

River

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LEGACY

Crossings

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Fifth Annual MICRA Meeting

MICRA will hold its fifth Annual Meeting at the Eppley Airport Ramada Inn in Omaha, NE on May 22-23. As in the past, our Annual Meeting will be held in conjunction with the American Fisheries Society (AFS) Fisheries Administrator's Meeting.

Anticipated agenda items include:

(1) Paddlefish Tagging Project, (2) Sicklefim/Sturgeon/Flathead Chub Survey, (3) Mussel Relocation Project, (4) Missouri River Navigation Economics Study Proposal Development, (5) New Funding Opportunities, (6) Exotic Species Subcommittee Activity, (7) MICRA Constitution and Bylaws, (8) Election of New Officers.

The meeting will begin at 1 P.M. on the 22nd and end at Noon on the 23rd.

MICRA Paddlefish Survey

Final approval was received from the U.S. Fish and Wildlife Service in late March for initiation of the MICRA paddlefish survey. This approval gave biologists from 17 states, across the Basin,

the nod to begin tagging both adult and hatchery reared paddlefish. The MICRA survey is intended to be a multi-year effort to complete a basinwide assessment of paddlefish stock, distribution, movement, harvest and exploitation.

The assessment is needed for the states to develop better data on which to establish improved regulations for paddlefish conservation and management. Currently the species is

threatened in parts of its range, while in other areas it supports both commercial and sport fisheries. And there is concern that the recovery efforts of one state may be contributing to another state's harvest.

BOR River Partnership Study

The U.S. Bureau of Reclamation (BOR), Montana Area Office, is seeking Federal and non-Federal cost

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share partners to develop a decision support system (DSS) to be applied to the upper Missouri and lower Yellowstone Rivers in Montana and North Dakota. A series of resource based indices is proposed as a management tool to predict affects of various operational scenarios from Reclamation reservoirs on key resource communities. The relatively free flowing Yellowstone, and to a lesser degree the upper Missouri, may provide reaches where the hydrology, channel morphology, habitat types and aquatic biota are not altered greatly from historic conditions. It is postulated that if these areas can be adequately characterized, the diversity of the aquatic communities found there will reflect the influence of a more natural ecosystem.

Ultimately, the DSS will consider the affect of modified operations to water dependent resources such as listed species like the pallid sturgeon, least tern and piping plover as well as riparian vegetation, agriculture and recreation to allow river managers to understand as clearly as possible resource trade-offs as a function of operations. This Reclamation program is contingent upon the Federal investment receiving matching non-Federal monies or in-kind services. Any private group or non-Federal governmental entity interested in learning more about this proposal and sharing of resources should contact Tom Parks, at the BOR Montana Area Office in Billings at (406) 247-7314.

Missouri River Plan "Unsatisfactory"

US EPA comments submitted on the Army Corps of Engineers' proposed plan for managing the Missouri River say the plan is "environmentally unsatisfactory" because it "fails to look at alternatives that would help restore threatened and endangered fish and birds.". The EPA wants the Corps to study more enviro-friendly uses for the river and to temporarily control water flow to "better protect" fish and wildlife. The EPA says further that the plan "will continue to contribute to the

degradation of nationally significant natural resources, as well as likely jeopardize the continued existence of three federally listed endangered species – the interior least tern, piping plover and pallid sturgeon."

EPA officials said that if the Corps fails to address their concerns, they might refer the issue to the White House Council on Environmental Quality. Paul Johnston, spokesman for the Corps' Omaha office, said that while his agency will "pay heed" to EPA's concerns, "they don't have a lot of extra weight." He said his agency would probably spend the next year "deciding how to proceed".

In the meantime Sen. Max Baucus, D/MT, wants to phase out commercial navigation on the Missouri River over the next nine years and require the Army Corps of Engineers to find ways to stop erosion along the river's

banks. A coalition of environmental groups that includes American Rivers is also urging an end to navigation on the Missouri. Barge traffic has never reached expected levels, they said, and has been declining since 1977.

But Sen. Christopher S. Bond, R/MO, said he and other downstream legislators "don't plan to let that idea go very far." "We have a bipartisan coalition of senators from the Missouri, Mississippi and Ohio rivers states who understand river transportation is the most environmentally friendly form and that it is vitally important not only to agriculture but to many other businesses," Bond said.

Baucus said Wednesday: "We in the upstream states have sacrificed so much in giving up prime river bottomland. It's time the Corps kept the old promise that the river be

River Crossings

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managed for everybody."

Bond said in remarks prepared for a hearing on the Endangered Species Act (ESA) that the ESA is "No. 1 on the top 10 list of regulatory problems faced by Americans." Bond compared the pallid sturgeon to the spotted owl as an example of federal regulation gone astray. "In an experiment to improve the 'breeding habitat' or 'sex life' of the pallid sturgeon, the federal government proposes that we increase spring flooding on the banks of the Missouri River and reduce flows from upstream reservoirs during October and November." Bond said the reduced flows would destroy farmers' ability to deliver grain to markets in a cost-effective manner.

Ken Midkiff, program director for the Ozark Chapter of the Sierra Club however, complained that Bond is whipping on the pallid sturgeon as he defends a dying barge industry. Bond "is telling the same old horror stories, but he is refusing to be swayed by any facts," Midkiff said. "Navigation has declined. He is talking about an industry that is dying on its own without any help from the Army Corps of Engineers."

Sources: Greenwire, Vol. 4, No. 207 and 210, St. Louis Post-Dispatch 3-9-95, and Columbia Tribune 3-8-95

Babbitt Lists Principles for ESA Rewrite

Interior Secretary Bruce Babbitt has proposed a set of 10 principles for "minimizing the impact of the Endangered Species Act on small landowners and others." Babbitt said the plan, which will not be submitted as a formal bill, should "guide Congress" as it rewrites the law.

"Under the plan, most activities on single household tracts of land, or those affecting five acres or less, would be permitted to continue free of restrictions under the act if the land in question harbors threatened species." The exemption would not apply if the land contains endangered species.

Babbitt also called for giving more power to state governments in enforcing the law, and said future decisions to list species would have to be supported by independent scientific peer reviews. Although the reforms "would leave intact most essential elements of the law," they "would constitute the most significant changes since the act was adopted" in 1973.

The ESA is facing its "most severe threat in years," as the House has already passed bills that would impose a two-year freeze on listing any more species and would make the government compensate landowners if their property is devalued as a result of the law. Babbitt said that the "takings" bill would simply "gut" the act and suggested that critics of ESA "chose an 'abstract regulatory debate' because they knew it would have a 'heck of a fight' if they addressed it head on". "If Congress chooses to reauthorize the act, they should attack the act's problems like a laser beam ... A heavy-handed approach to change ... will only diminish our ability to protect species", he said.



Babbitt has also announced a new program that encourages property owners to create habitat for endangered species without fear of land-use restrictions if they later decide to develop the land. Dubbed "Safe Harbors," Babbitt said the program will "help defuse widespread concerns" that landowners will be penalized under the Endangered Species Act "if they practice good stewardship".

The plan will be used first by the

"exclusive" Pinehurst Resort and Country Club in North Carolina's Sandhills, which is home to the endangered red-cockaded woodpecker. Under the plan, landowners will sign deals with the US Fish and Wildlife Service (USFWS) to make habitat improvements such as clearing hardwood undergrowth trees that discourage the woodpeckers.

As long as the landowners carry through with the agreements, the Interior Department will "not press enforcement actions" if the habitat is disturbed in the future. But owners cannot develop land during nesting season, and they must give USFWS advance notice so it can try to relocate the birds. Interior officials and enviros said the woodpecker plan could "serve as a model" for efforts to help other species.

The Endangered Species Coalition, an alliance of 188 enviro, scientific and civic groups, has initiated a Medicine Bottle Campaign. They are urging Americans to send empty medicine vials to President Clinton or members of Congress to "underscore the importance of plant products and other wild sources to the nation's pharmaceutical offerings".

Source: Greenwire, Vol. 4, No. 205 and 208.

Takings and Compensation

A landmark bill that would substantially broaden the Constitution's prohibition on the seizing of private property without compensation passed the House of Representatives on March 3 by a wide margin despite strong opposition from the Clinton administration and environmental groups. Aimed primarily at endangered species and wetlands regulations, H.R. 925 would require that the federal government pay landowners for any diminution of property values suffered as a result of the implementation of those laws.

Reaction to the bill, which faces uncertain prospects in the Senate and an almost certain Clinton veto, was

swift and strident. "The House today told America it wants to wipe out a quarter century of bi-partisan efforts to protect the environment," said Richard Hoppe of the Wilderness Society. "It has in effect declared war on the nation's wetlands, waterways, wildlife, national forests, and rangelands."

Administration officials were equally firm in their opposition. "The mandatory compensation proposal being considered today is nothing but a thinly disguised attack on America's great natural resources," said Interior Secretary Bruce Babbitt. "It will force us back to the days when the peregrine falcon was disappearing from the landscape, when fresh water fisheries were in a state of collapse, when the Cuyahoga River was on fire."

Proponents of the measure argue that the cost of environmental regulations falls disproportionately on a few landowners, who are then forced to bear what should be the public's burden. The bill overturns Supreme Court jurisprudence by enacting a statutory interpretation of the Fifth Amendment, which requires that the government pay "just compensation" whenever it takes private property for public use. Currently, the courts decide takings cases on a case-by-case basis and rarely award damages unless the owner has lost all economic uses of the property.

"Proponents of these measures basically seek to give property owners unrestricted rights to do as they wish with their property, regardless of the consequences on others in the surrounding community - a privilege American property owners have never had," Babbitt said. "Thus, with one measure and with little debate, the Congress will cancel out two centuries of American law and tradition."

If H.R. 925 is enacted, the federal government could be liable for billions of dollars in claims unless it sharply curtails regulations designed to protect the environment. A preliminary Congressional Budget Office assessment characterized the price tag as "significant" and, in a

letter to Rep. John Porter (R/PA), Babbitt warned that the Interior Department's potential liability could exceed the department's entire \$7.6 billion annual budget.

Environmentalists warned the bill could lead to an epidemic of litigation and amounted to a "full-employment act" for lawyers. "The bill will create a huge new entitlement program for land speculators, timber companies, corporate grazers and well-funded water interests," Hoppe said. "It will cost the American taxpayers billions in pay-offs."



Some lawmakers believe the bill will cost very little as agencies will be reluctant to propose regulations that might trigger a payout to landowners.

The measure as introduced in H.R. 9, part of the GOP Contract with America, applied to all federal actions, including health and safety regulations, but by a 301-128 vote, the House narrowed its scope to focus on the politically-charged laws protecting endangered species and wetlands. Offered by Rep. Billy Tauzin (D/LA), the amendment also requires the government to purchase lands when federal actions decrease property values by 50% or more.

The bill was also amended to allow landowners to seek compensation whenever a federal action caused at

least a 20% drop in the value of even a portion of their property. The original provision applied a 10% trigger to the value of the entire parcel.

The Senate version of the property rights bill's scope is "even broader" than the House version, applying not just to rules on endangered species, wetlands and water rights, but also to health and safety regs.

The Senate bill was "quickly condemned" by Interior Secretary Bruce Babbitt, who had "expressed the hope" that the Senate would act as a "moderating influence" on the House. "But Babbitt and other critics now fear that the bill that emerges from Congress will be at least as strong as the House version."

Joseph Sax, a counselor to Babbitt, said the legislation would force the government to make a choice between paying billions of dollars to prevent pollution and ending enforcement of laws designed to protect human health and natural resources.

But the bill's proponents "scoffed" at the charge that the government would have to pay polluters not to pollute. Sen. Bob Dole's (R/KS) counsel, Kyle McSlarrow, said the bill would allow the government to prohibit any use of property that amounts to a "nuisance" without compensating land owners. Senate action on this issue is expected after the April recess.

Sources: Land Letter, March 20, 1995, Vol. 14, No. 9 and Greenwire, Vol. 4, No. 222.

Unfunded Mandates Bill Signed

In late March President Clinton signed into law the unfunded-mandates bill, part of the House Republicans' Contract With America. "In a conciliatory Rose Garden speech," Clinton said the legislation showed that "Republicans and Democrats can come together and break gridlock and do what the American people expect

of us".

But the bill "may not be as revolutionary as the president and congressional backers suggested."

The new law requires the Congressional Budget Office to estimate the cost of legislation expected to require more than \$50 million in spending by states and local governments or more than \$100 million by private businesses. If Congress does not want to pay for mandates exceeding the limit, "all it has to do is take a majority vote not to".

Because of exemptions in the law – for anti-discrimination laws and for mandates on states wanting federal assistance – it would have applied to only nine of 27 mandates Congress passed from 1981 to 1990, according to Bruce McDowell of the US Advisory Commission on Intergovernmental Relations. "Nearly all of them were environmental rules, he said".

The law applies only to future mandates, leaving in place provisions of the Clean Air Act, the Clean Water Act and other laws that mayors and governors "complained were bleeding their budgets."

Source: Greenwire, Vol. 4, No. 221.

Clinton Orders New Reform Push

"Vowing to 'bring back common sense' to government regulations," President Clinton has given federal agencies three months to review their rules and "identify those that are obsolete or overly burdensome." Clinton "painted a sharp contrast between his approach and that of House Republicans," who are pushing a bill to freeze all federal rule-making until either the end of the year or passage of a separate cost-benefit analysis bill.

The president conceded that a regulatory moratorium "sounds good," but he argued: "It would stop new protection from deadly bacteria in our drinking water, stop safer meat and

poultry, stop safer cars. ... Therefore, to me a moratorium is not acceptable." Senior administration officials confirmed that was a direct veto threat.



Clinton said GOP proposals on regulation "go too far." "They would cost lives and dollars. A small army of special-interest lobbyists knows they can never get away with an outright repeal of consumer or environmental protection. But why bother if you can paralyze the government by process?"

In remarks earlier yesterday, House Speaker Newt Gingrich "lashed out at Clinton's new turn toward partisan confrontation." Gingrich said, "His administration is now actively opposing us, from crime bills to regulatory reform ... to a whole range of other issues. The President is locked into sort of a left-wing, big-government approach that we are convinced will not work"

The president set a 6/1 deadline for agency heads to send him lists of unneeded rules. In addition, he "asked regulators to form grassroots partnerships with business, to negotiate rather than dictate and to stop measuring inspectors by how many citations they write".

Over the next few months, VP Al Gore will give Clinton a series of proposals to reform regulations affecting the environment, health, food, worker safety and other areas. "Gore's 'Reinventing Government' campaign has focused on overhauling regulations" since 12/94.

Source: Greenwire, Vol. 4, No. 199.

River Casino Lawsuit

A lawsuit has been filed against the U.S. Army, Corps of Engineers; Army Secretary Togo D. West Jr.; Chief of Engineers Lt. General A. E. Williams; and Memphis District Engineer Theodore C. Fox to stop further development of riverboat casinos along the lower Mississippi River. The suit was filed in the U.S. District Court, Western District of Tennessee by the Mississippi River Coalition, Inc., a Mississippi nonprofit corporation; Peter Schutt; Michael Coop; and John Coop. The individual defendants are being sued in their official capacities as officers, agents and employees of the Department of the Army and the Corps of Engineers for violations of the National Environmental Policy Act (NEPA); the Clean Water Act (CWA); the Administrative Procedure Act (APA); and various Regulations, Guidelines, and Memoranda of Agreement.

The plaintiffs' case involves their concern for "recent and massive commercial developments in one of the most important wetland and migratory waterfowl habitat areas of North America ... and (the) widespread, unnecessary damage ... being done to the environment in violation of Federal law." In Tunica and Coahoma Counties, Mississippi, alone, applications have been filed for development of at least 25 casino gambling and related projects



These include construction of access roads, parking lots, hotels, restaurants, dance halls, sewage treatment plants, and other facilities in riparian habitat between the levees and the River. Some casinos plans project development of destination resorts that will include additional

facilities such as golf courses. The areas in question, lying between the Mississippi River and its levees, have been inaccessible, have a tendency to flood, and lack of utility for commercial purposes. They have thus remained undeveloped and now include extensive, environmentally valuable bottomland hardwood wetlands which the plaintiffs claim are among the most productive wildlife habitats in the world.

The plaintiffs allege that the permits have been issued in a "piecemeal fashion", (1) without preparation of environmental impact statements (EIS's), adequate environmental assessments (EA's), or special area management plans (SAMPS); (2) without consideration of the environmental impacts (direct and indirect, primary and secondary, individual and cumulative); (3) without proper consideration of alternatives, adequate notice to the public, adequate consultation with biological and wildlife agencies, and provision for adequate mitigation of environmental damages.

The defendants have: (1) "failed to consider the impact of the activities...within a regional context (ignoring) the loss of thousands of acres of wetlands and bottomland hardwoods in the lower Mississippi River Valley caused by the Corps' collateral levee raising project"; (2) "accepted, without questioning, the developers' overly optimistic projections of the economic benefits of their projects" and failed casinos have already "unnecessarily laid precious forested habitat to waste"; (3) "issued Public Notices that contain narrow and incomplete descriptions of the projects ... defeating the purpose of generating meaningful comments"; (4) allowed developers to define the project, work or activity for which a permit is required in an "unduly narrow fashion" limiting the ability to determine a project's water dependency and to identify reasonable alternatives; (5) not delineated wetlands accurately; (6) failed to give adequate consideration to similar comments and recommendations offered by the

Mississippi Department of Wildlife, Fisheries and Parks; (7) improperly granted Section 404 permits when practicable alternatives exist; (8) improperly fragmented projects, thereby artificially reducing project impacts; and (9) provided inadequate mitigation for approved projects.

The plaintiffs are requesting a temporary restraining order and preliminary injunction and petition for mandamus and that the Court order the defendants to: (1) Comply with NEPA, the CWA, the APA, and the Regulations, Guidelines, and Memoranda of Agreement thereunder, and other applicable law; (2) Prepare an EIS in full compliance with NEPA; (3) Restrain from issuing any additional permits, modifications of permits, or letters of permission for any work between the levees and the River in connection with the development of gambling facilities; and (4) to reimburse the plaintiffs' court costs and the costs of litigations including reasonable attorney and expert witness fees.

Source: Peter Schutt, Mid South Hunting and Fishing News, 189 Jefferson Avenue, Memphis, TN 38103, (901) 522-9105.

Mining Law Proposal

Senate Republicans have unveiled their mining reform bill which "is considerably more accommodating to the mining industry" than last year's proposal backed by House Democrats and the Clinton administration. The bill, sponsored by Sen. Larry Craig (R/ID) and endorsed by Sen. Frank Murkowski (R/AK), chairman of the Energy and Natural Resources Committee, calls for a 3% net royalty on minerals extracted from federal land.

Last year's proposal called for an 8% royalty. Currently, the government collects no mining royalties under the Mining Act of 1872. The bill also would "force mining companies to pay fair market value for patented lands, require mines to comply with state reclamation standards and set up an

abandoned mine lands cleanup fund." One-third of royalties would go directly to states, another third for state reclamation activities and the rest would go to the federal government's general fund. The bill is co-sponsored by 11 Republicans and two Democrats.

Although the Mineral Resources Alliance, an industry group, said the bill would "generate millions of dollars to the federal treasury", Interior Secretary Bruce Babbitt said the 3% figure is so low that administrative costs could exceed revenues generated. Babbitt also said the bill was a "step backward" on a number of points, including "the level of environmental protection that is now possible."

Murkowski said he hopes to win Senate passage this spring.

Source: Greenwire, Vol. 4, No. 209.

Yellowstone Mine Investigation

A US News & World Report investigation into the mining company Noranda Inc. – which along with two subsidiaries has spent \$35 million developing the New World mine near Yellowstone National Park – indicates the company has a "long list" of enviro compliance problems in the US and Canada.

Four of Noranda's six US mining sites are under litigation for pollution problems. Since 1981, Noranda companies have paid more than \$1.9 million in fines for pollution, health and safety violations in the US and about \$1.2 million in Canada. According to Noranda Deputy Chairman Alex Balogh, "Despite all of that, we maintain we are [environmental] leaders. We have a checkered history, we have a vast number of operations and we are decentralized."

"Because Noranda is decentralized and has complex ties to its partners" in the New World project, enviros worry about who will bear legal responsibility for any enviro problems

from storage of the project's 5.5 million tons of acidic wastes. The company is seeking to be dropped from a 1993 lawsuit in which enviros charged that developers of the New World project polluted creeks and failed to secure permits. Although it has a 26% interest in the mine "on paper," Noranda claims "it has no direct link" to the mine and shouldn't be liable for damages.

Under the 1872 Mining Law, the federal government cannot block the New World project, but federal and state agencies "could pile on enough" conditions to render it "economically infeasible." Other federal laws give Interior Secretary Bruce Babbitt the option of delaying the project for several years, effectively killing it.

Source: Greenwire, Vol. 4, No. 208.

Massive Logging Proposal

In approving the \$17.1 billion omnibus rescissions bill March 16, the House let stand a highly controversial amendment that would more than double timber harvests on federal lands in the name of restoring forest health. Overall, the bill reduced Interior Department funding for fiscal 1995 by more than \$325 million. President Clinton has pledged to veto the measure unless it is substantially revised, according to Office of Management and Budget sources.



Under the present bill, the Forest Service and Bureau of Land Management would be required to offer up 6.2 billion board feet of "dead or dying" timber for sale over two years. That amount more than

doubles the entire current yield across the national forest system. Current salvage operations on forest system lands totaled 1.6 billion board feet this year. The mandate supersedes existing forest plans and environmental laws by saying up front that the sales meet existing statutory requirements. Such "sufficiency language," which was used during the 1980s to produce exceptionally high yields, insulates timber sales from judicial review regardless of the environmental impact.

Environmental groups and administration officials intent on restoring scientific credibility to the Forest Service were incensed. "I think it's stunning that people can stand up and misrepresent what this legislation is about and, with a straight face, suspend all environmental laws on public lands and hand out a massive taxpayer subsidy to the timber industry," said Kevin Kirchner of the Sierra Club Legal Defense Fund. The rider essentially throws out President Clinton's Northwest forest plan and PACFISH, which was designed to save salmon habitat in the region. With the legality of both plans hanging by threads, such a dramatic increase in logging would render them useless legally and biologically, he said. "This is clearly a giveaway to the timber industry under the guise of forest health," said Steve Moyer of Trout Unlimited. "You always read about burned timber going to waste and that is totally ignorant of the fact that fires have always burned in national forests as part of the regeneration of the forests. To have the mindset that every last burned stick needs to be removed is not the way to look at timber management."

The bill faces Senate consideration where it will find ardent supporters in Senate Energy and Natural Resources Committee Chairman Frank Murkowski (R/AK) and Larry Craig (R/ID), who introduced his own bill, S. 391, to shield salvage logging from lengthy appeals. Although the House rider is broader and more specific than Craig's bill in mandating a specific harvest level, a Senate Energy Committee staff member said the

provisions were complementary and would be pursued separately.

Environmentalists view these bills as a unified assault on land management laws and policy by a group that would like to have timber be the first, last and only use of national forests, said Michael Francis of the Wilderness Society. "They're moving as expeditiously as possible to turn the national forests into tree farms." If this bill is enacted in anything like its present form, any tract of ancient forest not now protected, any stand of forest anywhere, live or dead can be logged by any district ranger, forest supervisor or other forestry official who wants to meet his quota of getting the logs out of the woods in any given year," testified the National Audubon Society's Brock Evans at a March 1 hearing before a Senate Energy panel. "If this bill passes all of us who love the wild places and the wildlife and the fisheries of our national forests can kiss them goodbye."

"It's 25 years of forest policy and law turned down the drain to appease the timber interests in this country," Francis said. Steve Holder of the Western Ancient Forest Campaign agreed. "The fact that they've used sufficiency language tells the public that they're clearly going to break laws, and that's why they've exempted [salvage logging] from all federal laws." The language would supersede provisions of the Safe Drinking Water Act, Clean Water Act, watershed laws, forest management laws, and the Endangered Species Act, he said.

Source: Land Letter, March 20, 1995, Vol. 14, No. 9

Forest Service Grazing Permit Review

The US Forest Service (USFS) recently began telling Nevada and California ranchers that their 10-year grazing permits would not be renewed without an environmental assessment and public review to make sure that the land is not overgrazed. USFS

spokeswoman Erin O'Connor said on 3/24 that if land is in poor condition, some ranchers could face cutbacks in the number of livestock allowed to graze in national forests, while others could lose their permits entirely.



Ranchers are "expressing opposition" to the policy change. Benny Romero, president of the Nevada Cattleman's Association: "If you look at the whole picture, it's a movement to get livestock off the public lands." Rose Strickland, who led the Sierra Club's fight to change grazing policies, "defended the new procedures, saying they are meant only to insure compliance with the National Environmental Policy Act." Lawsuits by enviro groups prompted the policy change.

Source: Greenwire, Vol. 4, No. 222.

Artificial Snowmaking Fuels Water War

"An environmental tug-of-war" surrounds artificial snow, a "cornerstone" of the \$1.5 billion-a-year US ski industry. Residents of Snowmass, CO fought against Snowmass ski resort's plan for a 415-acre expansion, concerned that use of Snowmass Creek for new snowmaking on 310 acres could "deprive fish spawning grounds of water." But state and county officials sided with the resort and approved its expansion plan.

"Water is being wielded as a weapon against development," said Brent Gardner-Smith of Aspen Skiing Co. Resort operators "insist they don't endanger local water supplies, because water taken for man-made snow eventually melts and returns to the watershed." More than 300 of 516 US ski resorts make snow.

"The water war is on in the east too," says Lewis Milford, a Vermont lawyer for the Conservation Law Foundation. In Vermont, "activists reached a truce with Sugarbush and Okemo ski areas that may signal an industry shift." The resorts agreed to build "costly" reservoirs on their mountains to store water for snowmaking, "leaving rivers untouched when they're at their lowest".



Source: Greenwire, Vol. 4, No. 218.

Rockies Fish Problems

"Virtually all native fish species in the northern Rockies are in serious trouble, not just the popular trout and salmon," according to a study by the Oregon-based Pacific Rivers Council. The study blames the decline of 16



cutthroat trout

fish species in Idaho, Montana and northwest Wyoming on damage to watersheds and introductions of non-native species. It also cites "dangers" to frogs, salamanders, snails, turtles, mussels and aquatic plants.

Although "many believe large wilderness areas and national parks provide adequate protection," research indicates "quite the opposite," the report said. The "most productive" and least protected streams are typically in low-elevation, managed areas that are "severely degraded and often occupied by introduced species." The group calls for an "aquatic conservation strategy" on public lands, focusing on reducing silt

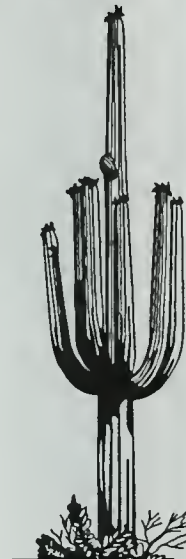
from roads, halting grazing along sensitive streams and lakes, reviewing fire-related timber salvaging and thinning, and stopping introductions of exotic species.

Source: Greenwire, Vol. 4, No. 206.

"County Movement" Challenged

Seeking to "assert US ownership and control of federal lands," the Justice Department filed suit (March 7) against Nye County, NV. The suit seeks to overturn two 1993 Nye County resolutions: one claiming ownership of "virtually every road" on federal land within the county; and another claiming that Nevada, not the US, owns national forests and other federal lands and that the county has authority to manage those lands.

Meanwhile, the Nevada Senate voted unanimously "to repeal the 1864 decision that gave public land to the federal government in exchange for statehood." If the Assembly also approves the measure, it could be on the state ballot in 1998. The federal government owns or manages 87% of Nevada land.



The suit is the Clinton administration's "first direct effort ... to block the spread in the West" of measures "that rural counties say give them the authority" to control federal land. Thirty-five counties in Nevada, California, New Mexico, Idaho and Oregon have passed ordinances asserting control over federal lands. Another 35 "are considering such measures," the Justice Department said.

In most cases, "nothing has happened beyond the county commission enacting an ordinance, then going out to dinner," said Associate US Attorney

General John Schmidt. But apparently Nye County officials have gone so far as to open up closed roads on the Toiyabe National Forest with a bulldozer and then file charges against Forest Service employees who advised them the action was improper. Much of Nye County's economy is based on mining and grazing, and many residents there argue that they should be given more opportunity to decide how land is to be managed, especially for grazing.

Source: Greenwire, Vol. 4, No. 210.

Environmental Strategies to Mobilize Grassroots

Concerned about an "anti-environmental" trend in US politics and the news media, several leading foundations have committed more than a million dollars to create a new group, "Environmental Strategies", that will mount public-education campaigns on green issues. While most enviro groups do research and lobbying, drawing on paid experts and direct-mail campaigns involving millions of members, the new group will "mostly be helping to mobilize grassroots groups and reflecting their concerns into the national debate," says group Executive Director Phil Clapp.

Environmental Strategies will spread its messages through a mix of "earned" media - coverage gained through outreach to reporters - and paid media, such as advertising. Clapp said that instead of continuing to spread money "thinly" across many enviro groups, the funders "saw a need for a small public-education and advocacy team, focused on a

Who am I
I am the river
I am like the river at least
I am swimming through life taking each day like another bend to flow around cutting out new filling in old sometimes deep sometimes shallow sometimes thick with meaning sometimes thin and transparent like a river, life flows like a life, the river flows, surprises for me, my love with the river began early was consummated in the moonlight, toes in the mud naked in the moonlight - goose bumps screaming get out fool moonbeams held me tight cool water swirling round my ankles like the river slipping by an island taking its time - river time, timeless I stood at the brink of shivering, spellbound thinking nothing but feeling full, the fullness of the river, my six year-old spirit was merged that night, wet river - wet child, shiners nibbled the peach fuzz leg hairs standing on end - endless night, river night, birth night. SMELLS, river smells that scoured deep into olfactory synapses - algae, mud, fish, beaver castor, coontail and celery rotting in wind-rows, poison ivy thickets, cottonwood wood and water. SOUNDS, river sound bars layered thick in auditory eddies - tree frogs, heron squawks, barred owls, green frog croaks, beaver tail dunka, muskrat murmurs, fish swirls and water. VIBES, subtle river vibes trickling through the senses flooding the soul with meaning - pharyngeal teeth gnashing molluscan bones and muscle mussel feet plunging into the river bed, turtle jaws eviscerating fish, beaver jaws emasculating trees, duck wings slicing the thick night air, river water moving another farm on down towards Iowa. Like a river my life has flowed around easy bends sharp bends, divided into paths rejoined as one like a life, my river needs room to flow, paths to choose, moods to sing to, celebrations, lamentations, incarnations, sweet sensations free for life life for free mine yours theirs ours immortal river mortal me free free me.

An Inspirational Piece Written by Mike Davis, Minnesota DNR, "Visionary and Friend of the River".

couple of issues a year, with a critical mass of funding adequate to support campaigns that will affect public perception of issues."

In a 2/10 press conference, Environmental Strategies joined forces with enviros, labor unions, church groups and a new group, the American Community Protection Association, comprised of state and local officials who would be "victimized" by "takings" bills, Clapp said. Takings bills would require government to compensate landowners whenever actions such as endangered species listings or wetlands designations lower the value of their property. ES has been airing TV ads featuring Littleton, CO Mayor Pro-Tem Susan Thomson, who criticizes the potential fiscal impact of the House takings bill.

Clapp declined to say how much money ES will get from the foundations, which include the Pew Charitable Trust, the Rockefeller Family Fund, the W. Alton Jones Foundation and the Nathan Cummings Foundation. Leading a staff of five, Clapp is a former legislative director of the law firm Spiegel & McDiarmid, where he helped represent municipal governments on Superfund issues. He was legislative director for then Rep. Timothy Wirth (D/CO) in the early '80s.

Source: Greenwire, Vol. 4, No. 206.

Ecological Economics

Ecological Economics is a new conception of the relationship between economics and ecology, one that more accurately depicts the economic subsystem as a part of the larger ecological life-support system. To solve major environmental and economic problems such a conception must go beyond the narrow boundaries of the traditional academic disciplines to extend and integrate the study and management of "nature's household" (ecology) and "humankind's household" (economics).

It must acknowledge that in the long run a healthy economy can only exist in symbiosis with a healthy ecology. This new vision of an "ecological economy" is beginning to be put into practice by a recently formed, worldwide transdisciplinary organization called the International Society for Ecological Economics.

Ecological economics emphasizes a long-run view and the goal of a sustainable ecological and economic system. In the short run there may be apparent trade-offs between some particular jobs (like logging) and some particular efforts to preserve natural capital (like old growth forests). Often, short-run reinforcements and incentives run exactly counter to long-run goals, and it is just these situations that are at the root of many of our most recalcitrant social and environmental problems.

The dynamics of these situations have been well studied in the past decade under several rubrics, one of which is John Platt's notion of "social traps". In all such cases the decision-maker(s) may be said to be 'trapped' by the local conditions into making what turns out to be a bad decision viewed from a longer or wider perspective. We go through life making decisions about which path to take based largely on "road signs," the short-run, local reinforcements that we perceive most directly. These short-run reinforcements can include monetary incentives, social acceptance or admonishment, political pressure, and physical pleasure or pain. In general,

this strategy of following the road signs is quite effective, unless the road signs are inaccurate or misleading. In these cases we can be trapped into following a path that is ultimately detrimental because of our reliance on the road signs.

If we are to avoid the many "social traps" baited by narrow short-run interests, we have to both take a long-term view and learn how to effectively change the local short-term reinforcement structures in order to remove the "bait" from the trap. An important method of doing this is to provide information on the nature of the traps. Journalists have a key role to play in this process by simply describing the perverse dynamics of these situations and helping to remove or reduce the effectiveness of the bait.

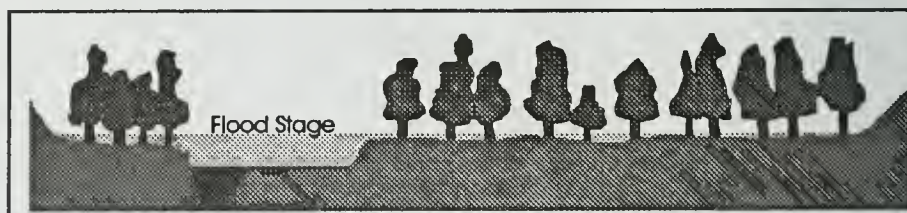
In the case of the northwestern old growth forests, journalists can point out that in the long-run, if logging continues all the forest will be cut down and the loggers will be out of work anyway. To remove the bait from the trap, one must devise alternatives for the loggers to allow them to make the transition to other jobs smoothly. Jobs involved in the ecologically sustainable use of the old growth forests for recreation and low scale harvesting would be ideal, and government programs aimed at stimulating the development of these sectors would be much more effective than spending money on legal battles.

Another major social trap we are deeply ensnared in has to do with the limited and biased information on overall economic performance upon which we base many of our major social decisions. Gross National Product (the total "value" of all the

nation's marketed goods and services in a given year) and other related measures of national economic performance have come to be extremely important as policy objectives, political issues and benchmarks of the general welfare. Yet GNP as presently defined ignores many important contributions to well being, including the contributions of nature. This leads to peculiar and misleading signals.

For example, a standing forest provides real economic services for people: by conserving soil, cleaning air and water, providing habitat for wildlife, and supporting recreational activities. But as GNP is currently figured, only the value of harvested timber is calculated in the total. On the other hand, the billions of dollars that Exxon spent on the Valdez cleanup – and the billions spent by Exxon and others on the more than 100 other oil spills in the last several years – all actually improved our apparent economic performance. Why? Because cleaning up oil spills consumes labor and resources, all of which add to GNP. Of course, these expenses would not have been necessary if the oil had not been spilled, so they shouldn't be considered "benefits." But GNP adds up all production without differentiating between costs and benefits, and is therefore not a very good measure of economic health.

A similar situation presents itself when a disaster such as a flood occurs. The 1993 flood pumped billions into local economies for the recovery and clean up effort that followed. Certainly, the flood was good for certain segments of the economy (i.e. those who were employed in rebuilding houses and levees).



Natural floodplains provide many ecological economic benefits, as well as compatible agricultural uses such as dry year farming, grazing, and timber production. They also provide significant flood water storage and conveyance capability.

Unfortunately, the rest of us paid for it in lost opportunities to use those dollars for other purposes, a growing national debt, and in foreclosing floodplain use options when levees were rebuilt. We essentially "put Humpty Dumpty back on the shelf" to await the next flood so we can do it all over again! Only the special interests gained by being allowed (essentially encouraged) by the rest of us to continue to follow the wrong paths.

When resource depletion and degradation are factored into economic trends, what emerges is a radically different picture from that depicted by conventional methods. Herman Daly and John Cobb have attempted to adjust GNP to account mainly for depletions of natural capital, pollution effects, and income distribution effects by producing an "index of sustainable economic welfare" (ISEW). If you consider two versions of their index compared to GNP over the period from 1950 to 1986, what is strikingly clear is that while GNP rose over this interval, ISEW remained relatively unchanged since about 1970. When factors such as loss of farms and wetlands, costs of mitigating acid rain effects, and health costs caused by increased pollution, and the increasingly unequal distribution of income are accounted for, the economy has not improved at all.

If we continue to ignore natural ecosystems, we may drive the economy down while we think we are building it up. By consuming our natural capital, we endanger our ability to sustain income. Current systems of regulation are not very efficient at managing environmental resources for sustainability, particularly in the face of uncertainty about long-term values and impacts. They are inherently reactive rather than proactive. They induce legal confrontation, obfuscation, and government intrusion into business. Rather than encouraging long-range technical and social innovation, they tend to suppress it. They do not mesh well with the market signals that firms and individuals use to make decisions and do not effectively

translate long-term global goals into short-term local incentives.

We need to explore promising alternatives to our current command and control environmental management systems, and to modify existing government agencies and other institutions accordingly. The enormous uncertainty about local and transnational environmental impacts needs to be incorporated into decision-making. We also need to better understand the sociological, cultural, and political criteria for acceptance or rejection of policy instruments.

One example of an innovative policy instrument currently being studied is a flexible environmental assurance bonding system designed to incorporate environmental criteria and uncertainty into the market system, and to induce positive environmental technological innovation.



In addition to direct charges for known environmental damages, a company would be required to post an assurance bond equal to the current best estimate of the largest potential future environmental damages; the money would be kept in interest-bearing escrow accounts. The bond (plus a portion of the interest) would be returned if the firm could show that the suspected damages had not occurred or would not occur. If they did, the bond would be used to rehabilitate or repair the environment and to compensate injured parties. Thus, the burden of proof would be shifted from the public to the resource user and a strong economic incentive would be provided to research the true costs of environmentally

innovative activities and to develop cost-effective pollution control technologies. This is an extension of the "polluter pays" principle to "the polluter pays for uncertainty as well."

Ecological economic thinking leads us to conclude that instead of being mesmerized into inaction by scientific uncertainty over our future, we should acknowledge uncertainty as a fundamental part of the system. We must develop better methods to model and value ecological goods and services, and devise policies to translate those values into appropriate incentives. If we continue to segregate ecology and economics we are courting disaster. For more information on the International Society for Ecological Economics (ISEE) contact: Dean Button, Executive Secretary, ISEE, PO Box 1589, Solomons, MD 20688, (410) 326-0794.

A recent book available on the subject is: R. Costanza (ed). 1991. Ecological economics: the science and management of sustainability, Columbia University Press, New York.

Source: Excerpted and adapted from an article written by Robert Costanza, Director of the Maryland International Institute for Ecological Economics and chief editor of "Ecological Economics", the journal of the ISEE.

Enviro Audits Improve Financial Performance

About 66% of the companies in a recent study found that environmental audits improved their financial performance, according to a survey conducted late last year by the Manufacturers Alliance, a policy-research organization. The report is based on responses from 129 companies with a median of \$2.1 billion in annual sales and 15,000 employees.

Industries represented included electrical equipment and electronics, transportation equipment, metals and chemicals. The median respondent had had an enviro-audit program

since 1990. Not one respondent had made its audit report available to the public: 66% kept the reports confidential and 44% placed them under attorney-client privilege, the report says. Ninety-seven percent said they performed audits to assure compliance with regulations; 86% used them to assess non-regulatory environmental risks; and 19% used them to assess financial liability.

"Several" recent studies including one by the World Resources Institute (WRI), "found that while some environmental regulations may be unnecessarily costly, there is no evidence that they have reduced the competitiveness of US industry." Using a new government survey of more than 100,000 manufacturers, the WRI study found no correlation between a firm's profitability and its pollution levels.

Robert Repetto, the WRI economist who performed the study, stated that oil, chemical, steel and paper industries "experienced only slight reductions in their share of world exports for 1970 to 1990 – much less of a drop than suffered by American industry generally."

Repetto's conclusions are "similar" to those of a 12/94 study sponsored by the National Bureau of Economic Research and Resources for the Future. In a review of more than 100 studies, four economists "concluded that there is little evidence that environmental compliance costs have 'adversely affected the competitiveness of US manufacturing firms.'"

Source: Greenwire, Vol. 4, No. 216 and 223.

Environmental Opinion Polls

Fifty-five percent of Americans think enviro rules aren't strict enough, according to a new poll by Princeton, NJ-based Environmental Research Associates. Asked what enviro regs they would change, 25% mentioned natural-resource rules, 24% mentioned rules on chemicals or toxics and 22%

said they didn't know.

Only 3% called for general regulatory reform, and only 1% specifically said they would change enviro rules affecting property rights. Asked what rules they thought the GOP Congress would change, just 8% mentioned reg reform, and only 1% mentioned property rights. Environmental Research Associates interviewed 1,002 adults nationwide from 2/25-3/9; margin of error is +/- 3.1%.

Enviro Regs Are:

Too strict	12%
Just about right	27
Not strict enough	55
Don't know	6

What Enviro Regs, If Any, Would You Like to See Changed?

Natural resources	25%
Regulatory reform	8
Toxics/chemicals	24
Natural resources	7
Waste disposal/recycling	19
Toxics/chemicals	6
Wildlife	7
Make more strict	5
Energy	6
Wildlife related	3
Make more strict	4
Waste disposal/recycling	2
Regulatory reform	3
Energy	1
Property rights/takings	1
Don't know	22

While 69% of Americans trust their state government "to do a better job of running things" than the federal government, they are split about evenly on which level of government should handle enviro protection, according to a new ABC News/Washington Post poll. Chilton Research Services surveyed 1,524 adults from 3/16-19; the margin of error was +/- 3%.

Generally, Which do you trust to do a better job running things?

Federal government	27%
State government	69
No opinion	3

Which do you trust to set enviro rules on clean air and water?

Federal government	47%
State government	51
Neither	1 ^
No opinion	1

^ Answer volunteered.

Source: Greenwire, Vol. 4, No. 225.

Enviro Farm Program Support?

According to a Des Moines Register article by George Anthan, Enviros who supported the 1985 and 1990 farm bills may withdraw their support for price-support programs if the farm lobby continues to pursue "hard-line positions" on property rights and regulatory reform.

Many agriculture groups have "launched an all-out battle" to overturn the Clean Water Act's wetlands provisions, as well as parts of the Endangered Species Act that limit land uses. The American Farm Bureau Federation also is supporting reg-reform and property-rights bills recently passed by the House. Those bills would overturn some of the 1985 Farm Bill's conservation requirements and force the government to compensate owners whose land would be devalued by complying with those rules.

The conflict with enviros "threatens to erode" the ag industry's "already tenuous position" as it seeks to preserve its "multibillion-dollar" price-support programs. According to Environmental Working Group's Kenneth Cook, if farm interests succeed in weakening soil and conservation rules, then the "correct spending level for farm programs so far as environmentalists are concerned [would be] zero. We'd no longer have a stake in a farm bill."

Enviros say the Conservation Reserve Program, which gives farmers \$19 billion a year to idle environmentally sensitive land, "could not have been achieved politically without their backing." Neil Schaller of the Henry

Wallace Institute for Alternative Agriculture agrees that the "uneasy partnership" between enviros and farmers "may be ending."

Source: Greenwire, Vol. 4, No. 212.

Crack Down on Western Water "Loopholes"

In a "move that will dramatically alter the distribution of water" in Western states, the Clinton administration is "about to crack down" on farmers who "skirt" a federal law limiting subsidized water to farms smaller than 960 acres. For years, "loopholes" in the law "have guaranteed cheap federal water to some of the biggest farming operations in America," the L.A. TIMES reports.

Many growers have divided up their "massive" water holdings into 960-acre trusts "in the name of sons, brothers and distant cousins." But under new rules of the US Bureau of Reclamation, cotton and vegetable growers who now pay \$18 an acre-foot for water will have to pay as much as \$60-90 an acre-foot "without the subsidy – an increase of up to 500%." The rules may be



implemented as early as this year.

San Joaquin Valley farmers plan to appeal to Washington, where a fight "could place conservative politicians – longtime supporters of cheap water for agriculture – in the position of supporting subsidies to big farmers." Farmers say the Clinton administration is "responding to pressure" from enviros and "proceeding on a false premise" that farmers are "big, greedy bad guys." But "with no more rivers being dammed, cities and farms must find a better way to share" water, enviros argue.

BuRec Commissioner Daniel Beard

and Rep. George Miller (D/CA) say farming in western San Joaquin Valley is "costly and inefficient" and much of the land is "laden with toxic salts" that can kill wildlife. "Making farmers pay the true cost of the water, they believe, will retire some of the worst land and free up water for other uses".

Source: Greenwire, Vol. 4, No. 222.

Cumulative Impact Study Ordered for Minnesota Irrigation Project

For the first time, a Minnesota court has ordered preparation of an environmental impact statement (EIS), "an action that could have major implications for proposed private and public projects" across the state. The Minnesota Court of Appeals ruled on March 7 that the state Agriculture Department should have required an EIS on a proposed farm irrigation project.

The ruling, which requires the state to consider not only the project itself but the "potential cumulative effects of additional related projects," could mean that many other proposed projects "can no longer be evaluated in isolation." Paul Strandberg, Minnesota assistant attorney general, said state officials "will seriously consider appealing" the ruling.

A 1973 state law requires an EIS for any major action that could have significant environmental effects. But state agencies "very seldom order them," often requiring simpler and cheaper environmental assessment work sheets instead.

Source: Greenwire Vol. 4, No. 210.

Future Farmers Promote Filter Strips

High school student members of Future Farmers of America (FFA) across 16 states are attempting to enroll farmers in a program to plant filter strips or "green stripes" along lakes, streams, rivers, and around

sinkholes. In turn, the Monsanto Corporation, which conceived the program, gives the FFA chapter a \$100 educational grant for each farmer it enrolls. Monsanto has also established a "Best Chapter" award that will be given to the FFA chapter in each state that creatively uses the program to include other environmental approaches such as wildlife protection and habitat restoration projects.

FFA chapters receive press release packages that they can use to publicize their program locally, while field days conducted in the fall generate statewide publicity for the program. Field day participants include representatives from agribusiness, education, Extension, NRCS, state departments of agriculture and natural resources, and the media. The field days model conservation activities in agriculture and show how green stripes reduce soil erosion and nonpoint source runoff.

Source: Nonpoint Source News-Notes January/February 1995, Issue No. 39

Potential EPA Action on Fishing Tackle Targeted

The House GOP's designated "regulation fighter," Rep. David McIntosh (R/IN), is calling a proposed US EPA rule that could affect lead fishing sinkers and lead-based ammunition an example of "bureaucratic arrogance." McIntosh, chair of the House Regulatory Affairs Subcommittee, and Senate Majority Leader Bob Dole (R/KS) met on 2/2 to discuss legislation that would "put an immediate end to all proposed federal regulations until laws can be drafted to reform the regulatory process."

Earlier in the year, McIntosh and 50 House members sent a letter to EPA Administrator Carol Browner opposing federal regulations on bullets, shot or sinkers under the Toxic Substances Control Act. They were responding to an EPA notice of proposed rule-making, which mentioned the items as examples of enviro threats.

EPA denied it is planning to ban lead ammunition, saying the proposal was published "to obtain early feedback."

Source: Greenwire, Vol. 4, No. 189.

Most U.S. Water Pollution Permits Have Expired

Across the US, more than half of all state-issued water-pollution permits are expired, according to a Detroit Free Press analysis of US EPA data through 1993. Virginia had the biggest backlog, with 94% of its 2,475 permits expired, while Kentucky had the smallest, only 22% of 2,596 permits. More than 80% of permits were expired in New Mexico, Connecticut, New Jersey, West Virginia, Nebraska, Alaska and Hawaii.



"The permits – basically the regulation and monitoring system for pollution – are supposed to be updated and renewed every five years, but remain in force after their expiration dates." Renewal backlogs are "a cause of concern," but "some states may be swift at renewals" while their permits are weak or their enforcement lax.

Although states don't face federal penalties for lapsed permits, "that doesn't mean there are no serious consequences." For example, beaches in Lake St. Clair, MI were closed for months last summer due to fecal-bacteria contamination partly from two "giant" sewage pipes with

permits that expired in the 1970s.

According to EPA Administrator Carol Browner, "If laws are not being complied with ... that's a very serious concern – absolutely." Browner said the EPA could threaten to take over the permitting process from states, but it lacks the money and staff to do so.

Source: Greenwire, Vol. 4, No. 200.

Ozark Cavefish Sparks Missouri Pollution Prevention Effort

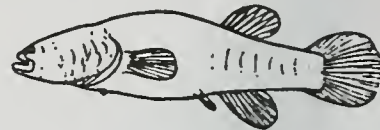
According to Brian Canaday of the Missouri Department of Conservation, area landowners have responded positively to a voluntary approach toward pollution prevention in southwest Missouri, especially when they realize that high quality groundwater is as essential to them as it is to the cavefish.

The Ozark Cavefish listed as federally threatened is also listed as endangered by the state. The species is known to occur at only 25 sites in the world; mostly in Missouri, with a few in Arkansas and Oklahoma. Its survival depends on the quality of the groundwater that feeds its subterranean pools. "The porous karst landscape is like a sponge, allowing surface water to percolate quickly through the limestone without the filtering effect found in other areas," explained Canaday. Waste from poultry and dairy operations in groundwater recharge areas is the biggest potential threat. A sudden failure of a farm's waste lagoon could be disastrous.

"The best way to halt further decline is to prevent problems before they occur," says Canaday, who also notes that because the state listing carries no regulatory authority, his program relies on landowner awareness and cooperation to protect the remaining cavefish.

A U.S. Fish and Wildlife Service (FWS) plan is the cornerstone of the recovery effort. It lists a number of factors contributing to the decline of this

species, including habitat destruction, specimen collection, and declining water quality. Water quality is affected by erosion from row cropping, road construction, and clear cutting. Leaking septic tanks also add to pollution.



Ozark cavefish

Canaday, working with landowners for about 18 months, says that usually only small changes such as capping abandoned wells, revegetating cave entrances, installing cave gates to exclude humans, proper septic maintenance, etc. are needed to reduce or eliminate current or potential problems.

The landowner contact program includes education, site visits, and management options. Educational activities include landowner workshops where conservationists explain the background and biology of the Ozark cavefish, factors that influence its populations, and state recovery activities. Important information is also provided on how landowners themselves can help.

The Cavefish Public Outreach and Habitat Management Project uses a holistic approach that pulls together various federal, state, and local resources to provide technical, educational, and financial help tailored to individual situations. For example, EPA funding has been provided for land use planning, revegetation, livestock exclusion, and the sealing of abandoned wells.

For more information contact: Brian Canaday, Missouri Department of Conservation, 2630 North Mayfair, Springfield, MO 65803, (417) 895-6880.

Source: January/February 1995, Issue #39 Nonpoint Source

Phased BMP Implementation in Tennessee River Basin

An agricultural Best Management Practices (BMP) project in southwestern Virginia's Middle Fork Holston River watershed is reported to be succeeding in both stream and community environments. The project, now a prototype for TVA's Clean Water Initiative, originated locally.

In 1984, citizens of the watershed expressed concern about the quality of the Middle Fork Holston River; turning for help to their water resource management agencies, they were surprised to learn how little was known about the river, which is used as a recreational fishery and water supply, and is a home to sensitive and threatened mussel species. Residents formed the Middle Fork Holston Water Quality Committee and asked TVA's Water Management Group to help them review the river's condition.

TVA used two innovative tools: (1) medium scale (1:2,000) color infrared aerial photography to identify land uses and potential nonpoint sources of pollution in the 240-square-mile watershed; (2) and an index of biotic integrity (IBI) to assess the biological condition of several streams in the watershed and to indicate how nutrients, pathogens, sediment, or habitat losses affect aquatic life.

Hutton Creek, with an IBI score of 32, rated "poor" and was selected for a project demonstrating phased BMP implementation. The IBI pointed to nutrient and sediment inputs as major stressors on the stream's biota. The aerial inventory revealed that the creek had a high potential for agricultural Nonpoint Source impacts from three sources: confined livestock operations, pastureland erosion, and livestock access to riparian areas.

The project sets a realistic goal that the community can support. Since local streams are used more for bank fishing than for swimming, improving the fishery became a meaningful community goal. In addition, the

strategy reflects a practical timeline for initiating federal and state programs. TVA's Renee Hurst says the phased implementation strategy provides initial cost-share and technical assistance to farmers for practices that they readily accept, and gradually introduces more controversial BMPs.

Realizing that local landowners might resist streambank protection BMPs, TVA began with animal waste treatment practices. Because land treatment projects need more lead time, TVA made soil erosion its second target. USDA took the lead on this component, and is currently addressing soil erosion on the agricultural lands in the Hutton Creek watershed (primarily overgrazed pastures).

In its final phase, the project focuses on streambank/riparian treatments. Native plantings and livestock exclusion are now being incorporated at sites within the Hutton Creek watershed that have other projects already in place. One such project is an ongoing 319 project to track BMP implementation in riparian areas. Because Hutton Creek has lost so much woody streambank vegetation, TVA anticipates that results from this phase of BMP implementation will take a long time to appear.

Indications are that the phased strategy is working. Farmers are now more willing to discuss livestock exclusion, and one Hutton Creek farmer independently implemented the controversial BMP on one of his farms in another watershed.

In the TVA Clean Water Initiative program, water resource and community relations experts team up to promote water resource protection in each of the Tennessee Valley's 12 subwatersheds. River Action Teams (RATs) assess the condition of their watersheds and gather the people and resources needed to address priority water issues.

These unique teams take a holistic approach to water resource management, focusing more on resource needs than on particular

sources of pollution, regulatory programs, or legislative requirements; develop strategies to balance land use and ecological integrity; consider the needs of all stakeholders in the design of regulatory and innovative nonregulatory solutions; and actively promote protection of the resource.

The fundamental role of River Action Teams is coalition building-seeking support from regulatory agencies, community leaders, business and industry, interest groups, and private citizens to develop and implement protection and mitigation plans. The plans may focus on public awareness, regulation, citizen action, landowner cooperation, or demonstration projects.

River Action Teams are currently at work in the Holston and Clinch-Powell watershed in Tennessee, the Hiwassee watershed in Georgia, North Carolina, and Tennessee; and the Wheeler-Elk watershed in Tennessee and Alabama. For more information contact Renee Hurst, TVA, 400 West Summit Hill Dr., Knoxville, TN 37902, (615) 632-8503.

Source: January/February 1995, Issue #39 Nonpoint Source News Notes

Louisiana Leads In Toxic Releases, Texas in Cuts

Louisiana led the nation in toxic-chemical releases for the third straight year in 1993, according to US EPA Toxic Release Inventory (TRI) data released on 3/27. Louisiana chemical and petrochemical companies released 451 million pounds of chemicals on the TRI list - 16% of the nation's total.

State and industry officials say 1994 saw a "dramatic drop" in such releases, because of changes instituted at several chemical plants over the past four years. The EPA's 1994 figures will be available next year. The statistics also show Louisiana ranked first among states accepting hazardous chemicals from other states and countries, with 323

million pounds of imports.

Texas in 1993 led all other states in cutting reported releases of industrial toxic pollutants, state officials announced on 3/27. "Depending on who did the calculating – federal or state officials" – total industrial releases of toxic substances fell either by 16.4% to 352 million pounds, or by 9.5% to 381 million pounds. The Texas Natural Resource Conservation Commission (TNRCC) derived the 9.5% figure by omitting substances for which calculation formulas were changed – "something state officials believe yields only a 'paper decrease'" in emissions.



TNRCC also calculated a 10.9% drop in toxics shipped for disposal, treatment, incineration or recycling. The TRI data showed Texas industries "continued to rank second nationally in total toxic releases, as they have for five years"

Two mining companies produced nearly a third of Missouri's hazardous releases, the TRI report showed. The Doe Run Co. in Jefferson County released nearly 4,100 tons of toxic substances, "most of them heavy metals." Iron County's Asarco Inc. released about 3,500 tons.

Toxic releases by Georgia industries fell by 11% from 1993 to 1992, to 60.4 million pounds. "The decline is part of a continuing downward trend in the release of toxic chemicals, which state

officials say indicates genuine efforts by industry to reduce toxic emissions"

The Du Pont Corp's 55 chemical plants "led the nation in releasing pollutants," with 206 million pounds of releases. The chemical industry as a whole reported releasing 1.3 billion pounds of toxics, followed by the metals industry with 329 million pounds, the paper industry with 216 million, transportation equipment with 136 million, and plastics with 127 million.

Despite the TRI data, "the amount of toxic chemicals released into the environment remains largely unknown." TRI figures include only 316 chemicals, omitting "some of the world's deadliest compounds," which "are produced in such small quantities that they don't have to be reported." The data also exclude emissions by many large-scale polluters, such as electric utilities, incinerators, and federal facilities. The EPA has proposed adding 313 more chemicals to the list

Lynn Goldman, EPA assistant administrator for toxic substances, "warned that such information may not be available to the public in the future." An amendment proposed by Sen. Trent Lott (R/MS) "would require proof of the health hazard of a chemical before the EPA could require information on its release".

Source: Greenwire Vol. 4, No. 224.

GOP Bill Would Dismantle DOE by the End of '95

"Forging ahead with promises to trim the federal bureaucracy of fat," Rep. Sam Brownback (R/KS) has drafted a bill to dismantle the Department of Energy by the end of the fiscal year. Under the plan, the DOE's three weapons labs would be folded into a new National Special Weapons Agency. The bill would privatize the remaining 25 laboratories as well as "a wide range" of DOE functions, including the Strategic Petroleum Reserve and "all federal oil shale reserves." Four federal power

agencies, including the Alaska Power Administration and the Bonneville Power Administration, would be sold.

Energy Secretary Hazel O'Leary argues the agency's environmental cleanup and nuclear-weapons programs – which Brownback would transfer to the new agency – "are much better off" under DOE's control. The fight over the DOE's future is likely to intensify over the next few weeks. Sen. Majority Ldr. Bob Dole (R/KS) has said he will push for the agency's elimination, and the Clinton administration has proposed a \$14 billion cut in the DOE budget over five years.

Source: Greenwire, Vol. 4, No. 222.

Fishing Fleet Disaster?

Massachusetts Gov. William Weld (R) has asked President Clinton to declare the "collapse" of Massachusetts fisheries a natural disaster, "a move that would make state [fishers] eligible for millions of



dollars of federal financial help". Most of the Georges Bank fishery and parts of the Gulf of Maine – a total of 6,600 square miles – were closed to fishing in 12/94 "because the numbers of cod, haddock and flounder had reached all-time lows".

To convince Clinton the fisheries problem is a natural disaster, the Weld administration "apparently will have to prove that the collapse of the fisheries is principally due to environmental and natural factors rather than

overfishing". "Scientists and government experts generally agree that overfishing is the most important reason for the reduction of the fish populations".

In his request, Weld notes that federal policies in the 1970s and '80s "led to overfishing by encouraging the industry to expand its capacity." But he cites predation, competition with other species, and "unfavorable environmental conditions" – such as a rise in water temperature – as the main reasons for poor production of young groundfish.

Weld's move was "patterned on recent steps in the Pacific Northwest, where the salmon fishery [has] been declared a federal disaster area". Northwest coastal communities last year won approval for \$15 million in federal aid.

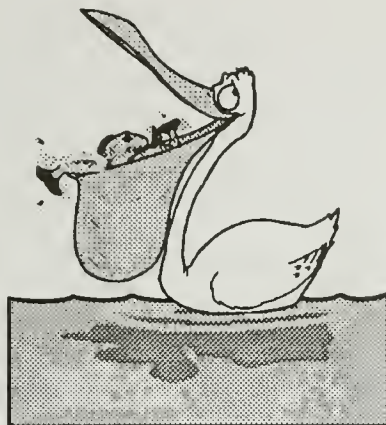
Weld's Office of Economic Development later this month is expected to release the outline of a "comprehensive plan" for the state's fisheries.

Source: Greenwire, Vol. 4, No. 220.

Wyoming Trout Study

An eight year Wyoming Game and Fish Department fisheries study initiated on the North Platte River (NPR) in 1992 represents the largest fisheries study ever initiated in Wyoming. The quality of trout fishing on the North Platte System has steadily declined since the 1970's. Factors cited include: 1) expansion of walleye throughout the system during the 1970's and 1980's and their impact on newly planted trout, 2) accumulation of sediments reducing both the quantity and quality of trout spawning habitat, and 3) increases in piscivorous bird numbers, mainly cormorants and pelicans, which feed on newly planted trout.

The study's goal is to maximize angler returns of hatchery-reared fish. The NPR is open to both downstream movement of fish through dams and upstream migration of fish into flowing



water above reservoirs. Thirty unique groups of trout are planted per year and Coded Wire Tags (CWT's) will be used to evaluate the success of trout stocking. Over 2 million trout have been adipose clipped and batch marked with CWT's to date. Marking is used to identify strain, size at stocking, and plant location. Over 4,000 tags have been recovered and decoded. An additional 10,000 are expected to be recovered in 1995 when a programmed creel survey of the entire NPR system is initiated.



rainbow trout

Six primary objectives have been prioritized:

1) Determine the contribution of hatchery fish to each fishery. For this objective all hatchery fish are marked with both an adipose clip and CWT. Preliminary data suggests that 96% of the trout standing crop in the reservoir fisheries are hatchery fish. The contribution of hatchery fish to the riverine systems has been low (<25%). The decision will be made to continue or cease river plants with the results of the 1995 creel survey.

2) Evaluate species and strain contribution/survival to each fishery. The Wyoming Game and Fish Department maintains several brood

strains, from which eggs are taken to meet management planting requests. By batch marking trout with CWT's to identify strain and date of plant, the data can be used as input for survivor models to quantify annual survival rates. The creel survey will determine the strains which survive and contribute the best in a particular water. They can be targeted to that fishery; thus maximizing the use of hatchery space.

3) Determine contribution of drift and upstream movement to each fishery. By batch marking all trout to identify planting origin it will be possible to quantify the proportion of the harvested trout whether upstream or downstream in a given water. Owing to a drought in the intermountain West, movement of trout has been minimal. Over 96% of tag returns have been recovered in the water in which they were planted. This is critical information in evaluating how modification of a stocking program on a given water influences the quality of fishing both upstream or downstream of that water.

4) Evaluate size at stocking and survival/contribution to each reservoir fishery. Expansion of walleye populations in the NPR system over the last two decades led fisheries managers to dramatically alter the size of stocked trout. In three mainstream reservoirs, three million 3" rainbow trout were planted in 1975. Now, the stocking schedule calls for 400,000 catchable 8" fish to provide the best possible fishing in the face of walleye predation. To examine this predator-prey interaction, a size at stocking study in 1994 was initiated. Equal numbers of two strains and two sizes (6" versus 8") were planted into two reservoirs. The 1995 creel survey will allow an economic analysis of the trade-offs of planting 6" or 8" trout. Should 6" trout do well, the potential to increase reservoir plants by 75% at little additional cost may be realized.

5) Evaluate fish distribution methods. A 1994 study was begun to quantify the trade-offs of planting fish by barge versus truck. CWT's were used to mark lots, while a Global Positioning

System was used to determine planting coordinates. Three weeks after planting, gillnets and a purse seine were used to sample the newly planted fish. Coordinates of sampling locations were also recorded. Once read, the CWT's help determine the approximate distance individual fish traveled. Again, the creel study in 1995 will track distribution through tag returns.



walleye

6) Culture experimentation. A study was initiated in 1994 to assess if providing cover for trout throughout their hatchery life, would condition them to seek similar cover once released in the wild. Two lots of fish (covered vs uncovered) were batch marked with CWT's and released into the NPR below Gray Reef Dam. A University of Wyoming graduate student, overseeing a study to quantify loss of trout to piscivorous birds, has recovered some 300 tags from the gizzards of cormorants. One bird, examined shortly after planting, contained 90 tags! This data indicates that efforts to condition trout to seek cover were futile.

Contact: Daniel Yule, Wyoming Game and Fish Department, 3030 Energy Lane, Suite 100, Casper WY 82604 (307) 473-3415.

National Wetlands Inventory on the INTERNET

"All National Wetlands Inventory (NWI) digital wetlands data files are now available free over the Internet. Using anonymous ftp (file transfer protocol), users can connect to NWI's server at enterprise.nwi.fws.gov or at 192.189.43.33 and when connected, cd (change directory) to `dlgdata` and get the `readme.dlg` file. There are currently over 13,000 digital map files available.

As new maps are digitized, they will be added to the database. Separate text files in the maps directory contain listings of files recently added to the database (`newadd.txt`), and digitizing work currently in progress (`inwork.txt`).

Contact: Craig Faanes (703) 358 2201 or FaanesCA on FWS-mail

Ecological Information Network

The Ecological Society of America (ESA) has recently updated and modified the Ecological Information Network (EIN) The EIN is a computerized database of over 3,000 scientists who will provide expert information on issues affecting domestic and international environmental quality. The EIN is a free service operating out of the ESA's Public Affairs Office in Washington, DC.

The EIN provides reporters and government officials with the contacts to answer specific questions about the effects of human activities on the environment. The scientific experts involved with the EIN, all of whom are members of the Ecological Society of America, conduct research, teach, or aid decision makers in universities, government agencies, industry, and conservation organizations. Major updates occur about every three years as the current members change or amend their areas of research.

To Access the EIN contact the Public Affairs Office of the Ecological Society of America. Staff will assist the caller to frame questions and help determine the direction of the search. The names, addresses, and phone numbers of the ecologists will then be phoned or mailed back to the inquirer. Some ecologists in the Network are available to serve as speakers on special panels, or to testify before Congressional committees.

Contact: Nadine Cavender, Ecological Society of America, 2010 Massachusetts Ave., NW, Suite 420, Washington, DC 20036, (202) 833-8773.

Upper Mississippi River Fish Poster

Friends of the Mississippi River has created a beautiful full color poster of 13 native fish species of the Upper Mississippi River. This 18" X 24" poster includes some of the more unusual ones like shovelnose sturgeon and paddlefish and some of the better known species like smallmouth bass and walleye. Suitable for framing, the poster price is \$10.00 + tax + shipping= \$11.50. Quantity discounts are available. Send a check for \$11.50 to Friends of the Mississippi River, 26 East Exchange St., Suite 215, St. Paul, MN 55101, (612) 222-2193, FAX: (612) 222-6005.

Chinese Dams

Two Chinese dam collapsed in August 1975, killing "at least" 85,000 people and "possibly as many" as 230,000, but "the extent of the disaster was hidden from foreigners and the Chinese people," according to a new report by US-based Human Rights Watch/Asia. The report, "designed to cast doubt on the wisdom of building the Three Gorges Dam," found that two Soviet-designed dams in Henan collapsed after three typhoons struck between August 5-7, 1975, causing a "gigantic wall of water travelling at nearly 31 mph to cascade downward over the surrounding valleys and plains, obliterating virtually everything in its path".

The group "warned of ecological disaster" if Three Gorges goes forward and outlined concerns about the "arbitrary" detention of dam opponents, potential human rights abuses of workers, and "coerced" relocation of the area's residents. China's Ministry of Water has not responded to requests for more information, the group said.

Source: Greenwire, Vol. 4, No. 200

Russian Environmental "Nightmare"

A state-sanctioned study released 2-1-95 in Moscow says decades of negligence and years of economic instability have left Russia ecologically devastated. "There's no way to choose the worst environmental problem in Russia," said the director

of the study, Alexei Yablokov, a prominent biologist at the Russian Academy of Sciences and a noted environmentalist. "It's a nightmare."

The report was commended by environmental activists from Greenpeace who have long clamored for international attention to Russia's ecological problems. The most

widespread danger is the declining quality of drinking water, Yablokov said. Bacteria in Russia's rivers and lakes have increased dramatically in recent years, rendering 75% of the water unsafe for drinking.

Source: The Sturgeon Quarterly
January, 1995 - Volume 3, No. 1

Meetings of Interest

May 1-3: Zebra Mussel Information and Monitoring Workshop and Western States Zebra Mussel Task Force Meeting, Denver Marriott Tech Center, Denver, CO. This workshop will provide participants with the latest zebra mussel information to assist regions west of the Mississippi River to prepare for the arrival, slow the spread, and mitigate the impacts of zebra mussels.

May 4-6: "Mississippi River Basin Conference, Crowne Plaza Hotel, Memphis, TN. This conference will provide the opportunity to join other citizens to discuss impacts on the river and how to improve its future management - for people and natural resources. Contact: Suzi Wilkins, Mississippi River Basin Alliance, Box 3878, St. Louis, MO 63122 (314) 822-4114.

May 14-18: Water Resources at Risk - 1995 Annual Meeting of the American Institute of Hydrology, Denver, CO. Contact James R. Kunkel, Advanced Sciences, Inc., 405 Urban Street, Suite 401, Lakewood, CO 80228. (303) 980-0036. FAX: (303) 980-1206. Purpose: describe issues, management strategies, and technologies in hydrology, hydrogeology, and mining hydrology.

May 15-17: "International River Basin Management for Sustainable Development", Kruger National Park, South Africa. Contact: Alan Vicory, Jr., International Program Committee, Ohio River Valley Water Sanitation Commission, 5735 Kellogg Avenue, Cincinnati, OH 45228, (513) 231-7719.

May 21-24: "Fourth National Watershed Conference", Charleston Civic Center, Charleston, WV. The conference will take a comprehensive look at (1) Flood prevention while protecting natural resources, (2) On-farm and watershed-wide water quality protection, (3) Nonstructural flood control measures, and (4) Riparian corridor management and restoration. Contact: National Watershed Coalition, 9150 W. Jewell Ave., Suite 102, Lakewood, CO 80232, (303) 988-1810.

May 31-June 2: "East Coast Trout Management and Culture Workshop II", Penn State University, State College, PA. Contact Marty Marcinko, 450 Robinson Lane, Pennsylvania Fish Commission, Bellefonte, PA 16823, (814) 359-5223. Theme of the workshop is "Looking to the Future: How Can We Meet the Need?"

June 4-10: Solutions '95: A Congress & Exposition on Managing the Effects of Man's Activities on Groundwater, Edmonton, Alberta. Contact: Allen Kerr, (403) 429-1472.

June 5-9: "Sustainable Forests: Integrating the Experience International Conference", Sault Ste. Marie, MI, and Sault Ste. Marie, Ont. Contact Joan Jaffit, Conference Manager, (705) 759-2554, FAX (705) 256-6156.

June 12-14: "Third Reservoir Fisheries Symposium", Chattanooga Marriott at the Convention Center, Chattanooga, TN. Contact Steve Miranda, Chair, Third Reservoir

Fisheries Symposium, Mississippi Cooperative Fish and Wildlife Research Unit, P.O. Drawer BX, Mississippi State, MS 39762, FAX (601) 325-8726.

July 16-19: Interdisciplinary Conference on Animal Waste and the Land-Water Interface, Fayetteville, AR. Contact Patti Snodgrass, Arkansas Water Resource Center, 113 Ozark Hall University of Arkansas, Fayetteville, AR 72701. (501) 575-4403, FAX: (501) 575-3846. The purpose of the conference is to provide a forum for interdisciplinary, holistic discussion of animal waste, soil and water interactions.

September 14-16: Society for Ecological Restoration, Seattle, Washington. The 1995 Annual Meeting of the Society for Ecological Restoration will be held in Seattle, Washington, September 14-16, 1995. Restoration of ecosystem function and landscape patterns and processes will be addressed as well as the politics of restoration.

September 28-30: Watersheds '94 Expo, Bellevue, Washington. Contact Andrea Lindsay, U.S. Environmental Protection Agency WD-125, 1200 Sixth Ave., Seattle, WA 98101, (800) 424-4EPA.

October 16-18: "The Conservation and Management of Freshwater Mussels II: Initiatives for the Future", Embassy Suites Hotel, St. Louis, MO. Contact: Alan Buchanan, Missouri Dept. of Conservation, (314) 882-9880.

Congressional Action Pertinent to the Mississippi River Basin

Agriculture.

H.R. 67 (Bereuter, R/NE) extends the Conservation Reserve Program for 10 years and the Wetlands Reserve Program for 5 years to protect valuable soil and water resources through long-term conservation easements.

Fish & Wildlife.

S. 191 (Hutchison, R/TX) and H.R. 490 (Smith, R/TX) amends the Endangered Species Act to ensure that private property rights are not infringed until adequate protection is afforded by reauthorization of the act by imposing a moratorium on new listings and critical habitat designations.

S. 455 (Kempthorne, R/ID) clarifies the procedures for consultation under the Endangered Species Act on management of federal lands.

S. 481 (Baucus, D/MT) limits expenditures required under the Endangered Species Act for the protection of fish and wildlife made by the Bonneville Power Administration that may be recovered from ratepayers.

S. 503 (Hutchison, R/TX) freezes listings and critical habitat designations under the Endangered Species Act. Approved by Senate Environment panel on March 14.

Forests

Senate Energy panel on March 1 concluded hearings on **S. 391** to provide for salvage logging to improve the health of national forest lands.

Senate Energy panel held oversight hearings March 8 to review federal forest management issues, focusing on the Forest Service's new administrative appeals process.

H.R. 1089 (Cremeans, R/OH) ensures that acquisition of lands for inclusion

in the National Forest System does not result in a loss of tax revenue to the affected county.

Government Affairs.

S. 1 (Kempthorne, R/ID) and H.R. 5 (Clinger, R/PA) a bill to curb the practice of imposing unfunded federal mandates on states and local governments. On Jan. 10, House Government Reform Committee approved **H.R. 5** and on Jan. 9. On March 14 by a 91-9 vote the Senate approved the conference report on **S. 1**.

S. 169 (Grassley, R/IA) curbs the practice of imposing unfunded federal mandates on states and local governments.

HJ. Res. 27 (Franks, R/NJ) proposes a Constitutional amendment barring federal unfunded mandates to the states.

Senate Government Affairs Committee held a hearing Feb 22 on **S. 219** to establish a moratorium on federal regulatory rule-making actions.

Senate administrative oversight panel concluded hearings February 24 on **S. 343** to reform the federal regulatory process.

On February 24 by a 276-146 vote the House approved **H.R. 450** imposing a moratorium on federal rule-making actions including a two-year freeze on endangered species listings.

The House passed **H.R. 926** by a 415-15 vote. **H.R. 926** is aimed at improving regulatory flexibility.

H.R. 1022 (Walker, R/PA) establishes risk assessment and cost benefit analysis procedures for major rules. It was passed by a 286-141 vote on February 28.

Mining

S. 504 (Bumpers, D/AR) amends the

Mining Law of 1872 to impose a royalty on mineral operations and reform the process for mineral development.

S. 506 (Craig, R/ID) amends the Mining Law of 1872 to impose a royalty on mineral operations and reform the process for mineral development.

Parks.

H.R. 260 (Hefley, R/CO) provides for the development of a plan and management review of the National Park System, and reforms the process for considering additions to the system. Hearings held February 23.

Joint Senate Energy and House Resources Committees held a hearing March 7 on the state of the national park system.

Public Lands.

S. 93 (Hatfield, R/OR) a bill to amend the Federal Land Policy and Management Act to provide for ecosystem management on public lands.

H.R. 91 (Sensenbrenner, R/WI) prohibits the acquisition of land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding year.

H. Res. 25 (Orton, D/UT) a resolution requesting that the Interior Secretary withdraw proposed regulations concerning right of way granted under section 2477 of the revised statutes.

S. 193 (Campbell, D/CO) establishes a forage fee formula on lands under the jurisdiction of the Agriculture and Interior departments.

The House Resources Committee held a hearing March 2 on a General Accounting Office report, "Trends in Federal Land Ownership and Management."

S. 449 (Simon, D/IL) establishes the Midewin National Tallgrass Prairie in Illinois.

S. 518 (Thomas, R/WY) limits acquisition by the U.S. in states where 25% or more of the land is owned by the United States.

House Resources Committee held a hearing on **H.R. 1077**, authorizing the Bureau of Land Management.

Recreation.

H.R. 104 (Emerson, R/MO) rescinds the fee required for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers.

Refuges.

H.R. 1112 (Brewster, R/OK) transfers the Tishomingo National Wildlife Refuge to the state of Oklahoma.

Takings.

S. 135 (Hatch, R/UT) a bill to establish a uniform federal process for protecting private property rights.

S. 145 (Gramm, R/TX) a bill to provide for the protection of private property rights.

H.R. 9 (Archer, R/TX) a bill to create jobs, enhance wages, strengthen private property rights and reduce the power of the federal government.

On February 16, the House Judiciary Committee approved **H.R. 925**, the Private Property Protection Act, and **H.R. 926** the Regulatory Relief Act.

H.R. 971 (Wyden, D/OR) ensures that homeowners have access to information and opportunities to comment on actions that may decrease the value of their home and establishes a compensation program for development that produces pollution or otherwise impacts home values.

Water and Wetlands.

S. 49 (Stevens, R/AK) a bill to amend the Clean Water Act to provide for exemptions to wetlands regulations and the protection of property rights in Alaska.

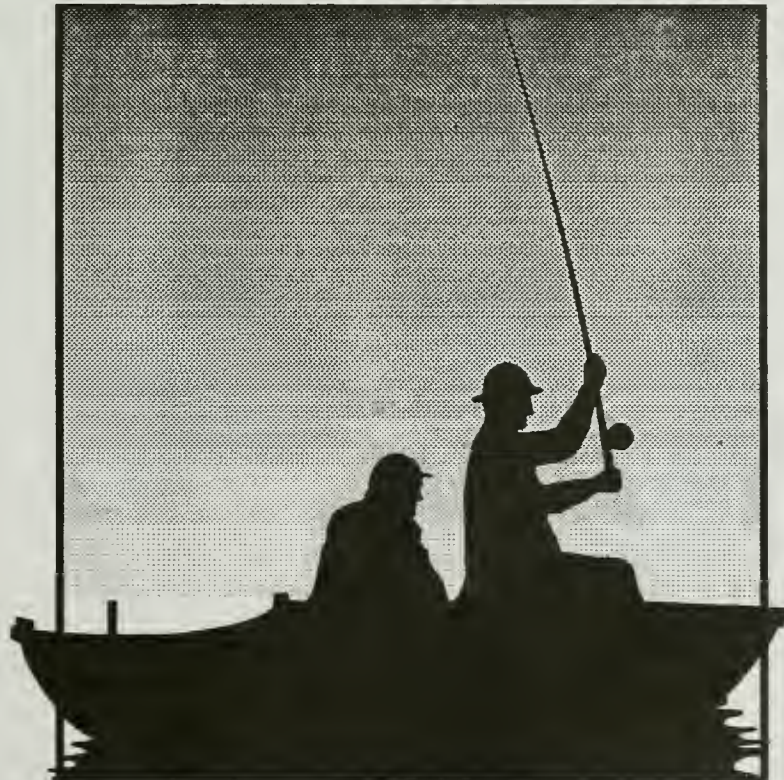
H.R. 226 (Dingell, D/MI) amends the Safe Drinking Water Act to assure the safety of public water systems.

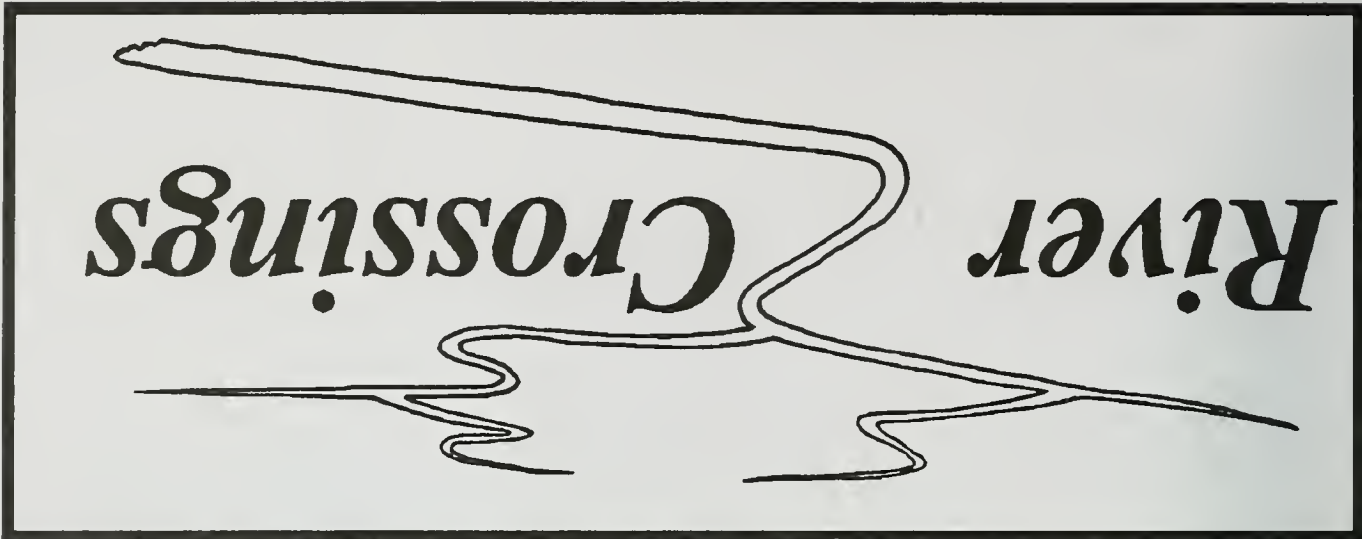
H.R. 198 (Smith, R/MI) amends the Food Security Act of 1985 to permit the conversion of wetlands that are one acre or less in size.

H.R. 961 (Shuster, R/PA) an omnibus bill designed to reform and reauthorize the Clean Water Act.

H.R. 1132 (Oberstar, D/MN) amends the Clean Water Act to provide for improved non-point source pollution control. House Transportation panel held hearings on the Clean Water Act on February 16, 21, 24, March 7 and 9.

Source: Land Letter STATUS REPORT, March 15, 1995, Vol. 14, No. 8.





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