife*

There are many reasons for the industry's commitment to the program, including the good press they receive and the credibility they have gained within the State Legislature. When asked if any groups have benefited from the program, Brown said that the program may have helped hunters because of the reduction in the death of sporting birds.<sup>15</sup>

### **Program Administration**

The legislation that created the Mining Program provided for a permitting fee to be collected on each mine that used cyanide ponds as part of the mining process. These fees are then directed to NDOW for the creation and administration of the Mining Program. Any initial concerns with managing the program were worked out the first year before implementation, because the fees collected were based upon the previous year's mining activity. The timing of the fee structure allowed program officials to put personnel in place, including enforcement and monitoring personnel, which helped implementation to run smoothly.

The Mining Program funds wildlife biologists who assess the mines and make sure the mechanisms in place are working to combat mortalities. As stipulated by provisions in the law, the mining industry is required to report mortality rates on a monthly basis. The mining biologists, who are employees of NDOW, are responsible for monitoring the sites and for tracking mortality. The program also requires the help of six to ten agency personnel, including the Director. One staff specialist works for Hunt, an administrative assistant works half time, three mining biologists work full time, and several supervisory biologists also work in the field. Every mining operation has at least one environmental coordinator from the industry side, with usually two to three per site. The program also funds methods the industry uses to prevent wildlife mortalities, such as covering the

cyanide ponds with a product called birdballs. These balls are made of black plastic material that float on top of ponds and, when used in layers, help to eliminate the visual cue of water to birds. The industry has also used netting to cover the ponds, which prevents birds from landing directly on the water.

The fees collected for a permit for each mining site depend on the size of the mine. These fees range from \$50 to \$10,000 annually for each site. Currently the mining industry has permits for 65 sites, but in the past, has had as many as 120 permits for facilities throughout the state. The money generated annually from the program ranges from \$200,000 to \$500,000 depending on the price of gold. The price of gold also determines how many mines are operational. Once the funds are deposited into the Mining Program account, NDOW decides how the money generated from the fees is spent.

Over the last four years, NDOW and the Association have modified the program because there have not been as many enforcement issues as originally envisioned. NDOW has become more efficient in mitigating the wildlife losses and the mining operations have complied with regulations. As a result, less time is spent working on the Mining Program than anticipated, and NDOW has ended up with surplus funds from the permitting fees. This surplus money is used for other projects in cooperation with the Association that also support wildlife in mining processes. For example, one program creates habitat for bats on abandoned mine lands. Another way to use the funds is to build more wildlife guzzlers, which are artificial water developments for wildlife. These guzzlers can be paid for, in part, by the surplus funds generated from the Mining Program. Some mining sites have video recorders taping what wildlife visits these guzzlers. Brown described an NDOW video recording that shows a sage grouse, which was recently proposed for listing under the Endangered Species Act, drinking from a guzzler. This is a sign that funds from the Mining Program could help benefit, not only migratory birds, but other wildlife as well.

Hunt commented that some people in the industry had a negative response to how the money was being spent, both on the Mining Program and other initiatives not associated with the cyanide issue. Brown, on the other hand, considers the extra money seed money to expand wildlife enhancement measures, while at the same time crediting the Association for their good work. As he said, “The industry cannot afford bad press.”<sup>16</sup> By allowing the fee structure to generate additional funding, the Association is doing what Brown believes is “corporate social responsibility.”<sup>17</sup>

Neither Hunt nor Brown would ever consider canceling the mechanism. Brown said, “If asked my opinion, it [the Mining Program] should stay forever.”<sup>18</sup> Both NDOW and the Association have looked at doing similar programs through other partnerships; NDOW with the renewable geothermal energy industry, and the Association with other organizations. In terms of the Mining Program, Hunt explained that, “there is enough variability mixed into it,” that he does not foresee the amount of gold exploration and extraction dropping to below the program minimum of just under \$200,000 annually, where it would no longer be cost-effective.<sup>19</sup>

## **The State of Nevada**

**Size:** 110,561 square miles

**Population in 2000:** 1,998,257; 91.6% urban; 8.4% rural

**Population in 1990:** 1,201,833

**Population Change:** Up 66.3% 1990-2000; Up 50.1% 1980-1990<sup>20</sup>

Nevada has been America's fastest growing state since 1960. In the 1990s it grew 66 percent, from 1.2 million to 2 million. At projected rates, Nevada should have 3.3 million people by 2010. Because Nevada is nearly 86 percent federally owned, there are opportunities for residents to participate in outdoor related activities on federal lands. According to the 2001 U.S. Fish and Wildlife National Survey of Fishing, Hunting and Wildlife Associated Recreation, 13 percent of Nevadans who participate in wildlife-related recreation are sportsmen and 23 percent are wildlife-watchers.<sup>21</sup>

Mining is a major component of Nevada's economy, especially mining for gold. Nevada is the third largest gold producer in the world.<sup>22</sup> The gold mining industry boomed in 2003 when the Bush administration terminated certain mining regulations and the price of gold rose 25 percent between 2002 and 2003. Today, the price of gold is much lower, but still makes for a profitable industry.

Politically, Nevada has historically been a Democratic state, but recent politics have been changing this trend. Because 86 percent of Nevada is federally owned, representatives fight hard in Washington for the interests of a state that has always depended on the federal government. It was a surprise to many when Clinton carried Nevada in 1992, by 37 percent to 35 percent, and again in 1996, by 44 percent to 43 percent. The reason for Clinton's success may have rested on his promise to veto any bill that pushed for building a national nuclear waste repository, which was approved for Yucca Mountain, about 90 miles north of Las Vegas. In 2000, the pendulum swung back and the Republican proclivity of the state produced a 50 percent to 46 percent margin for George W. Bush, who promised only to block a temporary storage site. In 2004, Bush won again with 50 percent over Kerry, who had 48 percent.<sup>23</sup>

## **Challenges**

One of NDOW's initial concerns with the Mining Program was the U.S. Fish and Wildlife Service (FWS). NDOW worried about how the FWS would react to the legislation because it would potentially take away some of their authority under the Migratory Bird Treaty Act. In order to overcome this potential conflict, NDOW agency officials met with FWS personnel and worked out an agreement so that NDOW would monitor those mines using cyanide ponds and FWS would allow an incidental take of waterfowl.

*"If asked my opinion, it [the Mining Program] should stay forever."*

*- Jonathon Brown,  
Representative from the Nevada  
Mining Association*

A future challenge that the program may face is if the price of gold drops and the economic viability of mining in Nevada ceases. Yet, if mining were to stop, then the Mining Program would not be needed. Another potential challenge may arise if certain mining officials disagree with the surplus funds generated. At present, there is no indication that the law will be amended to cap revenues generated from the mining fees, but the cap is always a possibility and one that has been acknowledged by both parties.<sup>24</sup>

## Reflections

Both Hunt and Brown had positive reflections on the success of the Mining Program, and gave advice which can be used in other states attempting passage of legislation. Hunt said that in Nevada's case, it was important for NDOW to "line up its ducks in a row before going to the Legislature."<sup>25</sup> NDOW planned ahead of time and did its "homework," in the sense that it was able to sell the program to the Legislature because it was not costing the Legislature, or the general fund, any money and was also helping wildlife.

Brown discussed the need to form inter-personal relationships. He believes that forming these relationships ahead of time with key players will ensure that the agency can work with that individual to get the mechanism approved and functioning properly.<sup>26</sup>

## Summary

An indication of the Mining Program's success is demonstrated by the fact that there has been a 97.6 percent reduction in wildlife mortalities associated with mining processes since 1986. Furthermore, the partnership between the Association and NDOW has allowed for substantial collaboration to benefit wildlife conservation.

There are several factors that led to the successful passage of the legislation and enabled the program's objectives of reducing wildlife mortalities to be met. These factors include

- **Preliminary planning:** Both Brown and Hunt agreed that sitting down together in the beginning to come up with a plan to address the wildlife mortalities was a significant step in the success of the program. The preliminary planning and brainstorming helped to identify issues before they happened.
- **Broad support:** The Mining Program had broad support from the mining industry, the Governor, and the State Legislature, all of which were key players that helped the legislation pass easily.
- **Communication is key:** Brown said it is critical to come to an understanding on tangible issues through communication. If the problem is issue-driven, as in this case, the industry had to step up to the plate and take ownership of the problem.
- **Enduring partnerships:** Finally, this is a unique case in which industry and government worked together to solve a common problem. The trust that has been established between the two groups has ensured an effective and enduring program.



By working together, NDOW is able to meet its objective of protecting wildlife, while both organizations receive good publicity.

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- <sup>1</sup> Hunt, Doug. Habitat Bureau Chief, Nevada Department of Wildlife. Personal interview. 4 Nov. 2004.
- <sup>2</sup> Hunt, Doug. Habitat Bureau Chief, Nevada Department of Wildlife. Personal interview. 4 Nov. 2004.
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**14**  
**STATE OF PENNSYLVANIA**  
*Conservation License Plate*



In 1992 the General Assembly of the State of Pennsylvania passed a law initiating the first specialty license plate in the state. Proceeds from the sales of license plates go to the Wild Resource Conservation Program (Program) to benefit wildlife diversity. This case is an excellent example of extensive marketing to promote the license plate. The legislation to authorize the plate went through quickly and without much public attention. After passage, the Program undertook a large publicity campaign to promote the first license plate. Sales of the first plate were outstanding, due to the large public interest in the plate. There have been two plates since the license plate program's inception, and they have brought in a total of over \$4.5 million for wildlife diversity wildlife projects.<sup>1</sup>

**Pennsylvania Conservation License Plate**

Mechanism type:	Vehicle license plate
Implementation method:	Legislative bill
Implementation timeframe:	Under 6 months

**Funding Need**

When the Program was established in 1982, its sole funding source was an income tax check-off. In the beginning, the check-off brought in approximately \$300,000 per year. However, the state started to allow other income tax check-offs, and so competition from other check-offs decreased the amount of money going to the Program.<sup>2</sup> This caught the Board of Directors by surprise, since the creators of the Program had planned to have the check-off be the only check-off allowed in the state. The problem was that it was a verbal agreement that was never put into the law and was “forgotten” a few years after the Program began, allowing other check-offs in the state.<sup>3</sup>

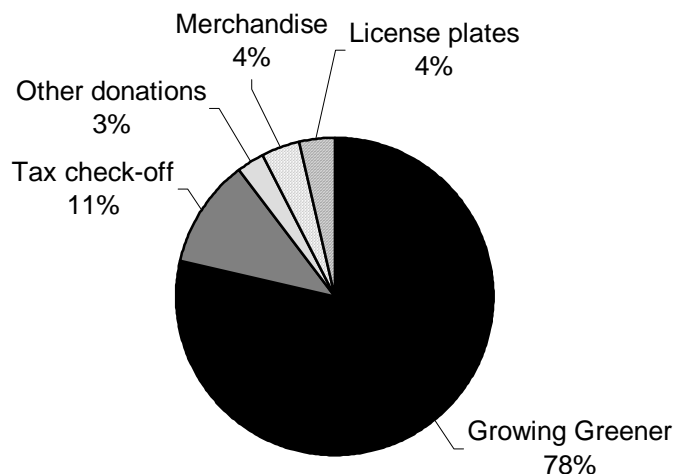
## Wild Resource Conservation Program

In the late 1970s botanists in the state realized they did not have enough money to preserve wild plants. They worked to get some attention to this problem, but were not able to gain the attention of the Assembly to dedicate additional funding. To gather more support, they combined efforts with wildlife managers, who needed more funding for wildlife diversity.<sup>4</sup> As a result of their efforts, in 1982 the Wild Resource Conservation Program was established “to help conserve Pennsylvania’s unique and critical wildlife, plants, and other sensitive species.”<sup>5</sup>

A 12 member Advisory Committee and a seven member Board of Directors oversee the Program. The Advisory Committee consists of citizen members who provide advice to the Board of Directors for administration of the Program. The Board of Directors is composed of the Secretary of the Department of Conservation and Natural Resources, Executive Director of the Game Commission, Executive Director of the Fish and Boat Commission, and the Majority and Minority chairs of the Senate and House Environmental Resources and Energy Committee. The Board decides how money from the Program is spent.

Program funding is derived from two separate sources of money. The license plate program contributes to one of the sources, along with an income tax check-off, donations, and the sale of merchandise, such as videos and t-shirts. These four revenue sources contribute approximately \$400,000 a year to the Program,<sup>6</sup> and are collectively known as “the Fund.” The majority of the money in “the Fund” is used for general operating costs and educational materials.<sup>7</sup> The second source of money is derived from a project called “Growing Greener,” an environmental project funded from landfill tipping fees. “Growing Greener” contributes a portion of its revenue to the Program,<sup>8</sup> all of which is used for wildlife diversity conservation projects and wildlife studies.<sup>9,10</sup> The Program does not receive any general fund money from the state.<sup>11</sup>

**Figure 10: Wild Resource Conservation Program: Revenue Sources for FY 2004.**<sup>12</sup>



By 1992, the Board of Directors of the Program became concerned with this decrease in funding and they brainstormed for new ways to generate more funding. The Board examined a variety of different programs, from the license plate program in Maryland and Florida to a gas tax to a real estate excise tax. After much deliberation the Board decided that a license plate program would be the best solution for Pennsylvania because it would not take a lot of time to establish, it would also be simple to establish, and would not be difficult to administer. The plan was to create a new license plate and collect a one-time fee for the plate. Then every two or three years, the Program would create a different plate and have a regular source of income from the one-time fees for all the new plates.<sup>13</sup>

## **Campaign**

Once the idea was chosen, the next step was to get a law passed by the General Assembly to establish this license plate program. Frank Felbaum, former Executive Director of the Program, explained that it was a simple process to get the law passed in the General Assembly. One of the Board Members was a member of the Assembly, Representative George Hasay, and was retiring from the Board of Directors. He asked Felbaum if there was anything he could do to help the Program. Felbaum responded that he could get the license plate through the Assembly, “In a nutshell, it was a favor to me by one of my departing legislators that we got the first plate.”<sup>14</sup>

Felbaum worked with Representative Hasay to draft the law. It was very short—only three paragraphs. It outlined how the money from the \$35 plate would be allocated: \$15 to the Program and \$20 to the Department of Transportation (DOT).<sup>\*15</sup> The other members of the Board, who were also members of the General Assembly, worked behind the scenes ensure there was no opposition to the license plate program. In addition, Felbaum and others from the conservation community worked to gather the support of the Department of Transportation before the approving legislation was brought forward. The Department of Transportation was a little hesitant about the idea because of the expected additional administrative costs for such a program. Supporters were able to use data from other states that had conservation license plate programs to demonstrate that the license plate program would not be an administrative burden. This data convinced the Department of Transportation and they approved the license plate program.<sup>16</sup>

It was decided to get the approval for the license plate program through an amendment to a bill rather than a stand alone bill to avoid other causes trying to get their own license plates.<sup>17</sup> Late in the session near Thanksgiving, when the legislators were anxious to go home, the license plate approval was slipped in as an amendment to the Department of Transportation bill. As Felbaum explained, “George carried the amendment in his breast pocket and as soon as the Department of Transportation bill came up, he amended it into that. It was at one in the morning and everyone was sleepy eyed and wanted to go home and it passed very rapidly because all the General Assembly members wanted to go home for Thanksgiving.”<sup>18</sup>

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\* By constitutional amendment passed in 1977 over concern of the funding for the Highway and Bridge Trust Fund, the DOT receives \$20 of each license plate fee to place in this fund.

## **Program Administration**

Once the legislation passed, the Program had to begin designing the new license plate and marketing it to the public. This turned out to be much more difficult and time consuming than getting the legislation through the General Assembly.

### ***Designing a License Plate***

The process of designing the plate proved to be more complicated than getting the law passed. To begin, Felbaum asked the artists who worked for the state to send him designs for a wildlife diversity plate. The Advisory Committee reviewed the 50 designs submitted and cut the list down to 25 designs. Then the Board of Directors cut that list down further and finally chose the Saw-whet Owl, which was also the symbol for the Program.

Although the DOT would have final approval of the plate, the Program only had limited input from the DOT during the design process. Even so, according to Felbaum, the DOT was supportive of the plate because they were also getting money from the license plate program.

Once the plate was designed and approved by the DOT in 1993, the Program needed to market the plate. Felbaum took the lead role in a large public relations campaign, financed by money earmarked from the income tax check-off. The key to this campaign was designing a brochure advertising the plate to be inserted along with all license renewal applications. He also sent this brochure out to all places that registered cars, AAA offices, state parks, state liquor stores, and many other public locations. In addition, he conducted radio and television interviews and placed newspaper advertisements for the new license plate. As Felbaum stated, “You have to make it easy for the consumer.”<sup>19</sup>

*“George carried the amendment in his breast pocket and as soon as the Department of Transportation Bill came up, he amended it into that. It was at 1:00 in the morning and everyone was sleepy eyed and wanted to go home and it passed very rapidly because all the General Assembly members wanted to go home for Thanksgiving.”*

*- Frank Felbaum, former Executive Director of the Program*

Another strategy he used to create support for the plate was to give low number plates to those who had supported the license plate program. For example, Felbaum wanted to thank the Governor by giving him the number one plate at a media event.<sup>†</sup> However, the state law enforcement did not allow the Governor to have such a noticeable plate for security reasons. Felbaum was able to involve the media, newspaper and television in other ways to gather support for the plate. He held media events when a certain number of plates had been sold, such as 50,000 and then again at 100,000.<sup>20</sup>

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<sup>†</sup> Although the Governor did not play a role in the publicity campaign, his tacit support of the program enabled it to move forward through the administration.

### ***Decreasing Sales***

In the first couple of years, the plate sales were extraordinary, bringing in over \$1 million a year. The success of these early years can be attributed to the fact that the owl plate was the first unique design plate in the state.<sup>21</sup> It was purchased by people who supported conservation, but also those who wanted a unique plate. According to surveys conducted by the Program, 25 percent of people who purchased the owl plate did so, not to support wildlife diversity, but because it was a new license plate. In addition, Felbaum believed the plates sold so well because there was only a one-time fee, not an annual fee going to the Program.<sup>‡,22</sup>

After the first couple of years, the sales of the plate started to decrease. Felbaum attributed this decrease to the emergence of other specialty plates on the market. When he originally thought of the plan, he did not anticipate other organizations designing their own specialty plates and creating competition for his plate.

After the sales started to decrease, Felbaum considered switching to a new design to increase sales, as originally planned. However, by this time, the DOT had made a new law that all specialty plates had to sell 250,000 plates total to change designs. Since the owl plate had not reached this DOT goal, the Program would have to wait to change designs.<sup>23</sup>

### ***Changing Designs***

By 1999, the owl plate had reached the DOT goal of 250,000 plates. The Program set out to design a new plate, and this time they solicited public opinion in the design in order to increase public support. The Board chose three designs from the previous design process and asked the public to vote for their favorite design: a bald eagle, a peregrine falcon, and a river otter. They advertised these new designs in their newsletter, *Keystone Wild Notes*, and on their website. The public chose the river otter as the preferred design.

During the design of the second plate, the DOT was more involved than the previous time since they had final approval of the plate. Even though the DOT was still supportive of the license plate program, the design of the license plate encountered some problems. Since there were so many specialty plates on the market, law enforcement officials were concerned about quick identification of license plates. So the Program had to make some design changes, including changing the color of 'Pennsylvania' and moving its location on the plate, to get approval from law enforcement officials.

The new river otter plates went on sale in 1999 and the Program was hoping for a great increase in revenue from the new plate design. Although there was a slight increase, it was not anywhere near what they had wanted. When first introduced, the owl plate sold approximately 85,000 plates a year; whereas the new otter plate sold 40,000 plates a year in the beginning, and now it is down below 30,000 plates a year.

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<sup>‡</sup> Felbaum also stated that he thought more plates would have sold if there had been a game species on the plate because of the popularity of hunting and fishing in the state. However, since the Program enabling legislation focused on wildlife diversity, he was not allowed to place a game species on the license plate.

There are a number of different plausible explanations for why the otter plate did not sell as well as the owl plate. Felbaum attributed the decrease in sales to competition from other plates.<sup>24</sup> Others have claimed that sales decreased when the DOT stopped including the brochure of the specialty plates with registration renewal forms.<sup>§</sup> After plotting the sales of plates against the time of these various explanations, Dr. Ron Stanley, current Executive Director of the Program, did not notice any significant effect. His theory is that they have just saturated the market and those who want a wildlife diversity plate already have a plate, “The most important impact [in the decline in sales] is...we’ve got a limited audience and we’ve just about saturated the market.”<sup>25</sup>

*“The most important impact [in the decline in sales] is...we’ve got a limited audience and we’ve just about saturated the market.”*

*-Dr. Ron Stanley, Executive Director of the Program*

The Program has not seriously considered switching plates again for a number of reasons. First, the otter plate has not sold the requisite 250,000 plates required by the DOT to make any design changes. Therefore, the Program would have to buy back all the unsold otter plates, and that would be too expensive. Second, DOT has established a design standard for all new plates which severely limits the space in which the Program can make the plate unique. This change was brought about by law enforcement, who wanted less variability in the plates to make identification easier. Finally, as Stanley expressed, he thinks they have saturated the market, so there are not many people who would buy the new plate and generate significant income.<sup>26</sup>

### ***Funding Projects with Program revenue***

Every year, the Program awards resource conservation grants to projects that protect or study wildlife diversity.<sup>27</sup> Currently, the money for these grants is mostly from the “Growing Greener” money and only a small percentage is from “the Fund.” The projects go through a thorough review process before being awarded. Each project is reviewed by four to five external reviewers who have expertise in the field and give the project a technical score. The scored projects are then placed in a list according to rank and the amount of funding for the round is determined. The amount of money available is matched against the project budgets and a line is made at the available amount of money in the list of projects and this “funding line” then determines which projects on the list will be funded and those that will not (those above the line will be funded and those below the line will not be funded).

However, before the final decision is made, each project is presented to a panel of natural resource agency personnel, including the three agencies that deal with wildlife diversity management, the Game Commission, the Fish and Boat Commission, and the Department of Conservation and Natural Resources, who are able to make minimal adjustments to the score already given by the external reviewers. Thus these panels are able to move projects above or below the line depending on the policy priorities of the

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<sup>§</sup> The DOT stopped including the brochure because they were over their weight limit for the budgeted postage amount. The DOT did offer to include the specialty plate brochure if the groups with the plates would pay the extra postage, but these groups declined.

agencies. Once the list has been finalized, the Board of Directors of the Program approves the list and the grants are awarded.<sup>28</sup>

Each year the Program awards grants for research and education projects focusing on wildlife diversity. Previously funded projects include a detailed inventory of the biological and wild resources in most counties in the state;<sup>29</sup> a study of the distribution of the Appalachian cottontail rabbit to determine an index for its abundance in selected locations which will allow for future comparisons and trend analysis; and financial and resource support for schools and/or youth groups to create wildlife habitats and outdoor learning areas and to incorporate these areas into school curriculum club and after-school programs.<sup>30</sup>

## **Challenges**

The biggest challenge to the license plate program is the decreasing funds. The Board is working on ideas to increase the revenue from the license plate program. One idea that has been suggested is changing from a one-time fee to an annual renewal fee for the plate. This idea has been rejected because legislators do not want to change the program midstream; as Stanley expressed, “They do not want to impose in effect a new tax on those that bought the license plate in good faith to begin with.”<sup>31</sup>

Another idea that has been tossed around is trying to get a percentage of the gas tax to be dedicated to the Program. As Walter Pomeroy, Advisory Committee member, commented wildlife habitat is often destroyed as the highway system expands and therefore it is not unreasonable to request that some of the money that contributes to this expansion be put back into wildlife. Although the idea has been briefly discussed, the Board has not taken any steps to move forward with this idea.<sup>32</sup>

In addition, the Program is hoping that the Governor’s “Growing Greener II” program will be placed on the primary ballot in spring 2005. If that bond measure passes, then the Program will receive more financial support.<sup>33</sup> Although these two ideas will not increase the revenues from the license plate program specifically, there will be more money going to conserving wildlife diversity.

## **Reflections**

Due to the decreasing revenues, Felbaum looked back on his decision and thought he should have set up the license plate program, not with the one-time fee, but with an annual renewal fee. He realized he would not have sold as many plates overall, but he would have generated a constant stream of income from the license plate program and probably more money overall. In fact, this is how he would recommend another state setting up a license plate program.<sup>34</sup> Another possible way for a state to deal with a one-time fee program, as Stanley explained, would be to place the revenues into an endowment instead of spending the revenues as they are generated.<sup>35</sup>

There are some other considerations states should take into account when designing a new license plate program. States need to be cautious in their expectations for revenues. As Stanley expressed, a license plate program is not by its nature (as Pennsylvania had it set up with a one-time fee) a sustainable source of funding. However, the Board expected



it to be sustainable, so they were caught off guard as the revenues continued to decrease.<sup>36</sup> Felbaum also thinks states are going to run into more problems getting approval for the new plates from law enforcement officials. As states have an increasing number of specialty plates, law enforcement is having a harder time quickly identifying license plates, so they are requiring stricter standards.<sup>37</sup> In addition, Stanley expresses the need to work in partnership with the DOT in creating and designing a plate since the DOT runs the various plate programs.<sup>38</sup>

## **The State of Pennsylvania**

**Size:** 46,055 square miles

**Population in 2000:** 12,281,054; 77.0% urban; 23.0% rural

**Population in 1990:** 11,881,643

**Population Change:** Up 3.4% 1990-2000; Up 0.1% 1980-1990

Pennsylvania is well known for its historical role in the founding of the United States by hosting the Continental Congress in 1776 and the Constitutional Convention in 1787. In addition, Pennsylvania is well known for coal. That is because Pennsylvania was the nation's largest source of coal in the late 1800s: anthracite coal in Northeast Pennsylvania and bituminous coal in Western Pennsylvania. The state's industrial prosperity caused Pennsylvania to be the second largest state in the 1900s. The Depression hit the state hard and many areas have not recovered since. In fact, Pennsylvania has the slowest population growth of any state, at 3.4 percent.

Politically, the state can be divided into two regions. Currently, Eastern Pennsylvania is Democratic while Western Pennsylvania is Republican.<sup>39</sup> Others claim the state can be divided into urban Democrats (Philadelphia and Pittsburgh) and suburban and rural Republicans.<sup>40,41</sup> This Democratic-Republican pattern has changed over the past 70 years depending on economic conditions, giving Pennsylvania a reputation as a swing state.<sup>42</sup> In the 2000 Presidential election, Gore won with 51 percent over Bush's 46 percent.<sup>43</sup> In the 2004 Presidential election, Kerry won with 51 percent over Bush's 49 percent.<sup>44</sup> Although Democrats have done well in the Presidential election, Republicans hold both of the U.S. Senate seats and hold 12 of the 19 U.S. House seats. Although the Governor is a Democrat, both the State House of Representatives and State Senate are controlled by Republicans.<sup>45</sup>

Support for outdoor recreation is average, with 45 percent of state residents participating in wildlife related recreational activities in 2001. In that year, total wildlife related expenses exceeded \$2.9 billion.<sup>46</sup>

## **Summary**

The license plate program in Pennsylvania was initially very successful because it brought in a lot of money for wildlife diversity that was not being funded otherwise. As Felbaum expressed, "I consider it an outstanding success. I don't think there'd be a

program in the state ever to raise that kind of money for non-game species.”<sup>47</sup> However, due to the initial design of the license plate program, the revenue being generated from the license plates is steadily decreasing.

The initial success of the license plate program can be attributed to the following factors:

- **Being the first new plate:** The owl license plate was the first specialty plate in the state. Not only were citizens purchasing the plate to support conservation, they were purchasing the plate to have a unique plate.
- **Legislative champion on the Board of Directors:** Having a motivated legislator on the Board of Directors of the Program was important for strategically ushering a bill through the legislative process.
- **Timing of legislation:** The legislation to create the license plate was placed in a bill that needed to be passed and it was amended in late at night when the legislators wanted to go home for the holidays.
- **Initial high sales due to lack of annual fee:** Felbaum believed one of the reasons the owl plate sold so well in the beginning was the lack of annual fee. However, he noted that in order to have a sustainable source of funding from a license plate program, there should be an annual renewal fee, even if that means decreasing the initial sales of the plate.

*“I consider it an outstanding success. I don’t think there’d be a program in the state ever to raise that kind of money for non-game species.”*

*- Frank Felbaum, former Executive Director of the Program*

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<sup>1</sup> Felbaum, Frank. Former Executive Director, Wild Resource Conservation Program. Personal interview. 3 Nov. 2004.

<sup>2</sup> Felbaum, Frank. Former Executive Director, Wild Resource Conservation Program. Personal interview. 3 Nov. 2004.

<sup>3</sup> Pomeroy, Walter. Member, Advisory Committee. Personal interview. 2 Feb. 2005.

<sup>4</sup> Pomeroy, Walter. Member, Advisory Committee. Personal interview. 2 Feb. 2005.

<sup>5</sup> Wild Resource Conservation Program. “Wild Resource Conservation Program.” <http://www.dcnr.state.pa.us/wrcf/> (13 Nov 2004).

<sup>6</sup> Stanley, Dr. Ron. Executive Director, Wild Resource Conservation Program. Personal interview. 2 Nov. 2004.

<sup>7</sup> Stanley, Dr. Ron. Executive Director, Wild Resource Conservation Program. Personal communication. 21 Jan. 2005.

<sup>8</sup> Stanley, Dr. Ron. Executive Director, Wild Resource Conservation Program. Personal interview. 2 Nov. 2004.

<sup>9</sup> Stanley, Dr. Ron. Executive Director, Wild Resource Conservation Program. Personal communication. 21 Jan. 2005.

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- <sup>46</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001.  
<http://www.census.gov/prod/2002pubs/FHW01.pdf> (13 Nov. 2004).
- <sup>47</sup> Felbaum, Frank. Former Executive Director, Wild Resource Conservation Program. Personal interview. 3 Nov. 2004.

**15**  
**STATE OF TEXAS**  
*Sporting Goods Sales Tax*



In 1993, the Texas State Legislature passed House Bill 706, dedicating the portion of the state's sales tax generated from the sale of sporting goods to the Texas Parks and Wildlife Department (TPWD).<sup>1</sup> The mechanism currently generates \$32 million per year and is divided among three programs. Forty-eight and a half percent of the funds are provided to local parks, another 48.5 percent is provided to state parks, and three percent is provided to TPWD's Fish and Wildlife Capital Fund.<sup>\*,2</sup> Although in Texas only a small portion of the funds raised are used directly in support of wildlife conservation, the sporting goods sales tax may have applications for wildlife funding in other states. In selecting the sporting goods sales tax funding mechanism, TPWD was careful to choose a mechanism that would appeal to the State Legislature, thereby improving the chances of passing the legislation in tough economic times.

**Texas Sporting Goods Sales Tax**

Mechanism type:	Outdoor equipment sales tax
Implementation method:	Legislative bill
Implementation timeframe:	Approximately 3 years

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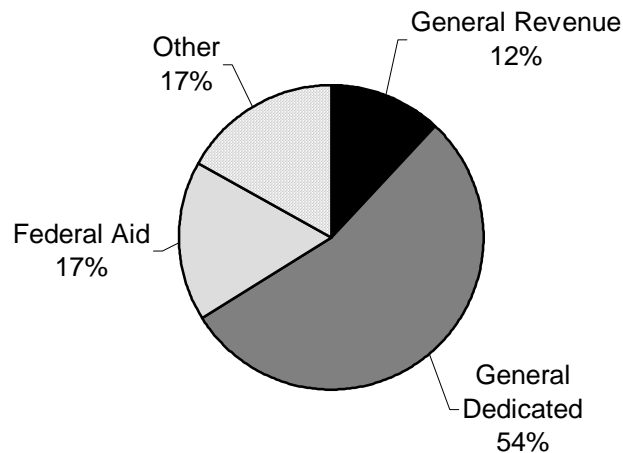
\* By statute, proceeds from the sporting goods sales tax, up to \$27 million, have historically been divided in half between TPWD's state parks account and the Texas Recreation and Parks Account, which is used to provide grant funding for local parks. Beginning in Fiscal Year 1996, the state began to split proceeds above the \$27 million, up to a statutory cap of \$32 million, as follows: 40 percent to state parks, 40 percent to local parks, and 20 percent to the Texas Parks and Wildlife Conservation and Capital Account.

## Texas Parks and Wildlife Department

Texas Parks and Wildlife (TPWD) is responsible for management of the state's wildlife and wildlife habitat as well as for the acquisition and management of parklands and historic areas.<sup>3</sup> TPWD is overseen by a nine member Commission. Commissioners are appointed by the Governor and confirmed by the State Senate. The Commission's chief responsibility is the adoption of policies and rules to carry out all programs of the Parks and Wildlife Department. The Commission approves the biennial budget and appropriation requests for submission to the Legislature, sets departmental policy, and appoints an Executive Director charged with the operation of TPWD on a daily basis.<sup>4</sup>

For fiscal year 2004, the total agency budget was \$289 million. A large portion of TPWD's budget is financed with revenues generated from users of Parks and Wildlife facilities and licenses (shown as General Dedicated in Figure ). In fact, revenues from these sources constitute 54 percent of TPWD's budget. The sporting goods sales tax accounts for approximately 11 percent of the agency's total budget. The majority of these funds are spent on parks initiatives.<sup>5</sup>

**Figure 11: Texas Parks and Wildlife Department: Revenue Sources for FY 2004.** TPWD's total budget for FY 2004 was \$289 Million. "General Revenue" includes the sporting goods sales tax, motor boat fuel taxes, and general sales tax revenues. "General Dedicated" includes sources such as hunting and fishing license fees and park entrances fees.<sup>6</sup>



## Funding Need

Historically, TPWD funded their state and local parks through proceeds from the state's cigarette sales tax. Initially, this revenue source brought TPWD about \$30 million per year. However in the late 1980s, cigarette sales began to decline and revenue generated from this funding mechanism fell to about \$18 million per year. TPWD needed to find a new funding source. As Corky Palmer, a former TPWD employee, said, "They couldn't just put up billboards and ask people to smoke more."<sup>7</sup>

## **Campaign**

The drive to create an alternative to the cigarette sales tax occurred at the highest levels within TPWD. Andy Sansom, former TPWD Executive Director, and Ygnacio Garza, former TPWD Commission Chairman, were both intimately involved throughout the process. Sansom recalled that there were three factors which led TPWD to select the sporting goods sales tax funding mechanism. First, it was a dedicated funding source that TPWD expected would grow as purchases of sporting goods increased. Second, the funds would be directly linked to outdoor recreation and conservation. In other words, it would follow a “user-pays, user-benefits” concept. Finally, the sporting goods sales tax was not a new tax, which would have been unacceptable to the sporting goods industry. It was simply the redistribution of that portion of the sales tax generated from the sale of sporting goods. Sansom recalled that other mechanisms were briefly considered. However, TPWD leadership did not find any that they felt would be preferable to the sporting goods sales tax.<sup>8</sup>

### ***Obtaining Constituent Support***

There were two constituencies critical to the creation of the funding mechanism. The first was the Texas Parks and Recreation Society. This organization, which represented local parks interests, was concerned about the declining revenue from the cigarette sales tax because local parks received \$13 million per year from that source.<sup>9</sup> The second critical constituency was the Texas Outdoor Recreation Alliance – a coalition of outdoor retailers that was formed at TPWD’s encouragement. Both of these organizations were intimately involved in lobbying the State Legislature in support of the sporting goods sales tax funding mechanism. However, retailer support was considered particularly important since its industry was most impacted by the sporting goods sales tax proposal.

Texas Parks and Wildlife spent several years organizing support within the retail industry. They started this process by working to form the Texas Outdoor Recreation Alliance. According to Sansom, “We organized them...We began by doing things like taking them on outings. We organized a fishing trip for them. We did various things to get them together because some of them hadn’t even met each other.”<sup>10</sup> As a part of this process, TPWD was careful to educate the industry about its funding problems.

*“Being in that industry [sporting goods] I knew most of them or at least knew who they were...I was able to get them to join for their industry as a whole.”*

*- Corkey Palmer, former TPWD employee*

Palmer, who had previously worked in the sporting goods industry, did a great deal of the work necessary to gain support from industry leaders. His previous experience in the retail industry provided numerous contacts and created credibility within this group. As Palmer commented, “Being in that industry [sporting goods] I knew most of them or at least knew who they were...I was able to get them to join for their industry as a whole.”<sup>11</sup> The industry’s support hinged on its belief that the more TPWD invested

in conservation and outdoor recreation, the greater the sales in the sporting goods industry would be. According to Palmer, “It’s their customer, it’s their user, they’re the

ones that collect it, and of course they benefit from it. If there's more parks, there's more boat ramps, there's more availability for the user and this drives their industry and increases their revenue."<sup>12</sup>

Overall, the retailers were strongly supportive. Greg Miller, of Academy Surplus, felt, "It is just great news to hear that more of the tax dollars generated from the sporting goods industry is going to end up with TPWD."<sup>13</sup> The fact that this tax was not a new tax helped to forestall retailer concerns. In Palmer's opinion, had the proposal included an initiative to raise the sales tax, the retailers "would have bolted or fought it."<sup>14</sup> Their belief in the concept would not have been strong enough to overcome fears that a new tax would decrease sales. Retailers would also have been concerned that a new tax would have driven customers to mail order retailers such as Bass Pro and Cabelas, where purchases would have been sales tax exempt because these retailers did not have stores in Texas at the time. There was some hesitancy from the "hook and bullet" retailers who did not think that further investment in parks would necessarily increase their sales. Palmer addressed these concerns by reminding such retailers that their customers were also parks users who were concerned about conservation. Although Palmer felt this hesitancy persists even today, these retailers will "still show up and back the idea of it."<sup>15</sup>

*"It is just great news to hear that more of the tax dollars generated from the sporting goods industry is going to end up with TPWD."*

*- Greg Miller, Academy Surplus*

### ***Obtaining Legislative Support***

As originally drafted, the bill would have split the revenue from the sporting goods sales tax, then valued at about \$30 million, with half of the funds going to local parks and the other half going to state parks. Sansom and others in TPWD initially planned to focus all of the funding from the sporting goods sales tax exclusively on parks because that is where the need was greatest. TPWD was under a lot of pressure to keep park fees extremely low, but at the same time, there had been a lot of new parks created over the previous 15 to 20 years. This increase in parks dramatically reduced the money available for the maintenance of existing facilities. Palmer recalled that at that time, "there was a \$180 million backlog of maintenance projects and a lot of complaints from the public. It was very easy to demonstrate the need for secure funds."<sup>16</sup> The original legislation did not include a cap on the revenue generated from this source. In fact, revenue was expected to increase due to increased sales of sporting goods.

Once the bill was ready for introduction, TPWD had a veritable army of supporters ready to lobby the State Legislature. These supporters, and particularly those within the sporting goods industry, were extremely active lobbyists. According to Sansom, "When the bill was ready, they [the sporting goods industry]...lobbied the Legislature. They walked the halls, testified at the hearings, and held receptions at the Capital."<sup>17</sup> A number of these individuals were very powerful and well-connected businessmen. The utilization of personal connections was a very important component in building support within the Legislature, particularly in the House.<sup>18</sup> As Sansom commented, "The bill became a serious issue when members of the Legislature saw there were very, very powerful and



influential people who were willing to support it and put their money and time behind it.”<sup>19</sup>

Lobbying consisted of four messages: TPWD and industry supporters emphasized that the cigarette tax was declining; they discussed their need for additional revenue; they emphasized the logic behind using funds from the sporting goods industry to support outdoor recreation; and they stressed that this mechanism would not be a new tax. The “user-pays, user-benefits” concept was particularly appealing to the bill’s legislative supporters. According to Sansom, “There was a strong feeling in our Legislature that we should be self-funded, meaning that our users should be the ones who pay.”<sup>20</sup>

*“The bill became a serious issue when members of the Legislature saw there were very, very powerful and influential people who were willing to support it and put their money and time behind it.”*

*- Andy Sansom, former Director, TPWD*

Support in the Senate was very strong. Sansom believed this was the result of the relationships built with key Senate members. Sansom held a number of personal conversations with the Lieutenant Governor, who sets the Senate’s agenda and appoints the committees. As Sansom recalled, “The Lieutenant Governor and I had any number of discussions about the fact that the cigarette tax was a poor way to fund our business. He was very anxious to find an alternative.”<sup>21</sup> Part of the Lieutenant Governor’s concerns were related to using a “sin tax” to fund TPWD, but his principal concern was in finding a funding source linked to TPWD’s mission. The Chairman of the Senate Finance Committee, an extremely powerful and respected member of the Senate, sponsored the Senate bill. Both Sansom and Palmer agreed that this support resulted from two things. First, both the Lieutenant Governor and the Finance Committee Chairman were great supporters of TPWD. Second, both men understood the need for a new source of funding.<sup>22,23</sup>

Support in the House was more difficult to generate. Palmer felt this difficulty was partially due to the larger number of legislators and higher rate of turnover within the House. As a result, TPWD put more effort into educating the House members. The Representatives also had a number of concerns about the funding mechanism.<sup>24</sup> Sansom remembered that House members were concerned about the dedicated nature of the funding mechanism. As Lydia Saldana, TPWD Communications Director, stated, “In general, the Legislature does not like the dedication of funds because once it is written into law that it is dedicated...that reduces their flexibility.”<sup>25</sup> At the time, there were also other demands for the funds, including nursing homes, the state health department, and education. Gaining House support was further complicated when the bill’s primary sponsor and champion, Renee Oliveria, was hospitalized for emergency bypass surgery. The bill’s co-sponsor, Robert Saunders, became more active as a result.<sup>26</sup>

TPWD was able to overcome many of the legislators’ concerns using the “user-pays, user-benefit” concept, which the Texas Legislature found philosophically appealing. Over the course of the legislative session, the bill was also altered in several key ways.

As Oliveria commented, “It took a lot of hard work, and it took a lot of arm twisting, horse trading, and lots of other things that...are part of the legislative process.”<sup>27</sup>

First, legislators concerned about the types of goods included under the “sporting goods” umbrella insisted that certain categories of equipment, including tennis shoes and backpacks, be exempt from the measure. These exemptions became a major point of contention within the appropriations committee. To gain the House’s support, the agency agreed to exempt a number of goods from the measure.<sup>28</sup>

Over time, the bill also became more friendly to fish and wildlife supporters. Much of this had to do with Saunders’ increased role in the campaign. Sansom believed that “he [Saunders] was much less interested in local parks than in fish and wildlife, and so that’s one of the reasons why the bill became more friendly to fish and wildlife interests.”<sup>29</sup> To accommodate Saunders’ interests, the bill was altered to provide a small revenue stream for wildlife and fisheries. This revenue stream would become the Fish and Wildlife Capital Fund.

Finally, with the state facing tough financial times, the Legislature insisted that the funding mechanism be revenue neutral in its first two years – meaning that TPWD would receive no more funding from the sporting goods sales tax than they would have otherwise received from the cigarette tax. For its first two years (1994 and 1995) the fund was capped at \$27 million, divided equally between state and local parks. Beginning in 1996, the cap was raised to \$32 million. The additional \$5 million being divided: 40 percent to state parks, 40 percent to local parks, 20 percent to capital investments in fish and wildlife. This reallocation meant that overall about \$15.5 million would go state parks, \$15.5 million to local parks, and \$1 million to the Fish and Wildlife Capital Fund each year. It was TPWD’s expectation that the cap would not last beyond the 1996-1997 biennium. However, the Legislature was required to act proactively to remove the cap and that has never occurred. Sansom felt this lack of action is because a number of the bill’s key supporters had left the Legislature by the 1996 session. As a result, the funding source has remained capped at \$32 million.<sup>30</sup>

## **Program Administration**

The sporting goods sales tax is allocated by the Legislature in each session. To obtain the funding, TPWD must submit a budget request to the Legislature for their review. Although the Legislature cannot allocate the sporting goods sales tax funds to another agency, they can decline to allocate the money at all. In fact, the last legislative session appropriated only \$23.7 million of the \$32 million to TPWD.<sup>31</sup> This smaller appropriation was done in an effort to balance the state budget. The resulting funding shortfall presented a number of challenges for the department.<sup>32</sup>

## **Challenges**

The sporting goods sales tax, as a result of the legislatively imposed funding cap and state budgetary constraints, has not provided an increasing revenue source for TPWD. In the last six months, Palmer, who now works as a consultant for various conservation organizations, has been working to correct this situation. He is reconstituting the Texas

Outdoor Retailers Alliance. Currently, there are 280 members in this group, all of whom support a drive to raise the cap on the sporting goods sales tax. These industry representatives have estimated that over \$80 million in tax revenues is currently being generated from the sale of sporting goods in the state. The state comptroller feels that the actual number may be as high as \$100 million. However, rather than try to attain the full level of funding, the group will ask the Legislature to raise the cap to \$70 million. A subset of this group has formed a legislative policy delegation with responsibility for lobbying the State Legislature in support of an increased cap. This effort has already begun and will continue in the 2005 legislative session. To generate sufficient support for such a measure, there has been an effort to expand the beneficiaries of additional funding. For instance, there is a drive to allocate some of the additional funds for wildlife enforcement. There is also consideration being given to funding the purchase of water rights. This would allow TPWD to maintain environmental flows, for instance, the maintenance of freshwater flows to bays and estuaries.<sup>33</sup>

### **The State of Texas**

**Size:** 268,581 square miles

**Population in 2000:** 20,851,820; 82.5% urban; 17.5% rural

**Population in 1990:** 16,986,510

**Population Change:** Up 22.8% 1990-2000; Up 19.4% 1980-1990

Texas is the second largest state in the union, both in land area and population size. The state is well known as the center of the U.S. oil industry, but also supports a dynamic high-tech industry that includes Texas Instruments, Dell Computer, and numerous defense contractors. The North American Free Trade Agreement and Texas' close relations with its neighbor Mexico has resulted in an increasing focus on international trade. In the 1980s, a crash in oil prices, coupled with a collapse in the state's commercial real estate and declines in defense spending left the state's economy in disarray. Since that time, the state's economy has recovered. In 2000, the Dallas metro area created more jobs than any other area in the nation.

Prior to 1970, most Texans voted Democratic. However today it is an indisputably Republican state. George W. Bush carried Texas in 2000 by a 59 percent to a 38 percent margin, significantly larger than the 56 percent to 43 percent margin his father won 12 years before.<sup>34</sup> His 2004 margin of victory was even larger: Bush carried the state by a 64 percent to a 38 percent margin.<sup>35</sup>

According to a recent U.S. Fish and Wildlife Survey, participation in wildlife-related recreation is low, with only 29 percent of Texas residents participating in 2001. In that year, total expenditures on wildlife-related recreation was \$5,354,194.<sup>36</sup>

### **Reflections**

When asked how he would advise another state agency interested in instituting a sporting goods sales tax, Sansom recommends that the agency obtain the support of the

sporting goods industry. He also feels that it is important to recognize that legislators are concerned about dedicated funding sources and to find a way to address these concerns. Finally, he suggests that state agencies create as broad a constituency as possible. As Sansom remarked, “You cannot do it by just selling non-game wildlife, or traditional game conservation, or state parks. You have to get them all because the sporting goods industry sells all of those people.”<sup>37</sup>

## Summary

At the time it was passed, TPWD had every reason to believe that the Texas sporting goods sales tax would be an extremely successful funding mechanism. They had succeeded in implementing a dedicated funding mechanism that had the potential to grow with time. Unfortunately, the failure of the Legislature to raise the cap on revenue has limited the long-term success of this program.

Although it may not have been possible in this case, states pursuing a legislatively created funding mechanism should consider including provisions to ensure that funding increases over time. Additionally, some states have used constitutionally mandated funds, thereby ensuring that the state legislature cannot divert funding. Finally, expanding the funding mechanism’s constituent base (for instance, by including more wildlife related benefits, historic preservation, and the like) could serve to strengthen support for the mechanism within the legislature. This advice could be applied in Texas to help prevent the diversion of sporting good sales tax funds from TPWD.

TPWD’s ability to implement the funding mechanism can be attributed to a number of elements:

- **“User-pays, user-benefits” concept:** The popularity of this funding strategy was important to TPWD’s ability to obtain legislative support. According to Sansom, “At the time, the state was in an extremely difficult economic situation. This bill was passed during a time in which most of the state budgets were being cut. The reason it received wide support is...that it was perceived to be user-pay. That is why you would never, ever have been able to pass a Missouri-type sales tax,”<sup>38</sup> in which the state’s general sales tax was raised to provide funds for the Missouri Department of Conservation.
- **Constituent support:** The support of key constituents, particularly within the retail community, was also a critical element of success. Since many of these individuals had relationships with the legislators they were trying to influence and were comfortable working within a political process, they were extremely effective advocates. Two keys to gaining this support were the belief that investments in outdoor recreation would lead to increased sales and the fact that this program would not result in a new tax on the industry.
- **Legislative leadership:** A number of influential leaders, including the Senate Finance Chairman and the Lieutenant Governor were highly supportive of the legislation. In the House, Representatives Oliveria and Saunders were strong and

effective advocates. It seems that without their dedication to this cause, the bill would not have been successful.

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<sup>1</sup> Texas Parks and Wildlife Department. "Open Line." Video, June 1993.

<sup>2</sup> Fields, Mary. Chief Financial Officer, Texas Parks and Wildlife Department. Personal interview. 12 Nov. 2004.

<sup>3</sup> Texas Parks and Wildlife Department. "Description and History."  
[http://www.TPWD.state.tx.us/admin/about\\_us/descrip.htm](http://www.TPWD.state.tx.us/admin/about_us/descrip.htm) (5 Nov. 2004).

<sup>4</sup> Texas Parks and Wildlife Department. "TPWD Commission."  
[http://www.TPWD.state.tx.us/admin/about\\_us/commain.htm](http://www.TPWD.state.tx.us/admin/about_us/commain.htm) (5 Nov. 2004).

<sup>5</sup> Texas Parks and Wildlife Department. "Texas Parks and Wildlife Department Financial Overview." 30 Jan. 2004.  
[http://www.TPWD.state.tx.us/publications/agency\\_reports/pdf\\_docs/TPWD\\_financial\\_overview\\_2004.pdf](http://www.TPWD.state.tx.us/publications/agency_reports/pdf_docs/TPWD_financial_overview_2004.pdf) (1 Dec. 2004).

<sup>6</sup> Texas Parks and Wildlife Department. "Texas Parks and Wildlife Department Financial Overview." 30 Jan. 2004.  
[http://www.TPWD.state.tx.us/publications/agency\\_reports/pdf\\_docs/TPWD\\_financial\\_overview\\_2004.pdf](http://www.TPWD.state.tx.us/publications/agency_reports/pdf_docs/TPWD_financial_overview_2004.pdf) (1 Dec. 2004).

<sup>7</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>8</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>9</sup> Saldana, Lydia. Communications Director, Texas Parks and Wildlife Department. Personal interview. 12 Nov. 2004.

<sup>10</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>11</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>12</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>13</sup> Texas Parks and Wildlife Department. "Open Line." Video, June 1993.

<sup>14</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>15</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>16</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>17</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>18</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>19</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>20</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>21</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

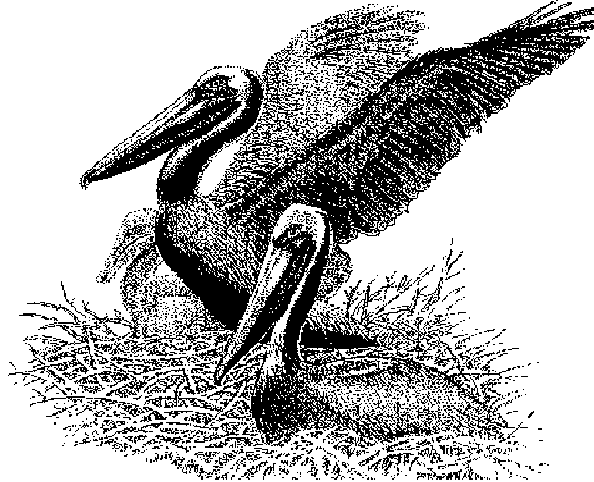
<sup>22</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

<sup>23</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>24</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.

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- <sup>25</sup> Saldana, Lydia. Communications Director, Texas Parks and Wildlife Department. Personal interview. 12 Nov. 2004.
- <sup>26</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.
- <sup>27</sup> Texas Parks and Wildlife Department. "Open Line." Video, June 1993.
- <sup>28</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.
- <sup>29</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.
- <sup>30</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.
- <sup>31</sup> Texas Parks and Wildlife Department. "Texas Parks and Wildlife Department Financial Overview." 30 Jan. 2004.  
[http://www.TPWD.state.tx.us/publications/agency\\_reports/pdf\\_docs/TPWD\\_financial\\_overview\\_2004.pdf](http://www.TPWD.state.tx.us/publications/agency_reports/pdf_docs/TPWD_financial_overview_2004.pdf) (1 Dec. 2004).
- <sup>32</sup> Saldana, Lydia. Communications Director, Texas Parks and Wildlife Department. Personal interview. 12 Nov. 2004.
- <sup>33</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 22 Nov. 2004.
- <sup>34</sup> Barone, Michael, and Richard E. Cohen. "Texas at a Glance." *Almanac of American Politics 2004*. National Journal, 2004. <http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/tx/> (28 Jan. 2005).
- <sup>35</sup> CNN. "Election 2004." <http://www.cnn.com/ELECTION/2004/pages/results/states/TX/P/00/> (28 Jan. 2005).
- <sup>36</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (13 Oct. 2004).
- <sup>37</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.
- <sup>38</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

**16**  
**STATE OF VIRGINIA**  
*House Bill 38*



In 1998, the Virginia General Assembly unanimously approved House Bill 38, a measure which allocates up to \$13 million per year in existing sales tax collections on the sale of hunters', anglers', and wildlife watchers' equipment purchases to the Virginia Department of Game and Inland Fisheries (Department). In 2001, the amount estimated to go to the Department of Game and Inland Fisheries was \$12.3 million. This figure is based on expenditures by anglers, hunters and wildlife watchers, as estimated by a survey conducted by the U. S. Fish and Wildlife Service approximately every 5 years. The Department involved the General Assembly from the beginning by asking the Assembly to look into the Department's funding crisis, which meant that the Department was able to demonstrate its funding need in a credible manner. The Department's credibility was a key component to the successful campaign for House Bill 38 and ultimately helped to pass the legislation without a single dissenting vote in the General Assembly.

**Virginia House Bill 38**

Mechanism type:	Outdoor equipment sales tax
Implementation method:	Legislative bill
Implementation timeframe:	Approximately 1 to 2 years

**Funding Need**

Historically, Virginia's Department of Game and Inland Fisheries has been funded almost exclusively from the sale of licenses, other fees associated with game activities, and excise taxes paid by sports persons.<sup>1</sup> In the 1980s, the sale of hunting licenses was declining at the same time that fishing license revenues were flat and the Department's administrative costs were increasing. Department personnel predicted that by the early 1990s, under the current rate of spending, the Department would be operating at a deficit.

By the mid 1990s it became obvious that the Department was in poor financial standing. Over the previous three years, the Department's spending was held at a constant level by the state while Department revenue shrunk. This gave the appearance that the Department was building unused funds when in fact it projected an operating deficit for the period. Without an additional source of revenue, programs would have to be cut in order to maintain a balanced budget. Based on the financial situation, the Department needed a new funding mechanism to sustain itself. As David Whitehurst, the Division Director for the Wildlife Diversity Program in the Virginia Department of Game and Inland Fisheries said, "We needed to show the people that the need [for alternative funding] was there and that the need was real."<sup>2</sup>

*"We needed to show the people that the need [for alternative funding] was there and that the need was real."*

*- David Whitehurst, Director,  
Wildlife Diversity Program*

## **Campaign**

The Department sought the help of the Virginia General Assembly in analyzing its budget crisis. Through good relations with certain elected officials, the Assembly passed an amendment that created a Joint Subcommittee to investigate the Department's fiscal standing.

The bipartisan Joint Subcommittee was formed with five delegates and two Senators. The Subcommittee met three times before the 1998 session; first to understand the problem, second to receive public input, and third to review all potential proposals. To understand the problem, the General Assembly required the Subcommittee to study the Department's revenue stream. The Subcommittee reached the same conclusion as the Department— that there were not sufficient funds for new capital projects and the maintenance of current programs, and that the Department must reduce services within the next two years. These findings were critical in helping the Department establish credibility both in the eyes of the General Assembly and the public.<sup>3</sup>

Once the Subcommittee's findings were announced, the major obstacle the Department faced was in determining how to get people who enjoy wildlife-related activities, but do not buy traditional hunting and fishing licenses, to help fund conservation programs. The Department initially considered several options for an alternative funding mechanism. Options considered included increasing the cost of hunting and fishing licenses, charging tourists and residents to use wildlife facilities, selling a conservation stamp, and finally, diverting a portion of the sales tax on outdoor equipment. The Department determined that the sale of hunting and fishing licenses would decrease over time and that continuing to rely on this funding stream would create challenges in the future. Furthermore, when license prices were increased in 1998, the change resulted in the loss of a significant number of buyers. For this reason, the option of raising the cost of the license was ruled out as a possibility. Because Virginia does not

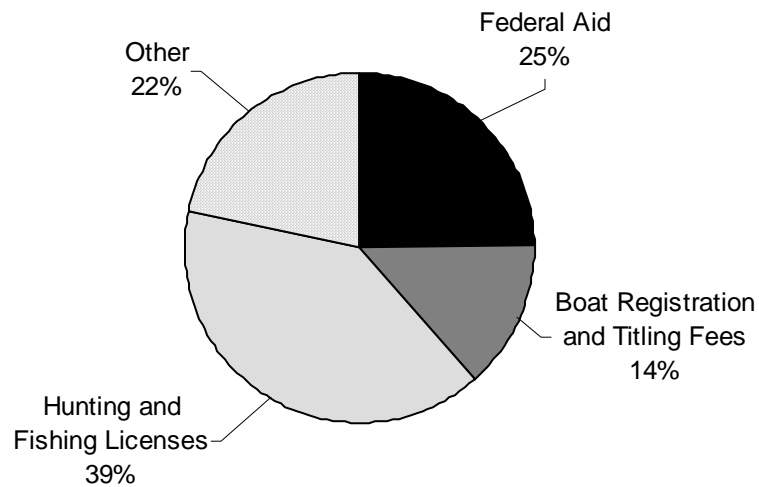


## Virginia Department of Game and Inland Fisheries

The Department of Game and Inland Fisheries (Department) is responsible for the enforcement of all laws for the protection, propagation, and preservation of game birds, game animals, freshwater fish, and other wildlife, including threatened and endangered animal species.<sup>4</sup> The Department was founded in 1916 when the General Assembly created the Virginia's Commission of Game and Inland Fisheries, at the request of the Virginia League of American Sportsmen, the Virginia Audubon Society, and the Farmers Institute.<sup>5</sup>

The mission of the Department is "to manage Virginia's wildlife and inland fish to maintain optimum populations of all species to serve the needs of the Commonwealth; to provide opportunity for all to enjoy wildlife, inland fish, boating, and related outdoor recreation; and to promote safety for persons and property in connection with boating, hunting and fishing."<sup>6</sup> The Department's leadership consists of an Executive Director who is appointed by a Board of Directors.

**Figure 12: Virginia Department of Game and Inland Fisheries: Revenue Sources for FY 2005.** For Fiscal Year 2005, the Department anticipates net revenues of \$44,753,242. The "Other" category includes revenues from House Bill 38 and surplus property.<sup>7</sup>



Within the Department is the Division of Wildlife, which oversees watchable wildlife, environmental services, fish and wildlife information services, and wildlife diversity/endangered wildlife. The Wildlife Diversity program is part of the Division of Wildlife and the Non-Game Program is a component of the Wildlife Diversity program. This program has an annual operating budget of approximately \$3,763,615 for FY 2005. The Non-Game Program itself has an operating budget for FY 2005 of approximately \$2,191,558. Most of the funding for this program comes from federal grants (e.g. State Wildlife Grants, Endangered Species Section 6, and Natural Resource Damage Assessment settlements).<sup>8</sup>

have collection facilities, the cost of initiating a program to charge visitors who visit wildlife facilities would have been too costly and did not make sense. Finally, the conservation stamp idea was also dropped since it was seen as similar to raising the price of hunting and fishing licenses.

After this initial assessment, the Department decided to draft legislation that would dedicate two percent of the proceeds from the state's sales and use tax of four and a half percent on outdoor equipment, including hunting, fishing and wildlife equipment, to the Department's Game Protection Fund (Fund). The actual amount deposited into the Fund would be based on the most recent sales figures reported in the U.S. Fish and Wildlife Service's National Survey of Fishing, Hunting and Wildlife-Associated Recreation for Virginia. The legislation became known as House Bill 38 (H.B. 38), and in choosing this program as the new funding mechanism, the Department sought to raise money from its traditional users while broadening the constituent base to include those who enjoy wildlife-related activities. While House Bill 38 sought to alter the funding formula by incorporating wildlife watching and other wildlife-related values in addition to traditional uses, it did not seek to change the Department's mission. The mechanism was not pushed as wildlife diversity funding, but pushed to meet the Department's needs. Whitehurst said that it was "sold for all wildlife."<sup>9</sup>

Furthermore, the legislation would not create any new taxes which made H.B. 38 more attractive to the General Assembly. Whitehurst recalled, "The Department did not want to create enemies within the state legislature because state officials had to do a lot of work to accommodate the Department in helping them financially."<sup>10</sup>

### ***Gathering Support***

The first step in the campaign for House Bill 38 was getting the message out to the public about the Department's funding need. Whitehurst recalled that the Department wanted to be up front with its constituents about the financial situation and it sought to educate its constituents about the need in order to seek their support. To gather support, the Department held a public hearing that various groups from across the state attended. Nearly 60 people spoke in favor of the legislation. The outside parties in support of the legislation included constituent groups like traditional hunter and angler groups, environmental organizations and wildlife groups, and these outside parties' effort played a crucial role in getting the mechanism off the ground. Even the retail industry did not object to the mechanism because it was not creating a new tax on the sale of outdoor equipment. Whitehurst saw this universal support as a key to passage of the legislation.

In addition, the Teaming With Wildlife (TWW) coalition stepped in to help garner support for the bill on a completely volunteer basis. Jeff Waldon, former TWW volunteer, led the TWW coalition's effort in Virginia and created a network of organizations and businesses supportive of wildlife funding. Building an email network that would respond to infrequent requests for action was an important strategy from Waldon's point of view. Waldon said, "The idea of a networking approach is definitely the way to go, because there are a lot of like-minded people out there that would be very supportive if you had a mechanism in which to contact them in such a way that you could trigger action on their part."<sup>11</sup> Using email, he was able to alert groups, like the Izaak

Walton League and the Virginia Society of Ornithology to call the General Assembly's 1-800 number, which is used to encourage public input on pending legislation. Waldon recalled, "I was told unofficially that they got more phone calls on that bill than any other bill in that session."<sup>12</sup>

Vick Thomas, a state legislator, acted as a champion for the legislation. At the time of passing House Bill 38, the Assembly had many conservative members with fiscal concerns about the measure, but who ultimately saw the Department's funding need and voted in support of it. The biggest obstacle in seeking alternative funding came from the fact that the Department of Game and Inland Fisheries always generated revenues on its own. In attempting to pass House Bill 38, the Department needed to make sure that the General Assembly was comfortable providing dedicated funds. In addition, Virginia had just elected a new governor, Governor James S. Gilmore III, and the Department worked hard to make sure he was on board with passing the legislation by meeting with him and keeping him up-to-date on the progress of the legislation.

*"The idea of a networking approach is definitely the way to go, because there are a lot of like-minded people out there that would be very supportive if you had a mechanism in which to contact them in such a way that you could trigger action on their part."*

*- Jeff Waldon, former Teaming With Wildlife volunteer*

Involving the Assembly from the start and making sure the Department had the right champions to carry it through the Assembly was critical to ensuring its success. The General Assembly had a strong history of supporting the Department based on the credibility the Department had built over the years. Waldon discussed that even though Virginia ranked last among states for funding natural resource initiatives, it was not because there was a lack of political support for natural resource conservation; Virginia just did not have a good track record for passing natural resource conservation bills. As Waldon commented, "H.B. 38 was like a shot in the dark."<sup>13</sup> The legislation was the only major initiative for natural resource conservation funding that he could remember.<sup>14</sup>

House Bill 38 passed the House by a vote of 99 to 0 and passed the Senate 40 to 0. The dollar amount was capped at \$13 million per year, and was the largest single increase in revenue in the Department's history. Before passage of H.B. 38, the Department's budget was \$36 million and after passage, the budget expanded to \$47 million.<sup>15</sup>

## **Program Administration**

The 1998 Virginia General Assembly approved H.B. 38, which allocates up to \$13 million per year in existing sales tax collections to the Department. The Department receives quarterly payments, which are deposited directly into the Game Protection Fund. The Department manages the Game Protection Fund and therefore the revenues generated from H.B. 38. These revenues are included with other appropriate state funds and are allocated across the Department according to agency priorities. The revenues from H.B. 38 are directly tied to figures provided in the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, conducted every five years by the U.S. Fish and Wildlife Service and the U.S. Census Bureau. Based on the figures from the

most recent survey conducted in 2001, the Department expects revenues estimated at \$10.9 million annually until the next national survey is completed in 2006. If the 2006 national survey yields different expenditures, then the funding received by the Department through H.B. 38 will be recalculated at that time.<sup>16</sup>

Whitehurst explained that the state's tax department does not receive tax revenues in a way that allows the state to track the amount of tax revenue that comes from the sale of wildlife-related equipment. Instead of redesigning the tax reporting system, H.B. 38 allows the Assembly to base its funding allocations on estimates from the U.S. Fish and Wildlife survey. The Department also uses the survey to determine how it should allocate the revenues once they are deposited into the Game Protection Fund. As a result, if the Fish and Wildlife Service were to quit conducting the national survey, it would become difficult to determine how much money should be allocated to the Department and how that money should then be spent.<sup>17</sup>

According to the Department, Virginians support hunting, fishing, hunter education, and most programs currently managed by the Department. Ninety-three percent of Virginians approve of legal recreational fishing, 75 percent of Virginians approve of legal hunting, and 83 percent of Virginians feel it is important for the Department to provide hunter safety education programs. Knowing these percentages and what programs the Department's constituents support helps to make the money generated from House Bill 38 more effective.<sup>18</sup>

Passage of H.B. 38 also established a Capital Improvement Fund, which gives the Department's Board of Directors the discretion to move up to 50 percent of the annual HB 38 funds into this account. Once funds have been transferred to this account, they cannot be returned for operational use and must be spent on capital programs. Additionally, there is a cap on the amount of money that can be in the Capital Improvement Fund at any time of approximately \$30 million. As of yet, the Board has not voted to move H.B. 38 funds into the Capital Improvement Fund.<sup>19</sup>

House Bill 38 funds have been significant to the Department's budget for several reasons. Foremost, the funds keep the Department solvent and able to maintain its programs at their current levels. Second, for the first time in the Department's history, the bill provides the Department with significant funding based on wildlife-associated recreation, other than traditional hunting and fishing activities. This broader support gives Virginia residents with an interest in wildlife an opportunity to be paying constituents of the Department.<sup>20</sup>

## **Challenges**

The change in the Department's constituent base provides an interesting challenge in that the Department now has a broader constituency to address, and at the same time, must make sure not to diminish the importance of its traditional constituents, notably hunters and anglers.

A major challenge to the success of H.B. 38 is that the amount generated each year can and does fluctuate. As Waldon suggested, H.B. 38 does not provide a long-term solution to the Department's financial situation because the revenues can go into other competing accounts within the General Assembly. The challenge lies in ensuring that the mechanism provides a consistent source of money over time. Since its creation in 1998, the funding allocated by the Assembly through this mechanism has been limited during difficult budget years. From his perspective, Waldon sees the biggest challenge as taking on a mechanism that fluctuates year to year. He said, "By taking the route they took, meaning that the legislature had to approve the money to be transferred every year as part of the budget process, it was not a consistent source of funding."<sup>21</sup> There is no guarantee that the funding will come in from year to year. Defending it every single year with a groundswell of support is the biggest challenge for sustaining the mechanism. According to Waldon, "You need to keep the coalition engaged every year, and go after the legislature every time there is an attack on it."<sup>22</sup>

*"By taking the route they took, meaning that the legislature had to approve the money to be transferred every year as part of the budget process, it was not a consistent source of funding."*

*- Jeff Waldon, former Teaming With Wildlife volunteer*

## **Reflections**

Whitehurst believes that passage of legislation like H.B. 38 could work in another state but that states with different demographics might need to change their campaign message if their constituent support is in other areas. Support for H.B. 38 came from rural areas where game programs were historically popular. Whitehurst believes that states that are more urbanized may need to use a different approach. Either way he says that people need to identify with the conservation programs in order to be supportive.

Both Waldon and Whitehurst agree that state agencies are constituent driven and must tap into this resource and motivate these constituents to support their agencies. They feel it is a fundamental piece of the process and is often underutilized in conservation campaigns.<sup>23</sup>

## **The State of Virginia**

**Size:** 42,744 square miles

**Population in 2000:** 7,078,515; 73.0% urban; 27.0% rural

**Population in 1990:** 6,187,358

**Population Change:** Up 14.4% 1990-2000; Up 15.7% 1980-1990<sup>24</sup>

Located midway between New York and Florida, Virginia is the gateway to the South. The Commonwealth, by which Virginia is also known, has a diverse economy with manufacturing, exports, and tourism accounting for \$13.1 billion in 2000, which is up from \$12.4 billion in 1999. More than 200,000 workers in Virginia are employed in high technology and agriculture industries.<sup>25</sup>

Based on the 2001 U.S. Fish and Wildlife National Survey of Fishing, Hunting and Wildlife-Associated Recreation, 18 percent of Virginians who participate in wildlife-related recreation are sportsmen and 40 percent are wildlife-watchers. The percentage nearly doubles when accounting for all those participating in wildlife-related recreation in Virginia, including tourists.<sup>26</sup>

Virginia remains a predominantly Republican state in presidential races. In 1996, Bob Dole won by 48 percent to 46 percent. In 2000, George W. Bush won by 52 percent to 44 percent. In Virginia, as is the case for most states, big metropolitan areas have tended to be Democratic in the 1990s.<sup>27</sup>

## **Summary**

Virginia's Department of Game and Inland Fisheries was successful in achieving an alternative funding mechanism by going to the General Assembly. The Department's approach of having a committee analyze its funding dilemma gave the Department the credibility it needed to ensure passage of a new funding mechanism. House Bill 38 is an example of a legislative initiative that was successful in generating funding for both game and wildlife diversity programs. While the mechanism is not consistent in generating significant revenues annually, the funds have enabled the Department to continue providing many core services and programs at the levels demanded by its constituents.

Through the process the Department used in seeking help from the Assembly in gaining additional funding streams, four critical lessons can be gleaned from Virginia's approach:

- **Involving the Assembly:** Creating the legislative Joint Subcommittee to investigate the Department's fiscal standing helped to establish credibility for the legislative proposal. Passage of H.B. 38 was significantly easier because it had the backing of the General Assembly.
- **Surveying:** The Department's use of the U.S. Fish and Wildlife Service Survey to assess public attitudes toward non-game and game-related activities means that the

money directed toward the Game Protection Fund will be used in the most efficient and effective manner. It also ensures that contributing constituents have a say in how the money is used.

- **Networking:** The Department's public outreach resulted in a network of supportive businesses and organizations that could be relied upon in the time of need. Waldon's organized campaign, plus the very significant networking of traditional constituencies, was critical in getting support when it was most needed. This support translated into legislators acting upon the outcry and responded to the public's demand for the new funding source.
- **Broadened constituency:** The bill provides the Department, for the first time in its history, with significant funding based on wildlife-associated activities other than hunting, fishing, or boating. Now all Virginians who have a vested interest in wildlife are "paying constituents" of the Department.

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<sup>1</sup> McMullin, Steve, and Mark Duda. "House Bill 38 and Future Directions for the Department of Game and Inland Fisheries: Results of Constituent and Staff Studies and Recommendations for Future Action." Feb. 2000. [http://www.dgif.state.va.us/info/HB38\\_Final\\_Report.html](http://www.dgif.state.va.us/info/HB38_Final_Report.html) (10 Oct. 2004).

<sup>2</sup> Whitehurst, David. Division Director for the Wildlife Diversity Program, Virginia Department of Game and Inland Fisheries. Personal interview. 16 Oct. 2004.

<sup>3</sup> Whitehurst, David. Division Director for the Wildlife Diversity Program, Virginia Department of Game and Inland Fisheries. Personal interview. 16 Oct. 2004.

<sup>4</sup> Virginia Department of Game and Inland Fisheries. "Virginia Department of Game and Inland Fisheries." <http://www.dgif.virginia.gov> (10 Oct. 2004).

<sup>5</sup> Stras, Beverley. "The Virginia Commission of Game and Inland Fisheries." Reprinted from *Virginia Wildlife*. Sept. 1959.

<sup>6</sup> Virginia Department of Game and Inland Fisheries. "Virginia Department of Game and Inland Fisheries." <http://www.dgif.virginia.gov> (10 Oct. 2004).

<sup>7</sup> Wajda, Becky. Assistant Director, Wildlife Diversity Division. Personal communication. 21 Jan. 2005.

<sup>8</sup> Wajda, Becky. Assistant Director, Wildlife Diversity Division. Personal communication. 21 Jan. 2005.

<sup>9</sup> Whitehurst, David. Division Director for the Wildlife Diversity Program, Virginia Department of Game and Inland Fisheries. Personal interview. 16 Oct. 2004.

<sup>10</sup> Whitehurst, David. Division Director for the Wildlife Diversity Program, Virginia Department of Game and Inland Fisheries. Personal interview. 16 Oct. 2004.

<sup>11</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.

<sup>12</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.

<sup>13</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.

<sup>14</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.

<sup>15</sup> Whitehurst, David. Division Director for the Wildlife Diversity Program, Virginia Department of Game and Inland Fisheries. Personal interview. 16 Oct. 2004.

<sup>16</sup> Wajda, Becky. Assistant Director, Wildlife Diversity Division. Personal communication. 21 Jan. 2005.

<sup>17</sup> Whitehurst, David. Division Director for the Wildlife Diversity Program, Virginia Department of Game and Inland Fisheries. Personal interview. 16 Oct. 2004.

<sup>18</sup> McMullin, Steve, and Mark Duda. "House Bill 38 and Future Directions for the Department of Game and Inland Fisheries: Results of Constituent and Staff Studies and Recommendations for Future Action." Feb. 2000. [http://www.dgif.state.va.us/info/HB38\\_Final\\_Report.html](http://www.dgif.state.va.us/info/HB38_Final_Report.html) (10 Oct. 2004).

<sup>19</sup> Wajda, Becky. Assistant Director, Wildlife Diversity Division. Personal communication. 21 Jan. 2005.

<sup>20</sup> McMullin, Steve, and Mark Duda. "House Bill 38 and Future Directions for the Department of Game and Inland Fisheries: Results of Constituent and Staff Studies and Recommendations for Future Action." Feb. 2000. [http://www.dgif.state.va.us/info/HB38\\_Final\\_Report.html](http://www.dgif.state.va.us/info/HB38_Final_Report.html) (10 Oct. 2004).

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- <sup>21</sup> Waldon, Jeff. Former volunteer, Team With Wildlife. Personal interview. 18 Oct. 2004.
- <sup>22</sup> Waldon, Jeff. Former volunteer, Team With Wildlife. Personal interview. 18 Oct. 2004.
- <sup>23</sup> Waldon, Jeff. Former volunteer, Team With Wildlife. Personal interview. 18 Oct. 2004.
- <sup>24</sup> Barone, Michael, and Richard E. Cohen. "Virginia at a Glance." *Almanac of American Politics 2004*. National Journal, 2004. <http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/va/> (10 Oct. 2004).
- <sup>25</sup> The State of Virginia. "Basics on the State of Virginia." <http://www.virginia.org> (10 Oct. 2004).
- <sup>26</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (10 Oct. 2004).
- <sup>27</sup> Barone, Michael, and Richard E. Cohen. "Virginia at a Glance." *Almanac of American Politics 2004*. National Journal, 2004. <http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/va/> (10 Oct. 2004).



**17**  
**STATE OF WASHINGTON**  
*Personalized License Plates*



**T**he personalized license plate program in Washington State has generated funds for wildlife diversity for nearly 30 years. Earning approximately \$2.6 million a year, money from the sales of personalized or “vanity plates” goes to the Department of Fish and Wildlife expressly for “the management of wildlife which are not hunted, fished, or trapped.”<sup>1</sup> Since 1974, this program has been the primary source of funding for the Department of Fish and Wildlife’s Non-Game Program, recently renamed the Wildlife Diversity Division. A key to the success of the Wildlife Diversity Division’s success with the program was their tenacity and early determination to ensure the passage of the legislation.

**Funding Need**

The campaign for personalized license plates as a mechanism to fund the Non-Game Wildlife Program was created in tandem with the inception of the Department of Fish and Wildlife’s Non-Game Program itself. The Non-Game Program, now Wildlife Diversity Division, was created in 1972 after the Department of Fish and Wildlife (Department) began to realize that Washington citizens were spending more on non-consumptive wildlife activities than on hunting. From 1971 to 1973 the Department spent over \$500,000 on non-hunted wildlife management activities, including law enforcement, non-game wildlife viewing, and creating and distributing informational materials. To support the new program, the Department submitted a budget request for nearly \$700,000 from the general fund, but the Legislature was not interested in funding a new program. Without its own funding source, the

**Washington Personalized License Plates**

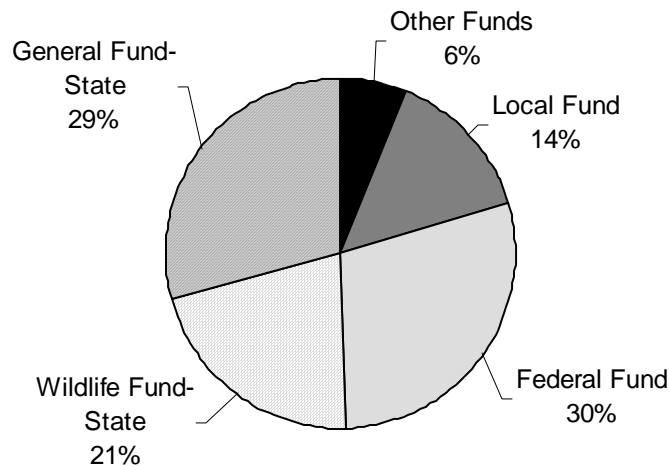
Mechanism type:	Vehicle license plate
Implementation method:	Legislative bill
Implementation timeframe:	Approximately 1 year

Department was forced to support the program from game-related revenue for three years.<sup>2</sup>

### **Washington Department of Fish and Wildlife**

The mission of the Washington Department of Fish and Wildlife (Department) is “to provide sound stewardship of fish and wildlife.”<sup>3</sup> The Department advocates that “the health and well-being of fish and wildlife is important, not only to the species themselves, but to humans as well. Often, when fish and wildlife populations are threatened, their decline can predict environmental hazards or patterns that also may have a negative impact on people.”<sup>4</sup>

**Figure 13: Washington Department of Fish and Wildlife: Revenue Sources for FY 2005.**<sup>5</sup>



### **Wildlife Diversity Division**

The mission of the Wildlife Diversity Division is to “protect, restore, and perpetuate those species of mammals, birds, reptiles, amphibians, and terrestrial invertebrates that are not classified as game species.”<sup>6</sup> The Wildlife Diversity Division (Division) is partially funded by the revenue generated from the sale of personalized license plates. The Division focuses most of its energy on “those species that without diligent attention could disappear from our state. However, our responsibility extends to common species, which we hope to keep common through cooperative partnerships and habitat protection.”<sup>7</sup>

### **Campaign**

During the early years of the Non-Game Wildlife Program, the Department of Fish and Wildlife’s executive staff considered several options to fund the program. The Department was aware that a broad political base would be needed to secure a funding stream for the Non-Game Program. They were hopeful that their efforts to broaden their

programs to include wildlife diversity would help generate support among the growing wildlife viewing constituency in the state. Taxes on oil and on rolls of film, as well as increasing the sales tax, were all options that the Department considered. Washington residents already bore a high sales tax and therefore it was decided that adding or raising taxes would be unpopular.<sup>8</sup> The Department settled on personalized license plates since they were not offered in the state. In addition, the Department believed the plates would appeal to a broad audience and the array of conservation groups. The personalized plates would also allow an individual the opportunity to create his or her own message, rather than one that was prefabricated by the Department.<sup>9</sup>

### ***The Personalized License Plate Bill***

While the direction for the Non-Game Program was being determined, the Department's Legislative Liaison began drafting the Personalized License Plate Bill, which dedicated all money generated by the plates to the Game Fund (which later changed to the State Wildlife Fund) for the sole use of the Non-Game Program, minus any administration fees to the Department of Motor Vehicles. The costs of plates were set at \$30 for initial purchase and \$20 for renewals to approximate what anglers and hunters paid into the Game Fund with hunting license fees.<sup>10</sup>

The Non-Game Program staff worked extensively for nearly two years to raise public awareness on the benefits of the Non-Game Program and the personalized license plates as a funding source, in order to create a coalition before going to the Legislature. The Department established a broad base of support with a variety of conservation and civic groups including the Sierra Club, Earth Care Organization, Federation of Garden Clubs, Friends of the Earth, League of Women Voters, Washington Environmental Council, Audubon Society, and Sportsmen's Council. Their collective support was contingent on the Department guaranteeing that the revenue generated would go to a fund strictly dedicated to wildlife diversity, and the Department agreed. Public opposition was minimal and not well organized. Traditional hunting organizations were reluctant to support it at first. They were concerned that the Non-Game Program would somehow restrict hunting access, but all hunting groups did not share this sentiment. Several, including the Sportsmen's Council, worked in support of the bill.

The Department earned the endorsement of 20 groups, with an additional mailing list of over 153 key conservationists, and 39 writers and editors. Helen Engle, an Audubon Society member, was involved in the campaign from the start and recalled, "In the beginning, there was some tension among the hunting community, but we made a special point of being their friends. After all, everyone wants more ducks. Whether you're going to shoot them or look at them, we just need to be sure we have ducks."<sup>11</sup> Carroll Rieck, the first Wildlife Diversity Division Manager, noted in a presentation he gives on the history of the program that, "Everyone needs to be in one crusade in a lifetime, and this was it for those who worked on the bill and referendum."<sup>12</sup> Current Manager of the Division, Rocky Beach, further explained that starting a Non-Game Wildlife Program in the early seventies was revolutionary and people were eager to support it.<sup>13</sup>

The National Audubon Society (Audubon), the Sportsmen's Council, and the Washington Environmental Council did most of the publicity legwork. The Sportsmen's

*“In the beginning, there was some tension among the hunting community, but we made a special point of being their friends. After all, everyone wants more ducks. Whether you’re going to shoot them or look at them, we just need to be sure we have ducks.”*

*-Helen Engle, Audubon member*

Council organized publicity events and Audubon facilitated public outreach and education. An Audubon member who was a freelance newspaper columnist promoted the issue in newspapers. The Washington Environmental Council worked extensively to lobby the Legislature. The effort marked the first time groups like the Audubon Society collaborated with the Sportsmen’s Council.

Along with the Washington Environmental Council, the Department took several key messages to the Legislature in an effort to win their support of the bill authorizing the license

plate program. Several key messages were emphasized in the lobbying efforts: the Department was charged with the management of 536 species that did not receive funding apart from what was earned through the sale of hunting and fishing licenses; they were not advocating a new tax but instead a funding mechanism that was voluntary; and that additional funding was needed to allow the Department to complete needed scientific studies and to acquire key habitats to protect sensitive and endangered species.<sup>14</sup>

With all of the activity and publicity generated by the Department and supporting groups, other agencies began to see the potential of vanity plates as a funding source, and many started vying for a piece of the pie. Despite the new found popularity of license plates as a funding tool, the Department already had a couple of years generating support for the plates as a wildlife diversity funding source behind them and consequently had a coalition of mobilized supporters. State Senator Lowell Peterson, who was chairman of the Committee on Natural Resources, and a longtime activist in the Sportsmen’s Council, sponsored the bill. In April of 1973, the bill passed both houses overwhelmingly.<sup>15</sup>

*“Everyone needs to be in one crusade in a lifetime, and this was it for those who worked on the bill and referendum.”*

*- Carroll Rieck, first Wildlife Diversity Division Manager*

### **Surprise Veto**

To the surprise of the Department, then Governor Dan Evans, who was known for his support of conservation issues during his tenure, vetoed the bill. According to Engle, “His reason wasn’t that he didn’t agree that it was a good issue, he just thought it should be funded through the state’s general fund. He thought that personalized license plates could fall out of popularity and then the Department would be broke.”<sup>16</sup> The Governor was also still hopeful that license plates could be used as a revenue source for the Highway Safety Fund, an issue that had become one of the Governor’s favorites.<sup>17</sup> An effort was made in the Legislature to overturn the Governor’s veto, but with members not wanting to upset the Gubernatorial-Legislative relationship, it failed by one vote.<sup>18</sup>

The Department continued to support the concept with the aid of the conservation community, and the help of some committed legislators. Together, they created an

identical wildlife diversity bill at 3:00 a.m. on the last day of the session with a provision to refer the measure to a vote of the people. Supporters marched the referendum over to the Secretary of State's office, beginning the next phase of the campaign.

The Governor directed the Department to stop working on the measure; however this, coupled with his earlier veto served only to further stimulate support for the measure. The referendum was put on the 1973 ballot for public vote. On a budget of \$1,000 from donations from the conservation community, the referendum passed by a vote of over two to one.<sup>19</sup>

## **Program Administration**

A month after the referendum passed, 2,500 applications were received for personalized plates. The first plate sold in 1974 and featured "MOO COW." Clearly, not everyone who purchased plates did so for the benefit of wildlife diversity. A 1975 Department of Motor Vehicles survey found that 48 percent of respondents purchased plates because the proceeds benefited wildlife. A more recent survey conducted by the Department indicated that 6 percent were purchased to support wildlife.

Revenue for the first year of the program was a mere \$3,374. Despite the public's lack of awareness of what the plates were funding, as the Non-Game Program grew, so did the funding stream. In 1983, a bill passed to increase the number of letters on the plate from six to seven. This simple change allowed thousands more letter combinations and eventually generated five times as much revenue. Sales of personalized license plates now consistently gross about \$2.6 million a year.<sup>20</sup>

In 2000, the Department used the results of a telephone survey to improve their marketing efforts. They learned that respondents with some degree of higher education, households with children, and with an annual income over \$75,000 had the highest interest in personalized plates. The Department was surprised to learn that "knowing that the proceeds support fish and wildlife" was the largest stimulus to additional sales. Combined with 20 percent of respondents wanting more information regarding the use of the proceeds, the Department realized that they could easily improve sales by promoting the wildlife vanity plates were intended to fund.<sup>21</sup>

After the success of the personalized license plates, the Legislature was flooded with initiatives invoking license plate-type funding mechanisms for other organizations. Since the vanity plate concept was already used, much of the interest revolved around specialized background plates. This interest was so wide-spread the Legislature created a specific protocol for license plate legislation.

Specialty background license plates have been approved during the intervening years for a variety of collegiate, sports, and hobby groups. So much interest was generated that the Washington Legislature created a specific protocol in 2002 for submitting license plate legislation. First, the organization must show that there is a market for the plate by collecting signatures or providing \$30,000 in production costs. Then the plate must be approved by a license plate board before finally coming before the Legislature. Two specialty background plates were approved in 2003.

The Department has gathered the required 2,000 signatures to release two new wildlife diversity license plates with background designs featuring an eagle and an orca. If passed, the eagle plate will fund the Wildlife Diversity Division's Watchable Wildlife Section and the orca plate will fund the Endangered Species Section.

The Department is also hoping to release several other plate designs that will benefit game species, which have also completed the signature gathering phase. The fisheries program, as well as the state parks, and firefighters all have designs in the works, hoping to tap into this potentially lucrative funding source.<sup>22</sup>

## Challenges

The majority of challenges facing the Division relate to their latest fundraising tool expanding on the success of vanity plate revenues: specialty wildlife design plates. With the possible flooding of the license plate market, Beach conceded that there will be competition for these new plates. He noted, "We tried to tie up popular images before they are used by others. Wildlife sells and so we tried to go with the most charismatic species."<sup>23</sup>

Engle is not quite as optimistic, "I don't know how long the license plates will be effective. The first little dip downward in the economy and that may be a luxury item that people decide to forgo, especially with gas prices rising, making owning a car terrifically expensive."<sup>24</sup>

A further challenge has been self-imposed by the Division. With the funding specifically limited to the Division's Watchable Wildlife and Endangered Species programs, the Division is limiting the flexibility that they enjoyed from the personalized plates, which funded the entire Division. While personalized plates will continue to be available, splitting the "funding pie" by offering plates for a variety of programs may have unintended consequences, leaving the Division with less funding than it currently generates from the personalized plate alone.

## Reflections

When asked what suggestions he had for future campaigns involving license plates as a mechanism for wildlife diversity funding, Beach thinks it is important to have a creative plate design and a solid marketing campaign that makes an effort to demonstrate how the money will be spent.<sup>25</sup> Engle suggests that the best lobbying handle any state can use is the revenue wildlife brings to the state.<sup>26</sup> Beach also emphasizes the importance timing can play in a campaign, "You probably don't want to go into something like this when you are in the deepest depths of recession; you'll go in and open a great funding stream but it may be taken for other social services."<sup>27</sup>

*"I don't know how long the license plates will be effective. The first little dip downward in the economy and that may be a luxury item that people decide to forgo, especially with gas prices rising, making owning a car terrifically expensive."*

*-Helen Engle, Audubon member*

## **The State of Washington**

**Size:** 71,300 square miles

**Population in 2000:** 5,894,121; 82.0% urban; 18.0% rural

**Population in 1990:** 4,866,692

**Population Change:** Up 21.1% 1990-2000; Up 17.8% 1980-1990; Up 21.2% 1970-1980

Washington has always been a national trend-setter: from Starbucks coffee to grunge music, from America's leading exporter, Boeing, to America's leading software maker, Microsoft, to America's most visible dot-com industries. Washington was also a vanguard of environmental policy at a time when "the environment" had yet to become a national issue. It follows that Washington had one of the earliest programs to specifically manage wildlife diversity.

Washington's economy has also been hurt by its eagerness to be on the edge of advancing industry and trends as evidenced by the dot-com bust; the slump in high-tech jobs, and the range of problems experienced by Microsoft. After September 11, the airline industry was hit hard, leading to Boeing cut backs and a sinking Seattle employment rate, making the unemployment in Washington among the highest in the nation.

Politically, Washington was once one of the most Democratic states: Franklin Roosevelt's campaign manager James Farley used to refer to "the 47 states and the Soviet of Washington." The political lines are fairly clear; the city of Seattle is increasingly the liberal bastion, while Republicans fare best in the arid country east of the Cascades. Washington is a state sharply divided on cultural issues, where the outcome of elections can depend on whether turnout is high in liberal King County or conservative eastern Washington.<sup>28</sup>

Despite political divisions, wildlife related activities remain popular statewide. According to the U.S. Fish and Wildlife National Survey of Fishing Hunting and Wildlife Associated Recreation, of 56 percent of the population surveyed, 34 percent called themselves sportsmen, and 84 percent engaged in wildlife watching activity.<sup>29</sup>

## **Summary**

Personalized license plates have been a successful funding mechanism for over 30 years. They consistently bring in over \$2.6 million dollars a year; money that directly benefits wildlife diversity. However, the Wildlife Diversity Division faces new challenges in the future. How the Division addresses these obstacles will determine the future success of the plates as a mechanism to generate funding. The programs successes and challenges can be attributed to the following:

- **Timing:** The Department of Fish and Wildlife decided to create the Non-Game Program at a time when there was significant support for conservation issues in the state, and during a time of economic security.
- **Broad-based support:** The Department worked to build a broad coalition of support with organizations that were able to effectively flex their political muscle. These organizations were able to share the responsibility with the Department by educating the public and lobbying the Legislature.
- **Tenacity:** Despite the discouragement that must have followed the Governor's surprise veto and subsequent failure of the Legislature to overturn it, the Department and supporters of the legislation were creative and persistent in their efforts. Instead of conceding, the Department pushed for a referendum to take the issue to the public.
- **Securing support of key decision makers:** Governor Evan's veto came close to eliminating personalized license plates as a funding mechanism for the Wildlife Diversity Division. A key lesson to be learned is to ensure that decision makers with the authority to defeat a bill are on board with the idea, or at least are not ardent opponents.
- **Competition:** The Wildlife Diversity Division may soon face stiff competition to retain their successful stronghold on the license plate market. With other organizations and agencies set to release competing plates, the Division will have to grapple with creative approaches to maintain the consistency in wildlife diversity funding they have enjoyed for 30 years.

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<sup>1</sup> Washington Department of Fish and Wildlife. "Wildlife Diversity Division."

<http://wdfw.wa.gov/depinfo.htm> (23 Nov. 2004).

<sup>2</sup> Rieck, Caroll. First Manager, Wildlife Diversity Division. "Thirty Years of Success." Power Point presentation and notes. E-mail communication. 20 Nov. 2004.

<sup>3</sup> Washington Department of Fish and Wildlife. "Mission Statement." <http://wdwf.wa.gov/mission.htm> (18 Feb. 05).

<sup>4</sup> Washington Department of Fish and Wildlife. "Washington Department of Fish and Wildlife."

<http://wdfw.wa.gov/depinfo.htm> (23 Nov. 2004).

<sup>5</sup> Washington Department of Fish and Wildlife. "Strategic Plan."

[http://wdfw.wa.gov/depinfo/strategic\\_plan05-07.pdf](http://wdfw.wa.gov/depinfo/strategic_plan05-07.pdf) (23 Nov. 2004).

<sup>6</sup> Washington Department of Fish and Wildlife. "Wildlife Diversity Division."

<http://wdfw.wa.gov/depinfo.htm> (23 Nov. 2004).

<sup>7</sup> Washington Department of Fish and Wildlife. "Wildlife Diversity Division."

<http://wdfw.wa.gov/depinfo.htm> (23 Nov. 2004).

<sup>8</sup> Engle, Helen. Member, National Audubon Society and Non-Game Advisory Council. Personal interview. 19 Nov. 2004.

<sup>9</sup> Engle, Helen. Member, National Audubon Society and Non-Game Advisory Council. Personal interview. 19 Nov. 2004.

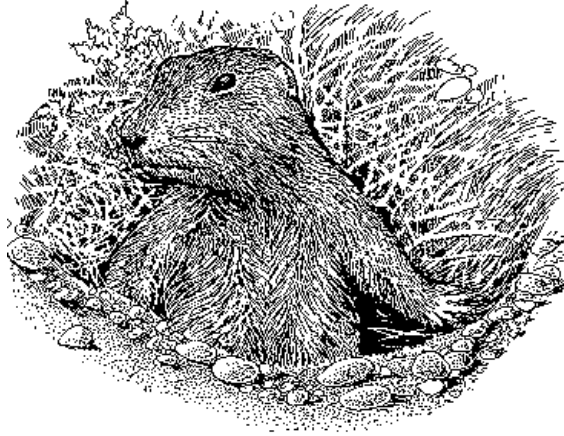
<sup>10</sup> Rieck, Caroll. First Manager, Wildlife Diversity Division. "Thirty Years of Success." Power Point presentation and notes. E-mail communication. 20 Nov. 2004.

<sup>11</sup> Engle, Helen. Member, National Audubon Society and Non-Game Advisory Council. Personal interview. 19 Nov. 2004.



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- <sup>12</sup> Rieck, Caroll. First Manager, Wildlife Diversity Division. "Thirty Years of Success." Power Point presentation and notes. E-mail communication. 20 Nov. 2004.
- <sup>13</sup> Beach, Richard "Rocky." Manager, Wildlife Diversity Division, Washington Department of Fish and Wildlife. Personal interview. 10 Nov. 2004.
- <sup>14</sup> Rieck, Caroll. First Manager, Wildlife Diversity Division. "Thirty Years of Success." Power Point presentation and notes. E-mail communication. 20 Nov. 2004.
- <sup>15</sup> Beach, Richard "Rocky." Manager, Wildlife Diversity Division, Washington Department of Fish and Wildlife. Personal interview. 10 Nov. 2004.
- <sup>16</sup> Engle, Helen. Member, National Audubon Society and Non-Game Advisory Council. Personal interview. 19 Nov. 2004.
- <sup>17</sup> Engle, Helen. Member, National Audubon Society and Non-Game Advisory Council. Personal interview. 19 Nov. 2004.
- <sup>18</sup> Beach, Richard "Rocky." Manager, Wildlife Diversity Division, Washington Department of Fish and Wildlife. Personal interview. 10 Nov. 2004.
- <sup>19</sup> Rieck, Caroll. First Manager, Wildlife Diversity Division. "Thirty Years of Success." Power Point presentation and notes. E-mail communication. 20 Nov. 2004.
- <sup>20</sup> Beach, Richard "Rocky." Manager, Wildlife Diversity Division, Washington Department of Fish and Wildlife. Personal interview. 10 Nov. 2004.
- <sup>21</sup> Rieck, Caroll. First Manager, Wildlife Diversity Division. "Thirty Years of Success." Power Point presentation and notes. E-mail communication. 20 Nov. 2004.
- <sup>22</sup> Beach, Richard "Rocky." Manager, Wildlife Diversity Division, Washington Department of Fish and Wildlife. Personal interview. 10 Nov. 2004.
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- <sup>29</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001.  
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**18**  
**STATE OF WYOMING**  
*Wildlife Legacy Trust*



In 2000, the Wyoming Game and Fish Department (Department) decided to resurrect the notion of using a trust account to generate funding for wildlife, an idea that first surfaced 20 years prior. The Wildlife Legacy Trust, as proposed, would have invested a small portion of funds generated each year from minerals production in a permanent fund to support wildlife conservation programs in the Wyoming Game and Fish Department. As the legislation was first drafted, estimations were that interest from the trust account would provide the Department with \$20 million over the next two decades. The money would have been restricted to Game and Fish Department programs that manage sensitive species and habitat restoration projects that mitigate the effects of mineral development. However, due in part to the influence of prominent agriculture organizations, the Wildlife Legacy Trust legislation (H.B. 102) died in the State Senate in March of 2002,

highlighting the power influential special interest groups can have in the success or failure of funding mechanisms. The Department is currently beginning to drum up support for another attempt to pass a similar bill.

**Wyoming Wildlife Legacy Trust**

Mechanism type:	Natural resource extraction funds
Implementation method:	Legislative bill
Implementation timeframe:	Did not pass

**Funding Need**

The Wyoming Game and Fish Department first had the idea to generate funding for wildlife diversity by establishing a trust fund from mineral development in the early 1980s. A few attempts were made to get a bill passed in the Legislature, but ultimately all

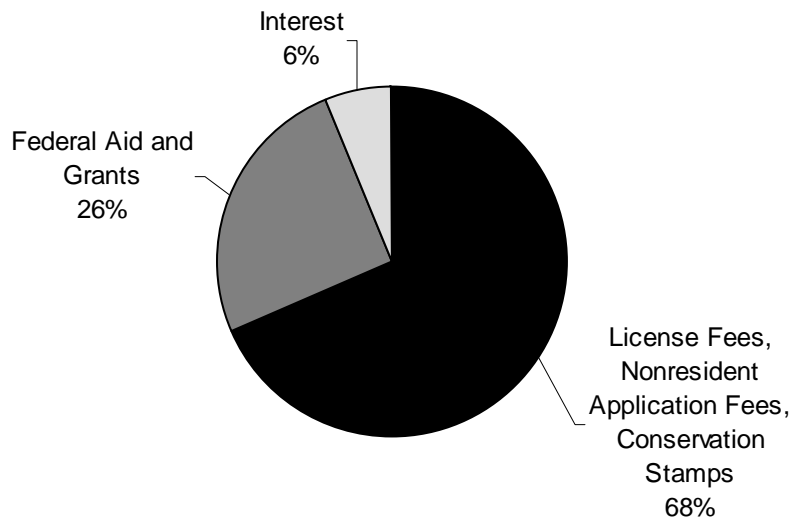
were unsuccessful. These attempts failed when, according to Walt Gasson, Policy Coordinator and Special Assistant to the Game and Fish Director, the Speaker of the House, backed by extractive industries, pocket-vetoed the legislation despite public support for the idea. By 2000, the Department realized that challenges managing sensitive species and habitat disrupted by mineral development were increasing logarithmically, and that the Department's funding picture was not adjusting to meet these needs. The effort to revive the Wildlife Legacy Trust idea began that same year.<sup>1</sup>

## Wyoming Game and Fish Department

The Wyoming Game and Fish Department (Department) was created in the 1890s in response to a major decline in the population of wild game in the state caused by the unlimited harvesting practices of early settlers. In 1921, the Game and Fish Commission (Commission) was established to provide citizen oversight to the Wyoming Game and Fish Department. The Commission is made up of seven officials, appointed by the Governor, who each represent a region in the state. One official is appointed from each region, and each region consists of approximately three counties in Wyoming.

The Game and Fish Department is funded by the traditional "user pays" philosophy. The Department receives its revenue almost entirely from three funding sources: license fees, nonresident application fees, conservation stamps (67 percent); Federal Aid and grants (25 percent, primarily from a federal excise tax on hunting and fishing equipment, firearms and motor boat fuels) and interest (6 percent). No general funds or state tax dollars are used to fund the Department. Hunters and anglers pay for the Department's operations: deer and antelope licenses generally comprising 50 percent or more of license revenue. Nonresidents contribute about 78 percent of the total license revenues.<sup>2,3</sup>

Figure 14: Wyoming Game and Fish Department: Revenue Sources for 1998.<sup>4</sup>



## Campaign

The Department considered other funding mechanisms in addition to the trust fund, including an amendment for a 1/8<sup>th</sup>-cent increase in sales tax, a reallocation of a portion of the gas tax, a tax on outdoor equipment, and an increase in gas tax.<sup>5</sup> After these options were identified, a survey was conducted to determine which method of funding was supported by the public, or as Chris Burkett, Strategic Management Coordinator in the Wyoming Game and Fish Department said, “to determine which option had the least amount of opposition.”<sup>6</sup> The survey found that the public considered the Legacy Trust, which would be funded through allocation of existing state general funds, to be the most preferable of the options (62 percent of respondents supported), in part because industry taxes are common in the state.<sup>7</sup> As a result, then Game and Fish Director John Baughman, along with the Department management team, decided to pursue the Wildlife Legacy Trust.

In addition to what it felt was strong public support, the Department believed that the Legacy Trust would generate the level of funding that was needed, approximately \$20 million over the next two decades. This type of funding mechanism was also familiar to the State Legislature. Burkett explained, “The vast majority of the state’s funding comes from coal, natural gas, and other extractive industries. So this was something that the legislators were familiar with, were comfortable with. It wasn’t something new.”<sup>8</sup> Timing was also an important factor. Because of Wyoming’s boom and bust economy and the economically conservative tendency of the government, a trust fund seemed like an ideal way to save money during good times for use when the economy turned down.<sup>9</sup>

*“The vast majority of the state’s funding comes from coal, natural gas, and other extractive industries. So this was something that the legislators were familiar with, were comfortable with. It wasn’t something new.”*

*- Chris Burkett, Game and Fish Department, Strategic Management Coordinator*

## Political Support

Unlike the Speaker in the early 1980s, the new Speaker of the House, Fred Parady, was especially supportive of the idea, which the Department saw as critical to the bill’s success. Parady had future political aspirations and saw courting potential conservationists to be politically beneficial, and he personally believed in the concept. Because it was budget related, the legislation would first be introduced in the House. The Department was encouraged that Parady was willing to do much of the legwork in the House, ensuring that it would at least make it to the floor.<sup>10</sup>

To generate support for the Legacy Trust, the Department first worked from within to get Department staff on board with the idea. After the decision was made to pursue the Legacy Trust, the Department conducted a series of meetings with Department personnel in an effort to establish enthusiasm and commitment for the idea internally. Those key to the Department’s Legacy Trust effort have different opinions on the degree to which the Department was able to achieve this internal support. According to Burkett, there was a core group of Department staff that was enthusiastically behind the mechanism, but there

was also a significant amount of internal resistance to expanding the Department's purview to work in programs beyond game animals. As Burkett said, "There are a good number [of people in the Department] who would be happy if we were just the hunting and fishing agency from now until the end of time."<sup>11</sup> Gasson however, felt that internal support was high, but conceded that, "It's been our history that unless we do a good job developing internal enthusiasm, then we have no chance getting something through the Legislature."<sup>12</sup>

While opinions differed as to the degree to which there was internal support for the idea, it was clear that there was debate and hesitation over how closely the Department should be tied to the Legislature. Many in the Department preferred to think of Game and Fish as a separate branch of state government, and were afraid that receiving money from the Legislature would give the Legislature more power over the Department. On the other hand, the idea that the Legislature would carve out a chunk of money from the budget surplus and put it into a trust fund for Game and Fish to manage on its own, rubbed the agriculturally dominated Legislature the wrong way. Neither side, it seemed, trusted the other when it came to managing Wyoming's wildlife.

*"It's been our history that unless we do a good job developing internal enthusiasm then we have no chance getting something through the Legislature."*

*- Walt Gasson, Game and Fish Department, Policy Coordinator*

Support was also not forthcoming from the Game and Fish Commission. The Commission, composed of seven members appointed by the Governor, is charged with setting the policy direction for the Wyoming Game and Fish Department. Gasson explained that then Governor Jim Geringer believed that the Department was becoming too "green" and appointed politically conservative commissioners with the goal of bringing the Department to political heel. Several of these commissioners had roots in the agricultural community. As a result, the Commission's relationship with the Department during Governor Geringer's term was tenuous at best. While the Commission never opposed the Legacy Trust outright, the Department was not able to get more than the Commission's lukewarm consent. Gasson explained, "The Commission never challenged us, we had their consent, but they were not meaningful supporters out there making meaningful contacts."<sup>13</sup> In fact, according to Gasson, some Commissioners actually coached the opposition as they spoke to the Legislature.<sup>14</sup>

Governor Geringer's position on the Legacy Trust mirrored that of the Game and Fish Commission. With a history of close ties to the agricultural community, and a conservative political platform, Burkett speculated that if the Legacy Trust had come up during Geringer's first term he would have defeated the idea pretty quickly. However, Geringer realized the Department's funding predicament and was not as concerned with appealing to his constituency base in his second term. As a result, he tolerated the idea as neither a vocal supporter nor opponent of the legislation.<sup>15</sup>

## ***Stakeholder Support***

As the next step in the campaign, the Department worked to identify key stakeholders. The Department divided staff among the seven regions in the state to identify the opinion leaders in each region, and assigned staff responsible for maintaining continuous contact with these opinion leaders. The Department identified 15 to 20 conservation groups, the agricultural community, and the mineral industry as key players in this effort.

The Department invited several conservation groups in Wyoming to a meeting to explain the Legacy Trust. Aside from this meeting, however, there was not a big effort to rally groups that supported the Legacy Trust idea. The Department made a distinction between conservation groups and hunting organizations. While conservation organizations, like the Sierra Club and The Nature Conservancy, supported the Legacy Trust, hunting organizations, like the Wild Turkey Federation, did not. While they suspected the support of conservation groups would be key, it created a “catch-22” for the Department. According to Gasson, “Having the support of the conservation groups in Wyoming was important because the last thing you want is for it to come out in the papers that not even conservation groups support this, but none of these groups swing a very big club in the Legislature.”<sup>16</sup> While the Legislature listens politely to the requests of environmental organizations, they are not an influential constituency.

The Department was surprised to discover that hunting groups were not in favor of the Legacy Trust. As the primary source of revenue from sales of hunting and fishing licenses, the Department expected hunters and anglers to welcome a mechanism that would shift some of the wildlife funding burden to other parties. Instead, hunting and angling groups saw the Legacy Trust as a mechanism to minimize their authority and impact over how wildlife was managed. It has also been speculated that some of these groups were reacting to the support of more liberal environmental organizations, wanting to ensure that their place at the table was not being usurped by these other conservation organizations.

*“Having the support of the conservation groups in Wyoming was important because the last thing you want is for it to come out in the papers that not even conservation groups support this, but none of these groups swing a very big club in the Legislature.”*

*- Walt Gasson, Game and Fish Department, Policy Coordinator*

The mineral industry, surprisingly, gave its cautious consent of the Legacy Trust. The Department had long been working on improving its relationship with stakeholders in the mineral industry, meeting with statewide groups, like the Petroleum Association of Wyoming, as well as with local industry leaders. Although they were far from outright supporters of the initiative, they were not outspoken opponents. Gasson said, “All we needed was the mineral industry’s informed consent, and we basically got to that point.”<sup>17</sup>

To reach out to the agricultural community, the Department worked with the three primary agriculture organizations in the state: the Wool Growers Association, the Farm Bureau, and the Stock Growers Association. The Director of the Game and Fish Department was in near constant communication with the Executive Directors of these three groups. Gasson explained, “The agriculture community is decentralized, so you can’t go talk to every producer, so you tend to work with organizations instead. The Department also met with people in the mineral industry, both at the state and local level, as part of what was an ongoing effort to foster an improved relationship with this constituency.”<sup>18</sup>

The Game and Fish Department has had a long and troubled relationship with the agricultural community. The root of this tension is multifaceted, but can be summarized by ideological disparities over the role of government in managing natural resources, and mutual distrust. Those working to promote the Legacy Trust to the agricultural community believed that wildlife diversity programs would, in the end, be beneficial to farmers and ranchers in Wyoming by forestalling potential listings under the Endangered Species Act, but the agricultural community perceived wildlife diversity programs differently. Gasson explained, “It looked to them like we were going to fund this army of

*“It looked to them like we were going to fund this army of biologists to go out there and find new sensitive species, list more species, and make life harder for them.”*<sup>19</sup>

*- Walt Gasson, Game and Fish Department, Policy Coordinator*

biologists to go out there and find new sensitive species, list more species, and make life harder for them.”<sup>19</sup> This pervasive lack of trust had many in the agricultural industry feeling embattled, and positioned the three primary agricultural organizations at odds with the Department.

Despite the Department’s effort to reach out to these organizations Burkett explained, “It was just a bad situation that developed over many years and there probably wasn’t much of anything we could have done to win them over.”<sup>20</sup> According to Gasson, “The effort was a failure. I think we wasted our time. I think no matter what we did, [the agriculture organizations] were going to oppose it.”<sup>21</sup>

At the legislative level, the Game and Fish Department worked primarily with the Travel, Recreation, Wildlife and Cultural Resources Committee (Committee) where Representative Parady was a vocal supporter. The Department held regular meetings with the Committee as they crafted the legislation. The Department’s efforts were rewarded as the Committee ended up sponsoring the Legacy Trust bill. Other legislators were each assigned a Department liaison so that when votes came up on the floor that were important to the Legacy Trust, these liaisons would make contact with their assigned representatives in both the State House and the Senate to ask for their support of the Department’s position on the legislation. The Department was able to provide a contact for every representative in the State House and Senate.<sup>22</sup>

### **Public Support**

Throughout the campaign, there was an extensive effort to generate public support for the Legacy Trust. TV spots and radio advertisements were aired explaining the proposed

legislation. Newspapers covered the program and the Department created widely distributed outreach materials, including a video and number of publications that explained why there was a problem, what needed to be done, and what the Department intended to do about it. Most importantly, according to Gasson, Department staff made time to talk with people at the local level by sending representatives to give presentations and talk at various local civic club meetings across the state. Gasson explained, “The most important communication happens at the local level. Having our people make presentations at local meetings was as important, or more important than, what we could do at the statewide level.”<sup>23</sup>

In the end, Representative Parady was able to generate sufficient support to have the entire Committee sponsor the bill in the House. The bill was altered, cutting the funding by half, but it ultimately passed 32 to 27. After the legislation was introduced in the Senate, however, agriculture interests came to the forefront. Many members had close ties to the agriculture industry and were loath to turn their backs on their constituency. The bill was placed on General File where it died in committee in March 2002.<sup>24</sup>

### ***Beginning Another Campaign***

The Wyoming Department of Game and Fish has not given up on the idea of generating funding for wildlife through minerals production. The Department is launching the latest version of the Legacy Trust in what it believes is a changing political environment that may be more supportive of funding wildlife.

With a newly elected Democratic Governor, Dave Freudenthal, and thus new members appointed to the Game and Fish Commission, the Department has already noticed one big change from their previous efforts: the Governor is supportive of increased wildlife diversity funding. Secondly, the agricultural industry is losing some of its influence in the Legislature. Representatives from many districts who were traditionally allied with the agricultural industry are retiring from the Legislature and are being replaced with legislators who are more oriented towards the interests of small business owners.

The Department is also changing its strategy for generating broader support at the local level. Instead of targeting much of their effort at the agricultural industry, the Department is focusing on new potential supporters that were ignored in previous attempts. After the 2002 Legacy Trust effort, the Department realized one such group, the Humane Society, has more members across the state than the three agricultural organizations combined. The Department also plans to lobby the hotel and restaurant industry, targeting the second most lucrative industry in the state--tourism.

Finally, the Department is working to keep the heart of the campaign consistent, but vary the message from county to county. According to Burkett, “What is important to someone in Jackson is different than what’s important to someone in the Big Horn Basin.”<sup>25</sup> Burkett felt that making an effort to tie the funding back to the difference it would make at an individual level may increase support among Wyoming residents.<sup>26</sup>



## Program Administration

As no such legislation has passed as of yet, there are no administrative issues.

## Reflections

When asked what they would have done differently in the Legacy Trust campaign, Burkett and Gasson had several regrets and suggestions for future campaigns. Burkett felt that connecting the need for funding to people's daily lives was an important step that was never made in the campaign for the Legacy Trust, "Quite honestly, we're competing for money against old people and kids, and people have parents and children so they understand that. I don't think we ever made the connection with the vast majority of people who don't hunt or fish for why this is something they should care about."<sup>27</sup>

Several suggestions related to strategically seeking support. Burkett said he would have sought to better secure connections with supporting conservation groups that may appeal to the broad Wyoming populous. The Humane Society, he now is aware, has more members in the state than the top three hunter and angler organizations combined.<sup>28</sup> Burkett and Gasson think it is important to focus campaign efforts on swing districts and constituent groups rather than on those coming down clearly on one side of the issue or another. Burkett regrets not seeking out centrist agriculture organizations. Thought they communicated extensively with the three primary organizations, they have since discovered several agricultural land trusts with an interest in preservation and mineral mitigation.<sup>29,30</sup> Gasson adds that when agencies are able to allow supportive coalitions to lead the charge, the agency avoids appearing self-serving.<sup>31</sup>

*"Quite honestly, we're competing for money against old people and kids, and people have parents and children so they understand that. I don't think we ever made the connection with the vast majority of people who don't hunt or fish for why this is something they should care about."*

*– Chris Burkett, Game and Fish Department, Strategic Management Coordinator*

Political support both within the agency and in the state are seen as critical. Gasson highlights the need for internal support. He noted, "Make sure that you've got, not just internal consent, but internal enthusiasm. One dissenting voice from the inside has the power of a thousand from the outside."<sup>32</sup> Support of the Governor is also an important factor. Burkett said he would have worked harder to get support from the Governor's office; a goal they have successfully accomplished with Governor Freudenthal's current support of the revived Legacy Trust idea.<sup>33</sup>

## **The State of Wyoming**

**Size:** 97,814 square miles

**Population in 2000:** 493,782; 65.2% urban; 34.8% rural

**Population in 1990:** 453,588

**Population Change:** Up 8.9% 1990-2000; Down 3.4% 1980-1990

Wyoming's economy is natural resource based. As a result, the economy of the state is characterized by monumental booms and busts that are often the reverse of the national economic trend.<sup>34</sup> Wyoming boomed with oil prospectors during the energy price surge of the 1970s, but was hit hard by drops in oil prices in the early 1980s and again in the late 1990s. As the exploration for oil slumped, the production of other minerals has surged. Wyoming is the number one coal state, producing as much as West Virginia and Kentucky combined, and coal-bed methane appears to be the next lucrative industry on the horizon.<sup>35</sup> Wyoming does not have an income tax; instead, government funding is generated through taxes on the oil, gas and mineral industries. As a result, Wyoming residents and legislators are familiar with funding mechanisms that are shouldered by industry.<sup>36</sup>

Capital-intensive industries produce relatively few jobs for young people. As a result, about one-quarter of people aged 25 to 34 left the state in the 1990s, and about two-thirds of the graduates of the University of Wyoming leave. This means that the state's population is becoming older and less educated. Wyoming's second industry is now tourism. With Yellowstone National Park continuing to draw millions, and Jackson Hole and Grand Teton National Park to the south becoming one of America's elite resort areas, Wyoming residents are becoming aware of their state's recreational appeal.<sup>37</sup> In a 2001 U.S. Fish and Wildlife Agency Survey, 56 percent of residents surveyed were sportsmen, and 75 percent engaged in wildlife watching activities.<sup>38</sup> Despite this high participation, conservation issues do not fare well in the state. In fact, Grizzly bears are actually outlawed in two counties.<sup>39</sup>

Wyoming is solidly Republican in federal elections. In 2004, George W. Bush and native Dick Cheney won by a 69 percent to 29 percent over candidate John Kerry.<sup>40</sup> Democrats haven't won a U.S. Senate election here since 1970 or a U.S. House election since 1976. Wyoming's Republican tendencies were strengthened in the 1990s by the Clinton administration's unpopular environmental policies,<sup>\*</sup> but the policies of the Bush administration have removed some of these grievances.<sup>†</sup> Both the State Senate and State House are heavily Republican, but Democrats have won six of the last eight races for Governor, including the most recent election where Dave Freudenthal won by a narrow 2 percent.<sup>41</sup>

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\* Clinton's record in Wyoming includes proposing grazing fee increases, the reintroduction of gray wolves into Yellowstone, proposing threatened species status on the black-tailed prairie dog, banning snowmobiles in national parks, and the moratorium on road building in the national parks.

† Bush's record in Wyoming includes removing endangered status from the gray wolves, opening the way to proving title to land currently controlled by the Bureau of Land Management.

## Summary

The Wyoming Department of Game and Fish was ultimately unable to pass the Legacy Trust in the Legislature. The following may have been factors in this outcome:

- **Inadequate political support:** Despite their efforts, the Department was not able to get more than the lukewarm consent from the Commission, Governor, and the Legislature. The root of this reluctance seems to be found in the agriculture industry, as the Governor was a strong agriculture ally who in turn appointed like-minded commissioners. The Legislature was also dominated by agriculture interests.
- **Low level of trust between the Department and the agriculture industry:** The agricultural industry and the Department have a long antagonistic history characterized by distrust and suspicion. Burkett and Gasson speculated that effort spent trying to win the agricultural industry over was futile and may have been better spent working to generate support with more pliable constituencies like the mineral industry and local county commissioners.
- **Inability to mobilize the support of outside organizations:** The Department did not build on the support of environmental organizations. While this decision may have, in part, been strategic, the resources of these groups were not utilized in the broader effort to energize potential supportive residents. The lack of support of hunting and fishing organizations seemed, in part, based on misunderstanding of what the wildlife diversity programs would involve. Hunting and fishing organizations seemed to believe that the funding would give the Department more authority over how resources were managed. Had these myths been dispelled, these groups may have been more inclined to support the Legacy Trust.
- **Conceptions of power:** Finally, much of the struggle over the Legacy Trust seemed to teeter on how the Legacy Trust would affect the power of the stakeholders involved. The Department was loath to relinquish any control over the plans for the funding when the Department had historically been funded solely from the sale of hunting and fishing licenses. Conversely, the Legislature was reluctant to give the Department a blank check. Control over the management of resources also appeared to be an issue between the Department and hunting groups, while hunting groups, in turn, may have been concerned about being replaced politically by environmental organizations.

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<sup>1</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.

<sup>2</sup> Frank, Kathy. Wyoming Game and Fish Department. "Financial Status Briefing Statement." [http://gf.state.wy.us/admin/briefs/brief\\_98finstate.asp](http://gf.state.wy.us/admin/briefs/brief_98finstate.asp) (3 Jan. 2005).

<sup>3</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. E-mail correspondence. 9 Nov. 2004.

<sup>4</sup> Frank, Kathy. Wyoming Game and Fish Department. "Financial Status Briefing Statement." [http://gf.state.wy.us/admin/briefs/brief\\_98finstate.asp](http://gf.state.wy.us/admin/briefs/brief_98finstate.asp) (3 Jan. 2005).

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- <sup>5</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>6</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>7</sup> Responsive Management Survey. "Preferences of Wyoming Residents Toward Alternative Funding Mechanisms for the Wyoming Game and Fish Department." 12 Dec. 2000.
- <sup>8</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>9</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>10</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>11</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>12</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>13</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>14</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>15</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>16</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>17</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>18</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>19</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>20</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>21</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>22</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>23</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>24</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>25</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>26</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>27</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>28</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>29</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>30</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>31</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.

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<sup>32</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.

<sup>33</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.

<sup>34</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.

<sup>35</sup> Barone, Michael, and Richard E. Cohen. "Wyoming State Profile." *Almanac of American Politics 2004*. National Journal, 2004.

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<sup>36</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.

<sup>37</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.

<sup>38</sup> U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Commerce, and U.S. Census Bureau. "National Survey of Fishing, Hunting, and Wildlife-Associated Recreation." 2001. <http://www.census.gov/prod/2002pubs/FHW01.pdf> (9 Nov. 2004).

<sup>39</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.

<sup>40</sup> "Wyoming Election Results 2004." *Washington Post*. <http://www.washingtonpost.com/wp-srv/elections/2004/wy/> (19 Jan. 2004).

<sup>41</sup> Barone, Michael, and Richard E. Cohen. "Wyoming State Profile." *Almanac of American Politics 2004*. National Journal, 2004.

[http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/wy/wy\\_profile.htm](http://nationaljournal.com.proxy.lib.umich.edu/pubs/almanac/2004/states/wy/wy_profile.htm) (9 Nov. 2004).



**SECTION THREE –  
CONCLUSIONS**





## 19

# KEY FINDINGS & CASE STUDY ANALYSIS

An evaluative framework was used to guide the case study analysis. The evaluative framework, which is described in detail in Chapter 3: Methods and Appendix D: Evaluative Framework, helped assess the impact that specific factors had on the outcome of each case study. The first section of this chapter, entitled key findings, summarizes the information gleaned by applying the evaluative framework to each of the 15 case studies. This section serves as the foundation for the case study analysis contained in the second section of this chapter.

### **Key Findings**

The factors captured in the evaluative framework are a compilation of the factors that individual team members, based on case study research, believed had either helped or hindered the implementation and administration of specific funding mechanisms. These factors are grouped into six categories: background information on the funding mechanism; support for the funding mechanism; opposition to the funding mechanism; factors critical to the outcome of the funding mechanism; implementation and/or administration of the funding mechanism; and state demographics. The key findings provided in this section are organized in the same fashion. They include a written summary of the findings in each category as well as the completed evaluative framework pertaining to that category. Appendix D: Evaluative Framework includes a series of tables that serve as a key, which will assist in interpretation of the completed evaluative frameworks. This key provides the question that was posed when evaluating each factor, the possible values that could have been selected for each factor, and the criteria by which values were chosen.

### ***Background Information on the Funding Mechanism***

Fifteen case studies, representing 14 states and eight funding mechanisms are represented in this set. As seen in **Table 7**, the states are geographically diverse, with at least one state representing the Northern, Southern, Southwestern, Midwestern, and Western United States. The eight mechanisms represented are also diverse. They include non-consumptive user fees, lotteries, general sales taxes, license plates, real estate transfer fees, outdoor equipment sales taxes, tax check-offs, and natural resource extraction fees. Twelve of the mechanisms profiled were successfully implemented, while three failed to be implemented. Half of the successful mechanisms were “publicly approved,” meaning they used either a ballot initiative or public referendum. Most of the funding mechanisms were implemented via legislative bill, however, three were written into the state constitution. The amount of funding raised per year varied greatly, ranging from \$55,000 for the Pennsylvania license plate program to \$93,000,000 for the Missouri 1/8<sup>th</sup> of a percent sales tax. There are six mechanisms that raise over \$10 million per year. These are Arizona, Arkansas, Colorado, Missouri, Texas, and Virginia. The timeframe required to implement the mechanisms ranged from less than six months to 12 years.

**Table 7: Background Information on the Funding Mechanism**

State	Mechanism type	Approval strategy	Implementation method	Timeframe	Dollars raised per year	Allocation of funds
Alaska	non-consumptive user fee	legislative bill	legislative bill	failed	\$11,000,000	100% to wildlife diversity
Arizona	lottery	ballot initiative	legislative bill	1 year	\$20,000,000	50% to agency
Arkansas	general sales tax	public referendum	constitutional amendment	12 years	\$47,000,000	45% to agency
Colorado	lottery	ballot initiative	constitutional amendment	5 years	\$35,000,000 (adjusted for inflation)	25% to wildlife diversity
Georgia	vehicle license plate	legislative bill	legislative bill	2 years	\$4,500,000	100% to wildlife diversity
Georgia	real estate transfer fee	ballot initiative	legislative bill	failed	\$35,000,000	100% to agency
Maine	lottery	ballot initiative	legislative bill	1 year	\$750,000	minimum 50% to wildlife
Minnesota	tax check-off	legislative bill	legislative bill	< 6 months	\$1,000,000	100% to wildlife diversity
Missouri	general sales tax	ballot initiative	constitutional amendment	5 years	\$93,000,000	100% to agency
Nevada	natural resource extraction funds	legislative bill	legislative bill	9 years	\$500,000	100% to wildlife
Pennsylvania	vehicle license plate	legislative bill	legislative bill	< 6 months	\$55,000	100% to wildlife diversity
Texas	outdoor equipment sales tax	legislative bill	legislative bill	3+ years	\$32,000,000	3% to wildlife
Virginia	outdoor equipment sales tax	legislative bill	legislative bill	2 years	\$10,900,000	100% to wildlife
Washington	vehicle license plate	public referendum	legislative bill	1 year	\$2,600,000	100% to wildlife diversity
Wyoming	natural resource extraction funds	legislative bill	legislative bill	failed	\$1,000,000	100% to wildlife

### ***Support for the Funding Mechanism***

The level of support for the chosen mechanism varied between cases and among legislative, gubernatorial, agency, public, industry, and nongovernmental organization support. This category was intended to assist the assessment of the level of legislative, gubernatorial, agency, public, business, and nongovernmental organization (NGO) community support for the mechanism. As seen in **Table 8**, public support was the most common form of support measured, with public support rated high or medium for 11 of the 12 successfully implemented funding mechanisms. Legislative support was also very common, and was rated as high or medium for ten of the 12 successfully implemented mechanisms. The most common reason for this level of legislative support was that the legislators either understood the need for the funding mechanism or held personal conservation concerns that prompted their support. NGO support was rated high or medium for eight of the 12 successfully implemented mechanisms. Gubernatorial support was rated as high or medium for seven of the 12 successfully implemented mechanisms. The most common reason for the governor's support was his/her personal conservation concerns. Agency-wide support was also typical, with agency employees supportive of the mechanism in seven of the 12 successful mechanisms. Business community support was the least common of those measured, rated as high or medium in only five of the 12 successful mechanisms. Although a number of successful mechanisms had low support ratings in one category, none of the successful mechanisms had low support ratings in more than two categories.

### ***Opposition to the Funding Mechanism***

The level of opposition to the chosen mechanism varied by mechanism type, but most of the successful mechanisms did not encounter much opposition. This category was intended to assist the assessment of the level of legislative, gubernatorial, agency, public, business, and NGO community opposition to the mechanism. As seen in **Table 9**, legislative opposition was high for only one of the successfully implemented mechanisms, and in this case, Arizona, the majority of opposition occurred after the mechanism was implemented. The most common reason for legislative opposition was ideological concerns, and typically these concerns centered on the dedicated nature of these funding mechanisms. Gubernatorial opposition was non-existent for all but one of the successfully implemented mechanisms. In the one case with high gubernatorial opposition, Washington, the measure was passed by public referendum despite the Governor's veto of the bill. None of the successful mechanisms had any level of agency opposition. Public opposition, business community, and NGO opposition were also typically absent. None of the successfully implemented mechanisms encountered organized opposition from any of these groups.

**Table 8: Support for the Funding Mechanism\***

State	Legislative support	Reasons for legislative support	Gubernatorial support	Reasons for gubernatorial support	Agency support	Public support	Business support	NGO support
Alaska	low		medium	conservation concerns	high-level	low	split	low
Arizona	none		high	political gain	high-level	high	low	high
Arkansas	high	understood need	high	conservation concerns	agency-wide	high	medium	high
Colorado	medium	conservation concerns	high	conservation concerns	agency-wide	high	high	high
Georgia (license plate)	high	personal relationships	high	personal relationships	agency-wide	medium		high
Georgia (real estate transfer fee)	medium	conservation concerns	medium	conservation concerns		high	low	high
Maine	high	public support	high	personal relationships	not applicable	high		high
Minnesota	high	understood need	low		mid-level	medium	medium	not applicable
Missouri	medium				agency-wide	high		high
Nevada	high	conservation concerns	medium	conservation concerns	agency-wide	medium	high	low
Pennsylvania	low		low	conservation concerns	not applicable	high		none
Texas	high	understood need	low	conservation concerns	high-level	not applicable	high	none
Virginia	high	understood need	medium	legislature supported it	agency-wide	high		high
Washington	high	public support	none		agency-wide	high		high
Wyoming	low	conservation concerns	low		mixed	medium	split	low

\* If an entity was supportive at any point in the implementation or administration of the funding mechanism, the entity was considered supportive and was rated accordingly.

**Table 9: Opposition to the Funding Mechanism<sup>†</sup>**

State	Legislative opposition	Reasons for legislative opposition	Governor opposition	Reasons for governor opposition	Agency opposition	Public opposition	Business opposition	NGO opposition	Organized opposition
Alaska	low	ideological concerns	none	not applicable	none	low	medium		no
Arizona	high	ideological concerns	none	not applicable	none	low	medium		no
Arkansas	none	not applicable	none	not applicable	none	medium	medium	low	no
Colorado	low	competing priorities	none	not applicable	none	low	none	none	no
Georgia (license plate)	none	not applicable	none	not applicable	none	low			no
Georgia (real estate transfer fee)	low		none	not applicable	none	low	high	none	yes
Maine	low	ideological concerns	none	not applicable	not applicable	low	none	none	no
Minnesota	none	not applicable	none	not applicable	none	none	none	none	no
Missouri	low	ideological concerns			none	low		none	no
Nevada	none	not applicable	none	not applicable	none	none	none	low	no
Pennsylvania	none	not applicable	none	not applicable	not applicable	none	none	none	no
Texas	medium	ideological concerns	none	not applicable	none	none	none	none	no
Virginia	none	not applicable	none	not applicable	none	none	none	none	no
Washington	low		high	competing priorities	none	low	none	none	no
Wyoming	medium	personal relationships	medium	personal relationships	mixed	medium	high	none	yes

<sup>†</sup> If an entity acted in opposition to the funding mechanism at any point in the implementation or administration of the funding mechanism, the entity was considered to be in opposition to the funding mechanism and was rated accordingly.

### ***Factors Critical to the Outcome of the Funding Mechanism***

All of the funding campaigns had one or two factors that were critical to the outcome of the campaign, and these factors varied from public support to industry support. This category was intended to assist the assessment of which individuals and/or organizations exerted a significant influence, either positive or negative, on the outcome of the funding campaign. As seen in **Table 10**, the legislature appeared to be highly influential to the outcome of the campaigns, as it was considered critical to the outcome in 11 of the 15 campaigns examined. The public was also a highly influential group, as it was considered critical to the outcome in ten of the 15 campaigns. The agency played a critical role in seven of the 15 campaigns. The business community played a critical role in five of the 15 campaigns. The governor played a critical role in four of the 15 campaigns.

### ***Implementation and/or Administration of the Funding Mechanism***

Once the mechanism was passed, each funding mechanism had a variety of factors that related to implementation and/or administration of the mechanism. This category was intended to assist the evaluation of the funding mechanism's implementation and administration process. It evaluated the impact of the following factors on the outcome of each case: the size of the mechanism's constituent base, the level of strategic planning used, the transparency in the planning process, the agency's ability to demonstrate the need for additional funding, the level of fundraising, and the use of marketing and promotion. As shown in **Table 11**, ten of the 12 successfully implemented funding mechanisms were considered to have a broad constituency. Marketing and promotion of the funding mechanism was very common, and was rated moderate or extensive in ten of the 12 successful mechanisms. The planning process for the majority of the successful mechanisms and campaigns was not transparent, though in only three of the campaigns was this an intentional act. Strategic planning was rated high for six of the 12 successfully implemented mechanisms, and five of the six mechanisms for which strategic planning was rated high raised over \$10 million per year. In half of the successful campaigns, the demonstration of the need for additional funding was a key element in the campaign process. Fundraising was rated extensive in three campaigns. The three campaigns in which fundraising was rated extensive were implemented through a public referendum or ballot initiative process.

### ***State Demographics***

Both the demographics of the state at the time the mechanism was passed and the historic basis of support for conservation were thought to have some influence on the campaign for the funding mechanism. This category was intended to assist the assessment of the influence of state demographic factors on the outcome of each campaign. As seen in **Table 12**, state population growth rates were above the national average in seven of the 12 successfully implemented mechanisms. Interviewees believed that there was a historic basis of support for conservation in seven of the 12 states with successfully implemented mechanisms.

**Table 10: Factors Critical to the Outcome of the Funding Mechanism\***

<b>State</b>	<b>Legislature</b>	<b>Governor</b>	<b>Agency</b>	<b>Public</b>	<b>Business community</b>	<b>NGO community</b>
Alaska	yes	yes				
Arizona	no	no		yes		yes
Arkansas	yes	yes	yes	yes	no	yes
Colorado	no	yes	yes	yes	yes	yes
Georgia (license plate)	yes	no	yes	yes		no
Georgia (real estate transfer fee)	yes	no	no		yes	
Maine	yes	yes	no	yes	no	yes
Minnesota	yes	no	yes	yes	no	no
Missouri	no	no	no	yes	no	yes
Nevada	yes	no	yes	no	yes	no
Pennsylvania	yes	no	no	yes	no	no
Texas	yes	no	yes	no	yes	no
Virginia	yes	no	yes	yes	no	yes
Washington	no	no		yes		yes
Wyoming	yes	no			yes	no

\* If an entity was considered critical to the outcome of the implementation process or to the funding mechanism’s subsequent administration, that entity was considered critical to the outcome and was rated accordingly.

**Table 11: Implementation and/or Administration of the Funding Mechanism<sup>†</sup>**

State	Constituent base	Strategic planning	Transparency	Demonstration of need	Fundraising	Marketing/promotion
Alaska	outdoor recreation	low	no-unintentional	low	low	low
Arizona	broad	high	no-intentional	medium	moderate	extensive
Arkansas	broad	high	yes	high	extensive	extensive
Colorado	broad	high	no-intentional	high	extensive	extensive
Georgia (license plate)	broad	high	yes	medium	low	extensive
Georgia (real estate transfer fee)	broad	medium	yes	low	extensive	moderate
Maine	broad	medium	yes	medium		moderate
Minnesota	wildlife diversity	medium	no-unintentional	high	low	extensive
Missouri	broad	high	yes	high	extensive	extensive
Nevada	wildlife	medium	no-unintentional	not applicable	not applicable	low
Pennsylvania	broad	medium	no-intentional	low	low	extensive
Texas	broad	high	no-unintentional	high	low	low
Virginia	broad	medium	no-unintentional	high	low	extensive
Washington	broad	medium	yes	medium	low	moderate
Wyoming	wildlife	medium	no-unintentional	medium		moderate

<sup>†</sup> Factors were rated based on a consideration of its impact on both the implementation and the administration of the funding mechanism. If the factor impacted either phase, it was rated accordingly.



**Table 12: State Demographics<sup>‡</sup>**

State	State growth	Historic basis of support for conservation
Alaska	medium	no
Arizona	high	
Arkansas	medium	yes
Colorado	high	yes
Georgia	high	yes
Maine	low	yes
Minnesota	low	yes
Missouri	low	yes
Nevada	high	no
Pennsylvania	low	yes
Texas	high	no
Virginia	high	yes
Washington	high	yes
Wyoming	low	no

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<sup>‡</sup> State demographic factors were rated for the time period that coincided with implementation of the funding mechanism.

## Case Study Analysis

The objective of the case study analysis was to identify approaches that states have taken to secure funding for wildlife conservation programs and to highlight the key attributes of successful programs. The evaluative framework and the key findings detailed in the previous section served as the foundation for the case study analysis.

Through this analysis, it quickly became apparent that there were five primary considerations that state agencies and involved organizations considered as they created and implemented wildlife funding mechanisms: how to choose a mechanism, what processes to follow in choosing a mechanism and planning a campaign, how to build support, how to deal with challenges and opposition, and how to administer the funding mechanism. Consequently, this section is organized around these five considerations.

- **Factors considered in choosing a mechanism:** In every case study there was a distinct choice to proceed with a particular funding mechanism over other alternatives. This section explores some of the factors that states considered in choosing a specific mechanism.
- **Process followed in choosing a mechanism and planning a campaign:** The analysis revealed that most successful campaigns developed and used a plan that guided their decisions. This section considers some of the tools and techniques that were used in this planning process. It includes the tools and techniques used to inform the selection of the funding mechanism, as well as the campaign process.
- **Building support:** After mechanisms were chosen, states worked to build support at a variety of levels, including with the public, with the legislature, with the governor, with outside organizations, and within the agency. Factors were examined which led to the support of various groups and organizations, including the general public, the agency, the governor, the legislature, and other outside organizations, such as the business community and nongovernmental organizations.
- **Dealing with challenges and opposition:** Agencies and involved organizations dealt with different challenges and opposition during their campaign efforts and following the mechanism's implementation. These challenges are discussed, followed by strategies states employed to deal with these challenges and opposition.
- **Factors relating to administering the mechanism:** After the mechanism passed, states had a few concerns relating to the administration of the mechanism, including strategic marketing and ongoing defense of the mechanism.

Within each of the above categories, the findings are identified and discussed. Additionally, examples from the case studies are used to illustrate each finding. These series of findings, while not present in every agency's experience, were substantiated by a significant number of cases or by particularly poignant examples.

### ***Factors considered in choosing a mechanism***

When it came to choosing a specific mechanism, it was found that states preferred mechanisms that had a broad constituency base. This preference tended to be true for two reasons. Mechanisms with broader constituencies seemed to have an easier time passing, regardless of whether they required the approval of the legislature or the public in a referendum or ballot initiative. Secondly, mechanisms that encompassed a variety of interests, from parks and recreation to historic preservation, could generally be counted on to be approved for higher funding amounts. Several states that used mechanisms that specifically targeted wildlife diversity, a limited constituency, still chose mechanisms that would appeal to the broader public, especially when revenue generation depended on consumer purchases, such as vehicle license plates. States also considered the amount of funding that was desired. States that sought to broaden agency funding tended to use different mechanisms than did states wishing to specifically fund wildlife diversity. Mechanisms were also chosen based on their broad appeal to the public, the legislature, industry, the governor, in addition to the ease of the administration of the mechanism after it was implemented.

### **Amount and purpose of funding desired**

States that wished to broaden the agency's overall funding base tended to use different mechanisms than did states wishing to specifically fund wildlife. States that sought to increase the overall agency's funding generally desired greater funding amounts and chose mechanisms accordingly. These states included Arizona, Arkansas, Colorado,\* Missouri, Texas, and Virginia. The mechanisms chosen by these states included sales tax increases (Arkansas and Missouri), lottery diversions (Arizona and Colorado), outdoor equipment sales taxes (Virginia and Texas). Conversely, states that sought to only fund wildlife (either game and/or nongame) chose mechanisms that seemed to generate a lower level of funding. These states included Georgia, Minnesota, Nevada, Pennsylvania, Washington, and Wyoming. License plates were used by three of these states (Georgia, Pennsylvania, and Washington), while the other mechanisms included resource extraction funds (Nevada and Wyoming), and tax check-offs (Minnesota).

### **Broader constituency leads to increased support**

In ten of the 12 cases that resulted in a successfully implemented wildlife funding mechanism, the choice of the mechanism was itself a strategic measure to achieve greater support. When mechanisms were chosen that had broad constituencies, states could count on a higher level of support throughout the state. While appealing to broad constituencies was often the result of the need to increase overall funding, in the end, these mechanisms had an easier time passing due to their broad-based support. States that chose mechanisms with broad support included Arizona, Arkansas, Colorado, Georgia, Maine, Missouri, Pennsylvania, Texas, Virginia, and Washington.

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\* Even though the Division of Wildlife's GOCO funds are primarily used to fund wildlife diversity, the mechanism itself was used to broaden the funding base of four separate organizations: Colorado State Parks, the Division of Wildlife, open space interests, and local governments.

In Colorado, to gather broad-based support, the chosen mechanism distributed lottery funds across wildlife, recreation, open space, and local government initiatives. By choosing a mechanism that united the interests of hunters, anglers, outdoor enthusiasts, conservation organizations, wildlife organizations, and local governments, the net was cast so broadly that there was simply no opposition left. Almost everyone in Colorado was assured of caring for at least one of these areas. According to Rebecca Frank, former Colorado Wildlife Commissioner, “It was something that everyone could feel good about.”<sup>1</sup>

Georgia’s method of publicizing their license plates reflects a different way to appeal to a broad array of interests, even if the mechanism itself funds a narrow interest. While Georgia’s wildlife diversity license plates do not generate as much money as some of the other mechanisms, the license plates were designed and marketed to appeal to a broad range of residents. The first license plate featured a bobwhite quail, a popular game bird, and the second featured a bald eagle and American flag. David Waller, State Wildlife Director noted, “There’s a lot of sentiment for the American flag right now what with the current conflict, and the eagle is also a non-game species. Some people [in the Division] didn’t like the idea of the flag, but I said, ‘If the flag will get people to buy it, let’s put it on there.’ And it’s worked.”<sup>2</sup>

### **State-wide appeal**

The state-wide appeal of a mechanism was a factor considered by every state examined. States considered the potential popularity of the mechanism, as well as likely opposition at all levels, including with the public, with industry, with the legislature, and with the governor, in order to choose a mechanism with a high likelihood of passing. States also considered a mechanism’s past success in generating funding for other states and other state programs.

Most states assessed the general popularity of mechanisms before making their selection. One way this popularity was assessed was through public opinion research. This research was used in many states to determine which mechanisms in consideration would have the best chance of being passed by public referendum or ballot initiative. This research was critical in Arizona, where the lottery was favored among voters, as well as in Maine. States also keyed off of the tendencies of the state legislature, especially for mechanisms that would require legislative approval. In Texas, for example, the agency noticed the legislature supported the “user-pays, user-benefits” concept, and thus chose a mechanism which generated funding from a tax on outdoor equipment sales. According to Andy Sansom, former TPWD Executive Director, “There was a strong feeling in our Legislature that we should be self-funded, meaning that our users should be the ones who pay.”<sup>3</sup> The popularity of this funding strategy was important to TPWD’s ability to obtain legislative support.

In addition to a mechanism’s popularity, the presence or absence of opposition was also a factor in choosing mechanisms. Missouri considered proceeding with a mechanism that would use funding from a bottle tax, but discovered there was significant opposition. Instead, Missouri decided to proceed with a general sales tax increase, which was determined to have less opposition.

The success of mechanisms in the past was another factor that states considered in selecting mechanisms. Wyoming chose a mechanism which would divert funding from natural resource extraction, in part, because most of the state's programs were funded by this industry--there was precedence for using the resource extractive industry to fund state programs. Similarly, Georgia chose to use license plates to generate funding after witnessing Pennsylvania's success with the mechanism.

### **Ease of administration**

As states contemplated various funding alternatives, states considered how much administration would be required after the mechanism was implemented. Many states chose funding mechanisms that they believed would be easy to administer. These states included Alaska, Arkansas, Minnesota, Missouri, and Pennsylvania. For example, in Pennsylvania, the Board of the Wild Resource Conservation Program decided that a license plate program would be the best solution for Pennsylvania because it would not take a lot of time to establish, it would also be simple to establish, and would not be difficult to administer.

### ***Process followed in choosing a mechanism and planning a campaign***

Analysis revealed that most successful campaigns developed and used a plan that guided their campaign decisions. This section explores some of the tools and techniques used in this planning process, including the selection of the funding mechanism as well as the campaign process.

### **Use of public opinion research**

Several states conducted public opinion research to help inform their decisions of what mechanisms to use, what approval vehicle would provide the best chance for passage (i.e. legislative bill, ballot initiative, public referendum), and what marketing messages would improve the mechanism's chance of passage. For these states, this information gathering proved to be an important step in the selection and planning process. States that used public opinion research included Arizona, Arkansas, Colorado, Georgia, Maine, and Wyoming.

In Arizona, public opinion research overcame the hesitancy of the Arizona Game and Fish Department (Department) to use a politically unpopular mechanism. The Department and The Nature Conservancy were reluctant to consider the lottery as a mechanism for funding wildlife because gambling was generally unpopular with the Legislature. Instead, they were considering a sales tax and a gas tax among other options. However, surveys of voters' funding preferences conducted by The Nature Conservancy revealed that the lottery was significantly favored over other mechanisms. These surveys also revealed that voters would support the measure as a ballot initiative. Accordingly, leaders in Arizona bypassed the Legislature by crafting a public initiative to direct a portion of lottery funds to support wildlife and parks, and it was overwhelmingly approved by voters.

Maine similarly used public opinion to guide their choice of using a new lottery game to generate funding for wildlife. The public opinion survey, conducted by the two major nonprofits in the state, asked questions about what type of mechanism should be used to

generate funding, including the instant lottery game and other mechanisms used in other states, as well as where the money should go and how it should be spent. The results were clear—over 50 percent of respondents preferred the instant lottery above all the other choices presented. The lottery mechanism, already a favorite due to the political and agency support it would receive, was selected as the preferred funding mechanism as a result of such strong public support.

In Georgia, public opinion was solicited to inform buyer preferences for the new license plates. After legislation authorizing the revenue of specialty license plates to benefit wildlife diversity was passed, the Wildlife Resources Division (Division) took several license plate designs to a variety of venues, including malls and fairs, and asked people to vote for their favorite design. For the second license plate design, the Division conducted a more thorough survey of specialty license plate consumers, asking questions about gender, education, income level, recreation activities, and whether the responder intended to purchase a license plate. This information assisted the agency as it crafted a detailed marketing campaign. For the first and second plates respectively, the public preferred designs featuring a bobwhite quail (a popular game species), and a flag and bald eagle design. Some in the Division were reluctant to use these unconventional designs, arguing that the wildlife diversity plate designs should only feature non-game species, rather than trying to capitalize on sportsmen's interests and patriotic sentiment. But in the end, the Division decided to heed public opinion. As David Waller, State Wildlife Director, noted, the primary objective of the plate's design was to sell license plates. Even though Georgia's current plate features an unconventional design for a program intended to fund wildlife diversity, it has sold plates to those who may have otherwise not purchased one.

### **Strategic planning**

In every state except Alaska, consideration was given to strategic planning. For the purpose of this analysis, strategic planning was defined as giving consideration to how to time the beginning of a campaign, how to generate positive publicity, how to access and use public opinion, who to involve in decision making processes, how to finance outreach and publicity, and how to conduct marketing.

Great Outdoors Colorado (GOCO) amendment benefited from a lengthy strategic planning process prior to the amendment's public campaign. The planning process included strategizing about how to divide funding between programs, whether to cap funding levels, how to orchestrate the public campaign, how to generate adequate funding for the public campaign, and how to create political and public support. The strategic planning process consumed almost four and a half years. The campaign began only about six months before the ballot election. By laying the groundwork for a solid campaign, GOCO supporters helped to ensure the amendment's success.

### **Campaign fundraising**

Fundraising was an important step in the campaign planning process, as it not only generated money to put towards the campaign, but also increased public awareness about the upcoming campaign, and the general need for wildlife funding. Of the four cases

where fundraising information was provided, three cases (Arkansas, Missouri, and Colorado) said that fundraising was an important aspect of the campaign.

In Colorado, significant funds were necessary to successfully generate public support for the Great Outdoors Colorado (GOCO) amendment through media outlets such as TV, newspaper, and radio. Since Colorado law prohibited the use of state funds and personnel to support ballot initiatives, private money was sought. GOCO's supporters consequently placed a strong emphasis on fundraising and capitalized on the support of high-profile Coloradans, including the Governor, to raise the necessary money. By the time the GOCO campaign went public, the list of financial supporters was well into the hundreds. It included private donors, corporate donors such as Coors, Anheuser-Busch, Gart Brothers, and Eagle Claw, nonprofits including the Sierra Club, Audubon, The Nature Conservancy, and The Conservation Fund, as well as other community clubs and organizations. Such broad-based support was crucial to the campaign.

### **Planning length of campaigns**

The length of the campaign versus the amount raised by the various mechanisms suggested that the level of funding was independent of the time spent advocating for it. States that planned for longer campaigns did not necessarily end up generating higher levels of funding. For example, Arkansas took 12 years to raise \$47 million, whereas Arizona spent about a year designing a mechanism and conducting a campaign that generates approximately \$20 million per year. These examples suggest that significant funding mechanisms for wildlife diversity can be instituted in relatively short periods of time.

### ***Building support***

Building support for the chosen mechanism often occurred on several levels. Some support building strategies used by states worked at each level simultaneously (what here is termed building broad-based support), while others built support at different levels independently, such as the general public, the agency, the governor, outside organizations, the legislature, and nongovernmental organizations. Strategies for building support ranged from the strategic choice of a mechanism to finding ways to credibly demonstrate the funding need to involving the legislature early in the process.

### ***Building broad-based support***

#### **Demonstrated need**

Six of the 12 states that passed funding mechanisms successfully demonstrated that there was an urgent need for increased wildlife funding. In some states, reports and documents supported the case for increased funding, and in others, the need for funding may have been evidenced by increased development and noticeably less wildlife. States in which the need was convincingly demonstrated included Arkansas, Colorado, Minnesota, Missouri, Texas, and Virginia.

In Arkansas, polls conducted by The Nature Conservancy found that the importance of expressing the urgent need for funds, not only to take care of the lands and buildings the state already owned, but also to take care of lands and historical sites for future

generations, was extremely important. As the Arkansas Game and Fish Commission (AGFC) Deputy Director David Goad stated, “You can’t just say that you need to have additional money. You’ve got to say, ‘We need additional money, this is how we need to spend it, and this is how we are going to spend it.’”<sup>4</sup> AGFC’s efforts included creating county-specific presentations that showed residents how much revenue parks, tourism, and wildlife generated for the county, how much the county would pay into the sales tax, and provided projections for the county’s return on investment. Although agency employees could not directly lobby for the amendment, they did educate the public about the funding need and discussed the ways in which funding from the Conservation Sales Tax, if passed, would be spent.

The Missouri Department of Conservation explicitly outlined their need for increased funding through the report, *Design for Conservation*. This campaign document was very easy to read and understand and outlined why the Department needed additional funding, as well as how the Department planned to spend the money. In their effort to educate the public about the funding need, Department employees traveled throughout the state explaining *Design for Conservation* to the public. This demonstration of need to the public was critical to passage of the constitutional amendment.

The need for increased wildlife funding was apparent in states experiencing development pressures and the subsequent loss of wildlife. In one case, Colorado, the GOCO campaign coincided with a large population influx. The resulting development lent credibility to their need for increased funding. The early 1990s was a period of exceptional growth in Colorado. Consequently, the timing of Colorado’s Great Outdoors Colorado amendment proved important. One key message throughout the campaign was the need to prepare for the continued influx of people into the state.<sup>5</sup>

Additionally, it seemed that for the two states examined in which mechanisms were not passed, Alaska and Wyoming, the funding need may have been made *less* credible by the apparent abundance of wildlife and open space. Between 1990 and 2000, Wyoming’s population increased only 8.9 percent compared to the national growth rate of 13.2 percent. Chris Burkett, Strategic Management Coordinator for the Game and Fish Department, suggested that this slower growth rate may have played a role in the failure of the Wyoming Legacy Trust in 2000, “In urban areas, you hear from people that they care a lot about wildlife because they don’t have it. Here in Wyoming [wildlife] is everywhere. There isn’t a sense of urgency about wildlife here. People see a herd of wild antelope on their way to Home Depot and think, ‘Well, shoot, there’s not a crisis!’ [In Wyoming] there is still a sense of a frontier mentality.”<sup>6</sup> While this abundance of visible wildlife was a valid concern five years ago, Wyoming was recently able to pass a wildlife funding mechanism which indicates that they found a way to overcome this issue.

### **Explicit connection between funding and expenditures**

In several of the cases, agencies or involved organizations that made an explicit effort to show a connection between the funding and how that funding would be used, received increased support at all levels. These states included Arkansas, Georgia, Missouri, and Washington.



The Washington Department of Fish and Wildlife realized the importance of an explicit connection between funding and expenditures after a telephone survey designed to improve their marketing efforts of personalized license plates. They were surprised to learn that “knowing that the proceeds support fish and wildlife” was the largest stimulus to additional sales.<sup>7</sup> Combined with the 20 percent of respondents who wanted more information regarding the use of the proceeds, the Department realized that they could easily improve sales by promoting the wildlife funded by the plates. Consequently, the county offices where license plates were sold provided brochures about the wildlife diversity specialty plates, including how the money was used, and the importance of maintaining wildlife diversity, to drivers buying plates. The license plates themselves also featured the messages “Give Wildlife a Chance” or “Support Wildlife,” which served to more explicitly tie the plates to the programs they helped support.

### *Building support with the general public*

#### **Support in urban centers**

In two of the mechanisms for which data was available (Arkansas and Missouri) support was strongest in urban areas.

Polls conducted by The Nature Conservancy (TNC) in Arkansas found that support for the Conservation Sales Tax amendment was highest in suburban and urban areas, that support increased as education levels increased, and that wealthy Arkansans were more likely to support the amendment than those with lower household incomes. This information helped prompt the Arkansas Game and Fish Commission’s promise to build nature centers in four major metropolitan areas in the state, thereby tapping into this support. An analysis of the 1996 vote later confirmed TNC’s polling data. The measure was buoyed by support from suburban and urban areas; support from rural areas was not as strong.

Missouri’s Conservation Sales Tax passed in 1976 buoyed by support from the urban areas. According to the election results, the strongest support came from the urban areas where the citizens recognized the need for more places to recreate and to preserve nature for future generations. The amendment did not do as well in rural areas where finding a place to recreate was not an issue and where residents tended to oppose increased government presence.

#### **Campaign publicity**

Focused, clear, and dispersed campaign publicity was an important aspect in several states, especially those that relied on public referenda and ballot initiatives to pass mechanisms. In all six states where mechanisms were publicly approved, publicity was either extensive or moderate. States with highly publicized ballot initiatives or public referenda included Arkansas, Colorado, and Missouri. States with moderately publicized ballot initiatives or public referenda included Arizona, Maine, and Washington.

The case study analysis suggested that the quantity of publicity needed was dependant on the type of mechanism involved. Specifically, it seemed that a non-voluntary mechanism, such as a sales tax, required significantly more public outreach than a

mechanism that provided the public with the opportunity to decide whether to contribute to the funding program once approved. For example, license plates, lotteries, and tax check-offs allowed residents to decide to participate, whereas sales taxes affected everyone in the state. Additionally, anecdotal evidence from the cases suggested that the quality of publicity, rather than the number of publicity attempts, was also important. For instance, educating the public and decision makers on the agency's need for additional wildlife funding, and clearly explaining how the funding would be used appeared to be as important, if not more important, than the sheer quantity of publicity.

In Arkansas, publicity efforts were extensive and consistent. The campaign created a video that addressed each agency's funding needs and discussed how additional revenue would be spent. A standard slideshow was created and speakers were trained to ensure that the campaign message was clearly and consistently communicated.<sup>8</sup> County-specific presentations were also created. The campaign had goals for the number of presentations to be made in each county, and specific individuals were tasked with ensuring that these presentations were completed. David Goad, Arkansas Game and Fish Commission (AGFC) Deputy Director, recalled that AGFC gave presentations to civic clubs, at county fairs, and "any other place that could draw a crowd."<sup>9</sup> According to Goad, "we [AGFC] talked to every Lions Club, Kiwanis Club, and canoe club in the state. We talked to anybody that would listen."<sup>10</sup> Staff members from Arkansas Parks and Tourism responded similarly, making numerous presentations while participating in meetings and fairs. The Department of Arkansas Heritage reached additional constituencies through museums, historical meetings and conferences. Conservation partners placed ads supporting the initiative in their publications, providing the campaign with extensive positive publicity and significant financial savings. In addition, the campaign ran television and newspaper ads, created literature that was distributed to the public, and ran a campaign hot line to answer the public's questions.

In Georgia, the lack of positive campaign publicity on the real estate transfer fee relative to the negative publicity promoted by the real estate community, led to the eventual failure of the proposed fee. The implications of the real estate transfer fee were not well understood by the public, and the real estate industry was able to capitalize on the mechanism's complexity. The industry successfully misrepresented the proposed real estate transfer fee to the public, implying that the fee would raise property taxes. The Georgia Wildlife Federation did not have the resources to actively counter the real estate industry's claims, resulting in the mechanism's subsequent failure.

### *Building support in the agency*

#### **Motivated agency staff**

Having agency staff motivated and actively supporting the mechanism was especially critical in seven cases, including Arkansas, Colorado, Georgia, Missouri, Nevada, Virginia, and Washington. These states had the support and involvement of staff at multiple levels within the agency, as opposed to just individuals in leadership positions. For example, in Colorado, state employees dedicated thousands of hours to the campaign – all of it on weekends, at night, or on vacation time to ensure compliance with state law.

Arkansas' campaign resource requirements for agency staff were extensive. Within Arkansas Game and Fish Commission (AGFC) alone, there were 50 to 60 individuals dedicated to the campaign, including AGFC's entire communications staff. AGFC's remaining employees were "sitting at the ready, anytime help was needed."<sup>11</sup> The State Parks and Tourism Department, the Keep Arkansas Beautiful Commission, and the Department of Arkansas Heritage were similarly involved in the campaign process. Nancy DeLamar, former Director of The Nature Conservancy's Arkansas Field Office, recalled that agency directors were intimately involved in the campaign process and expected the staff to be as well.

### *Building support with the governor*

#### **Active gubernatorial support**

Having active gubernatorial support was found to be particularly important in cases that used ballot initiatives and public referenda; although the support seemed to be beneficial regardless of the mechanism's approval method. In four of the six states that employed a publicly approved mechanism, the mechanism might not have passed without the governor's support; these states included Arizona, Arkansas, Colorado, and Maine.

Arkansas Governor Mike Huckabee was a strong supporter of the Conservation Sales Tax. The Governor, a life-long bass angler and hunter, took a four-day river trip to promote the Conservation Sales Tax amendment. He launched his bass boat in Fort Smith, Arkansas and traveled the Arkansas River across the state to its convergence with the Mississippi, making promotional speeches along the way. The Governor was accompanied on his trip by a "flotilla" of other boats as well as his wife, who rode a Jet Ski. It is clear that without the Governor's successful effort to generate support for the amendment, it would not have passed.

Colorado Governor Roy Romer was a very important supporter of the Great Outdoors Colorado (GOCO) amendment. He personally met with Colorado's State Parks Board and Wildlife Commission to discuss the funding mechanism structure; he provided political advice on how to sell the GOCO amendment, and was also involved in publicity efforts. He provided important strategic advice, and as an elected official, was not bound by state laws limiting his involvement in the campaign. As a result, he was a very active and visible promoter of the amendment. Governor Romer's support was a critical component of the amendment's success.

In Maine, the campaign for the Maine Outdoor Heritage Fund also relied heavily on the Governor. The Governor had close personal ties with the leadership of the Sportsman's Alliance of Maine, one of the organizations that ran the campaign. Though the Governor was not in favor of gambling, he recognized the need to fund wildlife and agreed the lottery was a means to that end. George Smith, Executive Director of the Sportsman's Alliance, credited the Governor's support as critical to passing the Outdoor Heritage Fund.

Washington State was unusual among the case studies in that a public referendum overwhelmingly passed despite the Governor's clear opposition. In this case, the

Governor vetoed a bill that was passed by the Legislature that would have authorized revenue from vanity plates to fund wildlife diversity. The Department of Fish and Wildlife quickly drafted a public referendum to authorize the mechanism. The referendum passed despite the Governor's opposition. The Governor's veto was such a surprise that it may have served to bring additional publicity to the Department's efforts and attracted further support for the personalized license plates.

### *Building support with outside organizations*

#### **Business support**

In campaigns that used a funding mechanism that directly affected business communities or specific industries, it was apparent that business or industry support was important for the mechanism to pass. Case studies that examined a mechanism that directly affected a business or industry included Alaska, Georgia, Nevada, Texas, Virginia, and Wyoming.

Perhaps the best example of business support was the collaboration between the Nevada Department of Wildlife and the Nevada mining industry in the creation of the Mining Program. From the start, the Mining Program had the backing of the Nevada Mining Association, a trade association of mining corporations. Through this collaborative partnership, the Nevada Mining Association agreed to pay a fee for receiving a permit for mining operations. This fee generated funds that are used to mitigate wildlife mortalities associated with mining activities. Cooperation was spurred on by the understanding that if action was not taken to remedy the effects mining had on wildlife, Endangered Species Act and Migratory Bird Treaty Act regulations would be enforced.

In Texas, retailer support was considered particularly important to the success of Texas' Sporting Goods Sales Tax. The industry's support hinged on its belief that the more the Texas Parks and Wildlife Department (TPWD) invested in conservation and outdoor recreation, the greater the sales in the sporting goods industry would be. According to Corkey Palmer, former TPWD employee, "It's their customer, it's their user, they're the ones that collect it, and of course they benefit from it. If there's more parks, there's more boat ramps, there's more availability for the user and this drives their industry and increases their revenue."<sup>12</sup> Supporters within the sporting goods industry were extremely active lobbyists. According to Andy Sansom, former TPWD Executive Director, "When the bill was ready, they [the sporting goods industry]...lobbied the Legislature. They walked the halls, testified at the hearings, and held receptions at the Capital."<sup>13</sup>

In contrast to the above examples, it seemed apparent that in at least two campaigns (Georgia (real estate transfer fee) and Wyoming<sup>†</sup>) that when businesses actively opposed a mechanism, this opposition was often the primary reason for the mechanism's subsequent failure. In Georgia, the real estate transfer fee was heavily opposed by the real

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<sup>†</sup> A funding mechanism has recently passed in Wyoming. However, industry opposition was a major reason the Legacy Trust did not pass in the previous attempt referenced in this document.

estate industry because it would have increased the fees that their customers would have to pay when purchasing a new home. The Georgia Wildlife Federation and its supporters found it difficult to counter this large and organized opposition. Realtors, who put up “For Sale” signs on lawns every day, simply added additional signs that read, “Vote no on doubling your property tax.” Despite the fact that this wording was a misrepresentation of the transfer fee, the message was simple and widespread and helped defeat the idea publicly.

### **Active nongovernmental organization support**

The active support of nongovernmental organizations was important for eight of the 12 campaigns that passed funding mechanisms, and was especially true for mechanisms that required public support (ballot initiatives and public referenda). States that had a high level of support from nongovernmental organizations included Arizona, Arkansas, Colorado, Georgia, Maine, Missouri, Virginia, and Washington. This support ranged from assisting with legislative lobbying efforts to running the entire campaign.

Maine was unique among the case studies in that a government agency was not involved in the campaign for the Maine Outdoor Heritage Fund. Instead, two nongovernmental organizations assumed all responsibility for running the campaign to garner public support for the ballot initiative. Ken Elowe, Director of the Bureau of Fisheries and Wildlife and Conservation, thought that an important factor that led to the broad support of the Maine Outdoor Heritage Fund was having the two largest and most influential conservation groups in the state work together on the issue. The citizens realized that if these two groups with different perspectives, Sportsman’s Alliance of Maine’s hunting and fishing focus and Maine Audubon’s wildlife watching focus, could work together on something, then it must be an important issue. Elowe believed that if only one of organizations worked on the issue and put in twice the effort, the program would not have had as broad of a support base as it did.

In Washington, the Audubon Society and the Sportsmen’s Council played a pivotal role in the license plate campaign by organizing publicity events, public outreach, and education, to pass legislation and later a public referendum. With such a broad range of wildlife interests encompassed by these two groups, over 20 organizations eventually endorsed the plan to have revenue generated by the sales of personalized license plates benefit wildlife diversity.

### ***Building support with the legislature***

#### **Legislative support**

The case study analysis revealed the importance of solid legislative support when the mechanism required the approval of the legislature during any point of the campaign process. Of the eight mechanisms that required legislative approval, the seven that passed had a high level of legislative support. States that exhibited strong legislative support included Arkansas, Georgia, Minnesota, Nevada, Texas, Virginia, and Washington. In the two states that had low legislative support, Alaska and Wyoming, the mechanism failed.

A champion, whether individual or group, in the legislature was one way legislative support facilitated the passage of a mechanism. The mechanisms in Arkansas, Minnesota, Pennsylvania, Texas, Virginia, and Wyoming had legislative champions that had particular influence over the legislative outcome. Of these states, all but the mechanism in Wyoming had a high level of support in the state legislature.

One theme across campaigns seemed to be that when the funding need, rather than the funding request, was presented to the legislature, and the agency sought their input and guidance in remedying the problem, the legislature was responsive. This level of participation and problem solving may have provided the legislature with a sense of ownership over the funding shortfall and commitment to the resulting solution. This participation, of course, must be precipitated by a collegial working relationship between the agency and legislature.

In Arkansas, several previous attempts by Arkansas Game and Fish Commission (AGFC) to pass a conservation sales tax failed due, in large part, to political opposition from the General Assembly. Recognizing this opposition, AGFC conscientiously worked to improve the agency's relationship with the Assembly. The creation of the Assembly's Game & Fish Commission Funding Study Committee was an important step in this process, acting as the champion and allowing the General Assembly to become involved in the funding dilemma and subsequent choice of the funding mechanism. Eventually, this involvement led the Assembly to recognize the necessity of a dedicated funding mechanism and resulted in their placing the Conservation Sales Tax on both the 1994 and 1996 general election ballots.

In Virginia, Vick Thomas, a state legislator who co-chaired the House Conservation and Natural Resources Committee, acted as a champion for House Bill 38, a sporting good sales tax. Thomas was a champion not only for House Bill 38, but for the Virginia Department of Game and Inland Fisheries (DGIF). As David Whitehurst, the Director of Wildlife Diversity within the DGIF said, "He [Thomas] saw the agency's need and became a spokesperson for all wildlife."<sup>14</sup> At the time House Bill 38 passed, the Assembly had many conservative members with fiscal concerns about the measure, but who ultimately saw DGIF's need because of Thomas' vocal support and voted in favor of passing the legislation.

Despite the fact that the Legacy Trust did not pass the Wyoming State Senate in 2000,<sup>‡</sup> it made it through the State House unscathed, no small feat for a conservation measure in the notoriously conservative Wyoming Legislature. The enthusiastic support of the Wyoming Speaker of the House, Fred Parady, is credited for much of the "down field blocking" and moving the legislation through the House. Fred Parady was a bird watcher with an interest in conservation issues. He also had future political aspirations and thought courting conservationists would be politically beneficial. Parady's influence was critical to getting the legislation through the House, but active opposition in the Senate prevented its passage.

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<sup>‡</sup> A funding mechanism has recently passed in Wyoming.

## ***Dealing with challenges and opposition***

Through the course of campaigning for a mechanism, or in implementing a mechanism after its approval, states encountered a variety of challenges. While some challenges were specific to the type of mechanism employed, others were more widespread and were found in a variety of states using a range of mechanisms.

### ***Challenges encountered***

#### **Legislative appropriation and variable funding**

Mechanisms where appropriations were controlled by the legislature seemed to provide less reliable funding over time. States that chose a mechanism that dedicated a percentage of revenue annually to the program, or received all revenue from a particular source, were guaranteed a more consistent funding stream. Two states were examined that developed mechanisms requiring legislative appropriation: Texas and Virginia. For both states, this level of legislative involvement in administering the mechanism has proved challenging, making both recipient programs susceptible to unpredictable funding levels.

Since passage of Virginia's House Bill 38 in 1998, a sporting goods sales tax, the funding allocated by the Assembly through House Bill 38 has been limited during difficult budget years. In the first year that House Bill 38 generated revenues, the Virginia Department of Game and Inland Fisheries received close to the \$13 million maximum. In subsequent years, this figure has dropped and projected estimates for revenues in FY 2005 are down to \$10.9 million.

The Texas Sporting Goods Sales Tax is also allocated by the Legislature in each session. To obtain the funding, Texas Parks and Wildlife Department (TPWD) must submit a budget request to the Legislature for their review. Although the Legislature cannot allocate the Sporting Goods Sales Tax funds to another agency, they can decline to allocate the money at all. In fact, the last legislative session appropriated only \$23.7 million of the \$32 million to TPWD. This limitation on the funding level was done in an effort to balance the state budget. The resulting funding shortfall presented a number of challenges for TPWD.

#### **Legislative appropriation and ongoing support**

For mechanisms that involved legislative appropriations, the case studies suggested that continuing support for the funded programs was essential, and was a challenge to consistently maintain. Because legislative appropriations were variable, constant oversight and pressure on the legislature was necessary to ensure that programs received funding. Of the states examined, only the mechanisms in Texas and Virginia involved legislative appropriation.

Since Virginia's funding for House Bill 38 is dependent on allocations from the General Assembly, the biggest challenge is taking on a mechanism that fluctuates year to year. Jeff Waldon, former Teaming With Wildlife volunteer, said, "By taking the route they took, meaning that the legislature had to approve the money to be transferred every year as part of the budget process, it was not a consistent source of funding."<sup>15</sup> Defending

it every single year with a groundswell of support is the biggest challenge for sustaining the mechanism. According to Waldon, “You need to keep the coalition engaged every year and go after the legislature every time there is an attack on it.”<sup>16</sup>

### **Organized opposition**

Overcoming organized opposition during the campaign process proved exceptionally difficult. In two of three cases that failed, significant organized opposition appeared to be the root cause of the failures. Conversely, states that recognized opposition existed for their chosen mechanism, and took steps to prevent the opposition from organizing, or simply chose mechanisms without significant opposition, were able to achieve passage.

The Wyoming Game and Fish Department’s attempt to pass the Wildlife Legacy Trust in 2000, which would have invested a small portion of funds generated each year from minerals production in a fund to support wildlife conservation programs, was aggressively countered by prominent agriculture organizations. Because this constituency had significant backing in the State Senate and with the Governor, the Game and Fish Department faced an uphill battle. Individuals representing the interests of the agricultural community testified before of the Legislature, and the Senate responded accordingly, stopping the bill.

The Georgia real estate transfer fee was similarly stopped by well-organized and influential opposition. The real estate industry made use of an easily accessible resource that the Georgia Wildlife Federation found nearly impossible to counter: yard signs falsely claiming that the transfer fee would increase property taxes. As a result, the fee never passed.

Conversely, the Missouri Department of Conservation recognized that their first choice for increased funding, a bottle tax on purchases of carbonated beverages, would face significant opposition. As a result, they chose a different mechanism with less resistance, which was implemented a few years later.

Anticipating opposition, the Arizona Game and Fish Department kept early discussions about the Heritage Fund quiet and opted for a short campaign to give the opposition as little time as possible to organize. Game and Fish Director Duane Shroufe noted, “If [the opposition] had had more time, they would have been more organized and more vocal in their opposition and found something they could sink their teeth into.”<sup>17</sup> However, the strategy was successful and the opposition was never able to gather enough momentum to stop the passage of the Heritage Fund.

### **Public perception of the agency**

Some agencies struggled with a negative public perception of their programs and the credibility of the agency’s stated need for increased funding. This lack of credibility presented challenges as agencies sought to demonstrate the need for increased funding in the legislature and with the public. Conversely, state agencies that were perceived as credible by the public had a far easier time demonstrating that their funding need was real. In six of the seven cases where the agency successfully demonstrated the need for



increased funding, it was observed that agency credibility was also an important factor. These states included Arkansas, Colorado, Minnesota, Missouri, Texas, and Virginia.

A major contributor to the failure of the Arkansas Game and Fish Commission's 1984 attempt to pass the Conservation Sales Tax amendment (the first of four attempts) was the agency's low level of credibility at the time.<sup>§</sup> Only after the agency improved its perception with the public and the General Assembly were they able to mount the successful 1996 campaign.

In Minnesota, an important factor that fed the success of the Nongame Wildlife Tax Checkoff was the high level of credibility associated with the state's Nongame Program. Part of this credibility resulted from the educational materials created and distributed by the Nongame Program. It also derived from the Program's successful recovery efforts for high-profile species, such as the trumpeter swan and peregrine falcon.

### *Strategies employed to address challenges and opposition*

States employed a few specific strategies to address and counter the challenges and opposition encountered throughout the campaign, especially as they related to planning for opposition and enhancing the credibility of the agency's funding need.

### **Quiet early discussions and strategic campaign planning**

In Arizona and Colorado, individuals interviewed for the case studies felt that keeping the early strategic planning process quiet kept opposition at bay and was critical to the mechanism's eventual passage. Strategies these states used also included keeping the campaign short to minimize the time opposition had to organize and counter the agency's message.

In Arizona, only leaders from the Arizona Game and Fish Department, Arizona Parks, and The Nature Conservancy were involved in early planning efforts. This limitation was done in an effort to keep their plans "under the radar screen" thereby limiting the time opponents had to mount significant opposition. They were especially strategic in their early planning of the initiative as state law prohibited agencies from participating in the process once it was placed on the ballot. Duane Shroufe, Director of the Arizona Game and Fish Department explained, "We very carefully made sure that [the Heritage Initiative] was built right, that everything was in place, so that when the Secretary [of State] finally declared this to be an initiative, the only thing Game and Fish had to do, and were allowed to do, was give out information."<sup>18</sup> In addition, the Heritage Fund campaign was purposely limited to approximately six months, Shroufe explained, to keep the idea from "sloshing around" in public, providing time for opposition to form and arguments to occur over the use of the funding.

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<sup>§</sup> Around this time, a group of former employees raised allegations of "cronyism, mismanagement, and misuse of funds" by the AGFC. These concerns were heightened by AGFC's January 1984 decision to provide complimentary hunting and fishing licenses to its 400 employees for the first time in its 39-year history.

In Colorado, much of the strategic planning process occurred behind closed doors in order to prevent the opposition from organizing. According to Bruce McCloskey, Director of the Colorado Division of Wildlife, “It was kept a little quiet because we didn’t want to get the opposition built up...By the time other folks woke up and figured out what was going on, the thing was too far down the road and they couldn’t stop it.”<sup>19</sup> The closed-door nature of the strategic planning process prevented other interests from becoming actively engaged. As a result, there was little disagreement over the disposition of the lottery proceeds. Once the campaign became public, it was too late to suggest alternatives for the disposition of funds.

### **Outside involvement used to enhance credibility of need**

One way agencies overcame the challenge of credibly demonstrating their funding need was to involve outside organizations. Of the 12 case studies in which a funding mechanism passed, eight had noticeable involvement from outside organizations or individuals. Involvement from individuals outside the agency that could corroborate the agency’s need provided more credibility to the agency’s claims. States that involved outside organizations included Arizona, Arkansas, Colorado, Missouri, Nevada, Texas, Virginia, and Washington.

To credibly demonstrate its need for more funding, the Missouri Department of Conservation had an independent group of three well-respected individuals analyze the Department’s programs. Based on this outside analysis, the Department of Conservation created *Design for Conservation*, a campaign document that outlined the Department’s funding needs and how they planned to use the additional funds. This document was used to educate the public and the Assembly about the needs of the Department. As Ollie Torgerson, former Department employee, stated, it was critical that this document was based on recommendations from those outside the agency because it gave the need more credibility.

Colorado also relied on outside involvement to credibly demonstrate the need for additional funding for wildlife diversity. Early in Colorado’s search for alternative wildlife funding mechanisms, Governor Roy Romer created a Blue Ribbon Panel (Panel) to evaluate possible funding options. The Panel was primarily composed of local Colorado businessmen. Rebecca Frank, former Wildlife Commissioner, noted that these individuals were perceived to be “big players” in Colorado – people who had influence and access to money. They were also individuals whom the Wildlife Commission believed would be dedicated to the cause. Although not all were sportsmen, they understood the important role that wildlife played in Colorado’s economy. After careful consideration, the Panel validated the need for a long-term, dedicated funding source. Although they did not choose the mechanism, the credibility that this Panel lent to the subsequent funding campaign was very important.

Virginia used a network of active supporters to credibly demonstrate their funding need within the General Assembly. In Virginia, the Teaming With Wildlife (TWW) coalition voluntarily helped garner support for H.B. 38, a sporting good sales tax. Jeff Waldon, former TWW volunteer, led the TWW coalition’s effort in Virginia. Waldon created a network of organizations and businesses supportive of wildlife funding. TWW

was able to build an email network of business and interest group supporters that would respond to infrequent requests from TWW to call their state representatives and voice their support for the bill at specific times during the Assembly's session. The support of both TWW and the coalition of public support imparted credibility to Virginia's need for funding.

### ***Factors relating to administering the mechanism***

All of these mechanisms, regardless of type, required some level of ongoing administration. Requirements ranged from continuing publicity to extensive marketing campaigns.

#### **Strategic marketing**

Mechanisms that depend on consumer purchases required extensive ongoing publicity to generate funding. These mechanisms included lotteries, license plates, and tax check-offs. States that employed these mechanisms included Arizona, Colorado, Georgia, Maine, Minnesota, Pennsylvania, and Washington.

In order to sell license plates in Georgia, the Department of Natural Resources (DNR) first had to engage the county license plate offices, where license plates were sold, and second, publicize the new plate to the public. To engage the county license plate offices, the DNR, responding to a suggestion from the county offices, created an incentive for employees to sell license plates by designating \$1 to the county office for every license plate sold. To publicize the new plate to the public a banner displaying the license plate was hung in the county license plate office, county license plate office staff wore t-shirts with the license plate design, and literature was distributed to potential customers on the intended use for the funding. David Waller, State Wildlife Director, thought that the single most important thing that helped sell the license plates was the involvement of these county offices in the marketing efforts.

In Pennsylvania, the Wild Resource Conservation Program extensively publicized the Saw-whet Owl license plate. The key to the marketing campaign was designing a brochure advertising the plate to be inserted along with all license plate renewal applications. This brochure was also distributed to all places that registered cars, AAA offices, state parks, state liquor stores, and many other public locations. Radio, television, and newspapers were also used in marketing efforts. Additionally, publicity events were held to generate media attention after certain sale benchmarks were reached.

#### **Continued defense of mechanism**

A number of mechanisms faced ongoing opposition even after implementation, and required continued defense in order to maintain adequate funding. These mechanisms included those in Arizona, Maine, Minnesota, Missouri, and Virginia.

In Arizona, the Heritage Fund requires ongoing defense from the State Legislature's attempts to divert funding and eliminate the lottery. The Arizona Heritage Alliance was integral in the funding campaign and reformed after the Heritage Fund was established as a nonprofit organization for the specific purpose of defending the Heritage Fund from

legislative attacks. The Heritage Alliance keeps a close eye on the activities of the Legislature and actively counters attempts to alter the mechanism.

*The findings discussed in this chapter, which relate to choosing a mechanism, planning a campaign, building support, and dealing with challenges, together formed the basis of the recommendations in the following chapter. The recommendations were developed as an end product to the analysis and provide guidance for those looking to increase wildlife funding and for ways to begin choosing and implementing new or additional funding mechanisms.*

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<sup>1</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>2</sup> Waller, David. State Wildlife Director, Georgia Game and Fish Department. Personal interview. 30 Sept 2004.

<sup>3</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>4</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.

<sup>5</sup> Frank, Rebecca. Former Wildlife Commissioner. Personal interview. 9 Nov. 2004.

<sup>6</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct 2004.

<sup>7</sup> Rieck, Caroll. First Manager, Wildlife Diversity Division. "Thirty Years of Success." Power Point presentation and notes. E-mail communication. 20 Nov. 2004.

<sup>8</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.

<sup>9</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.

<sup>10</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.

<sup>11</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.

<sup>12</sup> Palmer, Corky. Former employee, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>13</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

<sup>14</sup> Whitehurst, David. Division Director for the Wildlife Diversity Program, Virginia Department of Game and Inland Fisheries. Personal interview. 10 Sept. 2004.

<sup>15</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.

<sup>16</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.

<sup>17</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.

<sup>18</sup> Shroufe, Duane. Director, Arizona Game and Fish Department. Personal interview. 22 Nov. 2004.

<sup>19</sup> McCloskey, Bruce. Director, Colorado Division of Wildlife. Personal interview. 30 Sept. 2004.

## 20

# RECOMMENDATIONS

**T**hese recommendations are based on the findings subsequent to the analysis and provide guidance for natural resource managers to plan a successful campaign. The following set of recommendations is grouped into the five categories used in the analysis section: factors considered in choosing a mechanism, process followed in choosing a mechanism and planning a campaign, building support, dealing with challenges and opposition, and factors relating to administering the mechanism.

### **Factors considered in choosing a mechanism**

#### **Craft a mechanism that attracts a broad constituency.**

Do not limit your audience to wildlife diversity supporters—think about appealing to a broader audience. The more people that support the mechanism, the more money it is likely to generate. For instance, Colorado’s Great Outdoors Colorado amendment (GOCO) has a broad constituency base that includes wildlife, outdoor recreation, open space, and local government interests. Since it began awarding grants in 1994, the GOCO Board has awarded approximately \$400 million to eligible projects. Since GOCO’s inception, almost \$100 million has been provided to the Colorado Division of Wildlife and its partners for the protection of Colorado’s wildlife. Although Colorado’s method of “sharing the pie” among wildlife, recreation, open space, and local government interests reduced each agency’s level of funding, it assured passage of the amendment. According to Rebecca Frank, former Wildlife Commissioner, “A slice of the pie is better than no pie at all.”<sup>1</sup>

#### **Choose a mechanism that has state-wide appeal.**

As one of the first steps in thinking about which of the many different mechanisms to choose, it is important to consider the potential popularity of the mechanism, as well as likely opposition at all levels, including with the public, with industry, with the legislature, and with the governor. This careful planning will help the agency choose a mechanism that is more likely to be approved. In Texas, for example, the agency noticed the legislature supported the “user-pays, user-benefits” concept, and thus chose a mechanism which generated funding from a tax on outdoor equipment sales. According to Andy Sansom, former Texas Parks and Wildlife Department (TPWD) Executive Director, “There was a strong feeling in our Legislature that we should be self-funded, meaning that our users should be the ones who pay.”<sup>2</sup> The popularity of this funding strategy was important to TPWD’s ability to obtain legislative support.

#### **Choose a mechanism that will not have organized opposition.**

Overcoming organized opposition will require extensive resources that may be too costly for an agency- or nonprofit-led campaign. For instance, the Georgia Wildlife Federation attempted to increase the state’s real estate transfer fee in an effort to raise additional funds for wildlife diversity. They were unsuccessful in large part because of

the Georgia Association of Realtors. The realtors had significant influence in opposing the amendment because they were well-organized and had an incentive to oppose the legislation. They also had the use of yard signs to advertise their opposition. Since realtors put “For Sale” signs on lawns everyday, it was easy for them to put up additional signs that said, “Vote no on doubling your property tax.”<sup>3</sup>

**Consider the administration requirements of the mechanism.**

Some funding mechanisms require more administration and oversight than others. The agency should consider how much staff time they are willing to dedicate to the funding mechanism or whether the agency would need to hire additional staff to administer the mechanism. For example, in Pennsylvania, the Board of the Wild Resource Conservation Program decided that a license plate program would be the best solution for Pennsylvania because it would not take a lot of time to establish, it would also be simple to establish, and it would not be difficult to administer.

**Recognize the shortcomings of potentially inconsistent legislative appropriations.**

Mechanisms in which appropriations were controlled by the state legislature seemed to provide less reliable funding over time. For instance, in Virginia, a major challenge to the success of House Bill 38, a diversion of the sales tax on outdoor equipment, is that the amount generated each year can and does fluctuate. Because the revenues can go into other competing accounts within the General Assembly, the challenge lies in ensuring that the mechanism provides a consistent source of money over time. Since its creation in 1998, the funding allocated by the Assembly through this mechanism has been limited during difficult budget year. For FY 2005, estimates of revenues are \$10.9 million, which is roughly \$2 million less than the cap of \$13 million.

**Process followed in choosing a mechanism and planning a campaign**

**Be strategic.**

Strategically choose the mechanism, and develop a campaign and marketing plan. Use polling and survey data to guide decisions. This type of strategic planning can help to overcome significant obstacles, such as political opposition and budget constraints. For instance, in Arizona, the choice to use the state’s lottery as the vehicle for generating funding was based heavily on public opinion research. The meetings to plan the mechanism and the campaign were kept quiet in order to limit opposition. In the early stages of the Arizona Heritage Fund’s campaign, involvement in the quiet meetings was limited to leaders of three organizations (Arizona Game and Fish Department, Arizona Parks, and The Nature Conservancy) to further minimize opposition. In addition, once the mechanism was chosen, the strategic decision to keep the campaign short to prevent the opposition from organizing was made.

**Develop a plan for promotion of the funding mechanism.**

Promoting the funding mechanism is critical to getting the mechanism on the radar screen. Agencies should have focused and widespread campaign publicity, especially for the mechanisms that rely on public referenda and ballot initiatives for approval.

Additionally, the quality of publicity, rather than the number of publicity attempts, is important. For example, in Arkansas, publicity efforts were extensive and consistent. The campaign created a video and a standard slideshow to ensure that the campaign message was clearly and consistently communicated. David Goad, Arkansas Game and Fish Commission (AGFC) Deputy Director, recalled that AGFC gave presentations to civic clubs, at county fairs, and “any other place that could draw a crowd.”<sup>4</sup> According to Goad, “we [AGFC] talked to every Lions Club, Kiwanis Club, and canoe club in the state. We talked to anybody that would listen.”<sup>5</sup> The other agencies involved in the campaign also responded similarly, contacting constituents at fairs, museums, historical meetings, and conferences. Conservation partners placed ads supporting the initiative in their publications. In addition, the campaign ran television and newspaper ads, distributed literature to the public, and ran a campaign hot line to answer the public’s questions.

### **Target your message.**

It is important to be flexible in targeting the campaign message as this targeting will help to broaden the mechanism’s appeal. For instance, in the Wyoming Department of Game and Fish’s failed attempt to pass the Legacy Trust in 2000, agency official Chris Burkett wished they had kept the heart of the campaign consistent, while still allowing the message to vary from county to county. As Burkett said, “What is important to someone in Jackson is different than what’s important to someone in the Big Horn Basin.”<sup>6</sup> Burkett felt that making an effort to tie the funding back to the difference it would make at an individual level would increase support among Wyoming residents.

### **Fundraise.**

One very important aspect of promoting a mechanism is raising the funds necessary to support the promotional activities of the funding mechanism. In Colorado, significant funds were necessary to successfully generate public support for the Great Outdoors Colorado (GOCO) amendment through media outlets such as TV, newspaper, and radio. Since Colorado law prohibited the use of state funds and personnel to support ballot initiatives, private money was sought. GOCO’s supporters consequently placed a strong emphasis on fundraising and used the support of high-profile Coloradoans, including the Governor, to raise the necessary money. By the time the GOCO campaign went public, the list of financial supporters was well into the hundreds. It included private donors, corporate donors such as Coors, Anheuser-Busch, Gart Brothers, and Eagle Claw, nonprofits including the Sierra Club, Audubon, The Nature Conservancy, and The Conservation Fund, as well as other community clubs and organizations. Such broad-based financial support was crucial to the campaign.

### **Reach out to organizations that can contribute resources.**

Having outside organizations help by supporting the campaign with their own time and money can reduce the amount of agency resources needed. For instance, in Missouri, state law prohibited the Department of Conservation from gathering signatures for the campaign, so the Department relied on help from conservation organizations to gather the necessary signatures. The Citizen’s Committee for Conservation, an independent committee composed of concerned citizens, and the Conservation Federation, the largest conservation organization in the state, were the key organizations gathering grassroots

support for the amendment. Volunteers helped gather signatures at state fairs, grocery stores, sporting events, and many other public events.

## **Building support**

### **Demonstrate need.**

It is important to convince constituents of the need to fund wildlife in order to gain support. It is helpful that constituents understand the need for the mechanism and how it will benefit their interests to foster more support for the mechanism. For instance, in Missouri, the grassroots effort succeeded because the Department of Conservation had a well-planned campaign, and clearly outlined its need for additional funding and the intended uses of the funds in *Design for Conservation*. Daniel Zekor, Federal Aid Coordinator for the Missouri Department of Conservation, said, “The number one feature of the whole effort was having a good plan [*Design for Conservation*], which was realistic and made sense. People could see what the benefits were going to be to them.”<sup>7</sup>

### **Involve the state legislature from the beginning.**

For states that choose a mechanism that will need involvement of the state legislature at some point in the process, providing the state legislature with a sense of ownership over the mechanism is important. This involvement can be accomplished in many ways: by demonstrating the agency’s need, by working with the legislature to choose the mechanism type, or by using personal relationships. For instance, previous attempts by the Arkansas Game and Fish Commission (AGFC) to implement a conservation sales tax failed, in large part, due to political opposition from the General Assembly. Recognizing the opposition, AGFC worked to improve its relations with the Assembly. The creation of the Assembly’s Game & Fish Commission Funding Study Committee was an important step in this process. It allowed the General Assembly to become involved in the funding mechanism choice. Eventually this involvement led the Assembly to recognize the necessity of a dedicated funding mechanism and resulted in strong support for the Conservation Sales Tax.

### **Find a champion.**

A champion can be critical to ensuring the passage of a mechanism. The champion does not necessarily have to be one individual—the important point is that this champion has to be effective in promoting the mechanism. For instance, in Virginia, Vick Thomas, the co-chair of the House Resources Committee, was a champion not only for House Bill 38, a diversion of the sales tax on outdoor equipment, but also for the Virginia Department of Game and Inland Fisheries (DGIF). As David Whitehurst, the Director of the Wildlife Diversity Division within DGIF, said, “He [Thomas] saw the agency’s need and became a spokesperson for all wildlife.”<sup>8</sup> Thomas’ support helped to raise the Assembly’s awareness of DGIF’s need and prompted increased support for the mechanism.



**Collaborate with the organizations that will be impacted.**

The best way to ensure that those impacted by the mechanism are supportive is to work collaboratively with them. For instance, Nevada's Department of Wildlife's (NDOW) rationalized that the best solution to the state's mining-related wildlife mortalities would be to work with the Nevada Mining Association to collaboratively solve the problem. Consequently, rather than using enforcement as a means to solve the problem, joint legislation was drafted. Doug Hunt, Habitat Bureau Chief at NDOW, said, "We have had an excellent working relationship with the Nevada Mining Association and have basically worked hand-in-hand to reduce wildlife mortalities associated with mining."<sup>9</sup> The trust that has been established between the two groups has ensured an effective and enduring program.

**Target non-traditional constituents.**

It is important to look outside of an agency's traditional supporters to find a broad base of support. In addition, a disproportionate amount of resources should not be dedicated to convincing either extreme: to organizations who will be easily convinced, or conversely, to organizations that are likely to never be convinced. Focus campaign efforts on "swing" constituents or non-traditional, but likely, supporters. For instance, in Wyoming, despite the Wyoming Game and Fish Department's effort to reach out to several prominent agriculture organizations, the Department was unable to obtain their support. According to Walt Gasson, an agency official, "The effort was a failure. I think we wasted our time. I think no matter what we did, [the agriculture organizations] were going to oppose it."<sup>10</sup> In hindsight, Chris Burkett, Wyoming Game and Fish Strategic Coordinator, wished that the Department had courted the support of the Humane Society and the restaurant and hotel tourism industry, which would have encompassed an extensive number of individuals.<sup>11</sup>

**Seek active support.**

Support is only helpful if individuals are motivated to actively promote the mechanism. For instance, Arkansas Governor Mike Huckabee was a strong supporter of the Conservation Sales Tax. The Governor, a life-long bass angler and hunter, took a four-day river trip to promote the Conservation Sales Tax amendment. He launched his bass boat in Fort Smith, Arkansas and traveled the Arkansas River across the state to its convergence with the Mississippi, making promotional speeches along the way. The Governor was accompanied on his trip by a "flotilla" of other boats as well as his wife, who rode a Jet Ski. It is clear that without the Governor's successful effort to generate support for the amendment, it would not have passed.

**Work to improve the public perception of the agency.**

Improving the agency's public perception will help to generate support for the agency's programs and the funding mechanisms that support them. For instance, Carrol Henderson, the Minnesota Nongame Program Supervisor, stated that "one of the things that has always been an important part of our program is getting our activities in front of the public."<sup>12</sup> Staff members generate publicity through the savvy use of local media outlets. Henderson is a frequent visitor on local television and radio programs and writes news releases for local papers. His intention is to ensure that no matter where people get their news, they will see positive stories about how the Nongame Wildlife Tax Checkoff

Fund has helped Minnesota's wildlife. The high level of publicity associated with the Nongame Program and the Nongame Wildlife Checkoff Fund is critical to the development and maintenance of strong public support.

## **Dealing with challenges and opposition**

### **Actively counter any misrepresentations.**

Actively countering misrepresentations will help to limit the influence of an organized opposition. For instance, the Wyoming Game and Fish Department struggled to communicate the idea that the Legacy Trust, by funding wildlife diversity programs, would also be beneficial to farmers and ranchers because it would help forestall potential listings under the Endangered Species Act. Walt Gasson, an agency official, explained, "It looked to [the agricultural community] like we were going to fund this army of biologists to go out there and find new sensitive species, list more species, and make life harder for them."<sup>13</sup> Had the intent of the Legacy Trust been more clearly communicated or corroborated by a source trusted by agriculture organizations, misrepresentations may have been more effectively countered.

### **Be tenacious.**

It is important for states to continue to pursue a mechanism even if it fails to get approved on the first try. Passing many of these mechanisms may take several tries. For example, in Washington, after a successful public campaign to get the vanity license plates approved by the Legislature, the Governor vetoed the bill to everyone's surprise. The agency worked with the Legislature to overturn the veto, but fell short by one vote. The agency still did not give up and put the license plates before the public in a referendum and finally, the license plate program was approved.

## **Factors relating to administering the mechanism**

### **Actively defend the funding mechanism once implemented.**

Defending a mechanism against competing needs requires significant, committed support to ensure either continued existence of the mechanism and/or continued funding of the mechanism. For instance, since Virginia's House Bill 38, a diversion of the sales tax on outdoor equipment, depends on legislative appropriation, each year a groundswell of support has to be generated to defend the funding. Jeff Waldon, former Teaming With Wildlife volunteer, said, "By taking the route they took, meaning that the legislature had to approve the money to be transferred every year as part of the budget process, it was not a consistent source of funding."<sup>14</sup> Defending it every single year with a groundswell of support is the biggest challenge for sustaining the mechanism. According to Waldon, "You need to keep the coalition engaged every year and go after the legislature every time there is an attack on it."<sup>15</sup>

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<sup>1</sup> Frank, Rebecca. Former Commissioner, Colorado Wildlife. Personal interview. 9 Nov. 2004.

<sup>2</sup> Sansom, Andy. Former Executive Director, Texas Parks and Wildlife Department. Personal interview. 30 Nov. 2004.

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- <sup>3</sup> McCollum, Jerry. Employee, Georgia National Wildlife Federation. Personal interview. 17 Nov. 2004.
- <sup>4</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>5</sup> Goad, David. Deputy Director, Arkansas Game and Fish Commission. Personal interview. 13 July 2004.
- <sup>6</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>7</sup> Zekor, Daniel. Federal Aid Coordinator, Department of Conservation. Personal interview. 30 Sept. 2004.
- <sup>8</sup> Whitehurst, David. Director of the Division of Wildlife, Department of Game and Inland Fisheries. Personal interview. 10 Sept. 2004.
- <sup>9</sup> Hunt, Doug. Habitat Bureau Chief, Nevada Department of Wildlife. Personal interview. 4 Nov. 2004.
- <sup>10</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>11</sup> Burkett, Chris. Strategic Management Coordinator, Wyoming Game and Fish Department. Personal interview. 29 Oct. 2004.
- <sup>12</sup> Henderson, Carrol. Supervisor, Minnesota Nongame Program. Personal interview. 29 Oct. 2004.
- <sup>13</sup> Gasson, Walt. Policy Coordinator, Wyoming Game and Fish Department. Personal interview. 18 Oct. 2004.
- <sup>14</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.
- <sup>15</sup> Waldon, Jeff. Former volunteer, Teaming With Wildlife. Personal interview. 18 Oct. 2004.

## 21 CONCLUSION

This project has described a number of innovative approaches that states have taken to secure funding for wildlife conservation programs and to highlight the key attributes of successful funding mechanisms. To achieve this objective, 15 different state wildlife diversity funding mechanisms were profiled. Through a careful analysis of this data set, factors were identified that appeared to have influenced the funding mechanisms' level of success. The factors identified were divided into five categories: factors considered in choosing a mechanism, process followed in choosing a mechanism and planning a campaign, building support, dealing with challenges and opposition, and factors relating to administering the mechanism. Once these factors were identified, the common elements were integrated into a series of recommendations for state agencies. Recommendations ranged from broadening the constituency of the funding mechanism to the importance of utilizing strategic planning. It is hoped that through this process, the project has provided a number of insights and strategies that will help state wildlife agencies address the funding constraints that currently prohibit effective wildlife conservation at the state level.

In addition to the specific recommendations contained within Chapter 20: Recommendations, the project team would like to highlight three general lessons that are an important outcome of this research. The first lesson concerns the socio-economic make-up of the state. The second lesson relates to the sense of urgency with which state agencies address the need for additional wildlife diversity funding. The final lesson addresses the importance of developing and utilizing a strategy for the pursuit of new funding sources.

The 15 funding mechanisms profiled represented 14 different states and eight different mechanism types. The states profiled are geographically diverse, with at least one state representing the Northern, Southern, Southwestern, Midwestern, and Western United States. In fact, it would be difficult to identify two states less similar in their political, social, economic, or physical characteristics than Nevada and Virginia, or Washington and Texas. However, all four of these states successfully implemented wildlife diversity funding mechanisms. The lesson to be drawn is the observation that it is possible for states to identify a wildlife diversity funding mechanism that is likely to be successful in that state. Texas implemented its Sporting Goods Sales Tax in very difficult economic conditions by choosing a mechanism that followed the "user-pays, user-benefits" concept. The Missouri Department of Conservation decided to pursue a general sales tax when public polling conducted by the University of Missouri determined that such a measure was likely to pass. Alternatively, Colorado recognized that strong anti-tax sentiments in the state would prohibit a measure that increased taxes and chose instead to pursue revenue from the state lottery. The key to their success was the strategic selection of a funding mechanism that was appealing given the socio-economic conditions in the state. Eight different mechanism types are profiled in this study, ranging from common

mechanisms such as license plates and tax check-offs to less common mechanisms such as outdoor equipment sales taxes and non-consumptive user fees, and these are not an exhaustive list of possibilities. Agencies should think creatively, evaluate their options, and use public opinion polling to determine which mechanism is right for a given state at a given time.

The research also indicated that most of the successful mechanisms were supported by individuals at the highest levels within the agency and the state, who created a sense of urgency for the campaign. In several of the successful cases, such as Arkansas and Missouri, implementation of the chosen funding mechanism was led by the agency's director and was made the top priority for the entire agency. It is also clear that this sense of urgency was accompanied by a sense of dedication to the cause. A number of the successful mechanisms profiled were not adopted on the first attempt. It took Missouri five years and two ballot initiatives to successfully pass the 1/8<sup>th</sup> of a percent Conservation Sales Tax. It took Arkansas 12 years and four ballot initiatives to pass its own 1/8<sup>th</sup>-cent Conservation Sales Tax. Washington's effort to implement a personalized license plate was initially vetoed by the Governor. Clearly, the ability of these state agencies to rebound from initial defeats was critical to the eventual success of these mechanisms.

Finally, it would be difficult to overemphasize the importance of thinking and acting strategically. A campaign to implement a multi-million dollar wildlife diversity funding mechanism cannot be done in an ad-hoc manner. It is a significant political, logistical, and publicity challenge that requires a clear plan and careful execution in order to achieve success. As a number of the interviewees advised, state agencies must create a core team of talented individuals who are dedicated to making the funding mechanism a success. Even the selection of this core team's membership should be strategic – in many cases, the team should include representatives from influential nongovernmental organizations, state political offices, and business community leaders, in addition to agency personnel. This core group must carefully consider a number of issues when selecting a funding mechanism, including the socio-economic conditions within the state, the size of the funding mechanism's constituency, the nature of the mechanism's support, and the nature of the mechanism's opposition. They must also develop a campaign plan that addresses generating support, managing opposition, fundraising, budgeting and financial management, and legal concerns. Finally, agencies should use market research to inform their choices throughout the campaign process and should use outside assistance to supplement their own political, legal, and public relations expertise.



**SECTION FOUR –  
APPENDICES**





## **APPENDIX A**

### *Reference Materials*

This appendix is a compilation of reference materials on the broad topic of wildlife funding. It provides a list of reference materials that natural resources managers can use as guidance when looking to begin a new funding program, or to restructure an existing program. It is important to note that this appendix is not an exhaustive list of reference materials and there may be other relevant materials that are not included here. Unless otherwise noted, the materials in this appendix are on file at the International Association of Fish and Wildlife Agencies.

The appendix is divided into two sections, and in each section reference materials are listed in chronological order (when dates are known):

- **State specific wildlife funding mechanisms:** This section lists reference materials associated with specific state wildlife funding mechanisms. It includes references to documents that address topics such as: interest group involvement in campaigns for wildlife funding mechanisms; strategic planning; and maintaining constituent support. It also provides examples of marketing materials; authorizing legislation; and documents that were used to demonstrate the need for additional funding.
- **General wildlife funding materials:** This section lists articles, books, and reports that address general wildlife funding topics such as: the public's perception of wildlife programs; building broad constituencies; the current status of U.S. wildlife; and studies of various funding mechanisms, including licenses plates, real estate transfer fees, and ballot initiatives.

### **State Specific Information**

This section of the appendix presents state specific information related to various aspects of a campaign for a funding mechanism. It is organized alphabetically by state and further divided by type(s) of mechanism in that state. This list does not include all funding mechanisms in one state nor all campaign information--just the materials that were available to the project team.

#### ***Arizona***

**The Arizona Heritage Fund (1990):** This funding mechanism uses state lottery revenues to support the acquisition, development, and protection of recreational, natural, wildlife, and cultural resources.

### *Interest Group Involvement in the Arizona Heritage Fund*

- Dissertation describing interest groups' influence on the development and implementation of the Arizona Heritage Fund.

*Type of document:* Dissertation for Doctor of Public Administration

*Reference:* Mutter, Larry R. "Interest Group Influence in the Development and Implementation of State Recreation Policy." Dissertation for Doctor of Public Administration, Arizona State University, 1994. 249 pgs.

*Purpose:* This dissertation explores interest group influence, specifically group interest, group power, group access to decision makers, and disposition of implementing agencies to interest group interaction, on the development and implementation of the Arizona Heritage Fund.

*Summary:* The study found that "pro-Heritage Fund" interest groups achieved significant access to policy development and implementation decision-making and were active in thwarting legislative proposals to divert Heritage Fund monies. Through the execution of a well-conceived political strategy, sufficient financial and organizational resources, active membership support, and willing agency "partners," this interest group sector dominated the Arizona Heritage Fund policy process.

- An article explaining the different strategies used by the interest groups in the Arizona Heritage Fund.

*Type of document:* Article

*Reference:* Mutter, Larry, Virden, Randy J., and N. Joseph Cayer. "Direct Democracy and State Recreation Policymaking: The Case of the Arizona Heritage Fund." *Journal of Park and Recreation Administration*, 14, 2 (Summer 1996): 80-94.

*Purpose:* This article explores how the citizens of Arizona used direct democracy to pass the Arizona Heritage Fund.

*Summary:* The article explains the different strategies used by the interest groups in the Arizona case and lists considerations for other states using this process.

- An article describing interest groups' influence on the development and implementation of the Arizona Heritage Fund.

*Type of document:* Journal article

*Reference:* Mutter, Larry R., Virden, Randy R., and N. Joseph Cayer. "Interest Group Influence in State Natural Resource Policymaking." *Society & Natural Resources*, 12 (1999): 243-255.

*Purpose:* This article describes interest groups influence on the development and implementation of the Arizona Heritage Fund.

*Summary:* The authors found that interest groups played a large role in creating the Fund and that groups supporting the effort had more members, spent more money on the effort, had slightly smaller budgets, had fewer staff working on

the issue (possibly more volunteers), and had a more unified voice than the opposition.

### ***Arkansas***

**Conservation Sales Tax (1996):** This constitutional amendment created a new 1/8<sup>th</sup> of a cent sales tax and dedicated that revenue to four state departments – The Arkansas Game and Fish Commission (AGFC), the State Parks and Tourism Commission, the Department of Arkansas Heritage, and the anti-litter Keep Arkansas Beautiful Commission.

#### ***How to Write a Sales Tax Constitutional Amendment***

- Text of the proposed constitutional amendment.

*Type of document:* Proposed constitutional amendment

*Year:* 1996

*Purpose:* The text of the constitutional amendment to increase the sales tax by 1/8<sup>th</sup> of a cent to support Game and Fish Department, Parks and Tourism Commission, Arkansas Heritage, and Keep Arkansas Beautiful.

*Pages:* 1

#### ***How to Demonstrate Need***

- Booklet describing the funding details of the new tax.

*Type of document:* Booklet

*Reference:* Arkansas Game and Fish Commission. “The Plan for Conservation.”

*Purpose:* A short booklet supporting the new tax and explaining in detail where the new revenue will be spent in the state.

*Pages:* 8

- Book describing the campaign for the constitutional amendment.

*Type of document:* Book

*Reference:* Griffie, Carol. *Odyssey of Survival: A History of the Arkansas*

*Conservation Sales Tax.* The Arkansas Game & Fish Commission, 1999. 225 pgs.

*Summary:* A thorough analysis of the multiple attempts it took to pass the amendment and recording of the small details that are crucial in creating a successful campaign. The book also includes a short section on the Missouri Conservation Sales Tax.

### ***Marketing Materials***

- Brochure supporting the amendment.

*Type of document:* Brochure

*Title:* Keep Arkansas Natural Forever

*Purpose:* A brochure explaining the constitutional amendment, which agencies will benefit from the increased funding, and encouraging the public to vote for the amendment.

*Pages:* 1

### ***Additional Materials***

- Short leaflet encouraging public to vote for the amendment.
- “Questions & Answers: Arkansas’s 1/8<sup>th</sup> cent Conservation Amendment.”
- Document explaining how Yell County, Arkansas will benefit from the passage of the 1/8<sup>th</sup> of a cent constitutional amendment.

### ***Idaho***

**Wildlife License Plate (1992):** This \$35 license plate supports projects for Idaho’s wildlife diversity and endangered wildlife through the Idaho Department of Fish and Game.

#### ***How to Write a License Plate Authorizing Bill***

- Text of the bill (H.B. 698).

*Type of document:* Legislation

*Title:* H.B. 698

*Year:* 1992

*Purpose:* A bill to authorize the license plate program to fund the non-game management and protection program of the Department of Fish and Game.

*Pages:* 2

### ***Marketing Materials***

- Fact sheet on how the money from the wildlife plate will be used.

*Type of document:* Fact sheet

*Title:* How Will the Increased Nongame Money Be Used

*Purpose:* This fact sheet outlines a variety of ways in which the new money will be used to protect wildlife diversity.

*Pages:* 1

### ***Additional Materials***

- A one page brochure briefly explaining how the money from the license plate program will benefit wildlife diversity and endangered wildlife.

## **Minnesota**

**Wild Bird Food Conservation Program:** Manufacturers of wild-bird feed voluntarily contribute \$2 per ton of feed sold to the non-game wildlife program of the Minnesota Department of Natural Resources.

### *Materials*

- Short magazine article about the Wild Bird Food Conservation Program.
- “Minnesota’s Wild Birds, The Next Generation: A proposal for managing and funding wild bird conservation in Minnesota into the twenty-first century.” This magazine article discusses the lack of funding for non-game birds.

## **Missouri**

**Conservation Sales Tax (1976):** This constitutional amendment allocated 1/8<sup>th</sup> of a percent of the sales tax for the Missouri Department of Conservation.

### *Strategic Planning for a Campaign*

- Report examining the Department of Conservation’s programs and future directions for the Department.

*Type of document:* Report

*Reference:* Leopold, A. Starker, Fox, Irving K., and Charles H. Callison.

“Missouri Conservation Program: An Appraisal and Some Suggestions.” 1970. 13 pgs.

*Purpose:* Also known as “the Report,” this year-long study of the Department of Conservation outlines broadening the Department’s programs to include management for all wildlife (not just game species) and to provide for more outdoor recreation. The report did not focus on expanding funding sources to meet the needs of these new programs.

- Report examining different potential funding mechanisms for the Department of Conservation.

*Type of document:* Report

*Reference:* Betts, Arthur W. “An Analysis of Present Revenue Sources and an Appraisal of New Income Sources for the Missouri Department of Conservation.” 1970. 23 pgs.

*Purpose:* Since “the Report” did not outline any funding sources for the expansion of the Department’s programs, the Department hired Mr. Betts to explore potential sources of funding. This report explores current and potential funding sources for the Department.

### *How to Demonstrate Need*

- The original plan of the Department of Conservation for their expansion of programs and need for more funding.

*Type of document:* Article

*Reference:* Department of Conservation. “Special Report: Design for Conservation.” *Missouri Conservationist* (September 1971). 20 pgs.

*Summary:* The plan is a long-range plan to expand wildlife conservation and provide more outdoor recreational opportunities. It outlines how the Department would spend the new funds generated from the tax. The plan calls for buying land for recreation, forestry and protecting critical habitats. It also calls for increased services to the public, more wildlife and forestry research, and broadened management programs.

### *Additional Materials*

- Analysis of two different potential funding mechanisms for the Department of Conservation by the University of Missouri Business School.
- An updated five-year strategic plan for the Department of Conservation in 1989.

### ***Pennsylvania***

**Conservation License Plate (1993):** The wildlife diversity license plate raises money for the Wild Resources Conservation Program, which was established to further conservation of wildlife diversity.

### *How to Start a License Plate Program*

- A guide on how to set up a successful license plate program.

*Type of document:* Presentation

*Reference:* Felbaum, Frank H. “Vehicle License Plates as an Alternative Funding Mechanism: A Pennsylvania Viewpoint.” 1994. 40 pgs.

*Summary:* The presentation is a guide on how to set up a successful license plate program and the report contains supporting documentation. The first part of this report is an outline of how to start a successful license plate program. The following section is a collection of documents that relate to the Pennsylvania license plate program. It includes a survey conducted by the State of Maine in preparation for a license plate program in that state.

### ***Texas***

**Texas Conservation Passport:** The \$25 conservation passport is a way for nonconsumptive users to support wildlife and natural area conservation, and it is expected to generate \$2.5 million.

### *Materials*

- A brief magazine article outlining the purpose of the Texas conservation passport.

**Sporting Goods Sales Tax (1993):** A redirection of sales tax on sporting goods to the Texas Parks and Wildlife Division.

### *Materials*

- Visual diagram of how the sporting goods sales tax will be used.
- Fact sheet of the major points of the sporting goods sales tax.

### *Virginia*

**House Bill 38 (1998):** This legislation allocates a portion of the sales tax to the Department of Game and Inland Fisheries.

### *How to Maintain Constituent Support After Passage*

- This study was conducted to determine the direction of programs and future funding opportunities for the Department.

*Type of document:* Report

*Reference:* McMullin, Steve L, Duda, Mark Damian, and Brett A. Wright.

“House Bill 38 and Future Directions for the Department of Game and Inland Fisheries: Results of Constituent and Staff Studies and Recommendations for Future Action.” 2000. 29 pgs.

*Purpose:* After H.B. 38 passed, the Department of Game and Inland Fisheries outsourced this study to determine the direction of future programs and future funding opportunities.

*Summary:* The study recommends that the Department expand to more wildlife diversity and nonconsumptive uses. In addition, the study details specific recommendations for the Department to maintain the support of all the different interests that supported the bill.

### *Additional Materials*

- A strategic planning report about future directions for fish, wildlife, and boating programs created before the bill passed.

### **Personal Donations to Virginia Nongame Wildlife Fund**

#### *Materials*

- Brochure to promote donations to the program.

### *West Virginia*

**Cat and Dog Food Tax (1989):** As proposed this tax of two cents per pound of dry pet food and two cents per can of wet pet food would fund Nongame Wildlife and Natural Heritage Programs.

### *How to Write a Bill for a New Tax*

- Text of the proposed bill.

*Type of document:* Proposed legislation

*Purpose:* A bill to authorize an additional pet food tax to fund wildlife diversity and natural heritage programs.

*Pages:* 9

### *Additional Materials*

- Fact sheet on the Cat and Dog Food Tax.
- Journal articles on domestic cat and dog eating habits.

**Real Estate Transfer Tax (1993):** As proposed this one time fee of 50 cents per \$500 of the value of real estate would fund Nongame Wildlife and Natural Heritage Programs.

### *How to Write Bill for a New Tax*

- Text of the proposed bill (H.B. 4573).

*Type of document:* Proposed legislation

*Title:* H.B. 4573

*Year:* 1992

*Purpose:* A bill to authorize a real estate transfer tax to fund non-game wildlife and natural heritage programs.

*Pages:* 5

### *Additional Materials*

- Brochure to support the Nongame Wildlife and Natural Heritage Programs.
- Fact sheet on the Land Transfer Tax.

## **Personal Donations to West Virginia Nongame Wildlife Program**

### *Materials*

- Brochure promoting the purchase of wildlife art as a donation to the program.

## **Wyoming**

**Wildlife Legacy Trust (2001):** As proposed and not yet approved, this funding mechanism would create a permanent endowment from a portion of the state mineral revenues and the interest would be used to conserve and maintain wildlife.



### *How to Demonstrate Need*

- This report is a summary report of a variety of methods to gather the public's ideas and opinions about "current" funding problems.

*Type of document:* Report

*Reference:* Wyoming Game and Fish Department. "Stakeholder's Report, "Funding Dilemma": A Summary of Statewide Public Meetings, Resident Telephone and Non-Resident Mail Surveys, and Written Comments Concerning Future Funding for the Wyoming Game and Fish Department." 1995. 500 pgs.

*Summary:* This report is a summary report of a variety of methods to gather the public's ideas and opinions about "current" funding problems and potential future funding for the Game and Fish Department.

### *Marketing Materials*

- Brochure explaining the concept of the Wildlife Legacy Trust.

*Type of document:* Brochure

*Reference:* Wyoming Game and Fish Department. "Wildlife in Wyoming Faces a Quiet Crisis." 2001.

*Purpose:* This brochure explains the problem facing wildlife in the state, and the concept of the Wildlife Legacy Trust.

- Brochures detailing the history of wildlife funding in Wyoming, the history of wildlife conservation in Wyoming, and potential future problems for wildlife.

*Type of document:* Brochures

*Titles:* Wyoming Game and Fish Department. "A Quiet Crisis: What does the future hold for our wildlife?" (8 pgs.), "Confronting the Crisis: What's been one for Wyoming's wildlife and what is left to do." (14 pgs.), "Overcoming the crisis: Wildlife funding--past, present, and future." (38 pgs.) 2002.

*Purpose:* These brochures explain the problems facing wildlife and wildlife funding in the state.

### *Additional Materials*

- A short paper outlining the problem facing wildlife in the state, the concept of the Wildlife Legacy Trust, and who supports the program.

## **Articles, Books, and Reports**

This section lists articles, books, and reports that address general wildlife funding topics. This section is subdivided into two parts: information related to specific funding mechanisms, and information that provides a general discussion of wildlife funding and wildlife programs. Again, this section is not a comprehensive list of all materials related to this subject.

### ***Information related to specific funding mechanisms***

- A report that summarizes license plate programs in six states.

*Type of document:* Report

*Reference:* Beech, Ron. “A Review and Evaluation of License Plate Programs Designed to Protect the Environment.” 1992. 36 pgs.

*Summary:* This report was prepared for the Michigan Department of Natural Resources Natural Heritage Program. The report summarizes the programs in six states and draws conclusions and recommendations from these case studies.

- A report that summarizes real estate transfer tax programs in three states.

*Type of document:* Report

*Reference:* Beech, Ron. “A Review of Real Estate Transfer Taxes Developed to Protect the Environment.” 1992. 10 pgs.

*Summary:* This report summarizes programs in three states and draws brief conclusions and recommendations from these case studies.

- This report examines strategies for successful ballot initiatives in 1998.

*Type of document:* Report

*Reference:* Center on Urban and Metropolitan Policy. “Livability at the Ballot Box: State and Local Referenda on Parks, Conservation, and Smarter Growth, Election Day 1998.” 1998. 17 pgs.

*Summary:* As the abstract states, this paper “provides a guide to the goals, finance techniques, and strategies of successful measures; discusses regional variations in the success rate; examines lessons from ballot-box defeats; and assesses what growing grassroots support for land conservation and more livable communities means for policymakers and practitioners.”

- A report on how land conservation measures fared at the ballot box in 2003.

*Type of document:* Report

*Reference:* The Trust for Public Land and Land Trust Alliance. “Land Vote 2003: Americans Invest in Parks & Open Space.” 2004. 14 pgs. Available on Land Trust Alliance’s website: [http://www.lta.org/publicpolicy/landvote\\_2003.pdf](http://www.lta.org/publicpolicy/landvote_2003.pdf).

*Summary:* In 2003, voters approved 100 ballot measures supporting land conservation measures. These ballot initiatives generated a total of \$1.8 billion for conservation purposes; \$1.2 billion of which was dedicated specifically for land conservation purposes. Over the past six years, American voters have approved 76 percent of 801 state and local conservation ballot measures, creating \$24 billion for preserving important lands and natural resources. The report gives a number of examples of successful ballot measures in a variety of states. The report advocates putting issues of conservation toward a vote, rather than wait for discretionary funding to become available.

### *Additional Materials*

- An article in *Endangered Species Update* (10, 1 (1992): 5-9) that explains the license plate programs in a few states.

### ***General discussion of wildlife funding and wildlife programs***

- This book reviews the public's perception of wildlife viewing and wildlife programs.

*Type of document:* Book

*Reference:* Duda, Mark Damian, and Kira C. Young. *Americans and Wildlife Diversity: Public Opinion, Attitudes, Interest and Participation in Wildlife Viewing and Wildlife Diversity Programs*. Harrisonburg, VA: Responsive Management, 1994. 155 pgs.

*Purpose:* The purpose of this study was to provide information to the International Association of Fish and Wildlife Agencies to help with developing, planning, and implementing programs for wildlife diversity. The study's sources of data vary widely from published articles to public opinion surveys to focus groups.

*Summary:* The study found an increasing trend towards wildlife watching. It found that all types of people participate in wildlife watching, although the likelihood of participation increases as level of education and income increases. The study also found that watching wildlife is important to many as a secondary component of other outdoor activities. It found that time appears to be the biggest barrier to participating in wildlife viewing activities and that most wildlife viewers prefer undeveloped areas to more developed areas. The study found that most people were not aware of the state fish and wildlife agencies. Although the public cares about fish and wildlife resources, most are not aware of the lack of funding for many programs. The study also examined alternative funding sources and had a number of recommendations for strategies to obtain further funding for wildlife diversity programs.

- This report examines a compilation of the results from a survey of state fish and wildlife agencies.

*Type of document:* Report

*Reference:* The Wildlife Conservation Fund of America. "Fish and Wildlife Agency Funding: State-by-State Results of WCFA Revenue Sources Survey for Fiscal Year 1995."

*Summary:* This report examines a compilation of the results from the fourth survey of state fish and wildlife agencies conducted by WCFA for the purpose of describing the revenue sources and trends among the state wildlife agencies. Total revenues available to state fish and wildlife agencies to carry out their mission in FY 1995 exceeded \$2 billion. This represents an increase of 27 percent over the four-year reporting period. During the same period, the Consumer Price Index (Urban) rose 12.6 percent. This indicates that in general, state wildlife agency revenue is increasing at about the same rate as the increase for state tax receipts.

- The report is an analysis of fish and wildlife agency revenue sources.

*Type of document:* Report

*Reference:* Izaak Walton League of America. “Passing the Buck: A Comparison of State Fish and Wildlife Agency Funding and the Economic Value of Wildlife-Associated Recreation.” 1999. 14 pgs.

*Summary:* The report is an analysis of fish and wildlife agency revenue sources. The Izaak Walton League’s surveys indicate that, in general, there is low awareness among the public regarding the sources of fish and wildlife agency funding. The report makes a recommendation that state legislatures could begin to provide adequate general fund appropriations to their fish and wildlife agency(s).

- A detailed explanation on previous states’ experience with broadening agency constituencies to pass legislation to support the environment.

*Type of document:* Report

*Reference:* U.S. Fish and Wildlife Service. “Broadening the Constituencies of State Fish and Wildlife Agencies: Some Successful Strategies.” 1999. 115 pgs.

*Summary:* This report explains what factors have helped states communicate their programs to expand public support. The research is based on the following case studies: Great Outdoors Colorado Trust Fund, Illinois Conservation Congress and Conservation 2000, Missouri Conservation Sales Tax, Virginia House Bill 38, Arizona Heritage Fund, Arkansas Conservation Sales Tax. The report explores a number of aspects of each state program and success and failures from the different cases: early development, leaders, supporters, opponents, research, campaigns, audiences and media use, road to success: obstacles, highlights and program results. This analysis is followed by recommendations and an in-depth case study of Missouri.

- A condensed version of the previous report, detailing recommendations on how to broaden agency constituencies.

*Type of document:* Report

*Reference:* U.S. Fish and Wildlife Service. “A How-To Guide on Broadening Agency Constituencies.” 29 pgs.

*Summary:* An excellent reference for broadening public participation in agency processes. The report uses examples from a variety of programs: Great Outdoors Colorado Trust Fund, Illinois Conservation Congress and Conservation 2000, Missouri Conservation Sales Tax, Virginia House Bill 38, Arizona Heritage Fund, Arkansas Conservation Sales Tax. In the end of the report, there is a more detailed case study of Missouri.

- This report reveals the conclusions of a multi-year comparison of results from surveys of state fish and wildlife agencies.

*Type of document:* Report

*Reference:* The Wildlife Conservation Fund of America. “Fish and Wildlife Agency Funding Survey: State-by-State Comparisons of Wildlife Agency Revenue Through Fiscal Year 2000.”

*Summary:* The report reveals that state wildlife agency revenue increases at the same rate as the increase for state tax receipts, and more than twice the rate of inflation. The authors also note that it is the sportsmen who pioneer and fund the wildlife conservation movement through the payment of license fees, which accounts for 64.5 percent of all revenue. This funding source has been consistent for the period evaluated in this study. Federal payments (Federal Aid in Wildlife Restoration – Pittman-Robertson and Federal Aid in Fishery Restoration – Dingell-Johnson/Wallop-Breaux) represent the third largest source of revenue. General fund appropriations, interest earning, and other sources of revenue made up other sources. In 2000, new sources of revenue included sale of instant lottery tickets, a share of taxes on casino revenues, and lifetime license sales.

- This summary report provides an overview of the current status of America’s wildlife—successes, but also where more effort is needed.

*Type of document:* Report

*Reference:* Paige, L.C. “America’s Wildlife: The Challenge Ahead.” International Association of Fish and Wildlife Agencies, Washington, D.C. 2000. 50 pgs.

*Summary:* The report explores victories in species protection (whole chapters dedicated to types of animals) to the lack of funding for management and further conservation. The report concludes with a discussion on future directions for wildlife conservation.

- This white paper contains information on conservation success stories in the South and the factors that contributed to their successes.

*Type of document:* White paper

*Reference:* Southern Governors’ Association. “State Leadership and Best Practices in Conservation.” 2002. 21 pgs. Available on the Southern Governors’ Association website:  
<http://www.southerngovernors.org/publications/PDF/StateWhitePaper.pdf>.

*Summary:* The three most important factors that contributed to programs’ successes were: 1) utilizing state agency services to achieve conservation success, 2) creating state funding mechanisms to reach conservation goals, and 3) leveraging limited resources through partnerships. Each of these factors is explained and illustrated by examples from a variety to states throughout the South.

*Additional Materials*

- An article by Sara Vickerman in the late 1980s published in the magazine, *In Defense of Wildlife*, called “State Wildlife Protection Efforts: The Nongame Programs” is an analysis of state wildlife programs and some future directions for state wildlife programs.
- This issue of *Different Drummer* in 1995 called “*Taking a Fresh Look at Natural Resource Issues*” (2, 3 (Summer 1995)) examines state wildlife agencies and their finances.

## **APPENDIX B**

### *Case Study Questions*

#### **GENERAL BACKGROUND INFORMATION**

1. Can you describe your state's \_\_\_\_\_ funding mechanism to me?
  2. Tell me about your role as it relates to this program.
- 

#### **CHOOSING A MECHANISM**

The next several questions focus on how this mechanism was chosen.

3. How did your state choose this funding mechanism?
  4. Did you consider other alternatives?
  5. What factors did you consider when deciding which mechanism to use?
  6. What were the most important reasons for choosing the mechanism you did?
  7. Did you have any concerns about your chosen funding mechanism, at this early stage in the process? What were they?
  8. Who in the agency played key roles in choosing the funding mechanism?
  9. What outside parties were involved in choosing the funding mechanism?
    - a. How were they involved?
    - b. How did you manage these outside influences?
    - c. Which outside parties do you think were the most important? Why?
    - d. The least important? Why?
  10. Did you face any obstacles or issues when choosing this mechanism that we have not already discussed?
- 

#### **CREATING SUPPORT**

The next set of questions focuses on process of creating support for your chosen funding mechanism.

11. What steps were taken to generate support for the funding mechanism?
  - a. Within the agency?
  - b. With the public?
  - c. With the state legislature?
  - d. With the governor?

12. Was the mechanism altered in order to gain support? How?
  13. Who was especially in favor of the mechanism? Why?
  14. Who was opposed? Why?
  15. How did the agency communicate its plans with other involved parties? (within the agency, across agencies, with the public, with the legislature, with the governor)
  16. How many staff members did your agency devote to implementing the funding mechanism?
  17. How many months or years did you agency dedicate to implementing the funding mechanism?
  18. Did your agency receive any assistance implementing the funding mechanism? For example, were nonprofits active in the implementation?
    - a. What factors went into the decision about whether to involve outside parties/organizations or not?
    - b. If outside parties/organizations were involved, was this beneficial? Why or why not?
    - c. If they were not involved, do you suspect that this would have been beneficial? Why or why not?
  19. What other problems were faced in creating support for the funding mechanism? How were these problems resolved?
  20. What factors made gaining support easier? Why?
  21. Are there any other important issues regarding generating support for the mechanism that have not come out in the previous questions?
- 

### ***ON THE GROUND MANAGEMENT***

The next few questions touch on the ongoing management of the funding mechanism.

22. What is involved in managing the funding mechanism?
23. Who decides how the money is spent? [Some states have a structure for this while other's leave it up to the legislature...]
24. How many staff members does your agency devote to managing the funding mechanism?
25. Does your agency use money or other resources from outside organizations in the management of the mechanism? If so, where do these resources come from and how are they used?
26. What problems have you experienced in managing the funding mechanism? How are you working to overcome these?
27. How long do you think this will be an effective funding mechanism? [Note: Is this based on budgetary considerations or the expected returns from the program? If it is



based on budgetary considerations, what actions is your agency taking to secure a future funding source for the program?]

28. Would you ever consider canceling the funding mechanism?
29. Have any groups/organizations been particularly hurt by the mechanism?
30. Have any groups/organizations benefited from the mechanism?
31. Have any partnerships been enhanced by the funding? [Some states require match or in-kind contributions by private or federal funding sources which drives the state...]
32. Is there anything else about managing this funding mechanism that you would like to talk about?

---

### ***ECONOMIC FACTORS***

The next few questions will specifically address economic factors that may have influenced the selection and implementation of the funding mechanism.

33. Did the economic conditions within your state affect your choice of funding mechanism? If so, how?
34. How did your agency's budget affect your ability to implement the chosen funding mechanism?
35. How does your agency's budget affect your ability to manage the funding mechanism? How do you handle this?
36. Is there anything else related to state or agency economics that you would like to address?

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### ***POLITICAL ENVIRONMENT***

These next few questions focus on the general political environment of the state and the state's government.

37. Does your state have a strong *historical* basis of support for conservation measures?
  - a. What are the origins of this support?
  - b. Were specific steps taken to harness this support?
  - c. In what ways did this support influence the implementation process and/or outcome?
38. How supportive was the state legislature of the funding mechanism? What accounts for this support/lack of support?
39. How supportive was the governor of the funding mechanism? What accounts for this support/lack of support?
40. Were there specific political leaders who pushed for non-game funding mechanisms? What motivated them to do so?

41. Have there been any significant events that have helped to generate public or political support for wildlife funding mechanisms?
  42. Did this funding mechanism receive any attention from the media? Did this have any effect on the success of the funding mechanism?
  43. Were there other political issues that took time or key resources away from your work to obtain long-term wildlife funding? How did you deal with this?
  44. Is there anything else related to the outside political environment that you would like to address?
- 

### ***GEOGRAPHICAL/DEMOGRAPHIC***

The next two questions are intended to identify any geographic or demographic factors that may have influenced your approach to non-game funding.

45. Is there anything about your states approach to non-game funding that would or would not have worked in another state? Why?
  46. Were there any state demographic factors that influenced your approach to non-game funding?
  47. Were there any trends or changes in demographics prior to the funding mechanism that may have had an effect on the support or opposition to the mechanism?
- 

### ***SUMMARY QUESTIONS***

48. Do you consider the funding mechanism to be a success? Why or why not?
49. If you had to advise another state, what would you recommend they do to ensure a successful program?
50. If you had to do it all over again, what would you do differently?
51. Is there anything else you would like to tell me that did not come out in this interview?
52. Can you recommend someone outside the agency as well as someone who might have a different perspective to interview about the mechanism?

## **APPENDIX C**

### *Case Summaries*

The following appendix summarizes the 15 case studies selected for in-depth analysis. They provide a brief introduction to history and purpose of the funding mechanism and description of the mechanism itself, including the mechanism type, the implementation method and timeframe, and the amount of funds raised. The summaries also describe the key strategies used to gain approval for the mechanism, the nature of the mechanism's support and opposition, and the mechanism's administration requirements. The summaries are intended to provide an overview of the actors, strategies, and events that impacted the mechanism's approval and administration requirements.

## **Alaska Wildlife Viewing Pass**

In 2003, the Alaska Wildlife Viewing Pass (Pass) legislation was introduced in the Alaska State Legislature. The legislation would require non-residents who view wildlife through a commercial tour to buy an annual viewing pass. By making the definition of “tour” broad, the Alaska Division of Wildlife Conservation (Division) sought to require those who enjoy wildlife, but who do not contribute through the purchase of hunting or fishing licenses, to support wildlife conservation. The legislation was introduced by the Governor’s Office, but subsequently died in committee.

### ***Description of Funding Mechanism***

Mechanism type: Non-consumptive user fee  
Implementation method: Legislative bill  
Implementation timeframe: Did not pass

If the legislation had passed, the level of revenues was estimated to be \$11 million a year.

### ***Approval Strategy***

In 2003, the year the legislation was introduced, Governor Murkowski had just been elected and was supportive of the proposed pass. He helped by introducing the legislation during his first few months in office, however ongoing visible support from his staff during hearings was limited, and this lack of support may have hurt chances for passage. Because the Division did not have adequate time to organize a formal campaign before introduction, an implementation strategy or strategic plan was not used, and there was no active campaign to support this mechanism.

### ***Opposition***

The cruise-line industry, which felt their customers and their industry would be unfairly impacted by the Pass, opposed the legislation. Within the State Legislature, the legislation to create the Pass faced significant challenges. While many of the legislators thought the legislation was a good idea, they were not willing to spend the effort needed to ensure its passage. The media made the proposed mechanism seem outlandish and silly and undermined the importance of the legislation. Conservative hunting interests, who were opposed to the idea of giving non-consumptive constituents a “seat at the table,” were also opposed to the Pass.

### ***Program Administration***

Not applicable

## **Arizona Heritage Fund**

In 1990, voters passed the Arizona Heritage Fund (Fund) which annually earmarks \$20 million of state lottery revenues for the acquisition, development, and protection of recreational, natural, wildlife, and cultural resources. Heritage Fund monies are equally split between the Arizona Game and Fish Department and the Arizona Parks Department.

### ***Description of Funding Mechanism***

Mechanism type: Lottery  
Implementation method: Legislative bill  
Implementation timeframe: Approximately 1 year

The Arizona Game and Fish Department receives \$10 million annually. Funding is dedicated for habitat acquisition, habitat protection, urban wildlife programs, and environmental education.

### ***Approval Strategy***

Early meetings to discuss the need for funding were limited to The Nature Conservancy (TNC), the Arizona Parks Department, and Game and Fish executive staff. This quiet approach was taken in order to limit the opportunity for opposition to organize. The funding idea was fully developed prior to any campaign activity. The signature gathering campaign and the campaign to pass the ballot initiative was coordinated by the Arizona Heritage Fund Alliance (composed of 85 recreation and conservation groups, as well as cities, towns, and individuals) and TNC. Polling was used to determine voter preferences. Presentations were made to various civic and business groups, and newspapers were contacted to solicit editorial support.

### ***Support***

Gubernatorial candidates supported the initiative, convinced that it would portray them favorably during an election year. This gubernatorial support elevated support among the public. Polling results also demonstrated public support for diversions from the lottery over other mechanisms. TNC and the Arizona Heritage Fund Alliance recognized that wildlife decline was an important issue and saw the need to increase funding to protect this resource.

### ***Opposition***

While there was opposition to the Fund, it was not organized or active, due in part to the “closed-door” planning process and the short public campaign. This opposition included the Arizona Cattle Growers Association, the Arizona Farm Bureau, and Kaibab Forest Products, all of which opposed the Fund due to the provisions for land acquisition. The Tax Research Association also opposed the Fund on the principle that all state programs should compete equally for funding.

### ***Program Administration***

The Legislature has made frequent attempts to divert money from the Fund. Consequently, Arizona Heritage Fund Alliance, established for the specific purpose of protecting the Fund, is involved in the ongoing monitoring of legislative activity.

## **Arkansas Conservation Sales Tax**

In 1996, Arkansas passed the Conservation Sales Tax, a constitutional amendment that raised the general sales tax by 1/8<sup>th</sup> of a cent and dedicated that revenue to four state departments – the Arkansas Game and Fish Commission (AGFC), the State Parks and Tourism Department, the Department of Arkansas Heritage, and the anti-litter Keep Arkansas Beautiful Commission.

### ***Description of Funding Mechanism***

Mechanism type: General sales tax  
Implementation method: Constitutional amendment  
Implementation timeframe: Approximately 12 years

Forty-five percent of the sales tax revenue is allocated to AGFC as general use funds. The funding source is permanent and cannot be redirected by the Assembly. In FY 2004, the tax provided approximately \$21 million to AGFC. This money constituted 31 percent of AGFC's total operating budget for the year.

### ***Approval Strategy***

Four attempts were made to implement the Conservation Sales Tax over approximately 12 years. Although the first three failed for a variety of reasons, the fourth attempt was made successful by a carefully planned campaign. Key elements included:

- A clear demonstration of the need for additional funding.
- Strong support from the General Assembly and Governor Huckabee.
- A broad constituent base.
- Creation of the Natural State Committee to lead grassroots publicity efforts.
- County-specific promotional materials.
- Active participation of all levels of agency staff.
- Extensive publicity including high-profile promotional work by Governor Huckabee.

### ***Support***

The creation of the Game and Fish Commission Funding Study Committee was an important step in obtaining legislative support. It improved relationships between AGFC and the Assembly, allowing the Assembly to become involved in choosing the funding mechanism, and led the Assembly to accept a dedicated funding mechanism. The Governor's support, which created strong positive publicity, was motivated by his interest in hunting and fishing and by his concern for conservation efforts. Public support originated with the state's strong support of outdoor recreation. The amendment's broad constituent base was another important factor. Finally, public support was buoyed by the agencies' ability to make a strong case for increased funding.

### ***Opposition***

The amendment attracted very little organized opposition. The opposition that existed resulted mostly from anti-government sentiments. A more significant problem was the general public's aversion to new taxes.

### ***Program Administration***

The Conservation Sales Tax does not require administration.

## **Great Outdoors Colorado Trust Fund**

In 1992, Colorado voters approved the Great Outdoors Colorado Amendment (GOCO). GOCO dedicates a portion of state lottery proceeds to “projects that preserve, protect, and enhance Colorado’s wildlife, parks, rivers, trails, and open spaces.”

### ***Description of Funding Mechanism***

Mechanism type: Lottery  
Implementation method: Constitutional amendment  
Implementation timeframe: Approximately 5 years

GOCO grants are awarded by a board of directors, which is required to allocate funding to wildlife resources, outdoor recreation resources, open space, and local governments in “substantially equal portions over time.” All allocations for wildlife programs are made through the Colorado Division of Wildlife (Division). GOCO’s funds are capped at \$35 million each year (adjusted for inflation) and the Division receives one quarter of the money. Since GOCO’s inception, almost \$100 million has been provided to the Division. GOCO grants have remained a stable source of funding.

### ***Approval Strategy***

The campaign for the amendment was characterized by strong political and public support. Key strategies included:

- A “closed-door” planning process that minimized the opportunity for opposition.
- Extensive fundraising efforts that generated many prominent supporters.
- A heavy reliance on outside expertise, including public relations and legal advice.
- A broad constituency that created public and political support for the amendment.
- The creation of Citizens for Great Outdoors Colorado, a large, active volunteer base.

### ***Support***

Business community support was gained through the creation of a Governor’s Blue Ribbon Panel, which validated the need for funding and lent credibility to the campaign. Governor Romer provided strategic advice and was an active promoter of the amendment due to his personal support of conservation and the political advantages to supporting a measure with such high public appeal. Agreements to share early proceeds with the Legislature’s Capital Development Committee and to cap GOCO revenue eliminated the Legislature’s active opposition. Public support was generated by the broad constituency, historical support of outdoor initiatives, and by concerns over the state’s rapid growth.

### ***Opposition***

There was limited opposition from anti-gambling forces. The Governor’s endorsement, along with an emphasis on the lottery’s voluntary nature, minimized this threat.

### ***Program Administration***

The grant process requires the Division to coordinate with other organizations to identify projects, and complete grant applications. The Division must also work with the GOCO Board to ensure that high priority programs are approved.

## **Georgia Nongame Wildlife Tags**

The Georgia Wildlife Resources Division (Division), within the Department of Natural Resources, has two wildlife license plates (also known as “tags” in Georgia) that benefit wildlife diversity programs. The program was created with the passage of legislation by the Georgia General Assembly in 1996. The first license plate, featuring a bobwhite quail in a longleaf pine habitat, generated \$13.6 million. The second plate, released in December 2003 features a bald eagle and an American flag, has raised approximately \$4.5 million.

### ***Description of Funding Mechanism***

Mechanism type: Vehicle license plate  
Implementation method: Legislative bill  
Implementation timeframe: 1 to 2 years

Revenues go into an interest bearing account that is exclusively used by the Division for wildlife conservation, education, and recreation programs. The eagle and flag plate raised approximately \$4.5 million between December 2003 and August 2004. Annual revenue is expected to decline as the market becomes saturated. All of the funds are used to support wildlife diversity programs.

### ***Approval Strategy***

In the legislative phase, the Division identified supporters necessary to pass legislation and worked to obtain their support.

### ***Support***

Legislative support was secured through the development of personal relationships with the Assembly’s Game and Fish Committee, as well as with other influential citizens. Public support of the first plate was critical to the program’s success and was achieved after passage of the legislation through a number of creative strategies listed below.

### ***Opposition***

None

### ***Program Administration***

State Wildlife Director David Waller, spokesperson for the campaign, was integral in attaining support of the county license plate offices. Involving county offices in marketing, and educating county staff on the benefit of the funding energized those who were selling the plates. Dedicating one dollar for every plate sold to the counties created an incentive for county offices to sell the wildlife plates. Public input on the plate design was critical to creating a broad constituency. During implementation, coordination with outside partners was extensive. Key strategies were:

- Using personal relationships between agency staff, Governor, and the Assembly.
- Education of key supporters.
- Survey of buyer preferences for license plate designs.
- Promotion of the initiative through media coverage.
- Targeted public marketing campaigns.

One future challenge is competition from other specialty license plates.



## **Georgia Heritage Fund Amendment**

In 1998, the Georgia Wildlife Federation ran a public campaign attempting to pass a ballot initiative that would have raised millions of dollars for wildlife conservation through a real estate transfer fee. Known as the Heritage Fund Amendment, the General Assembly approved the initiative but the public defeated the ballot initiative by a narrow margin.

### ***Description of Funding Mechanism***

Mechanism type: Real estate transfer fee  
Implementation method: Legislative bill  
Implementation timeframe: Did not pass

If the Heritage Fund Amendment had passed, the revenues from the real estate transfer fee would have raised between \$30 and \$35 million dollars annually.

### ***Approval Strategy***

The Georgia Wildlife Federation led the campaign for the initiative, but was defeated by strong organized opposition from the Georgia Association of Realtors and the Georgia Association of Homebuilders.

### ***Support***

The General Assembly supported the initiative and, at the time, there were great champions in both the State House and the Senate. Political leadership timed it so that the vote on the initiative took place when key opposition leaders were off the floor. The Georgia Wildlife Federation, working with other conservation and environmental groups, led a coalition in support of passing the initiative. The coalition was able to raise over \$1 million for the campaign's promotional events.

### ***Opposition***

There was extensive organized opposition from the Georgia Association of Realtors. The realtors had the greatest influence in opposing the initiative because they were well organized and had an incentive to oppose the initiative. They used yard signs to advertise their opposition; since realtors put "For Sale" signs on lawns everyday, it was easy for them to put up additional signs that said to "Vote no on doubling your property tax." Even though this wording was not accurate, the message was simple and ubiquitous and ultimately helped to stop public support for the initiative.

While Florida was successful in passing a real estate tax in 1988, few other states have been able to pass such a funding mechanism since. This failure is primarily due to the real estate industry's organized opposition and ability to promote false claims about a proposed tax. States that want to try to pass a real estate tax face significant challenges in overcoming the real estate industry and combating any misrepresentations made by the industry.

### ***Program Administration***

Not applicable

## **Maine Outdoor Heritage Fund**

The Maine Outdoor Heritage Fund (MOHF) was created in 1995 to raise money for the conservation of Maine’s natural resources through the sale of an instant lottery ticket. The funds do not support natural resource agency programs, but instead fund special projects sponsored by any state natural resource agency, which may partner with outside parties.

### ***Description of Funding Mechanism***

Mechanism type: Lottery  
Implementation method: Legislative bill  
Implementation timeframe: 1 year

The funds go directly to the MOHF. The Board of Directors awards grants to special projects in four program areas: fisheries and wildlife enhancement, public land acquisition, endangered species protection, and natural resources law enforcement. MOHF initially raised \$1.5 million per year, but it is now down to \$750,000 per year. Since its inception, MOHF has raised \$11.5 million for 400 projects.

### ***Approval Strategy***

The Sportsman’s Alliance of Maine (SAM) and the Maine Audubon Society (Audubon) led the campaign for the MOHF. Their main strategies to gather support were:

- SAM’s candidate survey as a way to inform legislators about MOHF.
- Public polling on different methods to raise money for conservation.
- SAM’s previous campaign endorsement of the Governor and SAM’s Executive Director’s personal friendship with the Governor.
- Audubon’s extensive grassroots base to gather signatures and lobby state legislators.
- Explaining the lottery ticket was a new source of revenue, and not diverting money from the general fund (where other lottery monies went).

### ***Support***

The Governor’s support helped increase public support, since it was well known that he was opposed to gambling. Legislative support, which caused the Legislature to pass the initiative without requiring a public vote, resulted from political relationships and constituent contact. Public support was critical to passage and was achieved through grassroots education.

### ***Opposition***

There was only minimal and unorganized opposition to the lottery from those worried about the lottery’s effects on the general fund and those opposed to gambling. Opposition was not directly addressed since the mechanism was passed by Legislature.

### ***Program Administration***

Due to the structure of program, it has experienced many different challenges. These include: decreasing funds, conflicts with the Lottery Commission over advertising and type of lottery ticket, conflict of interest with the MOHF Board of Directors, and strict spending guidelines.

## **Minnesota Nongame Wildlife Checkoff Fund**

In 1980, Minnesotans were given the opportunity to contribute money to a new non-game wildlife check-off on state tax forms. Since then, over 2.6 million Minnesotans have contributed approximately \$22 million to the Nongame Tax Checkoff Fund (Fund). For the 2002-2003 biennium, contributions totaled over \$2 million. The Fund has the highest participation rate in the United States, with 3.6 percent of taxpayers contributing in 2002.

### ***Description of Funding Mechanism***

Mechanism type: Tax check-off  
Implementation method: Legislative bill  
Implementation timeframe: 1 legislative session

One hundred percent of the revenue is allocated to the Minnesota Department of Natural Resources Nongame Program (Program). It is the only state with no other competing check-offs. The Fund raises approximately \$1 million per year. This money is used to promote the conservation of wildlife diversity through habitat protection and management, species restoration and management, educational programs and publications, and research.

### ***Approval Strategy***

The Fund was an unexpected gift from then Minnesota State Senator Collin Peterson, who wrote it into the state budget, with no input from the agency. Senator Peterson was inspired by an article in a local paper describing Colorado's new wildlife check-off program.

### ***Support***

Legislative support has arisen from the close relationship between the Program staff and the Minnesota Commission on Natural Resources. Public support has arisen from a variety of techniques, described below.

### ***Opposition***

The Minnesota Department of Revenue is opposed to all tax check-offs because they add to the Department's processing costs and increase the complexity of the tax forms.

### ***Program Administration***

Program staff use a number of strategies to ensure the ongoing success of the Fund:

- Continued work with the Legislature and Department of Revenue to remain the only check-off in the state, which improves participation rates for the Fund.
- Work with the Department of Revenue to improve the visibility and wording of the non-game check-off line on tax forms.
- Ongoing work with tax preparers to promote awareness and participation in the Fund.
- Sustaining a positive public perception of Nongame Program and its work.
- Sustaining publicity efforts for both the Nongame Program and the Fund.

Despite its success, the Fund faces a number of challenges including continued attempts to add new check-offs, and the need to improve rates of participation, particularly among individuals that use a tax preparer.

## **Missouri Conservation Sales Tax**

The Missouri Conservation Sales Tax is a 1/8<sup>th</sup> of 1 percent sales tax that was created through a constitutional amendment in 1976. The funds from this tax are directed to the Missouri Department of Conservation, which manages the fish, forest, and wildlife resources of the state. Since its inception, the program has brought in over \$2 billion for conservation projects.

### ***Description of Funding Mechanism***

Mechanism type: General sales tax  
Implementation method: Constitutional amendment  
Implementation timeframe: 5 years

The funds from the sales tax are appropriated by the General Assembly to the Department of Conservation (Department), as mandated by the state constitution. The Conservation Commission, who oversees the Department, approves how the money is spent. For FY 2004, the sales tax brought in over \$93 million for conservation projects, which was 62 percent of the Department's budget. In the recent past, the Conservation Sales Tax has provided over half of the Department of Conservation's budget.

### ***Approval Strategy***

In 1969, an outside evaluation of the Department's programs led to the creation of *Design for Conservation*, an outline of the Department's funding need and future plans to expand its programs. The Department extensively educated the public about its plans. In addition, an independent Citizen's Committee was formed to lead the campaign to find a funding source for this new plan. With the help of a well-respected nonprofit, the Conservation Federation, a large grassroots effort was undertaken to place the issue on the ballot and then pass the ballot measure. Some key aspects in this campaign were:

- *Design for Conservation*, which was easy to read and understand, appealed to the broad range of citizens in the state.
- The credibility of the Department and the credibility of *Design for Conservation*.
- Conservation Federation's strong, well-respected reputation in the state and its extensive grassroots network.

### ***Support***

Public support was critical to passage and was achieved through the Conservation Federation's grassroots network and extensive education by the Department about its plans for the money.

### ***Opposition***

There was minimal and unorganized opposition from those who did not want increased taxes and from a few legislators who did not want to earmark money for any one agency.

### ***Program Administration***

There have been a few attempts by the Assembly to pass a law diverting the money to other causes, but it has not succeeded due to the Department's ability to maintain public support for the program by communicating the progress towards its goals.

## **Nevada Mining Program**

Established in 1989, the Mining Program's main objective is to curtail wildlife mortalities associated with mining operations. A permit is required to operate a mine, and these fees fund activities to reduce mortalities. The program is unique in that, from the start, it had the backing of the Nevada Mining Association (Association), a trade association of mining corporations.

### ***Description of Funding Mechanism***

Mechanism type: Natural resource extraction funds  
Implementation method: Legislative bill  
Implementation timeframe: Approximately 4 years

Proceeds go into an account that is exclusively used by the Nevada Division of Wildlife (NDOW) for wildlife related programs. Funds raised range between \$200,000 and \$500,000 annually. This figure depends on the number of active mines, and the fee varies according to the size of an individual mine; the larger the mine, the higher the fee. Recently, the fees have generated surplus funds, which have been used for other areas of wildlife conservation.

### ***Approval Strategy***

NDOW worked extensively with the Association to come up with a plan to combat wildlife mortalities. This partnership was a critical component to the mechanism's success. Key strategies included:

- Use of existing personal relationships with key state legislators.
- Use of Nevada Wildlife Commission's public process.
- Credibility of the Association in the media and the State Legislature.

### ***Support***

Because both the Association and NDOW cooperated to form a joint solution, the State Legislature fully supported the legislation and there were not any dissenting votes. The public was supportive of the legislation and was involved through the Nevada Wildlife Commission's public process. The Commission's main objective was to see the mortality numbers decrease and the group played a significant role in the creation of the program. The industry's backing was critical to making the program successful in a timely manner. Since staff at the individual mines were responsible for collecting and voluntarily reporting mortalities, there were opportunities for the public and the media to access this information, thereby providing public scrutiny.

### ***Opposition***

None

### ***Program Administration***

One future challenge is how the Mining Program is viewed by non-agency personnel who do not think the fees should generate any more money than is needed to sustain the Mining Program itself.

## **Pennsylvania Conservation License Plate**

The Pennsylvania Conservation License Plate Program was established in 1992 as a way to raise additional money for wildlife diversity. There have been two wildlife diversity license plates, an owl in 1993 and a river otter in 1999, which together have brought in \$4.5 million.

### ***Description of Funding Mechanism***

Mechanism type: Vehicle license plate  
Implementation method: Legislative bill  
Implementation timeframe: Under 6 months

The funds from the sale of the license plates are directed to the Wild Resources Conservation Program (WCRP). A seven member Board of Directors determines how the money from WCRP is spent. Funding is awarded only to wildlife diversity projects. Since its inception, the program has brought in over \$4.5 million for projects focused on wildlife diversity. The revenues from the plate have been decreasing in recent years due to market saturation.

### ***Approval Strategy***

The license plate bill passed quickly through the General Assembly as an amendment to a larger bill to avoid other organizations trying to amend the legislation to create additional specialty plates.

### ***Support***

The license plate program was not publicly announced prior to approval. Public support was important to the success of the program after passage and was achieved through a large publicity campaign, see below.

### ***Opposition***

There was no opposition in the early stages of the program. As more specialty license plates emerge on the market, law enforcement officials are increasingly concerned about designs of plates and quick identification of plates which may create challenges for future plate design.

### ***Program Administration***

Public support for the program was gathered through an extensive publicity campaign that included the following:

- Designing a brochure to include with all license plate renewal notices.
- Strategic placement of the brochure in places such as AAA offices, liquor stores, and state parks.
- Multiple media events, television and radio interviews, and newspaper advertisements.

The program has been suffering from a decrease in revenue in recent years, possibly due to market saturation.

## **Texas Sporting Goods Sales Tax**

In 1993, the Texas State Legislature passed House Bill 706 that dedicated up to \$32 million in existing sales tax collections from the sale of sporting goods to the Texas Parks and Wildlife Division (TPWD) for local and state parks and the Fish and Wildlife Capital Fund.

### ***Description of Funding Mechanism***

Mechanism type: Outdoor equipment sales tax  
Implementation method: Legislative bill  
Implementation timeframe: Approximately 3 years

Revenue from the sporting goods sales tax is allocated by the Legislature. To obtain funding, TPWD must submit a budget request. Although the Legislature cannot allocate the funds to another agency, it can decline to allocate the money at all. The sporting goods sales tax is capped at \$32 million per year. However, the requirement that funds be allocated by the Legislature has reduced funding levels due to a tight state budget. In the last session, only \$23.7 million of the \$32 million was appropriated.

### ***Approval Strategy***

TPWD's Executive Director and the chairman of TPWD's oversight commission were both intimately involved in the campaign process. Key elements included:

- A convincing demonstration of the need for additional funding.
- Strategic selection of the funding mechanism. The sporting goods sales tax was not a new tax and its "user-pays, user-benefits" concept appealed to the State Legislature.
- Strong support from the sporting goods industry, which hinged on its belief that investments in conservation and outdoor recreation would lead to increased sales.
- Extensive lobbying efforts by powerful and well-connected businessmen who used personal connections to build support within the Legislature.
- TPWD's willingness to modify the bill to address legislators' concerns.

### ***Support***

TPWD gained the retail industry's support by forming the Texas Outdoor Recreation Association, which provided TPWD with a forum to educate the industry about TPWD's funding issues. Senate support was created through relationships between TPWD leadership, the Lieutenant Governor, and the Chairman of the Senate Finance Committee.

### ***Opposition***

TPWD had to overcome some resistance from House members who were concerned about the dedicated nature of the funding mechanism and who saw other uses for the funds. Their concerns were overcome using the "user-pays, user-benefits" concept, which the Legislature found philosophically appealing, and through a willingness to alter the bill in several key ways. Most significantly, TPWD agreed to cap the revenue at \$32 million.

### ***Program Administration***

Due to the funding cap and budgetary constraints, the mechanism has not provided an increasing revenue source. Supporters are currently engaging in efforts to raise the cap.

## **Virginia House Bill 38**

In 1998, the Virginia General Assembly unanimously approved House Bill 38; a measure that allocates up to \$13 million per year in existing sales tax collections on the sale of hunters', anglers', and wildlife watchers' equipment purchases to the Virginia Department of Game and Inland Fisheries (DGIF). (The exact amount is based on the U.S. Fish and Wildlife Agency's National Survey on Fishing, Hunting and Wildlife-Associated Recreation conducted every five years.) Through the process of demonstrating its need, DGIF was able to establish significant agency credibility that made passage of H.B. 38 significantly easier.

### ***Description of Funding Mechanism***

Mechanism type: Outdoor equipment sales tax  
Implementation method: Legislative bill  
Implementation timeframe: Approximately 1 to 2 years

Revenues go into a Game Protection Fund that is exclusively used by DGIF for wildlife conservation, education, and recreation programs. Up to \$13 million per year in existing sales tax collections is directed to the Game Protection Fund. This target was met in the first year of the program but, since that time, H.B. 38 has not been consistent in bringing in this level of revenue. For FY 2005, revenue estimates are \$10.9 million.

### ***Approval Strategy***

The mechanism was not promoted as wildlife diversity funding, but instead promoted as a mechanism to meet DGIF's needs. David Whitehurst, Director of the Wildlife Diversity Program for DGIF, said that it was "sold for all wildlife." Other keys to success included:

- Involving the Assembly from the start and making sure DGIF had the right champions to carry it through the Assembly.
- A coalition of outside agency support used e-mail to alert groups to call the General Assembly's 1-800 number, which was used at critical times throughout the process to encourage public input on the pending legislation.
- Surveying the public's and the agency's opinion about non-game and game-related activities has helped DGIF be more efficient with its use of the revenues.

### ***Support***

The support of legislative champions was critical in helping DGIF establish credibility, both in the eyes of the General Assembly and the public. Support for H.B. 38 came from rural areas where game programs were historically popular.

### ***Opposition***

None

### ***Program Administration***

Future challenges include competition from other programs in the General Assembly and the appropriation of general funds. Defending it every single year with a groundswell of support is the biggest challenge to sustaining the mechanism.



## **Washington Personalized License Plates**

The personalized license plate program in Washington State has generated funds for wildlife diversity for nearly 30 years. Money from the sale of personalized or “vanity” plates goes to the Department of Fish and Wildlife’s (Department) Wildlife Diversity Division expressly for “the management of wildlife which are not hunted, fished, or trapped.” Since 1974, this program has been the primary source of funding for the Department’s Wildlife Diversity Division (Division).

### ***Description of Funding Mechanism***

Mechanism type: Vehicle license plate  
Implementation method: Legislative bill  
Implementation timeframe: Approximately 1 year

One hundred percent of the revenue from the sale of personalized license plates, which do not feature wildlife, is allocated to the Division. The personalized license plate program raises \$2.6 million a year.

### ***Approval Strategy***

Legislation was drafted by the Division and passed by the State Legislature. The Governor then vetoed the bill, which the Legislature failed to overturn. A referendum to allow revenue from the sale of license plates was taken to the public and approved. Carol Rieck, Division Director, provided significant direction. Conservation organizations were influential in coordinating outreach campaigns. Key strategies included:

- The Sportsmen’s Council and the Audubon Society organized publicity events, public outreach, and media promotion.
- The Washington Environmental Council and the Department lobbied the Legislature. Key messages included: 536 species were not receiving sufficient funding; this was not a new tax; participation was voluntary; and funding was needed so the Department could acquire key habitats to protect sensitive and endangered species.

### ***Support***

Twenty groups, with an additional mailing list of over 153 key conservationists, as well as 39 writers and editors, provided their support, contingent on all funds going to wildlife. General public support was high.

### ***Opposition***

Hunting organizations were reluctant at first to give support, but eventually joined the coalition of supportive conservation and recreation organizations. The Governor, while supportive of wildlife issues, did not support the mechanism, which he alternatively hoped would be used to support the Highway Safety Fund. He vetoed the bill.

### ***Program Administration***

There are few administrative concerns relating to the personalized license plates. However, the license plate market is becoming flooded with specialty design plates, which put pressure on the Division to produce license plates with a wildlife design. These specialized license plates will be released next year.

## **Wyoming Legacy Trust\***

In 2000, the Wyoming Game and Fish Department (Department) attempted to secure legislation that would have diverted a portion of funds from minerals production to a permanent fund to support wildlife conservation programs. The funding would have been restricted to programs that manage sensitive species and habitat restoration projects. However, the Wildlife Legacy Trust legislation (H.B. 102) did not get out of the State Senate in March 2002. While a 2005 attempt at securing funding was successful, this case study focuses on the effort between 2000 and 2002.

### ***Description of Funding Mechanism***

Mechanism type: Natural resource extraction funds  
Implementation method: Legislative bill  
Implementation timeframe: Did not pass

The Wildlife Legacy Trust was projected to raise \$20 million over two decades.

### ***Approval Strategy***

The Wyoming Game and Fish Department conducted a survey to determine which method of funding was supported by the public. In addition, the Department conducted a series of meetings with Department personnel in an effort to establish commitment to the idea internally. Communication was attempted with the oppositional agricultural community, TV spots and radio ads played, and outreach materials were created. The Speaker of the House was influential in moving the legislation. However it died in the Senate where the influence of the oppositional agriculture community was prevalent.

### ***Support***

There was little outside involvement. While conservation organizations liked the idea, they did not organize to support the legislation, in part due to their lack of influence with the Legislature.

### ***Opposition***

The agricultural industry opposed the legislation on the principle that they were opposed to anything the Game and Fish Department did. They felt the money would go to fund an army of biologists that would lead to the overregulation of public lands. Agricultural organizations were influential in the failure of the legislation in the Senate. The Governor, closely tied to agriculture interests, keyed off of their opposition and, while not explicitly opposing the legislation, was never completely supportive. The Game and Fish Commission, which is appointed by the Governor, also had ties with the agriculture community and never gave their forthright support to the Department. While the legislation passed in the House due to the leadership of the Speaker, the Legislature was still tied to agricultural interests and was reluctant to support the Legacy Trust.

### ***Program Administration***

Not applicable

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\* Wyoming's 2000 attempt to pass the Wyoming Legacy Trust, failed. A recent attempt passed in 2005. It is the failed 2000 attempt that is documented in this report.

## **APPENDIX D**

### *Evaluative Framework*

The evaluative framework assisted in the analysis of the case studies by providing a common lens through which the impact that specific factors had on the outcome of each case study could be assessed. The factors captured in the evaluative framework were a compilation of the factors that individual team members, based on case study research, believed had either helped or hindered the implementation and administration of specific funding mechanisms. The framework was completed for each of the 15 case studies.

The factors included in the evaluative framework can be grouped into six categories. These categories are: background information on the mechanism; support for the mechanism; opposition to the mechanism; factors critical to the outcome of the mechanism; implementation and/or administration of the funding mechanism; and state demographics. For each factor, selection of the appropriate value was a qualitative judgment, based on information obtained through case study research. If it was determined that for any given case study there was not enough data to select the value of a particular factor, it was left blank. If more than one value was deemed acceptable, the best option was selected. If a particular factor was not applicable, “not applicable,” was selected as the value. Once the evaluative framework was completed for all case studies, the results were entered into a series of tables.

This appendix contains two sets of tables. Tables 1a-6a serve as a key, which will assist in interpretation of the completed evaluative frameworks. Tables 1a-6a include the question that was posed when evaluating each factor, the possible values that could have been selected for each factor, and the criteria by which values were chosen. Tables 1b-6b are the completed evaluative frameworks.

**Table 1a: Background Information on the Mechanism.** This table includes factors that were intended to provide a good general description of the funding mechanism, its implementation process, and ongoing administration.

Factor	Question Posed	Value
Mechanism type	What kind of funding mechanism was used?	• general sales tax
		• lottery
		• natural resource extraction funds
		• non-consumptive user fee
		• outdoor equipment sales tax
		• tax check-off
		• vehicle license plate
		• real estate transfer fee
Approval strategy	What strategy was used to gain approval?	• ballot initiative
		• public referendum
		• legislative action
Implementation method	How was the funding mechanism implemented?	• administrative action
		• legislative bill
		• constitutional amendment
Implementation timeframe*	How long did it take to implement?	open data entry
Legislative appropriation	Does the funding amount vary through legislative appropriation?	• yes
		• no
Dollars raised per year	How much money does the mechanism raise per year?	total revenue generated from the funding mechanism, for all purposes
Allocation of funds	What percentage of the revenue generated from this mechanism is spent on wildlife diversity?	<ul style="list-style-type: none"> <li>• % to wildlife diversity, or</li> <li>• % to general wildlife, or</li> <li>• % to agency</li> </ul>

\* Implementation time was measured from the time the mechanism was selected to the time it was adopted.

**Table 1b: Background Information on the Mechanism.** Fifteen case studies were included in the evaluation. Fourteen states and eight funding mechanisms were represented in this set. The states are geographically diverse, with at least one state representing the Northern, Southern, Southwestern, Midwestern, and Western United States. The eight mechanisms represented are also diverse, ranging from common mechanisms such as license plates and tax check-offs to less common mechanisms such as outdoor equipment sales taxes and non-consumptive user fees. Twelve of the mechanisms profiled were successfully implemented, while three failed to be implemented. Half of the successful mechanisms were “publicly approved,” meaning they used either a ballot initiative or public referendum. Most of the funding mechanisms were implemented via legislative bill, however, three were written into the state constitution. The amount of funding varied greatly, ranging from \$55,000 for the Pennsylvania license plate program to \$93,000,000 for the Missouri 1/8<sup>th</sup>-percent sales tax. There are six mechanisms that raise over \$10 million per year (Arizona, Arkansas, Colorado, Missouri, Texas, and Virginia). The timeframe required to implement the mechanisms ranged from less than six months to 12 years.

State	Mechanism type	Approval strategy	Implementation method	Timeframe	Dollars raised per year	Allocation of funds
Alaska	non-consumptive user fee	legislative bill	legislative bill	failed	\$11,000,000	100% to wildlife diversity
Arizona	lottery	ballot initiative	legislative bill	1 year	\$20,000,000	50% to agency
Arkansas	general sales tax	public referendum	constitutional amendment	12 years	\$47,000,000	45% to agency
Colorado	lottery	ballot initiative	constitutional amendment	5 years	\$35,000,000 (adjusted for inflation)	25% to wildlife diversity
Georgia	vehicle license plate	legislative bill	legislative bill	2 years	\$4,500,000	100% to wildlife diversity
Georgia	real estate transfer fee	ballot initiative	legislative bill	failed	\$35,000,000	100% to agency
Maine	lottery	ballot initiative	legislative bill	1 year	\$750,000	minimum 50% to wildlife
Minnesota	tax check-off	legislative bill	legislative bill	< 6 months	\$1,000,000	100% to wildlife diversity
Missouri	general sales tax	ballot initiative	constitutional amendment	5 years	\$93,000,000	100% to agency
Nevada	natural resource extraction funds	legislative bill	legislative bill	9 years	\$500,000	100% to wildlife
Pennsylvania	vehicle license plate	legislative bill	legislative bill	< 6 months	\$55,000	100% to wildlife diversity
Texas	outdoor equipment sales tax	legislative bill	legislative bill	3+ years	\$32,000,000	3% to wildlife
Virginia	outdoor equipment sales tax	legislative bill	legislative bill	2 years	\$10,900,000	100% to wildlife
Washington	vehicle license plate	public referendum	legislative bill	1 year	\$2,600,000	100% to wildlife diversity
Wyoming	natural resource extraction funds	legislative bill	legislative bill	failed	\$1,000,000	100% to wildlife

**Table 2a: Support.** This table includes factors relating for support of the funding mechanism. It was intended to assist the assessment of the level of legislative, gubernatorial, agency, public, business, and NGO community support for the mechanism. If an entity was supportive at any point in the implementation or administration of the funding mechanism, the entity was considered supportive and was rated accordingly.

Factor	Question Posed	Value	
Legislative support	How supportive was the state legislature?	• none	there was no support
		• low	there was some verbal support but no significant actions were taken
Gubernatorial support	How supportive was the governor?	• medium	there was some active support
		• high	support was strong and active
Reasons for legislative support	Why did the legislature support the funding mechanism?	• personal relationships	support was based on personal relationships
		• conservation concerns	support resulted from a sincere interest in wildlife diversity conservation
Reasons for gubernatorial support	Why did the governor support the funding mechanism?	• political gains	support was based on the belief that it would result in political gains
		• public support	support resulted from strong public support
		• understood need	support resulted from a belief that there was a pressing need for the mechanism
Agency support	How supportive was the agency?	• legislature supported it	support resulted from the legislature's strong support of the funding mechanism
		• none	agency was supportive
		• mixed	level of support varied within the agency
Public support	How supportive was the public?	• high-level	support was within the highest levels of the agency only
		• mid-level	support was within mid-levels only, high-level staff were not supportive
		• agency-wide	support was agency-wide
Business community support	How supportive was the business community?	• none	there was no active support
		• low	there was some active support
NGO community support	How supportive was the NGO community?	• medium	there was active support
		• high	support was strong, active, widespread
		• split	there were both supporting and opposing groups

**Table 2b: Support.** Public support was the most common of those measured, with public support rated high or medium for 11 of the 12 successfully implemented funding mechanisms. Legislative support was also very common, and was rated as high or medium for ten of the 12 successfully implemented mechanisms. The most common reason for this level of support was that the legislators either understood the need for the funding mechanism or held personal conservation concerns that prompted their support. NGO support was rated high or medium for eight of the 12 successfully implemented mechanisms. Gubernatorial support was rated as high or medium for seven of the 12 successfully implemented mechanisms. The most common reason for the governor’s support was his/her personal conservation concerns. Agency-wide support was also typical, with agency employees supportive of the mechanism in seven of the 12 successful mechanisms. Business community support was the least common of those measured, rated as high or medium in only five of the 12 successful mechanisms. Although a number of successful mechanisms had low support ratings in one category, none of the successful mechanisms had low support ratings in more than two categories.

State	Legislative support	Reasons for legislative support	Gubernatorial support	Reasons for gubernatorial support	Agency support	Public support	Business support	NGO support
Alaska	low		medium	conservation concerns	high-level	low	split	low
Arizona	none		high	political gain	high-level	high	low	high
Arkansas	high	understood need	high	conservation concerns	agency-wide	high	medium	high
Colorado	medium	conservation concerns	high	conservation concerns	agency-wide	high	high	high
Georgia (license plate)	high	personal relationships	high	personal relationships	agency-wide	medium		high
Georgia (real estate transfer fee)	medium	conservation concerns	medium	conservation concerns		high	low	high
Maine	high	public support	high	personal relationships	not applicable	high		high
Minnesota	high	understood need	low		mid-level	medium	medium	not applicable
Missouri	medium				agency-wide	high		high
Nevada	high	conservation concerns	medium	conservation concerns	agency-wide	medium	high	low
Pennsylvania	low		low	conservation concerns	not applicable	high		none
Texas	high	understood need	low	conservation concerns	high-level	not applicable	high	none
Virginia	high	understood need	medium	legislature supported it	agency-wide	high		high
Washington	high	public support	none		agency-wide	high		high
Wyoming	low	conservation concerns	low		mixed	medium	split	low

**Table 3a: Opposition.** This table includes factors relating to opposition to the funding mechanism. It was intended to assist the assessment of the level of legislative, gubernatorial, agency, public, business, and NGO community opposition to the mechanism. If an entity acted in opposition to the funding mechanism at any point in the implementation or administration of the funding mechanism, the entity was considered to be in opposition to the funding mechanism and was rated accordingly.

Factor	Question Posed	Value	
Legislative opposition	How opposed was the state legislature?	• none	there was no opposition
		• low	there was some concern but no significant actions were taken
Gubernatorial opposition	How opposed was the governor?	• medium	there was some active opposition
		• high	opposition was strong, active, and widespread
Reasons for legislative opposition	Why did the legislature oppose the funding mechanism?	• personal relationships	opposition was based on personal relationships
		• public	opposition resulted from strong public opposition
		• political gains	opposition was based on the belief that it would result in political gains
Reasons for gubernatorial opposition	Why did the governor oppose the funding mechanism?	• competing priorities	opposition resulted from other priorities for the funds
		• ideological concerns	opposition resulted from basic, ideological concerns about the mechanism
		• legislature opposed it	opposition resulted from the legislature's strong opposition
Agency opposition	How opposed was the agency?	• none	there was no opposition
		• mixed	there were both supporting and opposing staff
		• high-level	high-level agency staff were opposed
		• mid-level	mid-level agency staff were opposed
		• agency-wide	opposition was agency-wide
Public opposition	How opposed was the public?	• none	there was no opposition
Business community opposition	How opposed was the business community?	• low	there was some concern but no significant actions were taken
		• medium	there was some active opposition
NGO community opposition	How opposed was the NGO community?	• high	opposition was strong, active, widespread
		• split	there were both supporting and opposing groups
Organized opposition	Was the opposition organized?	• yes	opposition waged an active campaign
		• no	opposition did not wage an active campaign



**Table 3b: Opposition.** Legislative opposition was high for only one of the successfully implemented mechanisms, and in this case, Arizona, the majority of opposition occurred after the mechanism was implemented. The most common reason for legislative opposition was ideological concerns, typically these concerns centered on the dedicated nature of these funding mechanisms. Gubernatorial opposition was non-existent for all but one of the successfully implemented mechanisms. In the one case with high gubernatorial opposition, Washington, the measure was passed by public referendum despite the Governor’s veto of the bill. None of the successful mechanisms had any level of agency opposition. Public opposition, business community, and NGO opposition were also typically absent. None of the successfully implemented mechanisms encountered organized opposition from any of these groups.

State	Legislative opposition	Reasons for legislative opposition	Governor opposition	Reasons for governor opposition	Agency opposition	Public opposition	Business opposition	NGO opposition	Organized opposition
Alaska	low	ideological concerns	none	not applicable	none	low	medium		no
Arizona	high	ideological concerns	none	not applicable	none	low	medium		no
Arkansas	none	not applicable	none	not applicable	none	medium	medium	low	no
Colorado	low	competing priorities	none	not applicable	none	low	none	none	no
Georgia (license plate)	none	not applicable	none	not applicable	none	low			no
Georgia (real estate transfer fee)	low		none	not applicable	none	low	high	none	yes
Maine	low	ideological concerns	none	not applicable	not applicable	low	none	none	no
Minnesota	none	not applicable	none	not applicable	none	none	none	none	no
Missouri	low	ideological concerns			none	low		none	no
Nevada	none	not applicable	none	not applicable	none	none	none	low	no
Pennsylvania	none	not applicable	none	not applicable	not applicable	none	none	none	no
Texas	medium	ideological concerns	none	not applicable	none	none	none	none	no
Virginia	none	not applicable	none	not applicable	none	none	none	none	no
Washington	low		high	competing priorities	none	low	none	none	no
Wyoming	medium	personal relationships	medium	personal relationships	mixed	medium	high	none	yes

**Table 4a: Factors Critical to the Outcome.** This table contains factors that were intended to assist the assessment of which individuals and/or organizations exerted a significant influence, either positive or negative, on the outcome of the case study. If an entity was considered critical to the outcome of the implementation process or to the funding mechanism’s subsequent administration, that entity was considered critical to the outcome and was rated accordingly.

Factor	Question Posed	Value	
Legislature	Were legislative actions critical to the outcome?	• yes	actions taken by the legislature were a key factor in the outcome
		• no	actions taken by the legislature had little effect on the outcome
Governor	Were the governor’s actions critical to the outcome?	• yes	actions taken by the governor were a key factor in the outcome
		• no	actions taken by the governor had little effect on the outcome
Agency	Were the agency’s actions critical to the outcome?	• yes	actions taken by the agency were a key factor in the outcome
		• no	actions taken by the agency had little effect on the outcome
Public	Were the public’s actions critical to the outcome?	• yes	actions taken by the public were a key factor in the outcome
		• no	actions taken by the public had little effect on the outcome
Business community	Were the business community’s actions critical to the outcome?	• yes	actions taken by the business community were a key factor in the outcome
		• no	actions taken by the business community had little effect on the outcome
NGO community support	Were the NGO community’s actions critical to the outcome?	• yes	actions taken by the NGO community were a key factor in the outcome
		• no	actions taken by the NGO community had little effect on the outcome

**Table 4b: Factors Critical to the Outcome.** The legislature appeared to be highly influential to the outcome of the campaigns, as it was considered critical to the outcome in 11 of the 15 campaigns examined. The public was also a highly influential group, as it was considered critical to the outcome in ten of the 15 campaigns. The agency played a critical role in seven of the 15 campaigns, and the business community played a critical role in five of the 15 campaigns. The governor played a critical role in four of the 15 campaigns.

State	Legislature	Governor	Agency	Public	Business community	NGO community
Alaska	yes	yes				
Arizona	no	no		yes		yes
Arkansas	yes	yes	yes	yes	no	yes
Colorado	no	yes	yes	yes	yes	yes
Georgia (license plate)	yes	no	yes	yes		no
Georgia (real estate transfer fee)	yes	no	no		yes	
Maine	yes	yes	no	yes	no	yes
Minnesota	yes	no	yes	yes	no	no
Missouri	no	no	no	yes	no	yes
Nevada	yes	no	yes	no	yes	no
Pennsylvania	yes	no	no	yes	no	no
Texas	yes	no	yes	no	yes	no
Virginia	yes	no	yes	yes	no	yes
Washington	no	no		yes		yes
Wyoming	yes	no			yes	no

**Table 5a: Implementation and/or Administration of the Funding Mechanism.** These factors were intended to assist the evaluation of the funding mechanism’s implementation and administration process. Factors were rated based on a consideration of its impact on both the implementation and the administration of the funding mechanism. If the factor impacted either phase, it was rated accordingly.

Factor	Question Posed	Value	
Constituent base	To what constituent base did the funding mechanism appeal?	• wildlife diversity	only wildlife diversity supporters
		• game	only game supporters
		• all wildlife	both game and wildlife diversity supporters
		• outdoor recreation	everyone interested in outdoor recreation
		• broad	included non-traditional supporters
Strategic planning	How extensive was the agency’s use of strategic planning?	• low	little upfront planning was done prior to campaign
		• medium	issues of timing, public opinion, financing, marketing, etc. were considered
		• high	extensive strategic planning was done
Transparency	Was the strategic planning process open?	• yes	the planning process was open to interested parties
		• no, intentional	planning process was intentionally closed
		• no, unintentional	planning process was unintentionally closed
Demonstration of need	How well was the need for additional funding demonstrated?	• low	little effort was made to demonstrate need
		• medium	specific steps were taken to convey the need
		• high	demonstration of need was a key element of the campaign process
Fundraising	How much fundraising was done?	• low	little effort was made to raise funds for the campaign process
		• moderate	some effort was made to raise funds for the campaign process
		• extensive	fundraising was a key element of the campaign process
Marketing/ promotion	How much marketing/ promotion was done? <sup>†</sup>	• low	little effort was made to market or promote the mechanism
		• moderate	some effort was made to market or promote the mechanism
		• extensive	marketing or promotion was a key element of the campaign and/or administration process

<sup>†</sup> Marketing and promotion include activities such as: presentations, TV ads, radio ads, and other activities that increased public awareness.

**Table 5b: Implementation and/or Administration of the Funding Mechanism.** Ten of the 12 successfully implemented funding mechanisms were considered to have a broad constituency. Marketing and promotion of the funding mechanism was very common, and was rated moderate or extensive in ten of the 12 successful mechanisms. The planning process for the majority of the successful mechanisms was not transparent, though in only three of the campaigns was this an intentional act. Strategic planning was rated high for six of the 12 successfully implemented mechanisms and five of the six mechanisms for which strategic planning was rated high raise over \$10 million per year. In half of the successful campaigns, the demonstration of the need for additional funding was a key element in the campaign process. Fundraising was rated extensive in three campaigns. The three campaigns in which fundraising was rated extensive were implemented through a public referendum or ballot initiative process.

State	Constituent base	Strategic planning	Transparency	Demonstration of need	Fundraising	Marketing/promotion
Alaska	outdoor recreation	low	no-unintentional	low	low	low
Arizona	broad	high	no-intentional	medium	moderate	extensive
Arkansas	broad	high	yes	high	extensive	extensive
Colorado	broad	high	no-intentional	high	extensive	extensive
Georgia (license plate)	broad	high	yes	medium	low	extensive
Georgia (real estate transfer fee)	broad	medium	yes	low	extensive	moderate
Maine	broad	medium	yes	medium		moderate
Minnesota	wildlife diversity	medium	no-unintentional	high	low	extensive
Missouri	broad	high	yes	high	extensive	extensive
Nevada	wildlife	medium	no-unintentional	not applicable	not applicable	low
Pennsylvania	broad	medium	no-intentional	low	low	extensive
Texas	broad	high	no-unintentional	high	low	low
Virginia	broad	medium	no-unintentional	high	low	extensive
Washington	broad	medium	yes	medium	low	moderate
Wyoming	wildlife	medium	no-unintentional	medium		moderate

**Table 6a: State Demographics.** This set of factors was intended to assist the assessment of the influence of state demographic factors on the outcome of each case study. State demographic factors were rated for the time period that coincided with implementation of the funding mechanism.

Factor	Question Posed	Value	
State growth	How fast is the state's population growth? <sup>‡</sup>	• low	1990-2000 population growth less than 12.2%
		• medium	1990-2000 population growth 13.2%±1%
		• high	1990-2000 population greater than 14.2%
Historical basis of support for conservation	Was there a historical basis of support for conservation measures?	• yes	based on opinions provided in case study interviews
		• no	

**Table 6b: State Demographics.** State population growth rates were above the national average in seven of the 12 successfully implemented mechanisms. Interviewees felt there was a historic basis of support for conservation in seven of the 12 states with successful mechanisms.

State	State growth	Historic basis of support for conservation
Alaska	medium	no
Arizona	high	
Arkansas	medium	yes
Colorado	high	yes
Georgia	high	yes
Maine	low	yes
Minnesota	low	yes
Missouri	low	yes
Nevada	high	no
Pennsylvania	low	yes
Texas	high	no
Virginia	high	yes
Washington	high	yes
Wyoming	low	no

<sup>‡</sup> For mechanisms passed prior to 1990, this factor was based on figures for those decades (medium growth defined as ±1%). Population change for 1970-1980 was 10.8%; 1980-1990 was 9.8% (source [www.census.gov/popest/archives/1990s/popclockest.txt](http://www.census.gov/popest/archives/1990s/popclockest.txt) (9 Mar. 2005)).