

News From The States

EVENING WRAP

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By [Kate Queram](#)

Environment news tends to fall in one of two buckets: Pollution or climate change. I've got stories from both of those troughs today, but I *also* have a sampling from a surprise third bucket: Body-worn cameras for wildlife officials. (Surprise!)



The Big Takeaway

Body-worn cameras are the norm for police departments, but in recent years, they've also become common among wildlife officers. The Tennessee Wildlife Resources Agency is the latest to adopt the technology, which is being phased in as officers complete training, [the Tennessee Lookout reported](#).



*Trees are unreliable witnesses.
(Photo by John Partipilo/Tennessee Lookout)*

The reason is simple: Wildlife officers are police, even if we don't think of them that way. They have the same power as police or sheriff's deputies to question, search, detain and arrest members of the public, but those interactions receive little scrutiny. The discrepancy is at least partly due to the nature of enforcing laws related to hunting, fishing and boating, which take place in, well, nature, where cell service is spotty and people are sparse. This is, I'm told, the point of nature, which has the unintended side effect of decreasing accountability in these particular interactions.

Enter the cameras. Officers with the U.S. Department of Interior began wearing the cameras last year after President Joe Biden issued [an executive order](#) to increase police accountability in hopes of enhancing "public trust and public safety." (The policy extends to the Bureau of Indian Affairs, the Bureau of Land Management, the U.S. Fish and Wildlife Service and the National Park Service, which includes the U.S. Park Police.) The Tennessee Wildlife Resources Agency has similar, if more specific, goals — namely, improving its reputation, which in spokesperson speak translates to "promot[ing] perceived legitimacy, sense of fairness and procedural justice" among citizens.

All of which is in somewhat short supply at the moment, thanks to a pair of lawsuits highlighting the agency's broad interpretation of its own authority. The first [challenged a law](#) allowing wildlife officers to search and surveil private property without obtaining a warrant or notifying the owner or resident, which was [struck down](#) by a panel of state judges who deemed it "unconstitutional, unlawful

and unenforceable.” (The agency is appealing the decision.) The second lawsuit was [filed in July](#) by a falconer who claimed that wildlife officers violated her constitutional rights by seizing 13 birds of prey and a host of records from her Nashville home in 2022. A criminal court judge [characterized the raid](#) as “egregious,” “an abuse of the law” and “malicious prosecution,” all of which the agency has denied.

Property rights are a key factor in the battle against a proposed carbon dioxide pipeline in Iowa, which could use eminent domain to wrest land easements from unwilling landowners who are unlikely to benefit from the project. State regulators will decide next year whether to issue a permit for the pipeline, which would transport carbon dioxide from ethanol plants to underground storage facilities in North Dakota, more than 680 miles and five states away, [the Iowa Capital Dispatch reported](#).



*Environmental groups are also not enthused.
(Photo by Kathie Obradovich/Iowa Capital Dispatch)*

To date, Summit Carbon Solutions has signed easement agreements for three-quarters of its route in Iowa. Landowners who oppose the project have cited concerns about long-term damage to farmland and the risk of pipeline ruptures, along with resistance to the general idea of ceding their own property to

accommodate a project that will enrich shareholders without benefiting the local community. Summit has refuted those claims, insisting that the project benefits the public by reducing greenhouse emissions and boosting the ethanol industry, a key market for Iowa-grown corn.

Both sides made their case during a monthslong evidentiary hearing before the Iowa Utilities Board, which [concluded Nov. 8](#). The three-member panel will decide whether to issue or deny a permit for the project, but not until at least Jan. 19, the due date for written briefs arguing either for or against the proposal. (Granting the permit does not automatically allow the company to use eminent domain, which requires approval from a county-level commission.) Similar proceedings in other states have not gone well for Summit, which remains embroiled in a murky reconsideration process in North Dakota and plans to resubmit a route proposal in South Dakota after regulators rejected its initial submission.

Officials in West Virginia are preparing to submit applications for federal funding to mitigate damage from climate change, [West Virginia Watch reported](#). The Building Resilient Infrastructure and Communities ([BRIC](#)) grant program, administered by the Federal Emergency Management Agency, allocates money to local projects designed to prevent, rather than respond, to disaster — things like restoring shoreline to reduce flooding, or fortifying a wastewater treatment plant to prevent weather-related service disruptions.

“Historically, our disaster programs were meant to respond following a presidentially declared disaster. It was very [cyclical] — [FEMA] would respond after the disaster occurred with funding to restore the damage,” said Dustin Brosius, community resilience and infrastructure grants branch chief at FEMA’s Region 3. “BRIC really is a program that focuses on trying to avoid that damage in the first place, to recognize the growing hazards associated with climate change and grow the capacity and capabilities for communities to avoid damages in the future.”



*A car washed into a ditch by flooding in August.
(Photo by Lori Kersey/West Virginia Watch)*

West Virginia is [one of few states](#) that have not applied for grant funding, a delay officials attributed to the laborious process of developing the mitigation plans and procedures required to qualify for the program. The resulting [hazard mitigation plan](#), approved by FEMA in October,

outlines [16 hazards of concern](#), including [flooding](#), a particularly pressing risk that could imperil [as many as 411,000 structures](#) across the state in the next 30 years. From 1953 to 2022, flooding events prompted [35 federal emergency declarations](#) in West Virginia, according to FEMA.

State officials have not specified how they would use grant funding, though they are in regular talks with FEMA, according Brosius.

“We’re in contact all the time,” he said. “And that is not going to change anytime soon.”

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Caught Our Eye



*Please oh please won't someone preserve this
(Photo by Alex Wong/Getty Images)*

Ohio Republicans advanced a proposal that would dramatically loosen gun restrictions, clearing the way for consideration by the full House, [per the Ohio Capital Journal](#). The so-called Second Amendment Preservation Act, based on a Missouri law that has since been [struck down](#), would remove references to

federal statutes from state firearms law and limit the ability of local and state agencies to cooperate with federal officials. Purportedly, this is to prevent localities from enforcing federal law. Practically, it's a mess designed to appease gun nuts at the expense of pretty much everyone else, including law enforcement officers.

None of which mattered to House Speaker Jason Stephens, who brushed off the fate of the Missouri law (that ruling was "in a different circuit") and framed the bill as a crucial part of a larger conversation about "federalism versus state power."

"I think that's an interesting conversation," he mused. "But I think it's an important one for a lot of our citizens."



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One Last Thing

Snoop Dogg is [going smokeless](#), but not *that* kind of smokeless. In related news, I was today years old when I learned that there is such a thing as a smokeless fire pit.

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