

River

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Gulf Hypoxia Problem May Have Midwest Link

According to Gulf of Mexico scientists, a large near shore region of the Gulf west of the Mississippi River delta is suffering from severe seasonal oxygen deficiency. Commonly referred to as the "Dead Zone" this area (sometimes as large as 6,000 mi²) is more correctly termed the "hypoxia zone."



Dissolved oxygen in the hypoxia zone has dipped to less than 2 ppm during periods from as early as February to as late as October. During these times mortality of benthic organisms is extremely high.

Gulf scientists have shown a relationship between Mississippi River flow, river-borne nutrients,

plankton productivity, and bottom water hypoxia; with the size and occurrence of the hypoxic zone being related directly to the magnitude and timing of Mississippi River discharges. Nutrients discharged from the Mississippi River are believed to create the huge planktonic algal blooms which consume almost all available oxygen when they die and decompose. In late summer 1993, following the "Midwest Flood" the hypoxic zone covered a record 6,000-7,000 mi².

Fertilizer nitrogen, accounting for as much as 56% of the nutrient enrichment, is believed to be

the primary culprit causing the plankton blooms. Phosphorous does not seem to be a major contributor. In addition to fertilizers, animal and municipal waste discharges may account for up to 36% of the enrichment. Sources and relative amounts of nitrogen eventually reaching the gulf are: Upper Mississippi River above the Missouri River confluence - 31%; Missouri River - 11%; Ohio River - 22%; central Mississippi River - 8%; Lower Mississippi River - 23%; and White and Arkansas rivers - 6%. Estimated overall nitrogen input to the Gulf is about 1.5 million metric tons/year.

INSIDE THIS ISSUE

| | | | |
|---------------------------------|----|--------------------------------|----|
| Gulf Hypoxia/Midwest | 1 | State's Rights | 12 |
| GA Pollution Limits | 2 | Takings Update | 13 |
| TX/NJ Pipeline | 3 | TVA Angers Landowners | 13 |
| Whistleblower Defended | 3 | Natural Resource Summit | 13 |
| Grazing Update | 4 | Republican Environmental Group | 14 |
| Creek Maintenance Certification | 5 | Pres. Candidates/Environment | 14 |
| Defending U.S. Rivers | 6 | Environment/Election | 16 |
| NV River Restoration | 8 | Teaming With Wildlife | 17 |
| Farmers Help Salmon | 8 | Mollie Beattie Memorial | 18 |
| Reduced Water Diversion | 9 | Ictalurid Symposium | 18 |
| Fish Ladder | 9 | New River Training Courses | 19 |
| Jeopardy Opinion | 9 | New River Book | 19 |
| Zebra Mussel/Blue Green Algae | 10 | Meetings of Interest | 19 |
| Yellowstone Update | 11 | Congressional Action | 20 |
| Oil/Gas Red Tape Cut | 12 | | |

Gulf scientists believe that the midwest is the major nitrogen contributor, but farm interests are skeptical. Figures stating that 56% of the nitrogen originated from farm fertilizer compared to municipal and animal sources (36%) are being criticized. Scientists admit that these proportions are based on assumptions and that a systematic examination of midwest water quality data is needed.

If the midwest is a major contributor to the gulf hypoxia problem, then it must also be a major player in any solution. Up to now practically all funding and emphasis has focused in the gulf and surrounding states. The challenge now is how to motivate midwest interests to participate in further study and problem solving. This will be no easy task since there is presently no funding available for midwest agency involvement or incentives for agricultural participation.

As a first step in this effort, a high level meeting of federal agency directors and staff was held in Washington, D.C. on August 1 to "...reinforce and advance existing interagency partnerships through joint efforts and implementation activities for addressing the oxygen-depleted zone (hypoxic zone)...." Representatives from the USEPA, U.S. Departments of Interior and Agriculture, Assistant Secretary of the Army, National Marine Fisheries Service, U.S. Geological Survey, and others were told by the Gulf of Mexico Program partners that their commitments were needed to address the hypoxia problem. The group reached a consensus that 1) research and monitoring (is needed to) continue to describe causes and examine potential solutions, and 2) existing programs that may help remedy the problem need to be identified.

The group plans to meet again

this fall to identify focus areas and to examine specific programs that may provide benefits. For additional information the Gulf of Mexico Program can be reached through their web site at <http://pelican.gmpo.gov>.

Source: UMRCC Newsletter, July/August 1996.

EPA To Set GA Pollution Limits

A federal judge on August 30th ordered the USEPA to set pollution limits for hundreds of contaminated streams and rivers in GA. U.S. District Judge Marvin Shoob said if the GA Environmental Protection Division (EPD) refuses to implement steps necessary to protect the

waterways, then USEPA must take away the state's authority to enforce the Clean Water Act.

Under the ruling, the USEPA must set pollution limits for the Chattahoochee and Flint rivers by June 1997. Cleanup work on all waterways must be completed by July 2000. The ruling could halt any new federal discharge permits in the state and undermine or cause revocation of many of the 1,100 permits already granted.

Douglas Haines of the Georgia Center for Law in the Public Interest, which filed the suit in 1994 along with the Sierra Club Legal Defense Fund, called the decision "a tremendous victory for all Georgians and for Georgia's environment." But Alan Hallum of the EPD's water quality branch said the state would need 10

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years to meet the ruling, unless the USEPA stepped in to help.

"Shoob's rulings are being closely monitored by environmentalists and regulators in at least 17 other states, where similar suits are pending".

Source: Greenwire Vol. 6, No. 88

TX/NJ Pipeline Hazardous

In the wake of a June 26th pipeline rupture that poured almost one million gallons of diesel fuel into the Reedy River in SC, the federal Office of Pipeline Safety (OPS) has declared Colonial Pipeline Co.'s entire 1,530-mile pipeline from TX to NJ hazardous, and directed the firm "to take corrective steps that could cost as much as \$10 million."



Agency officials ordered Colonial to inspect for tiny cracks along 600 miles of pipeline, including portions in five SC counties that have experienced multiple ruptures. The pipeline has burst four times in 17 years along a 10-mile stretch in Greenville County, SC, spilling over 2.2 million gallons of fuel. The June 1996 Reedy River spill killed more than 34,000 fish and already has cost the firm \$5.9 million in cleanup expenses.

The OPS move marks the first time the agency has "deemed an entire pipeline a hazardous facility." The action followed reports in the *Greenville News* that federal officials failed to fine Colonial or force it to take major

safety precautions after previous ruptures. The *Greenville News* also reported that Colonial knew the pipeline was prone to defects when it was installed in the early 1960s.

Source: Greenwire Vol. 6, No. 77

EPA Scientist Supported by Public Defender Group

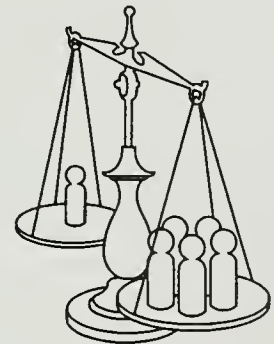
Four organizations representing citizens organized to stop toxic pollution in poor communities are mounting a national campaign to support a scientist on the staff of the USEPA, whose work in KY was terminated by state officials.

The scientist, Brian Holtzclaw an environmental engineer, worked for KY from December, 1992 to December, 1994 on loan from USEPA to the KY Department of Environmental Protection (DEP). When KY refused to renew Holtzclaw's contract in 1994, he filed a complaint with the U.S. Department of Labor (DOL), under federal whistleblower provisions in six environmental protection laws. He claimed he was terminated because he exposed health hazards caused by pollution from industries that wield political power in KY.

DOL Administrative Law judge Ainsworth Brown recommended that Holtzclaw's complaint be dismissed. The recommendation now goes to U.S. Secretary of Labor Robert Reich for final decision. "This case is critical to local groups we work with throughout the Southeast, and to all those fighting pollution across the country", said Connie Tucker, Executive Director of the Southern Organizing Committee for Economic & Social Justice (SOC). "Communities of color and working-class whites are fighting for their lives against industrial pollution, so it is essential that we have scientists like Holtzclaw who have the courage to give us accurate information. In KY,

Holtzclaw was simply carrying out EPA's mandate to protect the people's right to know."

Joining in the campaign supporting Holtzclaw are three community-based organizations that he assisted: the OH Valley Environmental Coalition (OVEC) in the Tri-State area of KY, WV, and OH where major pollution problems are caused by an Ashland Oil refinery; the Coalition for Health Concern in the Calvert City area of western KY with multiple chemical industries and cancer rates far above the national average; and the Justice Resource Center, based in Louisville, which is coordinating a citizens' drive to deal with an industrial complex that each year dumps 184 million lbs. of chemical pollution (6.7 million of them highly toxic) on African American and low-income white communities.



Holtzclaw's original complaint was filed against USEPA as well as KY. However, USEPA awarded him a \$20,000 settlement, with a written agreement that he could continue to work on issues of environmental justice. Holtzclaw is now assigned to USEPA's Region 4 office in Atlanta, but the KY groups want him back in their state.

Holtzclaw's complaint maintained that reprisals from KY environmental officials began after he wrote three controversial documents:

- A report detailing his unsuccessful efforts to bring to

the Tri-State area USEPA's only environmental medicine physician, Dr. John Stockwell, to assist in screening for health hazards in the area affected by Ashland Oil's Catlettsburg, KY, refinery;

- A short memo requesting authorization to provide information on criminal and civil violations for a USEPA enforcement action against Ashland Oil; and
- An 83-page report documenting the need to conduct an environmental study before a chemical company was allowed to build two new plants near Kenova, WV, which is downwind from Ashland's refinery.

In his recommendation to the Secretary of Labor, Judge Brown ruled that Holtzclaw's documents were "protected activity" under whistleblower laws. However, he said KY was justified in refusing to renew Holtzclaw's contract because it had other "legitimate nondiscriminatory business concerns" about his work.

Tucker said that if Judge Brown's recommendation stands, it will have a "devastating chilling effect" on other state and federal employees, as well as those in private industry, who might want to expose "the dangers the public faces." "The whistleblower laws were written to protect the rights of employees," she said, "but also to protect our right as citizens to know the truth."

Contact: Southern Organizing Committee for Economic & Social Justice News Release, Auxiliary Office 3208 W. Broadway, Louisville, KY 40211, (502) 776-7874 or (404) 755-2855.

Source: SOC News Release, July 15, 1996.

Grazing Update

Advocates of grazing reform won an important procedural vote in the Senate on September 17,

when opponents failed to muster enough votes to table an amendment by Sen. Dale Bumpers (D/AR) to the \$12.7 billion Interior Department appropriations bill that would increase fees for ranchers who graze cattle on federal lands.

The amendment would raise federal grazing fees to the same level that states charge for the use of their lands. That translates to a rate hike of 300-400% for many ranchers. So-called family farmers, those non-industrial ranching operations that hold permits for less than 5,000 animal unit months (AUMs) would be exempted from the fee increase. An AUM is the amount of forage consumed by a cow and her calf in one month.



"Not only the House, which has a long history of opposing subsidized fees, but now also the Senate is on record as saying the status quo is unacceptable," said Johanna Wald of the Natural Resources Defense Council. "That is a sign of enormous progress."

Bumpers and other supporters say the rider targets only large corporations that own a significant number of "subsidized" permits. They argue these companies benefit from a kind of unsupportable corporate welfare under the current system.

Ranching interests and Western lawmakers argue, on the other hand, that such a steep increase in fees would drive many marginal

operations out of business. They say that federal lands are not as productive as other properties and should not cost as much to lease for grazing.

In the House an effort by Speaker Newt Gingrich and Reps. Sherwood Boehlert (R/NY) and Wayne Gilchrest (R/MD) to fashion a grazing compromise bill before the end of the session appears to have failed. If passed, that compromise would increase public participation in grazing decisions; allow ranchers and states to hold some grazing permits in an inactive status for conservation purposes; ensure the federal government's right to acquire water rights on rangelands, despite some state proposals to limit the feds' rights; and permit non-ranchers to make range improvements. A House GOP source said the compromise deal did not address grazing fees.

Environmentalists blasted the bill on its release and the Western lawmakers who would most reasonably benefit from ending the stalemate have not signed on, aides close to the negotiations said. Among interest groups, the National Cattlemen's Association and the International Association of Fish and Wildlife Agencies lent their support, but other key constituent groups did not. The bill's fate was sealed when it was learned that President Clinton found the Boehlert-Gingrich bill unacceptable and would veto it.

"I am not declaring victory yet," Wald said. "I will declare victory when the 104th Congress goes out of session and nothing that resembles the Domenici bill is passed as stand alone legislation or as part of any other legislation." Sen. Pete Domenici's (R/NM) industry-supported grazing bill has been fought by environmentalists since it was introduced last year.

In the meantime in OR, Governor John Kitzhaber (D) on August 16

met with farmers and ranchers to express his willingness to rally behind their fight against the "controversial" November 1996 ballot (Clean Streams) initiative on grazing. But, in return, Kitzhaber wants the groups to support other environmental measures that aim to clean up OR's streams and rivers.

Kitzhaber wants farmers and ranchers to support regulatory programs and increased spending on clean water, as well as a bond that would raise money for restoring streams and watersheds. The Clean Streams Initiative would prohibit livestock from entering damaged stream areas until ranchers have developed grazing plans to meet state water-quality standards. It also would allow citizens to bring lawsuits against violators.

Supporters say the measure is needed to protect streams where salmon, steelhead and other species are at risk. But landowners say the measure would force them out of business. Kitzhaber said if he fails to win industry commitment for his conditions, he will support the streams initiative. Kitzhaber said, "There is a right way to get there, and there is another way ... but we will get there one way or another".

Meanwhile, UT conservationists' attempting to create a "multiple-use showcase" for wildlife, ranching and energy in the Book Cliffs area of eastern UT face attacks on two fronts. A federal lawsuit filed by TX oil magnate and rancher Oscar Wyatt charges that the Bureau of Land Management (BLM) illegally allowed two environmental groups to retain grazing permits on two ranches they bought under the Book Cliffs Conservation Initiative. Wyatt, who in 1994 outbid conservation groups for a Book Cliffs ranch, also contends that the BLM allowed some grazing permits to be retired to "non-use,"

in violation of the 1934 Taylor Act, which was designed to encourage grazing. Environmentalists, including the Rocky Mountain Elk Foundation and the Nature Conservancy, are "furious" about the lawsuit.



The second attack comes from Uintah County officials and some energy industry reps who are afraid the project's emphasis on wildlife will restrict development of Book Cliff's oil, gas and tar sand resources. But the UT Dept. of Natural Resources, a partner in the conservation initiative, says the area can accommodate such uses.

Source: Greenwire Vol. 6, No. 67, 81, 91 and Land Letter Vol. 15, No. 25.

Creek Maintenance Certification Course for Farmers and Ranchers

A creek maintenance certification course, tailored to meet the needs of farmers and ranchers, has been developed as part of a CA watershed's 319 demonstration project. Laurel Graham-Holsman felt such a course was a logical complement to on-the-ground Best Management Practices (BMPs) like erosion control, rotational grazing, and riparian fencing. Graham-Holsman wanted to meet both the perceived needs of the farmers and the objective of reducing nonpoint source pollution through BMPs, so practical stream management training for landowners seemed to be the answer.

Decades of logging and agriculture on the highly erodible land of central CA's Pescadero-Butano Creek watershed had destroyed salmon and steelhead trout spawning areas, exacerbated flooding, and caused bank erosion. The Pescadero-Butano Creek Coordinated Resource Management and Planning Project aspired to reverse these changes, and public education was part of the plan.

Over seven or more years of drought, very low flows had deposited tons of sediment in the streambed. Trees growing out of the new mid-stream bars clogged the watercourse by catching still more sediment and debris. A severe storm had created a log jam, accumulating over 3,500 yds³ of debris, resulting in floods and badly eroded streambanks.

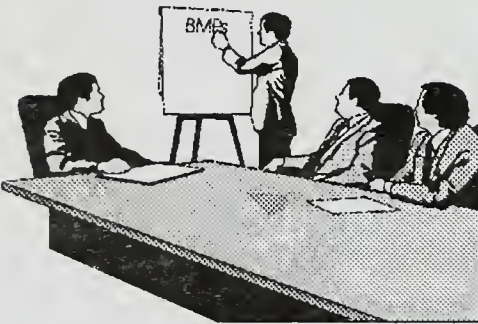
Farmers felt that if they had been allowed to "clean up" the creek, flooding and erosion would have been significantly reduced. They wanted to clear the creeks of debris, remove fallen trees, stabilize failing banks, or cut the trees on the mid-stream bars that were catching and holding huge logs coming down the creek. But uncertainty about acceptable practices made farmers wary about applying for permits to carry out maintenance activities.

Inspired by the Montana Forest Stewardship workshop developed by Bob Logan, Graham-Holsman came up with the *Creek Maintenance Certification Workshop*.

The pilot workshop, sponsored by the San Mateo County Farm Bureau, began with two three-hour classroom sessions to familiarize farmers with the watershed's natural history, problems, and appropriate BMPs. Discussions of permitting and work plan development led to preparation of documentation on real projects the farmers felt were needed. Each participant

completed property descriptions, identified resource problems, BMPs, costs, and resources; and produced a viable work plan, and an individual permitting packet.

The course culminated in an open-book exam and submission of the permitting packages. Farmers and ranchers completing the course were awarded certificates. According to Graham-Holsman, "The participants have developed a more integrated knowledge of the land and the treatments than most county planners or game wardens." The course also made permit applicants well aware of which activities are appropriate and which are not.



As a result of the course, almost 5 mi. of creek in the lower Pescadero and Butano Creek Watershed will be covered under management plans. Some of the planned activities require permits, while others do not. Plans included removing farm equipment from floodplains, topping or removing unstable trees from streambanks while still retaining an appropriate canopy, revegetating streambanks, planting willows, diverting runoff from fields, removing garbage from the stream, and seeding and winterizing farm roads adjacent to the stream.

The one gap remaining, according to Graham-Holsman, is permitting. She has been working with the state fish and game department to streamline permitting procedures

for those completing the course.

"Most grant programs require a public education or public information participation component," she said. "If doing the environmentally appropriate thing is not enough to motivate people, then the project director needs to find a value that will support learning new, different activities. In this case, private property rights were honored and combined with private property responsibility."

Contact: Laurel Graham-Holsman, Natural Resources Program Management, 20005 Lackman Loop, Frenchtown, MT 59834, (406) 626-2484, e-mail: mayasleca@aol.com.

Source: Nonpoint Source News Notes, June/July 1996, Issue No. 45.

Defending U.S. Rivers - One Watershed At A Time

In the U.S. and around the world, undammed, unpolluted, unchannelized, and unfettered rivers are fast becoming an endangered species. The U.S. is the second most dammed country in the world, with 5,500 large and 96,000 small dams. Of rivers in the U.S. longer than 1,000 km, only the Yellowstone remains undammed. Studies show that many of our rivers are too polluted to swim in, much less drink. In response to this assault grassroots groups in both rural and urban areas have taken on river battles big and small. Thousands of groups now claim responsibility for the health of their creeks, streams and rivers.

These grassroots river groups cover a wide range of river protection activities, from simply cleaning up trash to monitoring for pollutants; from improving habitat conditions to fighting dams. Although their work rarely receives attention beyond their

hometown newspapers, the incremental impact of their collective fight is growing. The following are examples of four of these groups and their activities:

Idaho Rivers United - With half the length of the Snake River already dammed, ID has a power surplus - yet still more dams are being proposed. In its six years of existence, Idaho Rivers United (IRU) has managed to stop ten dams on the Snake River and its tributaries. "Dams have killed what used to be a billion-dollar fishing industry and turned the Snake into a black hole," says IRU founder Wendy Wilson. "We have squandered our natural wealth on cheap hydropower, mostly to benefit multinational aluminum corporations."

IRU also works on cooperative planning, including working with hydropower developers to mitigate problems brought on by the dams. As is true for most grassroots groups, IRU occasionally finds itself fighting well-funded opposition and powerful misconceptions, as evidenced by the following statement by Keith Higginson, ID's director of water resources: "I wish farmers would use the most wasteful irrigation practices there are. To get the aquifer recharged, we need to spread all the water we can to fields, canals and barrow pits."

ID has 40 major watersheds, each facing a unique set of problems. As the organization has expanded its reach, IRU's staff of seven has put a greater emphasis on organizing local people to work on problems in their watersheds. Toward this end, IRU has devised a simple checklist as a first step for citizens interested in getting involved in river development projects.

WRI/CYCLE Creek Restoration - The Community Youth Council for Leadership and Education (CYCLE) and the Waterways Restoration

Institute (WRI) teamed up to create a program for inner-city high school students that teaches them the basics of creek ecology, restoration and landscaping while working to restore Wildcat Creek. The project was a response to the social problems kids face in Richmond and tough urban environments all over the country. Another problem, just as disturbing, is the disconnect between many young urbanites and their natural environment.

"One of the hardest challenges in the beginning is to get the kids to see the creek as a living system," says WRI's Moira McDonald. Field trips help them understand that waterways are integral to their community. A boat trip with the environmental group San Francisco Bay Keeper reveals the connections between creeks and the bay, while a trip to a wastewater treatment plant offers lessons on point- and non-point source pollution.

Adopt-A-Stream Foundation - This eleven-year-old group has created a number of successful stream restoration programs in its logging- and dam-ravaged home state of WA. Using its two-pronged approach of environmental education and stream restoration, the Adopt-A-Stream Foundation (AASF) has trained unemployed forest product workers to restore riparian habitat, and helped an elementary school bring salmon back to a local creek, among other projects.

AASF is working with five local, unemployed forest workers and commercial fishermen for a year-long training course in the techniques of habitat restoration. Funding this year is from WA Jobs for the Environment, the Department of Fish and Wildlife, and the WA State Department of Natural Resources.

This year's project will include

putting meanders back into a channelized stream with tractors and bulldozers; placing large debris in the stream, such as tree trunks and boulders; and replacing non-native trees with native vegetation. "The goal of the project is not limited to the work that takes place on the ground," says Tom Murdoch, Executive Director of AASF. "We also want to give trainees the tools and skills needed to finance, promote and market their skills as contractors in the habitat restoration business." At the end of the year, Murdoch would like to see the team function either as an arm of AASF or independently as contractors.



AASF has also published books for would-be creek restorers. Their latest, the well-illustrated *Streamkeeper's Field Guide* (1996), offers watershed inventory and stream monitoring methods in easily understood language.

Zuni Conservation Project - At the turn of the century the U.S. government built seven reservoirs on the Zuni River in tribal territory to encourage Zuni farmers to impound water and irrigate their land. Until that point, Zuni farmers had successfully adapted to their dryland environment, growing bountiful crops including corn, beans, and chilies. "The success of dryland farming was

due to the right kind of seed, the knowledge needed to bring the seed to bear, and a belief that it will work," says Jim Enote, project leader of the Zuni Conservation Project (ZCP).

Soon after the dams were built, a number of them failed. The water released from the dams changed the stream's base elevation, and subsequent upstream erosion destroyed thousands of acres of traditional Zuni farmland. An out of court settlement on a 1970s Zunis lawsuit against the government on this matter established the trust fund from which the ZCP was born.

The ZCP now has a staff of 60 including hydrologists, GIS analysts, sustainable agriculture specialists, range conservationists and biologists. All staff but one are Zuni and range from elders who know the traditional methods of dryland farming to young people with advanced degrees. Enote says this mixture of young and old, university-schooled and those schooled by the land is important because "we didn't want to increase the gap between science and humanity." The restoration crew is looking at both modern technical data and Zunis' pre-historic water use designs.

Contact: *Adopt-A-Stream-Foundation*, 600 128th Street, SE, Everett, WA 98208, (206) 316-8592; *Idaho Rivers United*, P.O. Box 633, Boise, Idaho 83701, (208) 343-7481, Email iru@igc.apc.org; *Waterways Restoration Institute*, 1250 Addison Street, Berkeley, CA 94702, (510) 848-2211; *Zuni Conservation Project*, P.O. Box 339, Zuni, NM 87327, (505) 782-2726, Email: jenote@aol.com. For a state-by-state listing of U.S. river groups, visit the IRN web site at: <http://www.irn.org>.

Source: World Rivers Review, Vol. 11, No. 3

NV River Restoration

A restoration project underway on NV's Truckee River is encouraging to scientists who are working to repair riparian systems through river management and controlled flooding.

The project, sponsored by the Nature Conservancy, has lowered the river's water level one inch per day during the last two summers, effectively creating a human-made beachhead on which



50,000 cottonwood saplings could colonize. The effort required releases from three dams, diversions at 26 points along the river, and mandates from three federal agencies.

Steward Rood, an expert on the West's streamside forests, says the Truckee restoration effort is "an international precedent-setting case study for both the science and management of rivers." The project goes farther than other restoration efforts, including the flooding of the Grand Canyon, in that the releases are designed to let the river run all summer as if there were no dams and diversions upstream.

In addition to replenishing streamside forests, the project

has allowed for more productive seasons for the endangered cui-ui fish, which lives in Pyramid Lake toward the end of the Truckee River.

Source: Greenwire Vol. 6, No. 79

Farmer Cooperators Leave Water In Northwest Rivers

This summer, for the first time in WA's history, irrigation water rights were transferred back to a river when Dan and Gloria Walker, of Cle Elum, WA, curtailed irrigation on their land. This was the first action in one of two novel Environmental Defense Fund (EDF) projects to transfer existing irrigation water rights back to rivers in the Pacific Northwest.

The precedent of adding freshwater improves the ecological health of the rivers, benefits salmon, steelhead trout, and other wildlife, and also generates additional hydroelectricity downstream, thereby reducing fossil fuel consumption and air pollution.

Thanks to this project, some of the most important water rights in WA's Yakima River Basin will stay in the Teanaway River, a Yakima tributary. This was once a premier spawning site for salmon and steelhead, a subsistence base for the Yakima Indian Nation. Irrigated agriculture, which began in the area in the 1890's, often drains critical parts of the Teanaway and has damaged the fish's reproduction.

A 1994 EDF report, "Restoring the Yakima River's Environment", recommended using voluntary transfers of water rights to help restore once-healthy habitats in the Yakima and tributaries such as the Teanaway. EDF economist Dr. Zach Willey worked with the U.S. Bureau of Reclamation, the WA Department of Ecology, and the Yakima Nation to find area farmers with high quality water

rights who were willing to leave more water in the river. Farmers would be paid for reducing their irrigation operations by beneficiaries, including agencies responsible for fish and wildlife recovery and the Bonneville Power Administration.

With the first water rights transfer completed by the Walkers, other farmers in the Yakima Basin and elsewhere in WA are watching to assess the attractiveness of such transactions.



chinook salmon

In another breakthrough EDF project, the largest irrigation district in OR's Deschutes River Basin has contracted to reduce water losses within its distribution system and leave the saved water in the Upper Deschutes River. A 1995 report, "Restoring Oregon's Deschutes River Basin", by EDF scientist Deborah Moore, analyst Adam Diamant, and the Confederated Tribes of the Warm Springs Reservation, identified such transactions as a key means of improving the Basin's degraded fish and wildlife habitats.

OR has had water conservation and transfer laws on the books for nearly a decade, but they were never used. This is because rights holders must estimate in advance how much water they will save and must permanently commit to transfer that amount, with no opportunity to measure in advance how much can actually be saved.

To overcome this obstacle, EDF's Willey proposed an option: when a rights holder commits up front to return some of his saved water to the rivers, allow him to retain ownership of the remaining saved water for five years of operating

experience. If he then elects to keep some of the remaining saved water, he must repay, with interest, part of the payment he received as an incentive for the transfer.

Willey worked with the Basin's seven major irrigation districts, the Confederated Tribes, the U.S. Natural Resources Conservation Service, and others to develop the pioneering contract recently signed by the North Unit Irrigation District. The OR Water Resources Congress, a statewide council of water districts, is promoting this type option throughout the state.

"Both of these pilot projects demonstrate possible technical and legal strategies: that could be widely replicated in restoring Pacific Northwest rivers," Willey said. "EDF will continue to work to develop other innovative arrangements to finance river restoration projects."

Source: EDF Letter, Vol. XXVII, No. 5

Reduced Water Diversion Leads to Rebound

Two years after a landmark Nov. 1994 ruling that forced Los Angeles to reduce its diversion of water from streams flowing into CA's Mono Lake, the lake and about 100 miles of Sierra Nevada streams have been "transformed" in an example of "environmental renewal."

Since the CA Water Resources Control Board's decision -- hailed by Mono Lake Committee Exec. Dir. Martha Davis as the "first case of water being reallocated from urban uses for environmental purposes" -- Mono Lake has risen 6 ft., with 12 ft. to go until it reaches the level mandated by the ruling.

Los Angeles began diverting water from the Mono Lake region in 1941, causing the level of CA's

second-largest lake to drop 45 ft. by 1982. The diversion led to high salinity and wetlands loss that threatened the lake's wildlife along with its unique calcium carbonate tufa tower formations.

CA Deputy Attorney General Mary Schoonover says the Mono Lake decision set a precedent for Western water policy, expanding the public trust doctrine to include fishing, recreation, aesthetic and ecological values, as well as public access to navigable waterways.

Source: Greenwire Vol. 6, No. 65

Gunnison River Fish Ladder

A fish ladder now being operated full-time on the Gunnison River has provided a gateway for endangered fish to once again reach 50 mi. of upstream spawning and feeding habitat that had been out of reach for nearly a century. The Redlands Fish ladder was designed to help endangered Colorado squawfish and razorback suckers overcome two obstacles in the Gunnison River:

- the 12 ft. high Redlands Diversion Dam, which previously blocked the fishes' migration, and
- the effects of predation and competition from non-native fish.

The fish ladder has been used extensively by native fish. During a 24-hour trial run in June, an estimated 10,000 fish swam up the ladder. Now being operated full-time, the ladder has been used by about 6,000 fish. Although so far, no endangered fish have used the ladder on their own, U.S. Fish and Wildlife Service biologists conducted an experiment with six endangered razorback suckers and found that two of them successfully swam to the top of the passageway. Next year, the ladder will be operated during a complete spawning season, giving biologists a better opportunity to test its use by endangered fish.

To swim through the ladder, fish enter downstream and then swim up a 350 ft. U-shaped channel that wraps around one end of the Redlands Diversion Dam and leads to a "holding area at the top. The fish remain there until biologists sort the native and endangered fish from the non-natives, many of which feed upon and compete with endangered fish. To avoid giving the non-native fish an equal advantage, biologists return the non-natives downstream while releasing all native and endangered fish upstream.

Once above of the dam, endangered fish will be able to reach historic spawning areas and will find a river teeming with young native fish, one of the Colorado squawfish's preferred food sources. The Colorado squawfish and razorback sucker evolved in the Colorado River Basin more than 3 million years ago and have been called "living fossils."

Contact: Connie Young, (303) 936-2985, ext. 227

Zebra Mussels Causes Jeopardy Opinion

On August 30th the U.S. Fish and Wildlife Service (FWS) released a Biological Opinion to the Federal Highway Administration (FHA) stating that without precautions, construction of a bridge on the St. Croix River between MN and WI would jeopardize the existence of the endangered Higgins' eye pearly mussel and the winged mapleleaf mussel.

The Opinion, prepared as part of consultation procedures required under the Federal Endangered Species Act (ESA), states that harm to the endangered mussels would be primarily due to construction



barges inadvertently bringing zebra mussels into the St. Croix River. To allow the project to move forward while avoiding the likelihood of jeopardizing the existence of those species, the MN Dept. of Transportation and the FHA agreed to require rigorous decontamination of construction barges before being used in the St. Croix River. Construction of the bridge is tentatively scheduled to begin next spring.

The Higgins' eye pearly mussel is found in the Mississippi River from MN to southern IA. It is also in the Wisconsin and St. Croix rivers. Unfortunately, all the waters that support Higgins' eye have been contaminated by zebra mussels, except the St. Croix River. The winged mapleleaf mussel is even more critically endangered; it is found only in the St. Croix River.

Experts predict that zebra mussel infestation will cause, at a minimum, increased mortality at most mussel beds in the Upper Mississippi River. Experts also predict that neither the Higgins' eye nor the winged mapleleaf would survive over time if the St. Croix River becomes contaminated with zebra mussels.

Contact: Nick Rowse (612) 725-3548, Lynn Lewis (612) 725-3548, or Larry Dean (612) 725-3602

Zebra Mussels/Blue Green Algae Connection?

Offensive summer blooms of the potentially toxic blue-green algae, *Microcystis*, have returned to some Great Lakes waters, particularly to Lake Huron's Saginaw Bay and Lake Erie. According to John Hageman of the Ohio State University's Stone Laboratory, Saginaw Bay experienced blooms in both 1994 and 1995, and in September 1995, Lake Erie's entire western basin was covered with what looked like "a thick slick of

grass-green paint". Nuisance *Microcystis* blooms haven't occurred since the 1970s and early 1980s, before the United States and Canada lowered phosphorus inputs to the Great Lakes.

The timing of the 1990s algal blooms and the arrival of the zebra mussel would seem entirely coincidental, given the mussel's reputation for filtering large quantities of plankton from the water column. "Since the zebra mussel's arrival, we hadn't seen, nor did we expect to see, any bloom of any kind of algae," said Alfred Beeton, director of the NOAA Great Lakes Environmental Research Laboratory (GLERL) in Ann Arbor. So the algal blooms are puzzling, given the zebra mussel's acknowledged role in producing the clearest water in decades in Lake Erie and Saginaw Bay.

However, Henry Vanderploeg, also of GLERL, may have found a connection between zebra mussels and the summer *Microcystis* blooms. Vanderploeg has observed zebra mussels selectively filtering and rejecting phytoplankton in a way that could both promote and maintain *Microcystis* blooms.

Using video equipment, Vanderploeg observed zebra mussel behavior monthly during the algal blooms. Although the mussels remained open and siphoning, they exhibited a definite distaste for *Microcystis*, expelling BB-sized blobs of these algae back into the water column, where they became resuspended. Vanderploeg speculates that these blobs of algal cells were uninjured and could continue to grow.

While the mussels seldom slowed their pumping rates, their actual feeding rate declined due to the amount of *Microcystis* spewed back into the water. In laboratory experiments using *Microcystis* from Lake Erie's 1995 bloom and a species of small laboratory-cultured

algae (*Rhodomonas*), Vanderploeg confirmed that the mussels could continue to select smaller algae for normal digestion while expelling *Microcystis*.

Because *Microcystis* may have a competitive advantage over other algae in conditions of high ammonium (the form of nitrogen excreted by the zebra mussels) it would be expected that fertilization of Saginaw Bay by zebra mussels would encourage *Microcystis*. But despite the high density of zebra mussels, Vanderploeg found nitrate concentrations (a form of nitrogen used by most algae) in the Bay to be 10-20 times higher than ammonium concentrations. Phosphorus, another element that might preferentially stimulate *Microcystis*, was excreted by the mussels at very low levels. Therefore, it appears that nutrient excretion by the mussels was not a major factor in promoting the *Microcystis* bloom.

In addition to the aesthetic drawbacks of blue-green algal blooms and potential food chain disruptions, biologists are concerned about the potential toxicity of *Microcystis*. The algae is known to be responsible for some bird and fish kills and to cause gastrointestinal distress to humans. "In fact," Vanderploeg said, "the algal toxins may be what is causing zebra mussels to reject *Microcystis*." Vanderploeg is continuing to examine this issue.

In the meantime as the zebra mussel continues to spread south from the Great Lakes, the Louisiana Sea Grant has developed a "*Southern Region Zebra Mussel Newsletter*" to document the spread. The newsletter offers information about new settlement sites and control experiences.

To receive copies of the free newsletter contact Marilyn Barrett-O'Leary, Louisiana Sea Grant, Louisiana State University, Baton Rouge, LA 70803-7507,

Source: Zebra Mussel Update No.
27, Great Lakes Sea Grant Network

Yellowstone Update

Proclaiming that "Yellowstone is more precious than gold," President Clinton announced a deal in early August to block the proposed New World Mine near Yellowstone's MT border.

The "agreement in principle" with Crown Butte Mines Inc., provides for the government to swap \$65 million worth of federal land if the company drops its claim to some \$650 million worth of gold deposits. Lands to be swapped have not yet been specified, and federal officials would have up to a year to work that out with the company. Additionally, Crown Butte agreed to put \$22.5 million in an escrow account to pay for cleaning up waste from "mining activity that occurred before it took over the site".

Environmental concerns, who feared the mine's waste would have polluted the Clarks Fork of the Yellowstone River running into the park, "declared victory over the mining industry" with Clinton's announcement. But they cautioned that many details remain to be worked out, including finding alternative land acceptable to them and to Crown Butte. If the company is not satisfied with the proposal, "it can walk away from the agreement," said Robert Eakey of the Bozeman, MT-based Greater Yellowstone Coalition (GYC), which coordinated attacks against the mine. "There's a lot of negotiating to be done. We're not going to transfer an environmental liability to another part of the country."

Ian Bayer, president of TX-based Battle Mountain Gold, which owns a controlling interest in Crown



Butte, said he believed that reaching a preliminary agreement was the hardest step. Crown Butte President Joe Baylis said, "Nobody's walking away losing". Bayer wouldn't discuss where the alternate land might be, "or whether the government might swap mineral reserves instead." "In the end, Bayer said, "the company wants assets that they can realize and liquidate to cover losses".

Crown Butte has already paid about \$37 million for exploration of the New World Mine. Additionally, Crown Butte Mines Inc. will now embark on the \$22.5 million effort to repair damages "wrought by mining the company had no part of." The cleanup will reduce acid and other pollution in streams flowing toward the park and the Clarks Fork of the Yellowstone River. Crown Butte will conduct the work near Cooke City, MT, where some streams are "as acidic as lemon juice" due to previous mining. The USEPA will oversee the work after involving state agencies, technical experts and the public in drafting cleanup options. Company officials want the cleanup to become "a showcase of the mineral industry's environmental sensitivity."

President Clinton said the deal will prevent what would have been "years and years of expensive and bitter litigation", while acknowledging that the deal will affect the area economy and cost hundreds of jobs. But he said, "We can't have mines everywhere, and mines that could threaten any national treasure like

Yellowstone". Clinton made a point, however, of stressing the industry's economic importance.

Environmental interests used the ceremony to emphasize that future threats like the one to Yellowstone were still possible because Congress has yet to reform the 1872 Mining Act, which critics say gives the federal government too little authority to stop mines not in the public interest, and allows the industry to exploit public resources without compensating the government.

Interior Secretary Bruce Babbitt agrees. A Department of the Interior News Release dated September 11, calls the antiquated 1872 Mining Law "...a poor return on the nation's natural resources". The release was made as Babbitt signed mining patents for claims in AZ and AK. Babbitt said, "Once again I'm being forced to give away the American public's hard earned heritage. Under the 1872 Mining Law, with the stroke of a pen, I must transfer 56 million dollars worth of copper for just five hundred dollars. That's five dollars per acre. That's the law. That's an outrage."



Further he said that, "With the strong support and leadership of President Clinton, we can pass a real mining reform that restores and protects our watersheds and that gives taxpayers a fair return on their rich national legacy. Let's end the giveaway right now," he said.

Clinton administration aides say

the White House persuaded Crown Butte to give up the New World Gold Mine after threatening to invoke federal wetlands regulations in the area where the mine's wastes would have drained. Should the deal proceed, "it would be the first such U.S. mining swap in recent memory." Industry observers speculated that TX-based Battle Mountain Gold Co., which bought a controlling interest in Crown Butte in March, may see the deal as an "easy way to shed a property that could have hurt its image." Meanwhile, "the White House's willingness to compensate the mining company shows that it does not want to further drive the [mining] industry abroad".

Some 60% of Wyoming voters want the federal government to stop the New World Mine, according to a poll released on August 9 by the National Parks and Conservation Association (NPCA). However, NPCA President Paul Pritchard "believes the agreement ... has only a 50-50 chance of success." Pritchard said the states involved and their congressional delegations were not part of negotiations. Yet "congressional approval ultimately will be needed for the deal to be consummated".

In a related matter, the House Resources Committee began hearings on Sept. 12 on a bill which would prevent United Nations (UN)-affiliated panels from designating federal lands as World Heritage Sites or Biosphere Reserves without congressional approval. The "primary target" of the legislation, sponsored by House Resources Committee Chair Don Young (R/AK) and Sen. Conrad Burns (R/MT), is the UN Educational, Social and Cultural Organization (UNESCO), which administers a global list of architectural, urban and natural sites of "universal significance."

The UN World Heritage program garnered national attention in

1995 when Yellowstone National Park, which has been on the list since 1978, was upgraded to "endangered" because of the proposed New World mine.

The House version of the bill (brought to the floor on Sept. 26) questions whether economic development would be allowed around heritage sites and, "more broadly," raises questions about the role of the feds and state sovereignty. But Nina Sibal, director of UNESCO's New York office, and one of those testifying on Sept. 12, said concerns about the designations being obstacles to local development are "a needless fear" since the designations have no effect on how the property is used.

Source: Greenwire Vol. 6, No. 71, 72, 74, 88, and 91

Red Tape Cut for Oil/Gas Drillers

"One day after pleasing environmentalists" by blocking the New World Mine near Yellowstone National Park, President Clinton signed a bill "cutting red tape" for companies drilling for oil and gas on federal lands. The new law, backed by the energy industry, simplifies the collection process for royalties on oil and gas extracted from federal lands, and requires the government to pay interest when producers overpay royalties.



According to the White House, the Congressional Budget Office estimates that the law will result in \$51 million in revenue to the federal government and \$33 million to states over seven years. The ceremony was "seen by the White House as a political counterweight" to Clinton's announcement that the New World Mine will not proceed.

Environmental protection and jobs brought by the oil and gas industry "are both ballot-box priorities" in the West. Clinton said, "Until today, regulatory red tape and conflicting court rulings had discouraged many companies from taking full advantage of these resources [on federal lands]".

Before signing the bill, Clinton met with gas and oil producers and energy lobbyists "to assure them that his administration is pro-industry and will fight" Republican attempts to eliminate the Energy Department.

Source: Greenwire Vol. 6, No. 73

State's Rights

In "another blow" to the West's "sagebrush rebellion," U.S. District Court Judge Lloyd George on August 28 ruled against 17-year-old NV statutes that claim state ownership of federal lands. George said the statutes violate the U.S. Constitution's supremacy clause, siding with a stipulation filed by the federal government that called the NV statutes "invalid and unenforceable."

The judgment follows George's March ruling that the federal government owns and has the power to manage public lands within Nye County, NV. That ruling nullified a 1993 Nye County ordinance that had claimed state and county authority over all public lands in the state.

Recently, the feds and Nye

County officials have been negotiating to resolve disputes over public lands, which make up 93% of the county. Nye County Commissioner Dick Carver, who defied U.S. Forest Service authority in April 1994 by bulldozing a road on federal land said, "We can't complain now with the federal agencies working with us like they are. This should have been going on for years".

Source: Greenwire Vol. 6, No. 91

Takings Update

After months of pledging to bring a property rights bill to the Senate floor before the end of the session, advocates admitted defeat when Senate Majority Leader Trent Lott (R/MS) pulled the controversial issue from the Senate calendar in mid September, effectively killing the measure for this year.

The takings bill, S. 608, was introduced by Sen. Bob Dole (R/KS) last year and was revised this summer by Sen. Orrin Hatch (R/UT) in response to concerns that the bill was too broad. The new measure focused specifically on land values and triggered compensation whenever a federal regulation, particularly environmental laws, diminished a property's value by 50%. Civil rights laws, including laws pertaining to the disabled, were exempted from the latest draft. None-the-less, bill supporters were unable to gather enough votes to overcome a certain filibuster, and Lott was unwilling to press the controversial issue so close to the election.

Environmental groups praised the majority leader's decision. "The defeat of takings in the 104th Congress represents a victory for conservationists and taxpayers across the country," said John Echeverria of the National Audubon Society. "It also signals a return to simple common sense

in congressional deliberations over future environmental policy."

Proponents of the bill pledge to bring it up next year; at least one Senate supporter is considering reserving S. 1 in a symbolic gesture to make takings the first issue of the 105th Congress. "It's a shame that its not going to come up this term but its an issue that is not going away and it merits being S. 1 in the next session," said David Almasi of Defenders of Property Rights.

In an interesting twist, Sen. Ron Wyden (D/OR) and John Warner (R/VA), a former supporter of the Dole bill, introduced new legislation designed to protect the property rights of the nation's 65 million homeowners. The bill, S. 2070, would allow property owners who experience a decrease in land value due to the issuance of a federal permit for development of a nearby property to sue the developer for damages.

"The issue has come full circle," said Echeverria. The bill, which also has no chance of passing, is symbolic in its attempt to recognize the interests of the vast majority of property owners who benefit from the nation's environmental laws, he said.

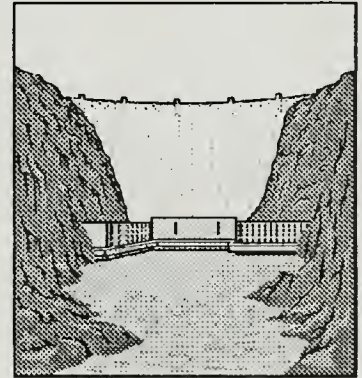
Source: Land Letter Vol. 15, No. 25

Landowners Angry over TVA Shoreline Plan

Landowners in Chattanooga, TN, met with Tennessee Valley Authority (TVA) officials on August 1 to "voice disapproval" over the TVA's plan to form a 50-ft. vegetation buffer zone along 10,995 mi. of shoreline at 30 TVA lakes. The agency has said that unless development is curtailed, wildlife and water quality will be endangered.

TVA's Tere McDonough said, "We have taken the position to try to

balance the strong developmental interest against the strong environmental interest and strike somewhere in the middle." Over the past 50 years, landowners have developed 17% of the property fronting TVA reservoirs. If current rates continue, two-thirds of lakefront property could be developed in 25 years, according to a TVA study.



Residents say the buffer zone will hurt property values, restrict use, and cost homeowners \$100 in registration fees and \$1,000 in construction deposits on new buildings. Some environmentalists are also skeptical about the proposal, warning that the TVA could choose to develop the zone in the future for profit.

Additional meetings will be held across the TVA's seven-state region this fall. A TVA decision is not expected until next year.

Source: Greenwire Vol. 6, No. 65

Natural Resource Summit of America (NRSA)

"After years of mutual suspicion and occasional hostility," two "frequently feuding wings of the conservation movement" -- environmentalists and hunters and fishers -- have vowed to work together to hold lawmakers accountable for their stances on natural resource issues.

Some 31 groups (with a total

membership of 20 million) have formed a coalition called the Natural Resource Summit of America (NRSA). The group held



its first meeting in Birmingham, AL, on August 4 in conjunction with a bass fishing tournament. The meeting brought together groups ranging from the National Taxidermists

Association and Buckmasters Inc. to Defenders of Wildlife and the Sierra Club.

The groups, sharing common ground on issues such as air and water quality, have signed a joint declaration of principles and vowed to make environmental issues a large part of the upcoming elections. NRSA leaders said that efforts by the GOP-led Congress to rewrite the Clean Water Act helped bring the groups together.

Peter Rafle, Director of Communications for Trout Unlimited said, "It is not as though the two sides haven't spoken to each other at all over the past 20 years.



They've just done it in ones and twos." "The principal aim of both sides in the coalition is to send a sharp message" to GOPers who threatened to weaken environmental laws during the 104th Congress. For example, Geoffrey Sommer of the Utah Bass Anglers Sportsman Society "is a lifelong Republican who says he is rethinking how he will use his vote in November."

Some observers hope the NRSA will do more than oppose environmental "rollback" attempts, but will also push proactively for strong

environmental legislation.

However, the alliance between the two sides is clearly fragile. For example, Rafle said that Trout Unlimited members, with an average income of \$105,000, tend to be conservative "on almost every issue apart from the environment." Meanwhile, Bob Ferris, Director of Defenders of Wildlife, said that members of his group earn \$45,000 a year and that 70% to 75% of them are Democrats.



Source: Greenwire Vol. 6, Nos. 69 and 76

Republicans for Environmental Protection

The group Republicans for Environmental Protection (REP) has criticized the environmental plank of the Republican platform this year, saying it is full of "corporate welfare" for mining, timber, and oil companies. REP, a national grassroots group formed about a year ago to oppose the party leadership's "anti-environment agenda", now has chapters in 45 states."



REP has called on Bob Dole and Jack Kemp to repudiate the GOP environmental agenda. While REP President Martha Marks admits the group may not be able to influence the November presidential election, she hopes it can play a role in some congressional races.

For instance, the group recently named Rep. Christopher Shays (R/CT) its "environmental legislator of the year" for his consistent record of voting in favor of environmental safeguards and opposing recent GOP attacks

on environmental protection.

REP also recently gave out its Environmental Hero awards to five GOP Congressmen -- Sen. John Chafee (RI) and Reps. Sherwood Boehlert (NY), Connie Morella (MD), Richard Zimmer (NJ) and John Porter (IL). It gave out Environmental Zero awards to Sens. Larry Craig (ID) and Frank Murkowski (AK); and Reps. James Hansen (UT), Don Young (AK) and Tom DeLay (TX).

Marks said, "The heroes were easier to do because there were so few of them. The zeros were picked for their abysmal leadership in the wrong direction".

Source: Greenwire Vol. 6, No. 94

Clinton/Dole/Perot on Environmental Issues

The basic differences between President Clinton and Senator Dole on environmental issues are stark. Clinton relies on the federal government to enforce and to increase national environmental protection. Dole, critical of the scope and cost of federal rules, wants to scale back the government's regulatory role.

The Republican takeover of Congress introduced a new environmental agenda that called for freezing, weakening, or rolling back 25 years of environmental legislation. Clinton's stand against that agenda helped to restore his popularity even after Democrats were crushed in the 1994 GOP landslide.

"More than any other time, the environment has been an absolutely top priority for this President," says Kathleen A. McGinty, chairwoman of the White House Council on Environmental Quality. "For the first time, the environment is part of every senior discussion this administration conducts."

But for many environmentalists, Clinton is a latecomer to the debate. "Clinton's record is, for the most part, a disappointment," says Daniel J. Weiss, Political Director of the Sierra Club. "It may just be that expectations were unrealistically high about what he would be able to accomplish, but early on he didn't invest his political capital in fighting for the environment."

Clinton did reverse some Bush administration policies, including adding new controls on ozone-depleting carbon dioxide emissions and increasing the number of chemicals that industries must report if they are discharged into the air or water. But other initiatives showed that Clinton's priorities were elsewhere. For example, Clinton in 1993 proposed increasing grazing fees, updating a century-old mining act and introducing an energy tax. He dropped all three under fire from then-Democratic leaders in Congress in order to save his budget and economic plan.

Clinton's early, meandering course on the environment is best characterized by his approach to logging in national forests. Clinton broke the deadlock in the Pacific Northwest, where national forests had been closed to logging in order to protect endangered species, such as the northern spotted owl. His Northwest forest plan opened some woods to logging while preserving vast tracts. Neither environmentalists nor timber companies liked the solution, but most considered it fair.

Then Clinton broke his own truce by signing the so-called "salvage timber rider." This legislation, folded into a 1995 budget bill, suspends environmental laws and requires the government to open areas for logging that had been deemed too sensitive for the chainsaw. Clinton first vetoed the bill and then signed it. Later, he

declared the rider workable but, as trees fell and criticism mounted, he again announced he was opposed to it.

White House aides call the rider Clinton's biggest environmental blunder. "We worried that the rider would be an invitation to more litigation and more polarization and more court battles," McGinty says. "That's exactly what this legislation brought."

Shortly after Republicans gained control of Congress, they gave Clinton reason to hold his ground on the environment. The GOP pushed oil drilling in the Arctic National Wildlife Refuge, a weakening of the Endangered Species Act (ESA), curbs on the USEPA, and rollbacks in the Clean



Water Act. Clinton stopped them all with a veto or threat of a veto.

Clinton has also made progress using environmental laws that drew previous administrations into lengthy lawsuits and expensive delays. For example, under Clinton the USEPA, trying to speed up the cumbersome Superfund law, now pushes for quicker cleanups of urban waste sites that can be restored for industrial use. And his Interior Department has sidestepped collisions over the ESA by winning voluntary agreements with large landowners, such as timber companies, to protect habitats of imperiled animals and birds.

While conservationists applaud these efforts, critics say that laws such as the ESA and the Superfund remain broken, and that the administration is resisting

reform. "The administration is just putting off the problems with these laws," says Luke Popovich of the American Forest and Paper Association, which wants to see the ESA curtailed. "You can't just work around the edges when you have to go to the heart of the problem."

While Clinton will talk up the environment, Dole may go through the campaign without uttering a word about it. Dole has not given a major talk on the issue and his campaign declined to offer any one to speak on the record about the Republican's environmental stands. Dole is staying quiet for a reason: His environmental record is modest and he has little hope of flanking Clinton on the issue this late in the campaign. "The environment is not going to be a cutting issue for us," says one Dole adviser who asked not to be named. "Our goal is to not say much or do anything that puts people off."

Indeed, Dole has struggled when he has tried to compete. For example, he earns credit for proposing a \$200 million effort to protect the Everglades approved by Congress this year. But his proposal pales to a sweeping Everglades protection plan Clinton had already offered. "The environment can't be a primary issue for Dole's campaign because you don't try to steal the other fellow's strength and make it your own," says George D. Baker, a Washington lobbyist for companies seeking to overhaul the Superfund law. "Which is not to say Republicans don't have the better story to tell."

Dole argues that the federal government should impose fewer rules and states should have more say in how they are enforced, a strategy he says will improve the efficiency of environmental standards. As his campaign statement puts it, "Current implementation of federal environmental laws is not as

effective as it should be in achieving the results we all desire, and is far more costly to the American people than is necessary."

Nonetheless, Dole touts his few environmental credentials: shepherding the 1990 Clean Air Act revision through Congress, sponsoring conservation and wetlands measures in this year's farm bill, and promoting alternative fuels. "Every once in awhile he does the right thing," says Burt Glass of the League of Conservation Voters (LCV). "Overall, his record is not characterized by bright spots."

Indeed, few of Dole's accomplishments on the environment come without caveats. To hold the Clean Air Act deal together, Dole opposed many amendments to raise anti-pollution standards. His support of alternative fuels is defined by his loyalty to Archer Daniels Midland Co., the agriculture giant that is both the biggest producer of the alternative fuel ethanol and one of Dole's top financial supporters.

His broader voting pattern, though, reveals a senator who resisted expanding or even maintaining federal environmental standards. In 1987, Dole joined 13 other senators opposing renewal of the Clean Water Act. In 1994, he opposed protecting CA deserts. In this Congress, Dole voted to open the Arctic National Wildlife Refuge to oil exploration. The LCV's annual ranking of Congressional voting records, one barometer watched by environmental groups, gives Dole a lifetime score of 19 out of a possible 100. The group has given him a zero three times since 1992.

Dole's most prominent role, however, has been leader in the congressional effort to rein in the federal government's power to regulate industry. Dole's bill

would block many new federal rules and regulations that increase costs on industry. Opponents, including environmental groups, argued the bill allowed industries to stop tougher protections for health, safety and the environment. Clinton vetoed the bill when Congress attached it to a budget measure. Now, regulatory reform is part of candidate Dole's economic package.

The second bill that Dole has championed strikes more directly at environmental concerns: a measure that would have the government pay landowners when federal rules prevent them from using their land. But the Clinton administration and environmentalists oppose the legislation, saying it would make environmental laws too expensive to enforce while paying people for following the law.

TX billionaire Ross Perot's return to the presidential race adds a new dynamic, but Perot has yet to make clear any proposals for the environment. His campaign declined to offer a spokesperson on the issue, and his position paper talks generally of balancing jobs and the environment.

During his 1992 campaign, Perot proposed hiking the gas tax by \$0.50/gallon as a way to reduce America's reliance on fossil fuels. Perot also said he opposed federal subsidies for mining, grazing and timber industries, which often pay below-cost fees, a stand he repeats in his 1996 position paper.

But Perot's record elsewhere had another side. In 1989, the U.S. Fish and Wildlife Service was preparing to name the golden-cheeked warbler, a shy songbird that lives among the TX oak, as a threatened species. A Perot-owned company cleared land it owned outside of Austin, TX, to beat the listing and to limit the bird's nesting on its property.

In 1992, Time magazine reported that Perot had workers six years earlier blow up a coral reef in Bermuda to make way for his vacation home's boat dock. The local government had refused Perot a permit but the work went ahead anyway. The magazine, noting Perot's denials that he did anything wrong, also reported that the billionaire snorkeled out to the reef to oversee preparation for the explosions.

Source: Newhouse News Service, byline article by Brent Walth, 9/10/96

Environment and the Election

Forty-two percent of Americans believe the environment is one of the most important issues in deciding whom to vote for in the presidential election, according to an August 17 Newsweek poll. Another 42% said environmental issues are "important, but not as important," while 15% said they were "not too important." In contrast, a greater percentage of those polled believe economic issues (74%), crime (70%) and "the drug problem" (64%) are each one of the most important issues in the election. But the environment was ranked above abortion and immigration; only 33% considered those two issues to be among the most important.

Of the 42% who considered the environment a top issue, 50% said they would vote for the Democratic Clinton/Gore ticket, 34% for the Republican Dole/Kemp team and 3% said they would support the Reform candidates. Thirteen percent were undecided. Princeton Survey Research Associates conducted the poll interviewing 933 registered voters. The margin of error was +/-4%.

In a different poll sponsored by the DC-based Competitive Enterprise Institute (CEI), which opposes most government

intervention in the economy, 65% of those polled said state or local governments would do a better job with environmental protection than the federal government.

CEI's Jonathan Adler said, "This poll shows that a majority of Americans have discovered something that most policy makers in Washington have not -- extensive federal bureaucracies are not necessary for environmental protection, and there is nothing anti-environment about pursuing environmental reform."

According to the CEI poll, 64% of respondents said government should compensate landowners "when environmental regulations prevent landowners from using their property." Fewer than 5% of voters identified environmental concerns as "the single most important problem facing the country;" just as many said the "most important problem" is President Clinton.

The 1,000-voter survey was conducted from June 29-July 2 by The Polling Co. Margin of error was +/-3.1%.

In still another poll -- this one sponsored by the National Wildlife Federation (NWF), the environment is a "high" priority for 75% of voters, and the number who think environmental laws don't go far enough is 49%, up 8% since 1994,

Some 54% of respondents said environmental issues would influence their choice for president, compared to other issues such as crime (77%), education (76%), and the deficit (63%). The voter groups most likely to be influenced by candidates' stances on the environment are women, blue-collar voters, independents, young voters, urbanites, non-whites and outdoor recreationists.



The poll offered arguments for and against certain environmental programs and proposals. It found that, despite language emphasizing "tradeoffs" or "costs," a majority of the respondents supported "almost every conservation measure proposed to them." The survey conducted by Hart Research Associates and Research/Strategy/Management Inc. polled 1,006 voters between July 16-18. Margin of error was +/- 3.5%.

Additional details of the NWF poll follow, shown in % of support by persons polled:

(1) How do you rate the enviro record [Excellent (E), Good (G), Fair (F), Poor (P), or Not Sure (NS)] of:

| | (E) | (G) | (F) | (P) | (NS) |
|----------------|-----|-----|-----|-----|------|
| Congress | 2 | 17 | 44 | 21 | 16 |
| Clinton admin. | 4 | 29 | 40 | 14 | 13 |

(2) Rate the value of enviro proposals in relation to the trade-off or cost of these programs [Definitely Worth Doing (D), Probably Worth Doing (P), Probably Not Worth Doing (PN), Definitely Not Worth Doing (DN), Not Sure (NS)]:

(a) Full disclosure of companies' toxic emissions even at substantial cost to consumers:

| (D) | (P) | (PN) | (DN) | (NS) |
|-----|-----|------|------|------|
| 49 | 29 | 13 | 5 | 4 |

(b) Tax incentives for private landowners to restore/protect wildlife habitat on their property:

| (D) | (P) | (PN) | (DN) | (NS) |
|-----|-----|------|------|------|
| 36 | 37 | 13 | 10 | 4 |

(c) Higher fees for mining, logging, grazing even if it financially harms those industries:

| (D) | (P) | (PN) | (DN) | (NS) |
|-----|-----|------|------|------|
| 20 | 34 | 24 | 14 | 8 |

(d) Maintain funding for international family planning even if money could be used for deficit:

| (D) | (P) | (PN) | (DN) | (NS) |
|-----|-----|------|------|------|
| 21 | 26 | 22 | 22 | 9 |

(e) Who should be responsible to set enviro protection standards?

| | |
|---------------------------|----|
| Federal Government - | 38 |
| States/Local Government - | 53 |
| Some of both - | 4 |
| Depends/Neither - | 1 |
| Not Sure - | 4 |

(f) Do you agree that landowners should receive financial compensation from government when prevented from using their property in a way that might effect endangered species or wetlands?

| | |
|--------------|----|
| Agree - | 38 |
| Disagree - | 52 |
| All others - | 10 |

Source: Greenwire Vol. 6, No. 70, 77

Teaming With Wildlife Draws Heat

An Associated Press story on September 17 falsely attributed the *Teaming With Wildlife* program to Interior Secretary Bruce Babbitt. *Teaming With Wildlife*, a proposal of the International Association of Fish and Wildlife Agencies (IAFWA), recommends imposing a small tax on recreation equipment, including hiking boots, canoes, camping gear and even bird seed, to support conservation initiatives.

Dubbed the "nature lover's tax" in the press, the plan would be based on the manufacturer's price of the product, often 35-50% less

than the retail price. A surcharge of less than 1-5%, could raise \$350 million a year, supporters say.

Responding to press reports, Sen. Frank Murkowski (A/AK) who chairs the Senate Energy and Natural Resources Committee criticized the idea. "I am on record as supporting efforts to bring conservation funding initiatives to the forefront for consideration and debate," he said. "But it's just not right to levy additional taxes on Americans for unspecified purposes!

The Associated Press had it right that Secretary Babbitt did address the annual meeting of the IAFWA on September 16 and during his remarks he did say that he personally favored the concept of funding state wildlife programs through a surcharge on the gear used by people who benefit from state outdoor recreation services. But contrary to press reports Babbitt's statement is not the position of the Clinton Administration.

"My statement led people to believe that the Administration supports the wildlife agencies' proposal for an outdoor gear surcharge. That is not true," said Babbitt. "I want to clearly state that the President does not support and has not ever seen, this proposal."

The IAFWA, a consortium of wildlife officials from the United States, Canada and Mexico, backs the idea because the revenue raised would be used for wildlife education, recreation and conservation projects. The IAFWA proposal has also been endorsed by more than 1,200 wildlife-related businesses and organizations, but others, including many outdoor equipment manufacturers oppose the idea.

Babbitt told the IAFWA that about 85% of people are more willing to

pay the tax if the money goes directly toward improving wildlife habitat and parks.

MICRA joined the groups supporting *Teaming With Wildlife* this past spring. The proposal is seen as a way of reducing the burden hunters and fishers currently bear in support of nongame species management -- species that support a much broader range of interests than just hunting and fishing.

Source: Land Letter Vol. 15, No. 25

Mollie Beattie Wilderness Area

In signing the Mollie Beattie Wilderness Area Act (S. 1899), naming an Alaskan wilderness area in her name, President Clinton praised the former U.S. Fish and Wildlife Service Director for her public service:

"...Although her tenure as director was tragically cut short, Mollie left an enduring legacy to the American people. She was determined to conserve the



world's wild creatures and their habitat, and to do so effectively. As a direct result of her efforts to make the Endangered Species Act work better, Americans everywhere have voluntarily joined in conserving and restoring the landscapes and open spaces that surround them.

'Mollie strove throughout her life to help people understand the connections that linked the quality of their daily lives to the health and well-being of America's wildlife. Anyone who ever worked with Mollie recognized that her caring, compassion, and wisdom extended to all living creatures. She truly understood the need to actively engage people in wildlife conservation efforts.

'Under this legislation, Mollie Beattie's name will be forever associated with one of the most wild and beautiful places on this planet, the Brooks Range of Alaska's Arctic National Wildlife Refuge. It is entirely appropriate that we honor Mollie in this way. She was a passionate defender of our 508 National Wildlife Refuges, the largest system of lands in the world dedicated to wildlife conservation. She saw them as places that must be appreciated and honored, as places where we could begin to fulfill our sacred trust as stewards of God's creation. Mollie worked tirelessly, even as her health was failing, to keep these places wild for the benefit of Americans today and for those who will follow us..."

Contact: White House Press Office, (202) 456-2100

International Ictalurid Symposium

An International Ictalurid Symposium, *Catfish 2000*, will be held in the Quad Cities (Rock Island and Moline, IL and Bettendorf and Davenport, IA) in June 1998. Initial organizing sponsors are In-Fisherman, the Quad City Conservation Alliance, the Upper Mississippi River Conservation Committee, and the Iowa and Illinois chapters of the American Fisheries Society.

The symposium will emphasize and summarize current knowledge of the biology and management of

channel, blue, flathead and white catfish. Non-game species will also get some attention. A call for papers will be issued this fall.

Wildland Hydrology Courses Offered

A series of courses have been put together by *Wildland Hydrology Consultants*, Pagosa Springs, CO that are "designed to provide hands on experience for those individuals working with rivers and watersheds".

The offerings for 1996 will allow individuals to progress through a range of interrelated courses beginning with the fundamentals in "Applied Fluvial Geomorphology" and continuing through the more complex course of "River Restoration". A series of pre-requisite courses will be presented through lectures and "on-the-ground" field experience.

The overall intent is to develop a unique expertise in the applied science by presenting specialized techniques in field data collection and analysis, prediction

methodologies and project design, implementation, and monitoring experiences to help meet the current challenges facing today's scientists. A certificate of training will be issued for each course completed. In response to numerous requests, two additional courses will be offered in 1996 and early in 1997 including "Grazing and Riparian Management" and "Hydrology for Managers".

The short courses are designed for hydrologists, engineers, fisheries biologists, and other specialists involved in water resource research; fish habitat improvement; non-point source pollution; watershed analysis; riparian ecosystems; and resource management on urban, agricultural, and wildland watersheds.

The short courses are held at the Inn At The Pass conference center at the foot of Wolf Creek Pass in the San Juan Mountains near Pagosa Springs, CO. The geologic variety surrounding the facility provides a diversity of streams and landform. Field trips

cover life zones from the semi-arid desert to the Alpine.

For additional information contact: Wildlands Hydrology, 1481 Stevens Lake Road, Pagosa Springs, CO 81147, (970) 264-7100 or 7120, FAX (970) 264-7121

New Book - Applied River Morphology

Applied River Morphology is a new guide to the classification, assessment and monitoring of rivers and the applications for water resource management. According to Luna Leopold, "This book is a generous and detailed explanation of the classification system and how it might be used to incorporate the observed processes of river mechanics into restoration designs that enhance the beauty and health of channels."

Cost is \$89.95 from Wildland Hydrology Books, 1481 Stevens Lake Road, Pagosa Springs, CO 81147, (970) 264-7100.

Meetings of Interest

October 31: MICRA Paddlefish/Sturgeon

SubCommittee meeting, Missouri Dept. of Conservation, Powder Valley Conservation Nature Center, St. Louis, MO. Contact Kim Graham, Missouri Dept. of Conservation, (573) 882-9880.

November 13: 3rd Annual Habitat Restoration Program Symposium, Grand Junction, CO. The purpose of the symposium is to give everyone a status update on the progress of the Upper Colorado River Habitat Restoration Program, and to solicit input on the scope, direction, and approaches of the Program.

November 15-17: Urban Streams

Conference, Arcata, CA.

Sponsored by the city of Arcata, the conference will include sessions on treating streams in urban areas and working with the natural properties of streams. Contact Susan Schramm, Conference Coordinator, Environmental Services Department, City of Arcata, 736 F Street, Arcata, CA 95521. (707) 822-8184. E-Mail: creekconf@aol.com.

December 10: MICRA meeting, Red Lion Hotel, Omaha, NE. This is MICRA's mid-year meeting and will be held in conjunction with the 58th Midwest Fish and Wildlife Conference from 8 A.M.

until Noon in the Kansas Room. Contact: Jerry Rasmussen, MICRA Coordinator/Executive

Secretary, (319) 359-3029.

January 14-16, 1997: 1st Annual Conference on Natural Resources of the Missouri River Basin. A multi-disciplinary conference is being established to provide a forum for information exchange between researchers and resource managers on issues related to the stewardship, ecology, and management of the Missouri River mainstem, floodplain and tributaries. Contact: Mark Lastrup, USGS-BRD, Midwest Science Center, Route 2, 4200 New Haven Road Columbia, MO

65201, (573) 875-5399 X1703,
E-mail: mlaustrup@msc.nbs.gov

July 1997, III International

Symposium on Sturgeon, ENEL
Training Centre, Piacenza, Italy.
Contact: Dr. P. Bronzi, ENEL spa -
CRAM via Monfalcone, 15 -

20132 Milan (Italy) phone: + +39-
2 - 72243412 or 3452, FAX:
+ +39 - 2 - 72243496, E-mail:
bronzi@cram.enel.it.

Congressional Action Pertinent to the Mississippi River Basin

Fish and Wildlife

H.Res. 466 (Bonilla, R/TX) a resolution providing for the consideration of the bill **H.R. 2275** to reauthorize the **Endangered Species Act**.

H.R. 3811 (Shadegg, R/AZ) to provide incentives for the protection of endangered species.

H.R. 3862 (Chenoweth, R/ID) to revise the **Endangered Species Act** to ensure that any person having any economic interest that is directly or indirectly harmed by a designation of critical habitat may bring a citizen's suit under that act.

Parks

Senate Energy Committee on June 19 approved **S. 1703** to provide the National Park Foundation a greater ability to

raise funds from individuals, foundations and corporations to help repair and preserve national parks.

H.R. 3819 (Hansen, R/UT) allows the National Park Foundation to accept corporate sponsorship moneys for parks. House Resource Committee held a hearing on July 25.

Public Lands

S. 1844 (Murkowski, R/AK) to amend the **Land and Water Conservation Fund Act** to direct a study of the opportunities for enhanced water based recreation and for other purposes. Approved by the Energy Committee in September.

H.R. 3619 (Campbell, R/CA) to provide off-budget treatment for the **Land and Water Conservation Fund**.

H.R. 3752 (Young, R/AK) a bill to preserve the sovereignty of the **United States over public lands and acquired lands owned by the United States, and to preserve state sovereignty and private property rights in non-federal lands surrounding those public lands and acquired lands**

Water and Wetlands

S. 1660 (Glenn, D/OH) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

H.R. 3217 (LaTourette, R/OH) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

Source: Land Letter



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