

# River Crossings

Volume 4

May/June 1995

Number 3

## Clarks Fork Named Most Endangered River

The Clarks Fork of the Yellowstone River, in Montana and Wyoming, tops American Rivers list of most endangered rivers for the second straight year. The Clarks Fork and Greater Yellowstone ecosystem is endangered by a proposed gold mine, planned for development 2.5 miles north of Yellowstone National Park.

The \$500 million mine poses "unprecedented and catastrophic threats to the world-class ecological, scenic, and fish and wildlife resources" of the region, the group said. The proposed "New World" mine has come under fire from a number of conservation organizations and lawmakers because of its size and proximity to America's first national park.

On January 13, American Rivers and Trout Unlimited filed a legal challenge to development of the mine with Interior Secretary Bruce Babbitt. The action contests the mining company's application to purchase 27 key acres of public land for \$135, pursuant to the 1872 Mining Law, and asks

Babbitt to deny the company's purchase application (see next article).



The remaining 9 most endangered rivers on the American Rivers list are the Los Angeles River in California; the Columbia and Snake River system in Washington,

Idaho and Oregon; the Animae River in Colorado; the Missouri River, which flows through seven states; the Kansas River in Kansas; the Mississippi River (10 states), the Cheat River in West Virginia; the Penobscot River in Maine; and the Thorne River in Alaska.

The Mississippi and Missouri rivers made the endangered list because of pollution from farm chemicals and government projects to aid navigation. The report questioned the Army Corps of Engineers' plans to expand the lock and dam system and to raise the height of levees along the Mississippi. The report said public works along the

### INSIDE THIS ISSUE

Most Endangered Rivers	1	Clinton's Environmental Views	13
Yellowstone Mine Challenged	2	Environmental Republicans	14
The Floods of 1995	3	Farm Bill Reform	14
Floodplain Management Policy	6	Grazing Bill	15
Floodplain Restoration	7	Religion and the Environment	15
Big Sandy River Dam	7	Arkansas Stream Dredging	16
Missouri River Master Manual	8	Takings Issues	16
MICRA Paddlefish Survey	8	Farm Conservation Economics	17
Paddlefish Management Plan	8	Interstate Pollution	18
Alabama Sturgeon	9	Environmental Opinion Polls	18
Ozark Cavefish Genetics	9	Job Opportunities	20
Endangered Spp. vs Economics	10	Meetings of Interest	21
Biodiversity Act?	11	Congressional Action	21
Science and the ESA	11		

Missouri River have eliminated much of the fish and wildlife habitat. It recommended phasing out commercial navigation and having the government buy flood-prone lands from people interested in selling.

Listing of the Kansas River was called a "wake-up" call to Kansans. Enviro's say a proposal to dredge for sand between Topeka and Lawrence would damage "one of the few remaining pristine sections" of the river. The Jefferson County Commission has tabled any decision on that application, but the report also said the river has high levels of atrazine, a herbicide commonly used by farmers.

Acid mine drainage and proposed dam-building were among the reasons for listing West Virginia's Cheat River as endangered. Although the Cheat has suffered from acid mine drainage for decades, recent spills from mines along Muddy Creek in Preston County have created "stinking, orange-tinted, recreation-threatening water that stings the skin and stains river rocks." In addition, the Army Corps of Engineers is "contemplating" a mainstem dam near Rowlesburg and possible flood-control impoundments on two tributaries, Shavers Fork and Dry Fork. The state Division of Environmental Protection and the U.S. Office of Surface Mining are "reportedly contemplating demonstration reclamation projects" in the watershed.

"American Rivers is sounding an alert to the public about the severity of imperilment facing these and many other rivers, so that significant steps can be taken to protect them," said Rebecca Wodder, the group's president. "While there have been real accomplishments in river conservation since the first Earth Day in 1970, our rivers are in poor ecological condition."

Development pressures, dam

projects, agricultural runoff and industrial pollution are to blame for the endangered status of the other rivers named. The 55-page report also lists 20 other rivers around the country that the group considers highly threatened.

Source: Land Letter, Vol. 14, No. 12 and Greenwire, Vol. 4, No. 239

## **American Rivers Challenges Yellowstone Mine**

American Rivers filed a major challenge to the proposed "New World Mine" with Secretary of the Interior Bruce Babbitt on January 13th. Speaking at a Washington, D.C., press conference, American Rivers' President Rebecca Wodder said, "This mine poses unprecedented and cataclysmic

threats to the world-class resources of the greater Yellowstone ecosystem." Trout Unlimited and John Graham, professional guide and proprietor of Castle Creek Outfitters in Silver Gate, MT, joined in the challenge of Crown Butte's patent application.

The legal challenge requests Secretary Babbitt to reject the application of Crown Butte Mines, Inc., to use the 1872 Mining Law to purchase 27 acres of public land that are now a part of the Gallatin National Forest. Crown Butte's patent application is pending before the Bureau of Land Management's state office in Billings, MT. Nevertheless, Babbitt has jurisdiction to review this application directly.

American Rivers' challenge rests

## ***River Crossings***

Published by

**Mississippi Interstate Cooperative Resource Association  
(MICRA)  
608 East Cherry  
Columbia, MO 65201**

### **MICRA Chairman**

**Mike Conlin, Illinois Department of Conservation, Springfield**

### **Executive Board**

**Mike Conlin, Member at Large**

**Marion Conover, Vice Chairman, Iowa Department of Natural Resources, Des Moines**

**Jack Wingate, Minnesota Department of Natural Resources, St. Paul**

**Mike Armstrong, Arkansas Game and Fish Commission, Little Rock**

**Bob Hanten, South Dakota Game, Fish & Parks Department, Pierre**

**Bill James, Indiana Department of Natural Resources, Indianapolis**

**Gary Edwards, U.S. Fish & Wildlife Service, Washington, D.C.**

**Chris Ungate, Tennessee Valley Authority, Knoxville, TN**

### **MICRA Coordinator/Executive Secretary and Newsletter Editor**

**Jerry L. Rasmussen, U.S. Fish & Wildlife Service, Columbia, Missouri**

*River Crossings* is a mechanism for communication, information transfer, and coordination between agencies, groups and persons responsible for and/or interested in preserving and protecting the aquatic resources of the Mississippi River Drainage Basin through improved communication and management. Information provided by the newsletter, or opinions expressed in it by contributing authors are provided in the spirit of "open communication", and do not necessarily reflect the position of MICRA or any of its member States or Entities. Any comments related to "River Crossings" should be directed to the MICRA Chairman.



squarely upon the 1872 Mining Law and a long history of judicial interpretation of that law. Although Crown Butte has discovered gold in the mountains upstream of the world's first national park, American Rivers claims that it has not discovered a "valuable mineral deposit" as required by the mining laws, because the environmental costs of the mine outweigh the short-term profits that Crown Butte hopes to enjoy. If a valuable mineral has not been discovered, the application to purchase land under the mining laws fails, as does the underlying mining claim.

Because the 1872 mining law does not define the phrase "valuable mineral deposit," several tests have been developed to apply the law. Under each of these tests, American Rivers claims, Crown Butte cannot establish that it has discovered a valuable mineral deposit:

- (1) The lands that will be affected by the mine are critical to the health of both the local ecology and the greater Yellowstone ecosystem, and their aesthetic value is incalculable;
- (2) The proposed mine also interferes with more readily measured non-mining values, such as the site's recreational, scientific, and commercial value; and
- (3) The harms that can be anticipated from the ultimate, inevitable failure of the impoundment and the release of acid mine drainage will also far exceed any profit that might reasonably be anticipated.

Federal agencies "will soon issue" a draft environmental impact statement for the project. Crown Butte Mines Inc. has spent \$32 million in hopes of recovering what its president, Joseph Baylis, expects to be \$550 million in gold. "Some 1,200 to 1,800 tons of ore would be dug from inside Henderson Mountain each day." About half the mine tailings (crushed rock) would be mixed

with cement and put back in the mine holes. The rest would be mixed with water and piped to a plastic-lined dump that eventually would "cover 72 acres and be some nine to ten stories high." The area would be revegetated when the mining operation is complete. Crown Butte, a Montana corporation completely owned by Canadian corporations, including the multibillion-dollar, multinational conglomerate Noranda, Inc., would pay the U.S. taxpayer a total of **only \$135 for these lands.**

Last September 26, Secretary Babbitt said that the mine "poses some ominous and very serious issues," and there should be a "national debate" about the



"advisability" of putting the mine at the headwaters of the Yellowstone River or its tributary, the Clarks Fork. By far the greatest environmental threat is Crown Butte's proposal to develop a never-before-constructed "subaqueous containment" impoundment to store 5.5 million tons of acid-generating waste rock. The impoundment, which is essentially a toxic reservoir, would cover approximately 70 acres and stand 10 stories tall. The company proposes also to build a water treatment facility to remove toxins from water that might leak from the reservoir. The water treatment facility must work for millennia.

The chief of the Environmental

Protection Agency's Mining Waste Section has said he was "unaware of any studies evaluating how a tailings pond could be maintained to ensure its structural integrity forever - It is my opinion that [underwater] disposal of tailings at New World may present a potentially significant threat to human health and the environment."

In February, American Rivers acted to stop a streambed mining project on the Yellowstone River, north of Yellowstone National Park, in Montana's Paradise Valley. A miner has proposed using a suction dredge to mine 1.6 miles of riverbed of the Yellowstone River. In written comments filed on February 7 with the Park County, MT, Conservation District, American Rivers concurred with the conclusion of the Montana Department of Fish, Wildlife and Parks that the permit should be denied.

The Yellowstone River is a world class trout fishery that also supports important recreational uses. In essence, suction dredges are like vacuum cleaners. The miner powers up a gasoline engine and proceeds to vacuum up the streambed, sometimes down to bedrock, destroying in the process all habitat that may exist for trout spawning. Suction dredging also creates downstream turbidity that, among other things, may interfere with foraging by fishes.

Source: American Rivers, Spring 1995 and Greenwire, Vol. 5, No. 17

## The Floods of 1995

The floods of 1995; on-going on the Missouri, Illinois, and middle Mississippi rivers; have nearly reached the levels of the Great 1993 floods. To make matters worse, the problem may not be over, as the ground is saturated, more rain is predicted across the basin, Missouri River mainstem

reservoirs are full, and heavy snowpack remains in the west.

The effect of the flood has been devastating to those, who once again, had to abandon their homes in the face of rapidly rising waters. The effect on large river fisheries is again expected to be positive; perhaps more positive than in 1993 because the floods came earlier this year, while many additional fish species were still spawning.

Many of the levees rebuilt in the aftermath of the 1993 flood have broken again, often in the same/or close to the same place as before. The latter was predicted by scientists (geologists and geomorphologists) who worked on the Scientific Assessment and Strategy Team (SAST) assigned to assess the science related to flood issues for the White House in 1994. Scientists have said that many of these levees should never be placed where they are (i.e. on sand, in active erosion zones), because they will continue to fail.

The same landowners who received major federal subsidies to rebuild their levees in 1994 seem to be poised with their Congressmen and the Corps of Engineers in a frantic effort to obtain funds to rebuild all the levees again as fast as possible (some say before environmental interests have a chance to organize). This time, however, some of the public and some public officials seem to be getting the message. More and more folks are convinced that their flooding problems are created by the levees built by others to protect agricultural fields.

One such concern has been raised by the mayor of the small town of Lupus, Missouri, an historic river town located just downstream from Interstate 70, near the center of the state. Lupus Mayor Doug Elley described the problem his town has with the "Plowboy Bend" levee to the Corps of Engineers and the

press during a recent Corp's sponsored public relations and river inspection trip.

According to a Columbia (MO) Tribune article: "As Plowboy Bend approached, the merit in Elley's metaphor became apparent — the rebuilt levee stood far above any other embankment seen during the previous hour of the trip. Ron Janak, an assistant chief engineer for the Corps, acknowledged that the levee, which was rebuilt with corps funding on an 80-20 matching basis, was higher than it had been before the flood. 'It is anywhere from 2 to 3 feet higher in the one area where it initially breached,' he said. Elley said that extra height, along with bluffs on the south side of the river, would constrict water flows during floods and increase the troubles high water causes for his town



upstream. Corps officials weren't convinced, but they promised a complete a survey to discover whether Elley is correct. A levee that raises water levels at other locations isn't allowed, said Bob Pearce, chief of hydrology in the Kansas City corps office. 'There is a designated floodway assigned to each side of the river, and you can't encroach on it,' Pearce said."

Mayor Elley first raised the issue to the Corps of Engineers in a letter to Colonel Richard H. Goring District Engineer for the Kansas City District. In his letter, Elley states that over the past few

months "it slowly began to dawn on the citizens of Lupus that the Plowboy Bend, Corps-sponsored levee reconstruction resulted in much greater height and degree of protection than existed before the Flood of 1993."

Elley's letter raises two concerns: "1) the most immediate being my fear as Mayor of Lupus, for the safety and welfare of our town and the 23 homes and 3 businesses that are here, two miles upstream from the megalevee that was reconstructed; and (2) the other being a broader concern for losses (historic, residential, commercial, habitat & biodiversity) that will be incurred basin-wide in the Missouri River corridor if levee reconstruction was allowed to violate Public Law 84-99 elsewhere if levees were rebuilt to much higher-than-before specifications."

Elley continues:

"1) When this levee (Plowboy) was found ineligible for repair under PL 84-99 in October 1991, and the parties were given until Oct. 31, 1992, to correct the deficiencies....did they? I do not see it in the public record."

"2) Why did the 'Finding of No Significant Impact' statement signed by you on February 22, 1994 say the levee would be restored to pre-flood conditions when its height and cross-section (footprint) is actually now far greater than before? Your 'Project Information Report' states on page 2 that the 40A Levee was increased in height in the early 1990's to provide a 25-year level of protection, hence functioning at a Boonville gage reading of 32.5 feet. My own survey found this levee to have been raised last summer by the Corps to an elevation of 582 feet (Boonville gage = 36.5'), or above the 100-year flood elevation! Also, how could all 'social and economic factors potentially affected' by this levee have been considered, when our town only 2 miles upstream



was never informed or consulted? Now we find our City Hall 5 feet below the water level that this new and much larger levee can hold back against us."

"3) How was it that this levee failed the first benefit-cost analysis, but then upon a second refiguring, passed? Did the abandoned hunter's shack-of-a house trailer that was allowed a \$25,000 evaluation help? (page 10 of the economic analysis)...or maybe it was the 17.6 miles of private tractor trails called 'local roads' and valued at \$1,760,000 that swung the balance?"



*"Can those economic values be right?"*

"4) Why was the borrow area at the north end done on the riverward side of the levee, leaving only a few of the large trees with their roof crowns exposed to the air from the excavation?... (contrary to leaving the 30'-wide buffer specified in your 'Field Survey Report'.)"

"For those of us who stand to suffer flooding worse than ever before due to increasing levee heights around us, this monster-levee reconstruction is frightening to say the least", said Elley. "Furthermore we find it hard to understand how \$1.5 million can be found to protect corn and soybeans, while a town two miles away is denied a \$180,000 grant for Hazard Mitigation via a Community Development Block Grant (CDBG). We would have floodproofed our six drinking water wells and elevated one-half of our

23 homes above the base flood elevation. Instead these CDBG funds were sent to neighboring counties (Howard, Cole, and Boone) to build levees protecting private agricultural investments. I can only surmise that big fields must mean more to our politicians than small towns", Elley said.

"Aside from this curious expenditure of taxpayers dollars, please be most aware that our real fear is that of the height of this new levee. The floor of our first home to flood goes under water when the Boonville, MO, stage reaches 30 ft", Elley said. "We have always been relieved to know that levees up and down the Missouri begin to give-way at that stage. Certainly you too must know that as the river rises to 31 and 32 feet in our area most of the levees break or are topped, taking the pressure of the rise off of us. This has been the way flooding, and our relief from it, has worked in the past. If you allow levee reconstruction up and down the corridor to violate this effect—as well as Public Law 84-99—then we have no hope", Elley said.

Elley concludes, "I would have thought lessons would have been learned from the Great Flood of '93, and that our government would start to return the floodplain to the river to whom it belongs, rather than instead increasing the stakes with many more millions of dollars in this futile battle with nature. Did we not learn that both water quality and lower flood heights depend on the restoration of the water-filtering and water-spreading effect that the more natural riparian floodplains would provide? These new monster-levees raise many questions."

Despite concerns like this, the Corps continues to consider requests to raise levees. One is a levee near St. Joe and the another is the Monarch levee at Chesterfield. The Monarch levee currently protects against the 100

year frequency flood; the Corps is studying the City of Chesterfield's request to raise it to protect against the 500 year frequency flood. If it had been that high in 1993, the Corps said, crests at St. Charles would have been 0.8 feet higher, and would have taken out the city's sewage treatment plant.

In nearby St. Louis the issue also remains a hot topic. Neil Svetanics is a fire chief, not a hydrologist. But he knows what 6 more feet of water would have meant to St. Louis during the Flood of '93. "It would have been disastrous," said Svetanics, who helped direct the city's flood-fighting efforts. The Army Corps of Engineers has sent Missouri Governor Mel Carnahan a letter asking Missouri's position on raising seven levees south of St. Louis on the Mississippi River. Six of the levees are in Illinois. The Corps' own studies show that the flood crest in St. Louis in 1993 would have been 6 feet higher if those seven levees already had been raised.

"We'd have been wet," said Deputy Street Commissioner Todd Waelterman. "We'd have lost everything we were trying to protect, including downtown." The Corps says the projects are still "under consideration," despite a flurry of government reports that said building bigger, better levees only constricted rivers—often forcing the water into urban areas

One of the levees that may be raised protects Phil Bueckman's farm in Missouri's Perry County. He used to live in a 100-year-old farmhouse near the Bois Brule levee, but it was washed out by the Flood of '93. Bueckman, 41, is single and now rents a home out of the flood plain, but he still farms there. Bueckman disputes the Corps' figures that show increases in flood crests at St. Louis if levees are raised.

David Leake, chief of the Corps' planning division in St. Louis, noted that the Corps is seeking

funds for only three of the seven projects. All three had been proposed before the 1993 floods. He said the preliminary work had been done before the studies on crests. Doing all seven would mean major flooding problems for unprotected river cities like Festus, Crystal City, and Kimmswick. Those cities, a Corps economist says, might "cease to exist." The seven levees now guard against the 50 year frequency flood, the improvements would raise them to protect against the 100 year flood.

Governor Carnahan hasn't responded to the Corps request for Missouri's response to the projects. He referred the letter to Buck Katt of the State Emergency Management Agency. Katt helped direct the state's flood study, which mirrored the conclusions of the White House task force, recommending a uniform height for agricultural levees to protect against a 25-year flood. "We have everything from a sweet potato ridge to 100-year levees," said Katt. Higher levees would be notched so that when a major flood hits, the water would flow into farm fields. Keeping the levees uniform prevents "levee wars" in which one property owner on the river tries to build higher than his neighbor. Improving levees encourages building on the flood plain, increasing damages when another record flood comes along. "A person has to accept the responsibility," Katt said. "If they weren't getting a subsidy, they wouldn't farm that marginal land."

The three projects expected to move forward are:

- The levee that would protect Prairie du Rocher, Modoc and Roots and 16,570 acres of farmland in Southern Illinois. The project would cost \$803,400.
- The Bois Brule levee in Missouri near McBride. The project would cost \$9.5 million, and protect 26,000 acres of farmland, 16 residences, two businesses and

part of Route 51.

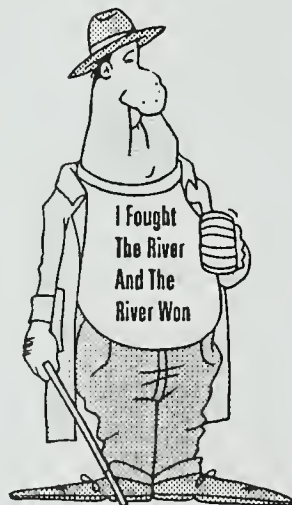
- The Grand Tower and adjacent Degognia-Fountain Bluff levees in far Southern Illinois. The costs have not been determined.

The government would pay 75% of the cost of improving these levees, with the local levee district paying the rest.

If we raise these levees and rebuild those that failed both in 1993 and 1995, it would seem that we have learned little from the \$14-16 billion taxpayers spent for the 1993 flood recovery. The following observations seem to indicate that, in fact, we have learned little from the recent past:

- 1) Some state officials have blamed the Corps for the 1995 flood because too much water was released from Missouri River mainstem reservoirs in Montana and the Dakotas;
- 2) Some Congressmen blame environmentalists and the Clinton Administration because they didn't let them rebuild levees high enough in 1994;
- 3) Some floodplain residents blame the government for the flood because this wasn't suppose to

occur for another 100 to 500 years;  
4) Some floodplain residents see nothing wrong with collecting more disaster benefits. They see it as their right to live in the floodplain, no one should be able to tell them what to do, and they are entitled to flood benefits because



hurricane victims get far more than they do;

- 5) Some news casters continue to say that the river destroys floodplain farmland by replacing it with sand.

And so the beat goes on! How much will the flood of 1995 cost? What will we have to give up to pay for it? **We have to remember that disaster payments go against the deficit not the budget!** So we have to balance flood disaster payments against child care, medicare, and healthcare benefits in order to gain control of the deficit.

Source: St. Louis Post-Dispatch, 5-7-95 and Columbia Tribune, 5-11-95

## Floodplain Management Policy Update

At a recent meeting of the Coalition to Restore Aquatic Ecosystems (CRAE), Brigadier General Gerald Galloway gave an update of floodplain policy reform following the Clinton Administration's review of "Sharing the Challenge", the report of the Interagency Floodplain Management Review Committee which General Galloway chaired. The CRAE meeting was held at the World Wildlife Fund's office in Washington, D.C.

General Galloway said that the nation had already experienced a significant change in floodplain management policy during the floods of 1993, as evidenced by the relocation of over 8,000 homes from the floodplain. He said he is hopeful that several more of the report's major recommendations will be implemented. These include establishment of a federal water resources coordinating body, passage of a Floodplain Management Act, issuance of a new Executive Order on floodplain management, and revision of the Principles and Guidelines.

He mentioned a need to move ahead on restoration options, stating that advocates of structural flood control options are generally more vocal and well-organized than proponents of environmentally sound alternatives. He said that



efforts to pass the Water Resources Development Act fell through last year largely because of controversy over proposed floodplain management policy provisions. These provisions, many of which were attributed to the report, suffered from a backlash generated by misleading press. Despite polarization over policy occurring in Washington, communities in California and elsewhere are actively seeking new approaches to flood damage reduction.

General Galloway also spoke about the Clinton Administration's proposed Corps of Engineers budget. This proposal would eliminate the Corps' local flood control mission by restricting the agency's activities to areas where 50% of the stormwater originates in another state. The proposal would also require a 2:1 benefit/cost ratio and a 75% local cost share. General Galloway speculated that the new benefit/cost ratio requirement might eliminate federal involvement from many restoration projects.

Forester Einarsen, Chief of the Corps' Office of Environmental Policy, and Harry Shoudy (both in attendance) said that the Corps is very interested in pursuing alternatives to structural approaches.

### **Floodplain Restoration in the Netherlands**

Girard Litjens, under contract to World Wildlife Fund (WWF) in the Netherlands, gave a presentation (at the Coalition to Restore Aquatic Ecosystems reported on above) of floodway restoration work occurring on the Rhine delta.

Litjens said that WWF was realizing a mixture of environmental and economic objectives in the distributaries of the Rhine by asking brick companies to mine clay from the floodplains in patterns that approximate historic

secondary river channels. These floodways are created between low summer dikes adjacent to the river channel and larger winter dikes that protect farms and fields from voluminous winter flood events. The summer dikes, which protect farm fields between the larger dikes from flooding during the growing season, are breached after the farmland has been purchased for conversion to a nature preserve.

Commodities are overproduced in the Netherlands, and small farms are being consolidated. Many older farmers want to sell their land either because they have no heirs or because their families are relocating in the cities and prefer a cash inheritance to land. Political organizations representing farmers oppose such acquisition because it decreases their constituent base.

Re-establishment of secondary channels helps to balance erosion and sedimentation in the channel. Channelization of the Rhine and its distributaries has led to river bottom deepening and lowering of adjacent groundwater tables. Creation of secondary channels decreases main channel flow velocity and allows sediments to redeposit, raising the bottom to its pre-channelization level. By removing the clay layer (formed as sediment-laden water spilled over the summer dikes during floods and dropped sediments out of suspension) from the floodplain, the spongy, alluvial soils are exposed and the capacity of the floodplain to soak up water is greatly increased.

Floodplain forests spontaneously appear on the nature reserve areas created on river islands. These forests increase primary production and help to restore the delta's fisheries. In order to prevent excessive channel roughness from substantially reducing flood damage reduction benefits of the restoration projects, WWF-Netherlands reintroduces native grazers, such as wild horses

and cattle. These animals maintain the nature reserves in a savanna-like condition. Other native wildlife have returned in great numbers to restored areas. The availability of nature reserves for recreation has made these restoration efforts enormously popular with the public.

During this past winter's Rhine River floods, the government evacuated 200,000 floodplain inhabitants. Rhine River Basin floods have been increasing in frequency and severity over the past few years, largely because of rapid urbanization in the watershed. The Mers River has overflowed four times in the past two years.

### **Dam Fight on Big Sandy River**

American Rivers is leading efforts to oppose construction of a \$110 million dam on the Russell Fork of the Big Sandy River in Virginia and Kentucky, raising concerns that the Army Corps of Engineers' dam offers limited flood protection in exchange for heavy environmental costs.

American Rivers, the Environmental Defense Fund, and the American Whitewater Affiliation urged the Corps to reconsider non-structural alternatives, elevating and floodproofing homes and businesses, voluntary relocation, and acquisition from willing sellers to reduce project costs and protect the environment.

The project, which even the Corps admits is economically unjustified, is being proposed at the same time that the Clinton Administration and Congress are considering sharp cuts in the Corps' \$500 million federal dam and levee-building program. The planned \$110 million dam may be affected by these proposed policy changes.

The overall project, which includes

some non-structural alternatives like relocation and has a total cost of nearly \$700 million, has a benefit-cost ratio of less than 1-to-1, rather than the proposed 2-to-1 ratio, but Congress in 1981 ordered the Corps to proceed at any cost!

Source: American Rivers, Spring 1995

## Missouri River Master Manual

Colonel Michael Thuss, Missouri River Division Engineer, informed state governors on June 5th that further study is needed before any revision is made to the Missouri River Master Manual. The Master Manual is the document the Corps of Engineers follows in setting releases from the Missouri River mainstem reservoirs.

"I believe that further Master Manual study is necessary to fully determine the impacts of a potential change in the water control plan to: interior drainage and groundwater behind levees; Missouri and Mississippi River navigation; and Missouri River native fish. I believe that we should re-evaluate the alternatives presented in the Draft EIS for the Missouri River Master Water control Manual Review and Update to address the public comments...The RDEIS (Revised Draft EIS) should be available for public comment in early 1997", Thuss said.

"...Therefore, I recommended that together we develop a process to address these issues. The collaborative effort would accommodate input from the states, tribes, Federal agencies, economic and environmental interest groups, and the general public on both the operation (Master Manual), and non-operational issues."

Earlier the Corps came out with recommended changes to the

Master Manual that would address some of the Missouri River's ecological problems related to federally endangered species. These recommended changes were opposed, primarily by Missouri, who was also able to orchestrate additional concern among downstream Mississippi River states who became convinced that changes in Missouri River flows would effect the Mississippi River navigation project. The Corps of Engineers has said that their recommended changes would have little effect on the lower Missouri (below Kansas City), let alone the Mississippi. Add to this Missouri's concern that the Indian Tribal claims to water are going to dry the river up, and the Corps of Engineers has their hands full.



It would seem that the Corps needs to bring everyone together under a major interactive "comprehensive master planning" effort, much as they did in the late 1970's and early 1980's on the Upper Mississippi when the conflict over construction of Lock and Dam 26 was settled.

## MICRA Paddlefish Survey

This spring biologists from Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin took to the field and to the hatchery to

begin marking paddlefish.

Each state is attempting to catch and mark up to 300 adult paddlefish in the field, and all paddlefish released from hatcheries across the basin. By the end of the year thousands of adult and hatchery stocked paddlefish will be wearing (in their rostrum) a small coded wire micro-tag (invisible to the naked eye).

Fishermen are being asked to participate in the recovery of these tags by turning entire rostrums in at designated collection points – usually local, participating bait and tackle shops. Data will be collected from both marked and unmarked rostrums to calculate accurate estimates of stock size and interstate movements of these ancient fish.

Some tagged fish have already been recovered by both biologists and fishermen. A reward system is being used to encourage fisherman participation. Any fisherman recovering a tagged paddlefish will be eligible for a prize drawing at the end of the year.

Jackie Oven, Tennessee Wildlife Resources Agency-Nashville, trained all the biologists in tagging procedures and is coordinating tagging and recovery operations. Kim Graham, Missouri Department of Conservation-Columbia, is also overseeing the multi-year project. For further information contact the MICRA office.

## Montana/North Dakota Paddlefish Management Plan

This 46 page plan was developed as a cooperative venture between the North Dakota Game & Fish Department, Montana Department of Fish, Wildlife & Parks, and the University of Idaho. It reviews life history, ecology, management, and status of the paddlefish stocks inhabiting North Dakota and



Montana, and outlines a plan for cooperative management of paddlefish in Montana and North Dakota, in consultation with federal and tribal agencies.

The goals of the paddlefish plan include providing for an orderly and sustainable recreational harvest, providing a basis for cooperative interstate management, facilitating data collection for stock assessments, conducting relevant research, protecting and improving habitat quality in the rivers and reservoirs, defining the role of artificial propagation, and increasing public awareness.



*paddlefish*

A key component of the plan is the development of an age structure model with yield forecasting capabilities based on indices of abundance of young-of-the-year, yearling, and early-recruited paddlefish. Other objectives are to increase knowledge of paddlefish population sizes and harvest rates, increase knowledge of paddlefish ecology and habitat requirements, maintain and improve habitat quality, develop a standardized data collection system, design and implement an experimental paddlefish stocking plan, establish the basis for a rational harvest quota, and expand information efforts on paddlefish.

The document titled, "Management Plan For The Paddlefish Stocks in the Yellowstone River, Upper Missouri River, and Lake Sakakawea" was prepared by Dennis L. Scarnecchia, Department of Fish and Wildlife Resources, University of Idaho, Moscow, ID 83843, (208) 885-5981; Phillip A. Stewart, Montana Department of Fish, Wildlife and Parks, P.O. Box 1630, Miles City, MT 59330, (406)

232-4365; and L. Fred Ryckman, North Dakota Game and Fish Department, P.O. Box 2476, Williston, ND 58802-2476, (701) 774-4320. Copies can be obtained from the authors.

### Alabama Sturgeon Caught

Two rare Alabama sturgeon (*Scaphirhynchus albus*), one caught by fishermen on April 18th and a second by U.S. Fish and Wildlife Service biologists on May 19th, "could plunge the Clinton Administration back into a political fight with southern politicians." The capture brings to three the total number of sturgeon caught since December 1993.

The Alabama sturgeon has been the focus of "a raging battle" since June 1993 when government officials proposed to list it as endangered. Alabama lawmakers fought the proposed listing, arguing that the fish had not been caught since 1985 because they are already extinct.

Interior Secretary Bruce Babbitt conceded, and withdrew the listing in December 1994, citing lack of evidence that it still exists. Enviros wanted the fish listed, while Alabama politicians say a listing could threaten 20,000 jobs and \$11.3 billion in river commerce.



*shovelnose sturgeon*

The U.S. Fish and Wildlife Service now plans to conduct genetics tests on blood and tissue samples to determine if the fish are really Alabama sturgeon. It is "doubtful", however, that such tests will quell the controversy. There is considerable debate as to whether the Alabama sturgeon is a separate species" from the more "abundant" shovelnose sturgeon (*Scaphirhynchus platorhynchus*).

The catch comes as Congress and the White House continue to debate the budget, including a provision barring the U.S. Fish and Wildlife Service from continuing its search for the sturgeon. The president recently signed legislation imposing a six-month moratorium on listing new endangered species.

Source: Greenwire, Vol. 4, No. 241, and Vol. 5, No. 20

### Ozark Cavefish Genetics

Two genetically-distinct lineages of the Ozark cavefish (*Amblyopsis rosae*) have been characterized using mitochondrial DNA (mtDNA) nucleotide sequence data and phylogenetic analyses. The identification of genetically-distinct lineages of *A. rosae* should have a direct and immediate effect on their management in time and space.



*Ozark cavefish*

The amount of sequence variation observed between *A. rosae* allied to either the White River drainage or the Middle Arkansas River drainage is significant, approximately 6%. To place the magnitude of intraspecific divergence among these *A. rosae* clades in a proper context, it has been established that *A. rosae* are 18% diverged (percent sequence divergence) relative to all remaining species in the family (excluding the Alabama cavefish *Speoplatyrhinus poulsoni*).

Additionally, there is no more than 6% sequence divergence distinguishing any of the remaining interspecific comparisons within the family Amblyopsidae. From an ecological perspective, the two

clades of *A. rosae* described have been reproductively isolated from one another for approximately 1.5 million years; as long as any of the remaining interspecific isolations.

The implication is clear: there are at least two genealogically distinct lineages of *A. rosae* inhabiting the Springfield Plateau, each requiring independent management. From a taxonomic standpoint, significant effort should be made by state agencies to split *A. rosae*, taxonomically, into two subspecies: the White River drainage endemic (*A. rosae whitae*), and the Middle Arkansas River drainage endemic (*A. rosae arkansasus*).

Source: Bergstrom, D.E. Jr, D.B. Noltie, and T.P. Holtsford. 1995. Final Report Endangered Species Project SE-01-27, Improving the Status of Endangered Species in Missouri, Ozark Cavefish Genetics, Ozark Cavefish Genetics: the Phylogeny of Missouri's Ozark Cavefish (*Amblyopsis rosae*) and Southern Cavefish (*Typhlichthys subterraneus*). School of Natural Resources and Department of Biological Sciences, University of Missouri, Columbia, MO 65201.

## Endangered Species vs Economics

Examination of 15 years of state data strongly contradict assertions that the Endangered Species Act (ESA) has had harmful effects on state economies. In fact evidence points to the converse. The economic effects of endangered species listings are so highly localized, of such small scale, and short duration that they do not substantially affect state economic performance in the aggregate. They are lost in the noise of background economic fluctuations. A rare toad may indeed impede construction of an ocean resort or golf course, but such events do not ripple back through state economies.

Although detractors of the ESA often describe it as blind to the needs of people and the economy, every government and academic examination of the endangered species process has reached the opposite conclusion: political, economic, and social considerations permeate the listings process. In fact, for every tale about a project, business, or property owner allegedly harmed by efforts to protect some plant or animal species there are over 1000 stories of virtual "non interference."

In reviewing the record of 18,211 endangered species consultations by the Fish and Wildlife Service and National Marine Fisheries Service covering the period 1987-1991, the General Accounting Office found that only 11% (2050) resulted in issuance of formal biological opinions. The other 89% were handled informally – that is to say the projects proceeded on schedule and without interference.

Of the 2050 formal opinions issued, a mere 181, less than 10% concluded that proposed projects were likely to pose a threat to an endangered plant or animal. And most of these 181 projects were completed, albeit with some modification in design and construction. In short, more than 99% of the projects reviewed under the ESA eventually proceeded unhindered or with marginal additional time and economic costs.

Given the political and economic screening that occurs in listings cases, it is not surprising that no measurable negative economic effects are detectable at the state level. Counties, cities, and towns

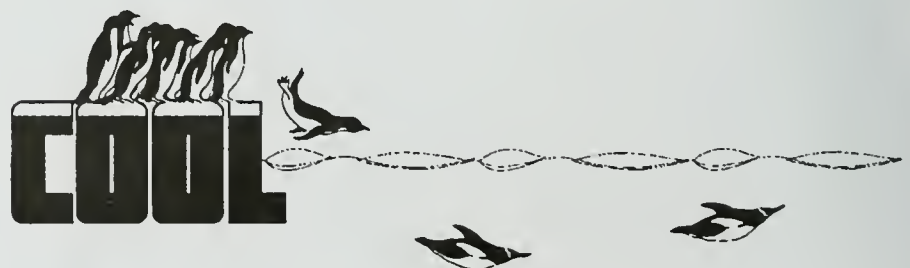
are much more sensitive to single employer or single industry effects. Endangered species critical habitat listings may, under certain conditions, demonstrate negative economic impacts at the local level. The evidence, however, remains to be collected and analyzed.

But even conceding the possibility of systematic local effects, in terms of scale and scope, they are a far cry from the national economic crisis that the ESA's detractors depict.

Economic assistance, job training grants, and other localized programs can make a difference in such cases at modest cost. The revitalization of county economies in the Pacific Northwest following listing of the Northern Spotted Owl is one example. Furthermore local economic effects must be considered in context. Hundreds of state and federal policies have far more injurious impacts on local economies than wildlife protection.

For example, the recent series of military base closings have had economic effects hundreds of times greater than all the ESA listings during its 20-year life. Even greater economic and social harm resulted from the ill-conceived deregulation of the savings and loan industry during the 1980s. The number of jobs lost to leveraged buy-outs in the 1980s exceeds by many times the wildest estimates of jobs lost to endangered species; and no social good was accomplished in any of these cases.

The evidence is clear. Based on the actual economic expense





under the ESA, weakening the Act will not spur job creation and economic growth. It will not launch poor rural or western communities on the road to prosperity. It will not save overextended developers from bankruptcy. If growing the economy is the top priority of government then we should focus on policy options that can make a difference.

Source: Meyer, S.M. 1995. Working Paper No. 4, Endangered Species Listings and State Economic Performance. Massachusetts Institute of Technology, Project on Environmental Politics and Policy, Bldg/Room E38-628, Cambridge, MA 02139, (617) 253-8078.

### **Biodiversity Act?**

"Saying it is not necessary to try to protect every plant and animal that faces extinction, House Speaker Newt Gingrich (R/GA) told a House task force [studying the Endangered Species Act (ESA)] that he supports revising the ESA to account for both biological diversity and protection of individual property rights".

Gingrich, who claimed that he comes out of the "Teddy Roosevelt wing" of the GOP, said "this is not just about large vertebrates" but also "fungi and various other things" that produce medicine for the future. He added that the "vision of the [ESA] by those who wrote it is inconsistent with the bureaucracy and micromanagement that has evolved". The ESA has the wrong focus and needs to be redefined and perhaps renamed "the Biological Diversity Act," because protection is currently based on "bad science," and the act's implementation is "rife" with micromanagement."

House Resources Committee Chairman Don Young (R/AK) told the task force that the "willy nilly

application of the law' maddens his constituents." Interior Secretary Bruce Babbitt on May 25th said critics are trying to "dismantle" the parks system and "gut" the ESA by "slashing" the budgets of the Interior Dept. and its agencies. The House Resources Committee will be in charge of "retooling" the act when the task force completes its hearings.

"As Congress reviews the ESA, the most important debate at the moment is not between the law's defenders and its critics, but among conservatives of different stripes quarreling over how much to revise it," reports John Cushman in the New York Times. One side is led by Sen. Slade Gorton (R/WA), who has worked with large timber and paper companies to devise more flexible regs that would "ease the way for companies to exploit natural resources." But a faction based in the House "would practically do away with federal regulations" and instead rely on financial incentives to encourage landowners to preserve habitat.

Gorton believes his approach "will gain appeal if a more extreme alternative emerges on the right." According to Gorton, "The national environmental organizations exhausted their entire supply of adjectives in cussing out my bill, and they aren't going to have any left when they see a really radical proposal." As the struggle among conservatives plays out, one person to watch for clues to the outcome could be Speaker Gingrich, who has said he favors a bill that is "economically rational" and "biologically correct". In the 103rd Congress, he sponsored enviro-backed changes to the ESA with Gerry Studds (D/MA).

The Environmental Defense Fund (EDF) is circulating a memo addressed to Sen. Gorton that reveals the heavy role coalitions of business, agriculture and other groups played in writing his ESA bill. The February 28th memo,

written by Gorton aide Julie Kays, says in part: "The coalitions delivered your ESA bill to me on Friday ... It is important that we have a better than adequate understanding of the bill prior to introduction".

According to EDF's Michael Bean: "He's carrying water for a lot of industry, and it's quite clear ... that in fact those industries wrote this bill for him". Gorton dismissed the charges as a "misinformation" campaign and said outside groups – "primarily of farmers, ranchers and timber workers" – were only consulted for their opinions. The Gorton bill is intended to bring "human considerations" into species listings, the senator says.

The bill is given a strong chance of passing Congress. "The dispute points up how lobbyists continue to influence legislation in a new Congress supposedly dedicated to doing away with politics as usual." On April 6th, George Miller (D/CA) said he will introduce a bill to force lawmakers to disclose any language written by lobbyists.

Source: Greenwire, Vol. 4, No. 233 and Vol. 5, No. 20 and 21

### **Science and the Endangered Species Act**

In response to a bipartisan request almost 3 years ago from three congressional leaders (former House Speaker Thomas Foley, Senator Mark Hatfield, and Representative Gerry Studds), the National Research Council (NRC) recently released its study regarding scientific aspects of the Endangered Species Act (ESA).

The NRC committee was charged with addressing whether the ESA conforms to contemporary scientific knowledge about habitat; risks to species; and identifying species, subspecies, and other biological groups below the species level. The committee was also asked to consider whether the

ESA conforms to what is known about factors needed for recovery of endangered species, possible conservation conflicts between endangered species, and the timing of key decisions under the Act.

Committee members found that there has been a good match between science and the ESA. Given new scientific knowledge, the committee simply recommends changes to improve the Act's effectiveness. The report notes that the Act's emphasis on protecting habitat reflects current scientific understanding of crucial relationships between species and their habitats.

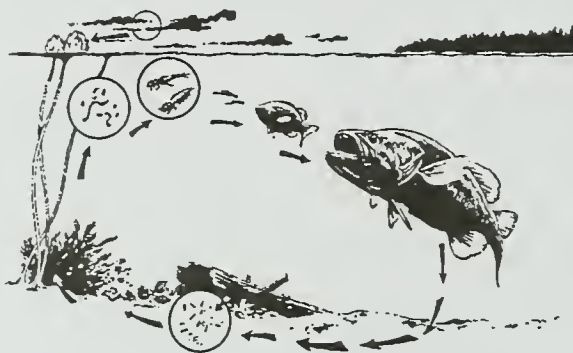
Members of the NRC committee endorse the regionally based, negotiated approaches to development of habitat conservation plans provided for by 1982 amendments to the Act.

In order to avoid situations where designating critical habitat becomes controversial and arduous, delaying or even preventing protection, the report recommends that when a species is listed as endangered, a core amount of "survival habitat" be protected as an emergency, stop-gap measure, without reference to economic impact. This survival habitat should be able to support either current populations or the population necessary to ensure short-term survival for a period of 25 to 50 years. When the required recovery plans are adopted or the required critical habitat is identified and designated, the survival-habitat designation should automatically expire, state the authors.

The committee was also asked to address the definition of species. The authors conclude that the Act's inclusion of distinct population segments is scientifically sound and should be retained. But to provide greater scientific objectivity in identifying population segments, the

committee report recommends using the concept of "evolutionary units" that identify biological groups with distinctive behavioral and genetic characteristics, and that possess the potential for a distinct evolutionary future. The authors note that by focusing attention on the important, distinctive attributes of organisms, the use of evolutionary units would provide policy-makers with an additional scientific basis for determining which groups of plants and animals merit protection.

The report states that recovery plans designed to achieve ESA goals are often developed too slowly or cannot be justified scientifically. To ensure that these plans are effective, the authors believe that the U.S. Fish & Wildlife



Service, which oversees each plan, should establish explicit guidelines for developing them.

Committee members noted that the ESA was not designed to carry out all of the nation's conservation policies and that additional approaches need to be developed and implemented as complements to the Act to prevent the continued, accelerated loss of species and to reduce economic and social disruption.

The NRC is the principal operating agency of the National Academy of Sciences and the National Academy of Engineering. The NRC is a private, non-profit institution that provides scientific and technological advice under a

Congressional charter. Funding for the study was provided by the U.S. Fish & Wildlife Service.

The NRC Committee on Scientific Issues in the Endangered Species Act included the following persons: Michael Clegg, UC-Riverside; Gardner Brown, UWA-Seattle; William Brown, RCG/Hagler Bailly Inc.; William Fink, UMI; John Harte, UC-Berkeley; Oliver Houck, Tulane Univ.; Michael Lynch, UOR; Lynn Maguire, Duke Univ.; Dennis Murphy, Stanford Univ.; Patrick O'Brien, Chevron Research & Technology Co.; Steward Pickett, Institute of Ecosystem Studies; Katherine Ralls, Smithsonian Institution; Beryl Simpson, UTX; Rollin Sparrowe, Wildlife Management Institute; David Steadman, UWA; James Sweeney, Champion International Corp.; Research Council Staff, David Policansky

Pre-publication copies of the report, "Science and the Endangered Species Act," are available from the National Academy Press at 2101 Constitution Avenue, NW, Washington, DC 20418, (202) 334-3313 or (800) 624-6242. Cost of the report is \$45.00 (prepaid)

plus shipping charges of \$4.00 for the first copy and .50 for each additional copy.

The anticipated impact of the NRC report on Congressional debate related to the ESA is questionable. In approving a rewrite of the Clean Water Act earlier this year, the House "turned a deaf ear" to another National Academy of Sciences report endorsing "tough" wetlands protection. Endangered Species Coalition Campaign Director Jim Jontz said, "The report says that scientists regard the current rate of extinction as a crisis. The report endorses strengthening, not weakening the ESA".

Source: Greenwire, Vol. 5, No. 18 and Land Letter, Vol. 14, No. 16



## President Clinton's Environmental Views

In an exclusive written interview with Greenwire, President Bill Clinton assailed GOP efforts to rewrite the nation's environmental laws and repeated his commitment to "common sense" regulatory reform. The following summarizes some of Greenwire's questions and Clinton's responses:

(1) What are your top domestic environmental policy priorities for this year and next?

**Response:** "As we approach the 25th anniversary of Earth Day, it's time to use what we have learned to reinvent environmental programs and reaffirm our national commitment to the basic goals of healthy air and water. The modern era of environmental protection is truly a great American success story – it's something to be proud of. But if we are going to meet the challenges of the next quarter century, we cannot stand still. So my first priority is to reinvent and reinvigorate environmental programs. We just announced 25 actions to reinvent EPA. We're cutting paperwork by 25%. We're giving small businesses a six-month enforcement grace period when they act in good faith. I'm particularly proud of Project XL – for excellence and leadership – in which EPA is allowing 50 companies or communities to replace current regulatory requirements with an alternative of their own design. If the company can do it cleaner, cheaper, we'll let them find a way. But there is a big difference between reform and rigor mortis. My second priority, just as important as the first, is to stop those who would use the need for reform as an excuse to roll back public health protection. As I said recently, if Congress wants to sit down with me and work out a reasonable solution for regulatory reform, I'm eager to do it. But if, for example, they send me a bill that lets contaminated water continue to find itself into city water systems, I will veto it."

(2) The stated goals of your environmental policies – "common sense" regulatory reform, making plans based on dialogue and consensus, streamlining bureaucracy, and creating jobs while protecting the environment – enjoy broad support. Why, then, is your agenda under such attack?

**Response:** "I campaigned on the premise that the environment and the economy go together, and that in the long run, you can't have one without the other. In my policies, we've been demonstrating it – whether it's the plan for the Northwest to protect old-growth timber and put people back to work, or the plan for the San Francisco Bay Delta to give water to agriculture, cities and the environment – or the reinventing government initiatives I just mentioned. Of course, these are tough issues and there will always be people on each side who aren't satisfied. But of one thing we can be sure: Americans support the goal of health and environmental protection. That's probably why the word 'environment' doesn't appear in the Contract With America. The more people find out about the fine print in the Contract ... the more they find out about the attacks on health and safety programs, the more pressure there will be for the Senate to reject them. They've already rejected the regulatory moratorium in favor of something more reasonable, and I hope they'll do the same for some of the other House GOP proposals."

(3) What are your views on the bills moving through Congress to require compensation of property owners when regulations, such as wetlands or species-protection rules, lower the value of their property?

**Response:** "Like any government programs, these programs need reform. That's why we created small-landowner relief programs for wetlands and endangered species. In fact, the vast majority of small landowners – homeowners – are virtually out from under these

programs. That's the right way to reform. But there is a wrong way – like the Congressional takings proposals we've seen this spring that establish automatic compensation. They could cost hard-working taxpayers billions of dollars, benefit mainly wealthy landlords and polluters, and cripple our ability to protect things ordinary people want – a clean environment, safe workers, even civil rights. I'm opposed to these proposals and would veto the House version."

(4) Some of the administration's natural-resource stands – on grazing, logging and species recovery, for example – have created a political backlash, especially in the West. How do you respond to those who say your policies constitute a "War on the West"? Are these conflicts affecting your re-election prospects?

**Response:** "There is very strong, very deeply held support among the American people for protecting human health and the environment. That's a common American value, shared in Colorado and Washington and other Western states as much as anywhere else in the country. That's why we're working hard to protect declining fish stocks, for example, and why we're determined to manage our forests in a responsible way. But we also need less bureaucracy and red tape. That's why our ecosystem-management initiatives focus on bringing in people from the affected communities. We're trying to avoid the kinds of crises we've seen in the past. We're still picking up the pieces from some inherited crises, such as the situation in the Pacific Northwest. Our forest plan provides economic assistance in the three West Coast states – worker training, infrastructure investment and aid to families and businesses. And after three years, we're finally out of the courtroom and putting people back to work in the communities again."

(5) What are your top international environmental policy priorities for this year and next? How will the U.S. keep its international environmental treaty obligations – and its leadership role – at a time when domestic budgets are being cut and restructured?

**Response:** "The global environment is an extremely important element in our foreign policy. Our priority issues for this year and next include deforestation, depletion of fishery resources and pollution of the oceans, rapid population growth, industrial pollution, ozone depletion and global climate change. We intend to work with other nations on appropriate actions in each area. In addition, we will be working very hard to redefine the roles of UN organizations and other international institutions in responding to these problems and in resolving emerging issues before they become full-blown crises. Finally, we will continue to reinvent our own foreign affairs agencies to provide a better-coordinated response to global environmental concerns."

(6) Some environmental activists have said you do not devote enough personal attention and political capital to pushing the administration's environmental agenda. How do you respond?

**Response:** "Since the very beginning, I've been engaged in environmental concerns. Almost immediately after taking office I convened the historic forest conference in Portland, OR and worked hard with all the stakeholders to develop the plan. A month later, I outlined more than a dozen specific actions that I would take – and I followed through on all of them. As the threat to the nation's environmental laws has mounted since the last election, I've spoken out repeatedly against bad legislation in the Contract With America and announced new reforms of my own to better protect public health at lower cost. When I recently

listed those Republican proposals I just couldn't accept, many of them concerned the environment. I'm very proud of my record."

Source: Greenwire, Vol. 4, No. 240

### Pro-Environment Young Republicans

According to an article by Steve Goldstein (Philadelphia Inquirer, May 31), the year-old Republican Youth Majority favors abortion rights and "takes a pro-environment stance that differs sharply from the property-rights tack of conservatives." "We must preserve our natural resources for future generations," the group's mission statement says.

Group leaders claim chapters at 44 schools nationwide, including Penn State, Rutgers, George Washington University, and Stanford, and they aim to have chapters on 100 campuses by the end of 1995. Advisory board members include two GOP presidential contenders: Sen. Arlen Specter (PA) and Gov. Pete Wilson (CA). Govs. Christine Todd Whitman (NJ) and William Weld (MA) have been invited to join the board. The group hopes to be officially recognized by the Republican National Committee (RNC). RNC Chairman Haley Barbour on May 25th said he had not heard of the group. The "generally very conservative" College Republicans group, which the RNC stopped funding in January 1995, claims 40,000 members on 800 campuses.

Source: Greenwire, Vol. 5, No. 23

### Farm Bill Reform

Senate Agriculture Committee Chairman Richard Lugar (R/IN) on May 25th proposed measures that would keep Farm Bill spending at current levels, maintain the "popular" Conservation Reserve Program (CRP) and "shift more dollars to fighting water pollution." The new bill would merge the Agricultural Conservation Program and other conservation programs targeting farmers and ranchers into one Environmental Quality Incentive Program. The legislation would "cap" spending for conservation programs at the present level of \$2.06 billion over the next five years. The bill is "expected to be influential" because Sen. Patrick Leahy (VT), the ranking Democrat on the committee, has endorsed it.

The plan would cut the budget of the CRP, under which landowners are paid to plant grass, trees or other cover on environmentally sensitive land, from \$1.8 billion a year to \$1.2 billion by the year 2000. Only the "most environmentally sensitive land" would be idled, according to the proposal. The proposal, which would shift "half of available federal dollars" to fighting water pollution caused by livestock, "reflects the shift in environmental concerns from wind erosion to water pollution." The bill also would allocate \$150 million a year to the Wetlands Reserve Program, which pays for permanent easements to preserve wetlands. The funds would be more than Congress has given the program, but less than the administration has requested.

The American Fisheries Society (AFS) has developed a position statement on the 1995 Farm Bill. It includes the following provisions:

1. Require vegetated filter strips along all streams and lakes on lands of private property owners receiving financial assistance from the federal government.
2. Pay landowners fair market value to convert environmentally





sensitive or high priority CRP lands to perpetual wetland or environmental easements.

3. Minimize stream channelization and maintenance dredging by eliminating government benefits and payments to landowners who conduct such activities.

4. Include trained aquatic biologists on state technical committees and other multidisciplinary teams guiding implementation of federal farm programs.

5. Minimize, and eliminate where possible, livestock access to streams and feedlots or holding areas near streams (e.g. fencing).  
6. Redirect federal price supports and subsidies from commodity crops into the implementation of long term, ecologically sustainable agricultural practices.  
7. Enforce compliance with mandatory conservation provisions of federal farm programs and ensure all enrolled lands are farmed within "tolerable" limits for soil erosion.

8. Provide private landowners with adequate technical assistance so they can prepare and implement approved conservation plans.  
9. Fund and promote sustainable agriculture research and education.

10. Support tax incentives for landowners who sell conservation easements.

For more information on the AFS position regarding the 1995 Farm Bill contact: Paul Brouha, Executive Director, AFS, Bethesda, MD 20814-2199, (301) 897-8616.

Source: Greenwire, Vol. 5, No. 21 and Fisheries Vol. 19, No. 12

## Grazing Bill

Led by Sen. Pete Domenici (R/NM) and Rep. Wes Cooley (R/OR), a group of Western conservatives on May 25th introduced bills designed to "scale back" federal grazing regulations proposed by Interior Secretary Bruce Babbitt.

According to Cooley, "This is perhaps the last best chance to stop Bruce Babbitt and save the Western livestock industry from almost certain destruction."

The new bill would extend existing permits 10 to 15 years and "insulate" them from many environmental laws, "including the National Environmental Policy Act and the Endangered Species Act." The legislation also includes:

- New requirements that prevent the public from participating in grazing decisions;
- A new grazing fee formula calling for a "token" fee increase from \$1.61 to approximately \$2.10 per-animal-unit month;
- Elimination of a policy requiring ranchers to provide access to public lands they lease;
- Reversal of an Interior Dept. proposal that would have let ranchers set aside land for up to ten years for conservation purposes;
- A new provision which gives ranchers "proportional titles" to improvements made on federal lands; and
- Directs the Interior secretary to establish standards and guidelines on a state or regional level, and "explicitly states that nothing in the law shall imply that minimum national standards or guidelines are necessary".



Interior Secretary Bruce Babbitt and enviros have argued that higher fees and reforms in grazing policies are needed to keep ranchers from overgrazing. An Interior source said the agency

was studying the plans, but earlier drafts appeared to "severely restrict" public involvement, grandfather rancher's authority to keep livestock at 1993 levels and restrict the Bureau of Land Management from changing permit conditions on riparian lands.

Source: Greenwire, Vol. 5, No. 17 and 21

## Religion and the Environment

According to an article in the March-April issue of the Utne Reader, environmental concern is growing among some elements of the religious right, including conservative Catholics and evangelicals. "Many of them are discovering in their Bibles a previously overlooked commandment: Thou shalt care for the earth."

In 1990 a group of 34 prominent scientists including Carl Sagan, Freeman Dyson, and Stephen Jay Gould issued an "Open Letter to the Religious Community" declaring that the earth's problems were so grave they must be recognized from the outset as having a religious as well as a scientific dimension.

Religious leaders responded, and formed the National Religious Partnership for the Environment (NRPE). Last year, the NRPE; which brings together the U.S. Catholic Conference, the Evangelical Environmental Network, the National Council of Churches of Christ, and the Coalition on the Environment and Jewish Life; distributed 53,000 environmental starter kits to congregations throughout the United States. Of that number, 20,000 went to evangelical congregations, reports NRPE director Paul Gorman, "... and 1,000 of them sent in forms to ask for more. In direct mail circles that's an amazing response."

"Science may have alerted evangelicals to the problem, but it's Scripture that's moving them to action." Evangelicals (a term that includes Southern Baptists, Pentacostals, and many other denominations and individual churches) "take the Bible very seriously," notes Calvin B. DeWitt, director of the Au Sable Institute for Christian Environmental Education. "They quickly turn around on issues once they are convinced that they are biblical."

"The environment is very biblical indeed. The Psalms praise the creator and the wonders of creation." Noah was instructed by God to build an ark and take two of every creature into it, which he devoutly did, despite jeering neighbors. "If you translated that story into modern terminology," says DeWitt, "You would frame it as saving threatened species." The Noah story is convincing many evangelicals that stewardship of the earth is a biblical charge to humanity, with serious repercussions if we fail.

For Rob Gorman, a Catholic social worker in the bayous of Louisiana, and for many other Catholics, the issue is jobs and justice. Fishermen began turning up in the thrift stores and food banks run by the Catholic diocese of Houma-Thibodeaux because poor environmental practices were causing severe erosion of wetlands and damaging fisheries. "It became very clear down here," Gorman reports, "that it's not humans versus the environment. It's humans and the environment, or ain't neither of us going to be here."

"The environment is the ultimate 'pro life issue'," writes Albert J. LaChance in his book *Embracing the Earth: Catholic Approaches to Ecology* (Orbis, 1994).

Source: IN BRIEF, Utne Reader, March-April 1995

## Arkansas Ends Mining In Protected Streams

A bill to end gravel mining in 24 protected Arkansas streams was signed into law by Arkansas Governor Jim Guy Tucker (D) on April 19th. The measure would end mining in streams given special status by the state Department of Pollution Control and Ecology and give a two-year grace period to mining in streams designated in the future. Under separate legislation a gubernatorial task force will study the effects of gravel mining.

Source: Greenwire, Vol. 4, No. 234 and 240

## Takings Issues

Novel legal theories being pushed by some in the "Takings Battles" currently being debated in the courts and before Congress include such "lunatic fringe" arguments as that proposed by Nevada rancher, Wayne Hage. Hage alleges in a lawsuit pending in a federal appeals court in Washington that the government owes him compensation because fish and game agencies don't prevent elk herds from drinking from his streams and munching on his land. "That is a taking of his water and grass, he contends." Hage is seeking "at least" \$28.4 million in damages.



"Did I read that right?"

In another example, mining practices at the Summitville Mine in south-central Colorado have created a "heap" of cyanide-laced

waste, with Superfund cleanup expected to cost taxpayers \$120 million. The Canadian company that operated the mine has declared bankruptcy and left the country. But now the mine's owners, Aztec Minerals Corp., Gray Eagle Mining Corp. and South Mountain Minerals Corp., have sued the state of Colorado. Their claim: "Because regulators did as the companies wished and permitted mining that earned them substantial profits but polluted their property, their land has been devalued by regulatory action – a taking under the Colorado constitution." The owners also say property values have been hurt because the emergency cleanup has closed the mine, possibly for good.

While private property rights issues continue to dominate environmental policy discussions in Congress, the movement's most significant gains are coming at the state level. In all but three states private property rights bills have been introduced, and 18 states have now passed property rights legislation of some form. These include Arizona, Delaware, Florida, Idaho, Indiana, Kansas, Mississippi, Missouri, Montana, New Mexico, North Carolina, North Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, and Wyoming.

"It is absolutely overwhelming," said Nancie Marzulla of Defenders of Property Rights. "There's a bubbling cauldron of activity in the states. What we see happening at the state level goes far beyond what we see at the federal level." But environmentalists dispute the significance of property rights activities in the states and dismiss many of the state-passed bills as minor assessment or sense-of-the-body type laws that do little to change regulatory policy.

Property rights advocates suffered setbacks in some states. Despite state House passage of a compensation bill, the Arkansas



legislative session ended April 7 without Senate action. Two procedural bills introduced in Maryland were killed in committee, and bills introduced in New Hampshire also failed to win passage.

"The overwhelming majority of states have rejected takings legislation, and, with a few exceptions, the states have rejected payment bills that redefine the constitutional standard for takings," said John Echeverria of the National Audubon Society. "The Dole-Gramm bill (S. 605) is light years more extreme than any bills that states are adopting." He points out that the National Governors Association, National League of Cities, and the National Institute of Municipal Law Officers, representing city attorneys around the country, among other groups, are on record opposing takings bills.

Still, property rights is an issue in many states, and odds are a few more bills will be approved before year's end. In North Carolina, lawmakers introduced eight bills aimed at relaxing environmental laws that some say infringe on the rights of landowners. The measures include a bill to repeal the state's main law restricting development in watershed areas and another bill that would provide compensation to landowners whose property values were affected by environmental regulations.

In what some groups are calling a "landmark" property rights case, a Massachusetts Land Court judge struck down a Peabody, MA, zoning ordinance that had prohibited a landowner from building a house in a wetlands-conservation district. Under a Peabody Conservation Commission ordinance, Americo Lopes was denied a building permit for the land he held since 1981, because he proposed building a house within 30 feet of a pond or below an elevation of 88.6

feet. Lopes took his case to the U.S. Supreme Court under the "takings" clause, but the court remanded it to the Massachusetts Land Court. Chief Justice Robert Cauchon amended the elevation requirement to permit construction of the house.

In Michigan, a property rights case over a West-Bloomfield Township ordinance that requires developers to seek permission before cutting any trees in certain areas could be destined for the Supreme Court. The ordinance, passed in 1987, was described by the Detroit News/Free Press as "one of the nation's broadest woodlands protection ordinances." In the case, John Karchon, who purchased land in 1985 to build a company headquarters, ordered workers to cut down 30 trees. The town sued Karchon, who filed a countersuit with the aid of the Builders Association of Southeast Michigan and the Pacific Legal Foundation, a conservative legal group that has been searching for precedent setting cases to take to the Supreme Court. Karchon won in Oakland County Circuit Court, and the case is now pending before the Michigan Court of Appeals.

A bill to make government pay "when its regulations deny landowners full use of their property" is pending in the Louisiana Senate Agriculture Committee. Enviro and local governments have opposed the bill, but Florence Robinson, a Southern University professor and an enviro activist, said she supports it. "As soon as this bill becomes law, we citizens and property owners who live within four miles of any chemical industry, landfill, Superfund site, incinerator ... [are] going to have more New York lawyers than you can shake a stick at coming down here to find creative ways to use this law so that we can receive just compensation for our devalued property," she said. State Rep. Noble Ellington (D), sponsor of the

bill, answered: "I don't know how much more of that kind of help I can stand".

Source: Greenwire, Vol. 4, No. 228 and Vol. 5, No. 17; and Land Letter, Vol. 14, No. 12

## Farm Conservation Economics

A recent analysis of farm level economics in Virginia revealed that whether they run dairy and poultry farms, grow cash grains, or cash grains and vegetables, farmers in coastal areas can profit from conservation measures. The preliminary analysis was prepared for the Virginia Department of Agriculture and Consumer Services by the USDA's Natural Resources Conservation Service (NRCS) and an interagency team. The report projects favorable on-farm impacts for farmers who implement the kinds of pollution prevention management recommended in EPA guidance issued under the federal Coastal Zone Act Reauthorization Amendments of 1990 (CZARA).

This guidance calls on farmers in coastal zones to:

- address erosion and runoff from confined animal facilities;
- apply nutrients and pesticides efficiently and in an environmentally beneficial manner;
- address problems on grazing lands; and
- efficiently apply irrigation water.

To begin their study, researchers applied these agricultural management measures to hypothetical farms representing three types of operations in different geographical regions of Virginia:

1. A combination dairy/ poultry farm (110-head dairy and 50,000 broilers) in the Shenandoah Valley;
2. A 575-acre cash grain farm on the state's Northern Neck; and
3. A combination cash grain/vegetable crops operation (500 acres of small grains and 350 acres of vegetables) on the

The dairy/poultry operation needed rotational pasture grazing and a rotational loafing lot system, including a diversion, sod filter strip, and fencing. The projected net economic impact of implementing these practices resulted in a positive gain of \$4,167 per year in average annual equivalents (AAEs), when accounting for noncash cost savings (for example, reduced labor costs) and with 50% cost-sharing. If cost-sharing and the savings described above are not included, the net gain in AAEs is \$1,026. However, the report noted that in either case, "upfront costs" could negatively impact implementation of BMPs.

The 575-acre cash grain operation was assumed to need additional nutrient management practices and an anti-backflow device for pesticide applications. The projected net economic impact was a positive gain of \$1,050 each year, mostly from reduction of commercial fertilizer applications.

The third farm, a cash grain/vegetable crop operation, was assumed to need a nutrient management plan on the vegetable crop acres. This farm realized a positive gain of \$3,950 a year from savings on commercial fertilizer. The analysis reveals the potential economic advantages of implementing management measures for potential pollution sources and demonstrates the necessity of controlling upfront costs that might otherwise discourage farmers' efforts.

For more information contact:  
David Faulkner, USDA NRCS, 1606  
Santa Rosa Rd., Richmond, VA  
23229-5014. Phone: (804)  
287-1664.

Source: Nonpoint Source News-  
Notes March/April 1995, Issue #40

## Interstate Pollution

Most of the water pollution problems in 18 states originate outside their borders, according to a U.S. Geological Survey report made public on June 2nd. Researchers Richard Smith and Richard Alexander sampled water from across the country for phosphorus and analyzed its movement with computers. "Despite a new political emphasis on returning authority to the states, the study illustrates that state governments might have less control over their water quality than they would like".

Many states facing out-of-state pollution are along the Mississippi, Missouri and Ohio rivers. States with more than 50% outside pollution were Arkansas, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, North Dakota, Tennessee, Utah, Washington and West Virginia. Fifteen more states received 25-50% of their water pollution from other states.

The pattern varies by pollutant, the researchers said. Chemicals less subject to evaporation or settling on stream bottoms are more likely to cross borders. Chemicals like the herbicide atrazine can be found in water hundreds of miles from where they are used.

Source: Greenwire Vol. 5, No. 25

## Environmental Opinion Polls

**I. NBC News/W.S. Journal telephone poll** surveyed 803 adults on April 3-4; margin of error is +/- 4%. Results:

(A) Of these criticisms that democrats make about republicans in congress, which one or two concern you the most?

44% - They are siding with

business and the wealthy over average people.  
32% - They are too tough on poor families and children.  
1% - They are cutting consumer and enviro protections.  
15% - They often make extreme proposals.  
12% - They are not bringing the change they proposed.

(B) Is Congress moving in the right direction with a moratorium on new federal regs affecting business and local government?

Right direction	60%
Wrong direction	18
Neither right nor wrong	3
Not sure	19

**II. Louls Harrls and Associates poll** surveyed 1,255 adults nationwide on April 14-20; margin of error is +/-3%. Results:

(A) How would you rate the environment in the U.S.?

Excellent	4%
Pretty good	38
Only fair	40
Poor	17
Not Sure	1

(B) By 2000, will the environment get better or worse?

Get better	20%
Get worse	42%
Stay the same	38%
Not sure	1%

(C) Does the government favor jobs or the environment too much?

Favors Jobs:

Today	29%
In 1993	32
East	33
Midwest	31
South	28
West	25

Favors environment:

Today	24%
In 1993	24
East	21
Midwest	24
South	22
West	33

Balance about right:

Today	43%
In 1993	38
East	43



Midwest	42
South	45
West	38

Not sure:

Today	4%
In 1993	5
East	3
Midwest	3
South	4
West	4

(D) Should feds have the right:

(1) To set regulations affecting the use of private property?

Should have	38%
Should not have	59
Not sure	3

(2) To bar development/use of private land?

Should have	38%
Should not have	59
Not sure	3

(3) If it would harm the environment?

Should have	79%
Should not have	20
Not sure	1

(B) To protect endangered species, would you be willing to pay:

(1) Higher income taxes?

Very willing	15%
Somewhat willing	44
Not very willing	20
Not at all willing	20
Not sure	1

(2) Higher electric rates?

Very willing	15%
Somewhat willing	46
Not very willing	21
Not at all willing	18
Not sure	1

**III. American Farmland Trust's Center for Agriculture in the Environment poll** surveyed 1,090 farmers by phone and mail in February and March 1995. The margin of error is +/- 4.4%.

(A) A proposal to base income-support payments to farmers on how well they protect natural resources is:

Acceptable	59.4%
Unacceptable	37.4
Undecided	3.1

(B) What do you think of requiring farmers of highly erodible land to protect it, as a condition for getting USDA benefits?

Favor	78.3%
Oppose	20.1
Undecided/no answer	1.6

(C) What do you think of the "Swampbuster" program, which bars farmers from disturbing wetlands if they want USDA benefits?

Favor	41.3%
Oppose	53.6
Undecided/no answer	5.1

(D) What kind of lands should get top ranking for inclusion in a renewed Conservation Reserve Program?

Highly erodible cropland -	67.9%
Land next to streams -	21.1
Land for wildlife habitat -	9.1
Not sure/no answer -	1.9

**IV. USA TODAY/CNN/Gallup poll** surveyed 1,007 adults by telephone on April 17-19. Margin of error is +/-3%.

(A) Do you consider yourself to be an environmentalist?

	4/95	4/90
Yes	63%	73%
No	34	24
?	3	3

(B) If so, would you say you are a strong environmentalist?

	4/95	4/90
Yes	47%	35%
No	52	38
?	1	NA

(C) Should enviro protection or economic growth be given priority?

	4/95	4/90
Enviro protection	62%	71%
Economic growth	32	19

No opinion

6	10
---	----

(D) Since 1970, how much progress have we made in dealing with enviro problems in the U.S.?

	4/95	4/90
Great deal	24%	14%
Only some	61	63
Hardly any	14	21
No opinion	1	2

(E) Who do you trust more on environmental issues?

Federal government	46%
Private business	38
Both equally	2
Neither	10
No opinion	4

(F) Do you think GOP proposals in Congress concerning the environment will provide adequate enviro protections?

Will	30%
Will not	49
No opinion	21

(G) Life will continue without major enviro disruptions only if:

	4/95	4/90
We take additional, immediate, drastic action:	35%	54%
We take some additional actions:	48	33
We take just the same actions we have been:	15	9
No opinion	2	4

**V. Pollsters Peter Hart and Robert Teeter** surveyed 1,003 adults on March 16-18; margin of error is +/-3.1%.

(A) Which has greatest responsibility for reducing air and water pollution?

Government	31%
Individuals	27
Business	20
Community leaders	11
All/combination	9
Not sure	2

(B) Which should be most responsible for running air and water programs?/For paying for them?

State government	40%/43%
------------------	---------

Federal government	35 /36
Local government	22 /17
None	1 / 1
Not sure	2 / 3

(C) Government regulation makes the environment much cleaner and safer than it would be if businesses were left to their own devices:

Strongly agree	48%
Somewhat agree	29
Somewhat disagree	12
Strongly disagree	9
Not sure	2

(D) Government regulations make products a good deal more expensive than they need to be:

Strongly agree	40%
Somewhat agree	34
Somewhat disagree	16
Strongly disagree	7
Not sure	3

(E) The government has gone too far in regulating business and interfering with the free enterprise system:

Strongly agree	36%
Somewhat agree	37
Somewhat disagree	17
Strongly disagree	7
Not sure	3

#### VI. National Parks and Conservation Association poll.

Respondents on average said they had visited 16.3 parks. Colorado State University surveyed 943 adults early in February 1995. Margin of error is +/- 3%:

(A) Federal spending on parks is:

Too much	6.4%
About right	61.7
Not enough	31.9

(B) The National Park Service and Congress should stress:

Care for existing units	29.1%
Increase/expand units	11.1
Balance of the two	59.8

(C) Reasons for having national parks:

(1) Provide an important experience for future generations:

Very Important -	87.6%
Somewhat Important -	9.8

Slightly Important -	1.9
Not Very Important -	0.6

(2) Protect water and air quality:

Very Important -	87.1%
Somewhat Important -	8.6
Slightly Important -	2.0
Not Very Important -	2.3

(3) Protect wildlife habitat:

Very Important -	86.6%
Somewhat Important -	10.0
Slightly Important -	1.9
Not Very Important -	1.4

(4) Preserve historical areas and sites:

Very Important -	84.9%
Somewhat Important -	12.5
Slightly Important -	1.7
Not Very Important -	0.9

(5) Provide recreation opportunities:

Very Important -	51.9%
Somewhat Important -	37.3
Slightly Important -	7.5
Not Very Important -	3.4

(6) Provide income for tourism industry:

Very Important -	17.6%
Somewhat Important -	40.0
Slightly Important -	16.8
Not Very Important -	25.7

(D) Which is closest to your opinion:

Manage parks so people like you can enjoy them -	30.4%
Keep parks pristine for future generations -	69.6%

(E) To manage visitation in popular parks, would support:

(1) Reservation system in peak season:

Yes: 68.6%	No: 31.4%
------------	-----------

(2) Limit level of daily use:

Yes: 58.5	No: 41.5
-----------	----------

(3) Limit number of cars in peak season:

Yes: 78.4	No: 21.6
-----------	----------

(4) Oppose limiting visitation:

Yes: 26.3	No: 73.7
-----------	----------

(E) Visited a National Park/Park was overcrowded:

Yes	85.3% / 25.6%
No	14.7 / 74.4

(F) Would support entry fee of \$6 per person per day\*:

(1) If 100% of revenues went to parks

Yes: 79.9%	No: 20.1%
------------	-----------

(2) If 50% went to parks, 50% elsewhere:

Yes: 17.9	No: 82.1
-----------	----------

(3) Against fee increase for any purpose:

Yes: 21.5	No: 78.5
-----------	----------

\*Current entry fee is \$5 per carload for up to seven days.

Source: Greenwire, Vol. 4, No. 232, 235, 238, 241 and Vol. 5, No. 17

#### Jobs Opportunities

Fish Ecologist: To gather and analyze high resolution spatial and temporal information on fish spawning, nursery and refuge benefits of scoured wetlands created by the Missouri River flood of 1993 and relate to basin characteristics and major energy sources. M.S. or Ph.D. in large river or wetland fisheries ecology. Three year project beginning October 1995. Contact Dr. David L. Galat, Cooperative Research Unit, 112 Stephens Hall, University of Missouri, Columbia, MO 65211, (314) 882-9426. University of Missouri is an Affirmative Action Equal Opportunity Employer.

Ph.D. Assistantships (5): Investigate habitat use and population dynamics of benthic fishes along the Missouri River. Successful candidates will be part of an National Biological Service Cooperative Research Unit team. Starts July 1995. Qualifications vary depending on program. Contact PI on program(s) of your choice: Dr. Robert White, Dept.



Biology, Montana State Univ., Bozeman, MT 59717 (406) 994-3491; Dr. Charles Berry, Box 2014B, S. Dakota State Univ., Brookings, SD 57007 (605)

688-6121; Dr. Clay Pierce, Science Hall II, Iowa State Univ., Ames, IA 50011 (515) 294-3159; Dr. Chris Guy, 205 Leasure Hall, Kansas State Univ., Manhattan, KS 66506

(913) 532-6070; and Dr. David Galat, 112 Stephens Hall, Univ. Missouri, Columbia MO 65211 (314) 882-9426.

---

### Meetings of Interest

---

**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 10-20 Karst Waters & Environmental Impacts, Antalya, Turkey.** Contact: A. Ivan Johnson, Karst Symposium '95 Co-Chair, A.

Ivan Johnson, Inc., 7474 Upham Court, Arvada, CO 80003.

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

**September 18-20 Versatility of Wetlands in the Agricultural Landscape, Tampa, FL.** Contact: Kerry L. Curtis, Manager of Customer Services, Am. Water Resources Assoc., 950 Herndon Parkway, Suite 300, Herndon, VA

22070-5528. (703) 904-1225. FAX: 904-1228. Sponsored jointly by AWRA and ASAE.

**September 28-30: Watersheds '95 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.

Senate Agriculture Committee held hearings March 16 and April 4 on proposed legislation to improve agricultural programs and reauthorize the **Farm Bill**.

**S. 586 (Lautenberg, D/NJ) and H.R. 1354 (Payne, D/NJ)** eliminates the Agricultural Department and consolidates farm programs to an agribusiness block grant program.

#### 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.

Senate passed **H.R. 889** making emergency supplemental appropriations for defense, attaching a Sen. Kay Hutchison amendment No. 336 rescinding 1995 funding for the listing of species as threatened and endangered and for the designation of critical habitat under the Endangered Species Act.

House Resources Committee held a hearing on **H.R. 1141**, amending

the "Sikes Act" to enhance fish and wildlife conservation and resource management plans, and approved the measure April 5.

## **Forests**

Senate Energy Committee on April 5 held a hearing on federal forest management issues focusing on ecosystem management.

**S. 647 (Lott, R/MS)** amends the Forest and Rangeland Renewable Resources Planning Act of 1974 to require that major changes to forest management plans be phased in over time to minimize impact to communities.

**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.

**H.R. 1439 (Metcalf, R/WA)** amends the National Forest Management Act of 1976 to require that the timber sale program conducted by the Forest Service on forest system lands be financed only by receipts from the sale of timber under the program.

## **Government Affairs**

**S. 1 (Kempthorne, R/ID) and H.R. 5 (Clinger, R/PA)** curbs the practice of imposing unfunded federal mandates on states and local governments. House Government Reform Committee approved H.R. 5 on Jan. 9. On March 14 by a 91-9 vote the Senate approved the conference report on S. 1. On March 23, President Clinton signed S. 1 (P.L. 104-4).

**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.

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. Senate hearing held on March 30.

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

**S. 639 (Campbell, R/CO)** amends and reforms the Mining Law of 1872 to provide for the disposition of locatable minerals on federal lands.

## **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. Approved for full committee action by House Resources panel on March 29.

**H.R. 1280 (Hefley, R/CO)** establishes guidelines for the determination of National Heritage Areas.

**H.R. 1301 (Vento, D/MN)** establishes the National Heritage Area Partnership Program.

**H.R. 1449 (Roberts, R/KA)** provides for the establishment of the Tallgrass Prairie National Preserve in Kansas.

## **Public Lands.**

**S. 93 (Hatfield, R/OR)** amends 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.

**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.

**S. 629 (Thomas, R/WY)** prohibits federal agencies from requiring that environmental assessments be required under the National Environmental Policy Act for the renewal of a grazing permit.

**S. 636 (Daschle, D/SD)** requires the Agriculture Secretary to issue new term permits for grazing on National Forest System lands to replace previously held grazing permits that have expired or will soon expire.

**H.R. 1375 (Cooley, R/OR)** provides for the extension of expiring term grazing permits for lands within the National Forest System.

## **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.

### Rivers

**H.R. 1260 (Johnson, D/SD)** ensures equity in and increased recreation and economic benefits from the Missouri River system.

### Takings.

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

**S. 145 (Gramm, R/TX)** provides for the protection of private property rights.

**H.R. 9 (Archer, R/TX)** creates jobs, enhances wages, strengthens private property rights and reduces 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.

Senate Judiciary Committee held a hearing April 6 on **S. 605**, establishing a uniform system for protecting property rights and compensating landowners adversely affected by regulations.

**S. 605 (Dole, R/KA)** establishes a process for protecting private

property rights including paying compensation to landowners adversely impacted by federal actions.

### Trails

**S. 621 (Bennett, R/UT)** amends the National Trails System Act to designate the Great Western Trails for potential addition to the trails system.

### Water and Wetlands.

**S. 49 (Stevens, R/AK)** amends 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.

House Transportation Committee on April 6 approved for floor action **H.R. 961**, amending and reauthorizing the Clean Water Act.

House Agriculture Committee held a hearing April 6 on agricultural wetlands and wetland issues in the 1995 **Farm Bill**.

**H.R. 1262 (Pallone, D/NJ)** amends the Clean Water Act to improve the enforcement and compliance programs.

**H.R. 1268 (English, R/PA)** establishes a comprehensive program for conserving and managing wetlands.

**S. 626 (Hatfield, R/OR)** amends the Watershed Protection and Flood Prevention Act to establish a technical assistance and grant program for waterways restoration.

**S. 639 (Warner, R/VA)** authorizes civil works programs for the Army Corps of Engineers which preserves the navigation of channels and harbors and provides for flood control and storm damage reduction.

**H.R. 1438 (Lowey, D/NY)** amends the Clean Water Act to provide funding to the states for estuary conservation.

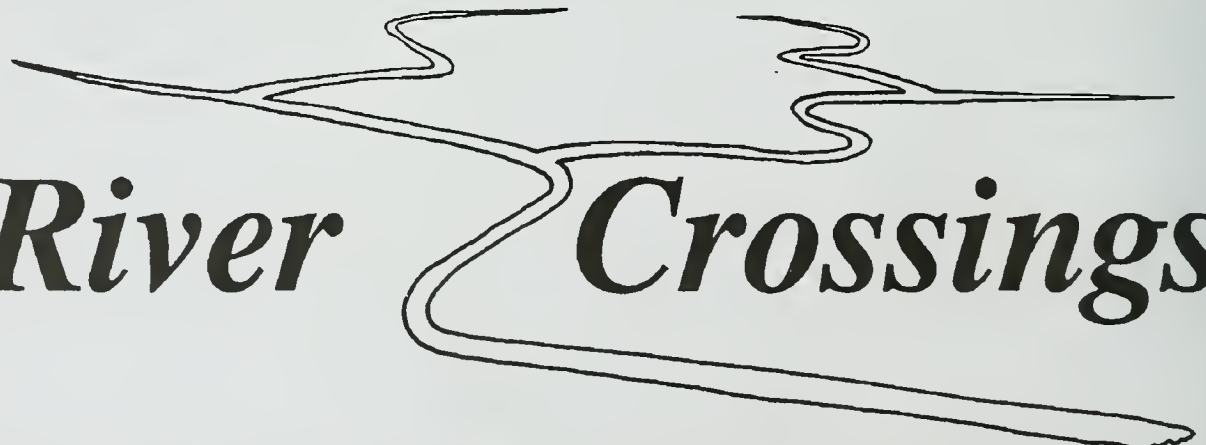
Source: Land Letter, Vol. 14, No. 8 and 11



*"Have a wonderful summer!"*

Mississippi Interstate Cooperative Resource Association  
608 East Cherry  
Columbia, MO 65201

BULK RATE  
U.S. POSTAGE  
PAID  
COLUMBIA, MO  
PERMIT NO. 186



*River Crossings*