River Crossings

Volume 3 March/April 1994 Number 2

HR 2500, The Interjurisdictional Rivers Fisheries Resources Act of 1993

Sources on Capitol Hill tell us that the House Merchant Marine and Fisheries Committee's Subcommittee on Fisheries Management has tentatively scheduled a hearing on H.R. 2500, The Interjurisdictional Rivers Fisheries Resources Act of 1993 for April 20th.

Rep. Steve Gunderson (R/WI) has apparently convinced subcommittee Chairman Thomas Manton of the need for an additional hearing, and is pushing for markup of the bill. H.R. 2500 hasn't met with any strong opposition (at least the MICRA portion), but there is still skepticism about the likelihood of its eventual passage because it is not being championed by anyone on the subcommittee of jurisdiction.

Subcommittee members include Chairman Manton (D/NY), William Hughes (D/NJ), Jolene Unsoeld (D/WA), Gene Taylor (D/MS), H. Martin Lancaster (D/NC), Dan Hamburg (D/CA), Maria Cantwell (D/WA), Earl Hutto (D/FL), Young (R/AK), Howard Coble (R/NC), Arthur Ravenel, jr. (R/SC), and Jack Kingston (R/GA). Without such a "champion" on the subcommittee, the bill is less likely to move.

The tentative hearing is to provide Gunderson a chance to testify (since he missed the hearing last summer). He apparently wishes to give voice to some who have raised concern with the bill (he cited the New York Power Authority, but did not mention their concern). He also wants to give other supporters who did not speak at the first hearing a chance to be heard. MICRA members will undoubtedly be among those wishing to testify on behalf of the bill.

Third Annual MICRA Meeting

MICRA Chairman Jim Fry (MO) has scheduled the Third Annual Meeting of the MICRA Steering Committee for May 18-19, 1994 at the Doubletree Hotel at Corporate Woods in Overland Park, KS. The meeting will be held in conjunction with the American Fisheries Society Fisheries Administrators meeting. The MICRA meeting will begin at 1 P.M on the 18th and end at noon on the 19th.

The agenda will include review of MICRA's Draft Constitution and By Laws, prepared by Fry over the winter months. Other

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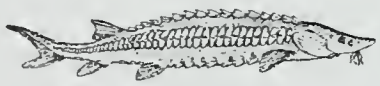
agenda items will include discussions related to the flood of 1993, introduction of exotic fishes, and possible formation of a committee to address exotic fish concerns.

For more information contact the MICRA Coordinator's office (314) 876-1911 or MICRA Chairman Fry at (314) 751-4115. For room reservations contact the Doubletree Hotel at (913) 451-6100.

MICRA Paddlefish/ Sturgeon Committee

The MICRA Paddlefish/Sturgeon Committee will meet in conjunction with the Annual MICRA Steering Committee meeting at the Doubletree Hotel at Corporate Woods in Overland Park, KS.

The Paddlefish/Sturgeon Committee will meet on May 19-20, immediately following the Steering Committee meeting, beginning at 1 P.M. on the 19th and ending at noon on the 20th. Implementation of the Committee's Strategic Plan, recently approved by the Steering Committee, will be the major topic of discussion.



Chairman Kim Graham (MO) hopes to use the meeting to prioritize goals, objectives, and tasks identified in the MICRA Paddlefish/Sturgeon Committee Strategic Plan. Graham envisions several states planning joint D-J projects to begin addressing specific needs. He also sees the need to identify outside funding sources.

For room reservations contact the Doubletree Hotel at (913) 451-6100.

Lower Mississippi River Conservation Committee Formed

The Lower Mississippi River Conservation Committee (LMRCC), a new interagency organization established to help coordinate management of the lower Mississippi River, held its first annual meeting on March 1, 1994 in Little Rock, Arkansas.

The LMRCC was established following needs expressed in recent years by the Arkansas and Mississippi chapters of the American Fisheries Society and state fish and wildlife agencies involved in managing lower Mississippi River natural resources.

The lower Mississippi River is that portion of the River from the mouth of the Ohio River to the Gulf of Mexico. Problems such as depletion of migratory fish species, point and non-point source water pollution, habitat changes resulting from flood control and navigation developments, loss of biodiversity, and exotic species such as the zebra mussel, are among the environmental problems facing the lower Mississippi River.

Through the LMRCC, river management agencies and personnel will have a forum for meeting, discussing various issues involving the river, and deciding collectively to take actions that most states would not be able to accomplish individually. The improved coordination of joint

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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.

management and research programs should result in reduced duplication of effort and increased efficiency in dealing with river resource problems. Another benefit will be the establishment of a repository and clearinghouse for information and data on the lower Mississippi River's natural resource status, trends, and uses, which will be of assistance to biologists and other technical specialists. Two additional purposes are (1) to increase public knowledge of and involvement in river resource management, and (2) protection and establishment of a permanent forum to facilitate compatible regulations between states.

Lower Mississippi River Conservation Committee

Present voting membership in the LMRCC consists of 11 state agencies responsible for managing fish and wildlife and water quality in the states of Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. Each of these agencies has one voting delegate on the LMRCC's Executive Committee. In addition to the voting members, there are presently seven other state and federal cooperating agencies and organizations that will work closely with the LMRCC.

The LMRCC was formed over the last two years through the assistance of the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. The Fish and Wildlife Service will play a major role in the LMRCC by providing an employee to serve as LMRCC coordinator on a full-time basis.

The LMRCC will complement and work with similar organizations established in other parts of the Mississippi River drainage basin to coordinate river management actions.

For more information contact: Douglas J. Fruge, LMRCC, P.0. Box 825, Ocean Springs, Mississippi 39566, (601) 875-9387, Fax (601) 875-6604.

ARCC Being Formed

An Arkansas River Conservation Committee (ARCC) is forming on the Arkansas River in the image of similar groups on the Mississippi (UMRCC and LMRCC) and Missouri (MRNRC) rivers. The ARCC mission is "To develop the infrastructure necessary to coordinate and promote activities for the protection, enhancement, and wise use of the fisheries, wildlife, recreational, and other aquatic resources of the Arkansas River system.

ARCC's draft goals include:

- To maintain and enhance biological integrity and habitat diversity within the Arkansas River system so that native species can be conserved and so that the benefits to sport fisheries, existing commercial fisheries, boaters, naturalists, and other publics can be maximized.
- To provide a network for communication among resource agencies, industries, universities, and other groups interested in the conservation and management of the Arkansas River system that will facilitate exchange of data, coordination of funding efforts, implementation of beneficial studies, establishment of a unified voice in the political process, and promotion of environmental awareness.
- To summarize existing data bases, identify research needs, promote needed research, and encourage sound management of natural resources in the Arkansas River system.

For more information on the ARCC contact: Dr. Joe Stoeckel, Dept. of Biological Sciences, Arkansas Tech University, Russellville, AR 72801.

Lower Mississippi River Zebra Mussel Task Force Formed

A task force comprised of Louisiana State University (LSU) scientists, governmental agencies, and industry representatives was formed in late January to monitor the influx of zebra mussels into the waters of the lower Mississippi River Valley. The potential biological impact of the mussel on freshwater habitats led the U.S. Fish and Wildlife Service (USFWS) to convene this task force to facilitate monitoring and control.

Under the leadership of John Forester (USFWS), representatives of chemical and power industries along the Mississippi, Red, Ouachita, and Arkansas rivers and their academic and governmental colleagues will strive to reduce the mussel's impact on southern waters and industries by sharing data on mussel location, behavior, and innovative control methods. The information will be distributed through a newsletter developed by the Louisiana Sea Grant College Program, USFWS, and the Louisiana Cooperative Extension Service.

For more information contact: Louisiana Sea Grant College Program, Communications Office, Louisiana State University, Baton Rouge, Louisiana 70803-7507, or John Forester, USFWS, 237 Parker Coliseum.

Mississippi River Basin Alliance Appoints Coordinator

After serving 6.5 years as American Rivers' Director of Outreach and Education, Suzanne (Suzi) Wilkins will become Coordinator for the Mississippi River Basin Alliance.

The Alliance is an interactive network of diverse organizations and individuals whose purpose is to

protect and restore the ecological, cultural, historical and recreational resources in the basin.

The group has been forming over the past two years and Suzi will be based in St. Louis, moving to her new location on May 15th.

Pallid Sturgeon Recovery Plan Released

The U.S. Fish & Wildlife Service (Region 6) released the Pallid Sturgeon Recovery Plan on January 31, 1994. The pallid sturgeon was listed by the Fish & Wildlife Service as endangered on September 6, 1990.

The Recovery Plan, prepared over the past three years by an interagency team of sturgeon experts, points out that while the species range is large (Missouri and lower Mississippi rivers), catch records are extremely rare, and the species may be close to extinction.

The pallid sturgeon is uniquely adapted to habitat conditions provided by large, free-flowing, warmwater, turbid rivers with a diverse assemblage of physical habitats, that were in a constant state of change. Modifications of pallid sturgeon habitat by human activities has blocked fish movement, destroyed or altered spawning areas, reduced food sources or ability to obtain food, altered water temperatures, reduced turbidity, and changed the hydrograph of the river system. Overfishing, pollution, and hybridization that occurs due to habitat alterations also have probably contributed to the species' population decline.

The Plan's short-term (1998) recovery objective is to prevent species extinction by establishing three captive broodstock populations in separate hatcheries that are initially composed of five to seven wild adult males and five to seven wild adult females each.

The Plan's long-term objective (2040) is to downlist and delist the species through protection, habitat restoration, and propagation activities. Downlisting and delisting would be initiated when pallid sturgeon are reproducing naturally and populations are self-sustaining within designated river reaches. Delisting criteria are undeterminable at this time.

Although subject to change, currently downlisting may be considered when: (1) a population structure with at least 10% sexually mature females occurring within each recovery-priority management area has been achieved, and (2) when sufficient population numbers are present to maintain stability.

The plan recommends the following specific actions:

- Restore habitats and functions of Missouri and Mississippi River ecosystems while minimizing impacts on other river uses.
- Protect pallid sturgeon and their habitat, and minimize threats from existing and proposed human activities.
- Establish refugia for pallid sturgeon broodstock.
- Obtain information on life history and habitat requirements of all pallid sturgeon life stages.
- Research additional solutions to the impacts of human activities on pallid sturgeon and their habitats.
- Obtain information on genetic makeup of hatchery-reared and wild *Scaphirhynchus* stocks.
- Obtain information on population status and trends.
- Develop policy on a pallid sturgeon propagation and stocking program.
- Research methods to improve spawning, culture, and rearing of pallid sturgeon in hatcheries.
- Reintroduce pallid sturgeon and/or augment existing populations.
- Communicate with sturgeon researchers and managers.
- Support implementation of the Pallid Sturgeon Recovery Plan.

The Plan says that recovery costs are undeterminable at this time.

Several Recovery Team members are also members of the MICRA Paddlefish/Sturgeon Committee, and Many actions recommended by the Recovery Team are shared by the MICRA Paddlefish/Sturgeon Committee Draft Strategic Plan.

Questions regarding the Pallid Sturgeon Recovery Plan should be directed to the Field Supervisor, Ecological Services, 1500 Capitol Avenue, Bismarck, North Dakota 58501, (701) 250-4402.

Pallid Sturgeon Stocked in the Missouri and Mississippi Rivers

The Missouri Department of Conservation (MDC) stocked approximately 7,000 federally endangered pallid sturgeon fingerlings (reared and held at the MDC Blind Pony Hatchery near Sweet Springs) into the Missouri and Mississippi rivers on March 10, 1994. Five stocking sites were selected in the Mississippi River below St. Louis, and three sites in the Missouri River below Hermann. The eight release sites were selected on their ability to provide natural food for the young sturgeon.

The young, stocking sized pallid sturgeon are the result of MDC's efforts in 1992 to spawn two gravid pallid sturgeon females collected by commercial fishermen from the lower Mississippi River. This was the first successful artificial propagation of pallid sturgeon in captivity, and part of Missouri's contribution to a national effort by state and federal conservation agencies to prevent extinction of the species.

By mid-summer 1992, MDC had several thousand young sturgeons, some measuring 10 to 12 inches long and large enough for stocking. However, at the request of the U.S. Fish and Wildlife Service, MDC delayed stocking to wait for genetic analyses to determine whether the fish were true pallids or a possible hybrid of shovelnose and pallid sturgeon. Genetics tests continued to prove inconclusive; while the young sturgeon continued to eat, grow, and tie up valuable MDC hatchery space.

During the summer of 1993, Dr. Bill Pflieger, MDC Ichthyologist, and Dr. Frank Cross, professor emeritus at the University of Kansas, completed morphological examinations of the young fish, and declared them to be pallid sturgeons.

shovelnose sturgeon

pallid sturgeon

Most sturgeon experts agree that morphological measurements are the only reliable method for separating hard-to-tell sturgeon species. Before stocking, each sturgeon (now about 15 to 18 inches long) was tagged with binary coded wire and an external spaghetti tag. The coded wire tags were placed under the first dorsal scute and the double-anchor t-bar tags in the pectoral fin.

Kim Graham, MDC biologist in charge of the project, is contacting all commercial fishermen along the Missouri and Mississippi rivers in Missouri and Illinois to explain the stocking program and to ask for help in reporting all tagged and untagged pallid sturgeons accidentally captured during netting. Each commercial fisherman received a postage-paid sturgeon report card so they can easily mail all sturgeon capture information directly to MDC.

Although pallid sturgeon stocking has been controversial, MDC biologists have learned a great deal about culture and rearing of these fish. The captive spawning techniques developed by MDC will be an asset to future restoration efforts.

MDC biologists are convinced that the stocking of these fish will not pose a threat to the survival of "wild", naturally produced pallid sturgeon. In fact, the stocking is the beginning of a program intended to learn about movement, habitat preference, survival in the wild, and ultimately recovery of this endangered species.

MDC believes their tagging and release will provide an enormous amount of valuable information about a species whose life history is mostly unknown at present. Hopefully, pallid sturgeon can soon be removed from the endangered species list.

Just seven days after release, the first tag was recovered by a commercial fishermen, a short distance downstream from one of the Mississippi River release sites, so we already know that the fish survived the initial shock of stocking. According to Graham, the fishermen said the fish appeared healthy, but died accidently in the net.

Spring Flood Potential

On March 14, 1994 the National Weather Service (NWS) released its spring flood outlook. Flood potential is of considerable concern in: (1) the Northeast, including much of Pennsylvania, New York and Vermont, and western portions of New Jersey, Connecticut, Massachusetts and New Hampshire; and (2) eastern portions of North Dakota, South Dakota and western Minnesota. In both areas, the main factor leading to high flood potential is an unusually deep snow cover.

NWS based their assessment on snow cover, streamflow, soil moisture, depth of frost in the ground, and river ice thickness. The area of concern in the Northeast is due primarily to deep snow cover. However, most of those locations are not in the Mississippi River Basin

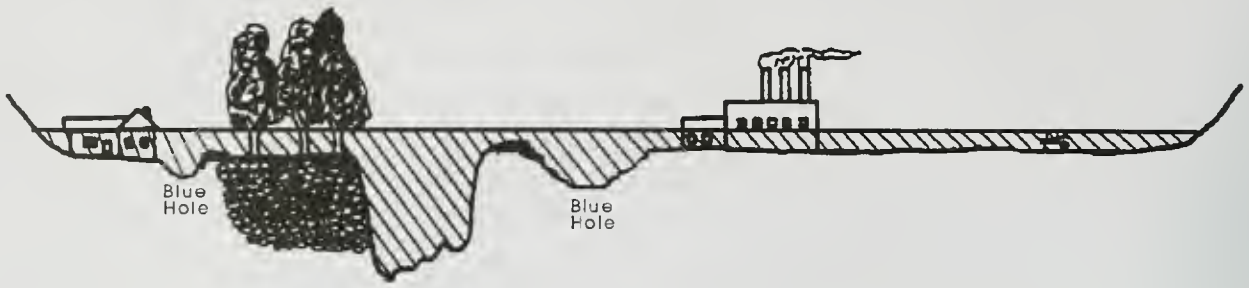
A very substantial snow pack in the upper Midwest was the primary factor of concern there, but late March and early April weather conditions have lead to a slow melt of winter snows; lessening concerns for flooding. However, residual soil moisture from last summer contributes to wet soils and relatively high streamflow. As a result, flooding is still likely on the Red River of the North, the James River, the Big Sioux River, and possibly on the Minnesota River.

In addition to the areas of highest concern, above average flood potential exists in much of the eastern half of the country due to some combination of wet soils, already high streamflow, or snow cover.

The good news is that flood potential is reduced along the mainstems of the Mississippi and Missouri Rivers in areas devastated by last summer's flooding. A dry fall and moderate winter, as well as near ideal snow melt conditions so far this spring have combined to decrease flood potential.

However, potential for flooding remains above average, and heavy spring or early summer rains could set it off.

Source: National Hydrologic Outlook - Spring Flooding Potential and Water Supply, National Weather Service, Press Briefing, March 14, 1994.



Streambank Levee Option: Extensive floodplain damage occurs when flood elevations exceed design level of levees placed at the river's edge. Levees are "blown out" and replaced with large scour or "blue" holes.

Floodplain Management Options

During the first week of April, BG Gerry Galloway and the White House Interagency Floodplain Management Review Committee (FMRC) released a summary of floodplain management options at public meetings held in St. Paul, MN; Kansas City, MO; and Springfield, IL.

Galloway pointed out that the document provided, in summary fashion, the issues and options that were presented to the Floodplain Management Review Committee over the course of the last three months. The purpose of the document and the meetings are to create an opportunity to determine:

- whether every topic of interest has been raised to the Committee's attention, and
- whether additional options exist to address these issues.

He went on to say that the options presented in the document are not recommendations, nor are they necessarily mutually exclusive. Also the document was not intended to represent the opinions or recommendations of the FMRC or the Clinton Administration. The FMRC is not asking for, or expecting, concurrence with the document or its parts.

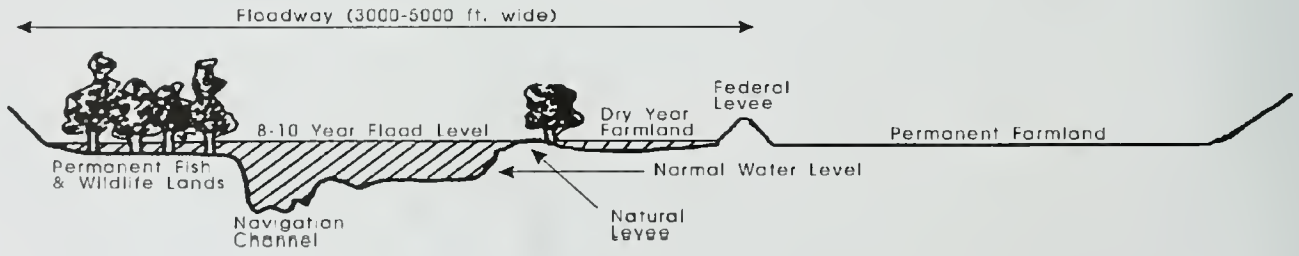
Goals of the final FMRC document (due in draft form on May 1) are to:

- reduce risk to life and property,
- reduce risk to public health and the environment from flood-released pollutants,
- preserve and enhance natural values in floodplains,
- use floodplains in accord with their potential, and
- reduce long-term federal expenditures for flood damages.

Issues identified in the document include:

- Division of floodplain and related responsibilities among Federal/ State/Tribal/Local governments,
- Reduction in the risk to those currently in the floodplain,
- Mitigation of damages to those in the floodplain, and
- Planning and control for appropriate floodplain uses.

For more information on the FMRC and its report contact: BG Gerald Galloway, Interagency Floodplain Management Review Committee, 730 Jackson Place, NW, Washington, D.C. 20503, (202) 408-5295.



Setback Levee/Floodway Option: Floodways increase water storage and conveyance capacity of floodplains, reducing flooding frequency, magnitude, damage, and repair costs.

Corps' Floodplain Management Assessment Study (FPMA)

Col. Scott, St. Paul District Engineer and study leader, says the FPMA will compliment the White House Interagency Floodplain Management Review Committee effort, lead by General BG Gerry Galloway in Washington, D.C.

A detailed Study Plan for the FPMA was due at Corps Headquarters on March 15th, and the first round of public meetings are scheduled for April 1994. The FPMA is scheduled for completion in June 1995 (one year after the White House Study's final report is due).

The FPMA will include:

- Assessment of the 1993 flooded areas, including cumulative effects of hydrologic structures (i.e. dams and levees).
- Coordination and consultation with affected Federal, state and local entities.
- Identification, projection, and evaluation of alternative future floodplain uses and display on GIS maps (presumably using SAST for the latter).
- Identification of structures needing special protection.
- Examination of present effects of different cost sharing for Upper and Lower Mississippi River projects.
- Evaluation of the effects of policy changes and improvements to the existing flood control system.
- Recommendations for specific Corps follow up studies and information needed to shorten them.

The Study Area includes all contributions of hydrologic structures, but will look only at "over bank flooding" impacts -- not water simply left standing on agricultural areas because it had no where to drain. The Corps recognizes that additional tributaries will have to be studied sooner or later.

Flood Control Tragedy

A project is currently under review in the state of Mississippi to dredge 105 miles of the Big Sunflower River for the purpose of protecting less than 2,500 acres of farmland from the average 2 year flood. The proposed project will provide little or no protection from more significant flood events and will require millions of federal tax dollars to complete.

The Big Sunflower River contains significant biological diversity, including the most extensive mussel beds in the State of Mississippi. A recent government survey recorded at least 28 mussel species, with densities exceeding 200 mussels/m^2 in some areas.

According to a VPI, Dept. of Fisheries & Wildlife information sheet, the Big Sunflower River mussel beds are among the richest in the world. The beds are estimated to be capable of producing a maximum sustainable yield of roughly 1 million lbs. of mussel shells/yr. and many jobs for the commercial shell industry.

To placate concerns for the mussel communities, the Corps has agreed to avoid two 1,000 ft. reaches with dense mussel beds, and to limit dredging to one side of the channel in some other reaches. However, the proposed dredging would cut a swath 125 to 250 ft. wide and 2-3 ft. deep through approximately 48 miles of river channel containing mussel communities with moderate to high densities.

All mussels and mussel habitat within the dredge cut would be destroyed. Sedimentation, channel degradation, and substratum instability would indirectly impact mussel beds adjacent to channel cuts.

Since the Big Sunflower River is not in the direct path of the zebra mussel invasion, nor is it subject to barge traffic, a major vector for spreading the zebra mussel, it and other small southern rivers may be crucial to preserving many mollusk species likely to be extirpated from the central and northern U.S.

For more information contact: U.S. Fish & Wildlife Service, 900 Clay Street, Thomas Bldg. #235, Vicksburg, MS 39180, (601) 634-1891; or District Engineer, U.S. Army Corps of Engineers, P.O. Box 60, Vicksburg, MS 39180, (601) 631-5000.

Source: Information Sheet from Virginia Polytechnic Institute, Dept. of Fisheries & Wildlife, Blacksburg, VA.

Emergency Wetland Reserve Program (EWRP) Signup

At the March 21st meeting of the Missouri River Basin Association (MRBA), Don Butts (Soil Conservation Service) reported that the December signup for the Emergency Wetland Reserve Program (EWRP) totaled over 40,000 acres.

In early March, 25,400 of these acres were selected for inclusion in the EWRP program at a cost of $15 million. Butts said that on April 1 an extended EWRP "open season" will begin, and run through the end of the year. This open season will be for the $85 million recently received from the Supplemental Appropriations Bill. The open season will allow farmers to go into the field this Spring and determine the "farmability" of their lands before signing up.

He said we will know better how successful EWRP is at the end of this crop year. Butts also said that an Environmental Easement Program (EEP), authorized but not funded under the 1990 farm bill, is now being looked at so that non-wetland farmlands, devastated during the flood of 1993, can also be acquired. He said such acquisitions are not authorized under the Supplemental, but that may change.

Butts said he thought demand will dictate the total dollars available. He said other legislative, as well as administrative (using President Clinton's discretionary funds) actions are being considered. Most new easement lands are expected to come in from Iowa, Illinois, and Missouri.

EWRP easements (1) take away all land rights, and then (2) grant certain rights (timber production, grazing, hunting, etc.) back to the landowner. The easements provide for no public use rights.

Butts said the price the government might pay for easements on devastated farm lands is as yet unknown. But he said SCS instructions were to avoid "Fire Sale" or "Windfall" prices, so he expects post-flood easement values to range from 60-70% of preflood land values.

To assure maximum benefits, SCS state conservationists, in consultation with others, used a ranking process to evaluate EWRP applications. Criteria used in the ranking included protection and enhancement of habitat for migratory birds, floodway expansion, proximity to other protected wetlands, level of hydrologic conditions restored, and other factors determined appropriate for wetland restoration within the state.

Agricultural producers in the Midwest who suffered losses due to floods and other adverse weather can call USDA's Flood Response Center at 1-800-880-4183 for more information on available assistance.

State	Acres Submitted	Estimated Acres Accepted	Estimated Funds To Be Awarded
Missouri	21,642	12,300	$5,570,000
Iowa	13,057	5,600	$4,230,000
South Dakota	4,736	4,300	$1,800,000
Illinois	1,702	1,300	$1,500,000
Kansas	1,664	1,200	$1,100,000
Minnesota	646	500	600,000
Nebraska	2332	200	200,000
Total	43,680	25,400	$15,000,000

State by State Sign-up/Acceptance for the 1994 Emergency Wetland Reserve Program

Missouri Department of Conservation Promotes Floodway Acquisition

In a March 11 letter to Paul Johnson, Chief of the Soil Conservation Service, Missouri Department of Conservation (MDC) Director Jerry J. Presley offered up $5 million in state funds for restoration of floodplain lands along the Missouri River.

Presley said, "The sanity with which we respond to the Flood of '93 will be measured, in the final analysis, by the number of acres we add to the floodway. The Emergency Wetland Reserve Program (EWRP) will certainly add some acres, but many EWRP contracts will be for lands that will remain protected by levees. Substantial floodway acres will still need to be added if we are to meaningfully assist in floodplain recovery, floodway restoration and reduction in severity of future flood events."

Presley proposes that a portion of this restoration be accomplished by fee title acquisition of lands within the Missouri River floodplain. He pointed out that the present federal:non-federal cost-share ratio for levee repair and restoration is 80:20, but this provides no increase in the floodways and no improvement in compatible floodplain uses. "We (MDC) propose a similar ratio for land acquisition and the Missouri Department of Conservation would guarantee the 20 percent non-federal match up to $10 million, short-term, with discussion of an additional $10 million over the next five years. A significant portion of the land to be screened for acquisition has been tentatively identified by the Scientific Assessment and Strategy Team (SAST) of the Interagency Floodplain Management Review Committee in approximately 60 polygons containing an estimated 100,000 acres (13%) of the floodplain. SAST has initially recognized that these lands are critical to addressing the long-term problems of flooding in the Missouri River Valley by risk reduction, economic efficiency and environmental enhancement."

Presley stated that MDC's proposed acquisitions would:

- be from willing sellers;
- increase the area of the functioning floodway;
- permit and encourage compatible floodplain uses, including public access and use;
- address the 59,000 acres with sand deposits greater than 24 inches which do not qualify for EWRP. The cost of removing sand one foot deep from an acre is estimated at $3,200 with no place to deposit the sand; and
- permit purchase of entire levee districts.

Presley further said that, "Upon the purchase of entire levee districts,

levees could be realigned and/or altered to achieve the greatest public benefit while protecting, through purchase, landowner rights. Levee breaches could be repaired on the upstream end of the district and levees lowered, in varying degrees, on the downstream end of the district. Such levee alteration would permit future floods to back into the marginally and progressively protected areas with minimum scour and deposition."

"In some cases", Presley said, "levees would not be repaired or may be further breached or degraded. Bottomland forests and riparian zones would be restored and side channels could be opened to provide riverine habitat, presently in short supply. Habitat for a wide variety of wildlife species would be created and enhanced for many threatened/ endangered species including neotropical migrants, piping plover, least tern, bald eagle, pallid sturgeon and paddlefish."

Presley summarizes that through the Missouri approach:

- The area, scope and function of the floodway is enhanced.
- The majority of the floodplain remains in private ownership.
- Provisions are made for marginally protected farmland as a compatible floodway use.
- The local tax base and agri-business infrastructure is protected in only a slightly devalued fashion.
- Cogent public policy is pursued while private property rights are protected.
- Some federal funds can be spent on floodway restoration instead of levee repairs, land restoration and clean-up.

Presley concludes by saying, "The Wetland Reserve Program (WRP), Emergency Wetland Reserve Program (EWRP) and the Environmental Easement Program (EEP) all have potential to help address the need for floodway restoration, and we propose to increase their attractiveness to producers. Recognizing the need to encourage landowner participation, and maximize environmental enhancement and public benefits, we are prepared to discuss making a payment ($150-200/A?) on top of EWRP, WRP or EEP to purchase, in fee-title, these lands and convert them to public ownership while continuing payments in-lieu of re-evaluated real estate taxes."

A New Vision for the Lower Missouri River

The current Vision of the Lower Missouri River, held by most river ecologists, is one of a dismal, channelized, troubled river:

- The flood control reservoirs located upstream in the Dakotas and Montana have disrupted natural flows and sediment transport processes, causing extensive bed degradation in the Iowa-Nebraska reach. This, in turn, has drained riparian habitats and lead to extensive head cutting in Iowa and Nebraska tributaries.
- Channelization and armoring of streambanks for commercial navigation from Sioux City to St. Louis have shortened and steepened the river, destroying habitat diversity and creating swift, unnatural currents, with few resting and nursery areas available for native fish and aquatic species.
- Agricultural levees on both banks have prevented overbank flooding and destroyed most natural wetlands.
- Controlled release from flood control reservoirs to augment navigation flows have disrupted natural riverine spawning and migration cycles.

The flood of 1993 provided an opportunity to change that vision. Extensive floodplain habitats were restored, and government programs (i.e. WRP, EWRP, EEP, and Missouri's buyout program) have been developed to acquire these lands from willing sellers, and allow restored habitats to remain as part of a "functioning" riverine ecosystem.

Ecologists are naturally excited about the possibility of heading off extinction of the river's native fish and wildlife species, but the public at large, and citizens along the river have even greater reason to be excited.

Visionaries all along the river have begun seeing a potential "New Vision for the Missouri River". A vision that includes restoration of open space, public use, fish and wildlife areas, recreational areas, trails, thriving river communities, and productive farm land -- a very positive vision that has been made possible by the floods of 1993!

It is now up to the citizens of the midwest to capture that vision before it disappears in the rush to "reset" the flood control system in place before the flood.

Dave Galat, University of Missouri ecologist, describes the Missouri as the "first great river of the west". St. Louis has long thought of itself as the "Gateway to the West", and many of the west's great trails begin along the Missouri River.

The river already has the federally designated "Lewis and Clark Trail" and the state sponsored KATY Trail (bike path along the old route of the MKT Railway). But the potential of these trails have never been fully achieved

because of the ecologically sterile, threatening image of the heavily channelized, leveed Missouri River.

If the Missouri River public will just give themselves the time to see this vision, before spending billions to restore the dismantled levee system, this could be a true win-win situation for both river ecology and economic interests.

Towns and cities like Hermann, Jefferson City, Roucheport, Boonville, Lexington, Kansas City, Leavenworth, St. Joseph, Omaha, and Sioux City could all take on a new life. With attractive open space recreation/ wildlife areas located along the river (as a result of EWRP buyouts), the river bluffs, the Lewis and Clark Trail, the KATY trail, and a series small boat docks/harbors; tourism could be a new industry for Missouri River towns--to say nothing of the restored boating, hunting, and fishing opportunities.

To make this happen the Missouri River public has to "Seize the Moment", and join forces with river ecologists to restore this great river to some semblance of its original grandeur!

Perhaps, the city fathers of Washington, MO said it best at a recent flood-related meeting in Jefferson City, "If you build it they will come!" This is the way they described the tremendous public use they have gained along riverfront property, developed in their community as an open space, recreation area.

Economic Impacts of Recreation on the Upper Mississippi River

The U.S. Army Corps of Engineers, St. Paul District, has published a four page summary of a study documenting the Economic Impacts of Recreation on the Upper Mississippi River (UMR). The study completed in 1993 was "...the first study of the UMRS to produce basin-wide estimates of the total number of recreation visitors, the activities they engaged in, the amount of money they spent on recreation, and the patterns evident in their spending.

Study findings included the following:

- More than 2.3 million recreation party trips were made to UMR sites in 76 counties for 1990; totaling 12 million daily visits for the year.
- Average spending per visitor per day for items consumed on trips was $15.84, totaling $190 million for 1990.
- Boating, fishing, and sightseeing were the most popular activities.
- 86% of visits to developed areas occurred between the Twin Cities and approximately Hannibal, Missouri.
- One-third of all spending in the 76 county corridor was made by non-residents.
- Recreational activity on the UMRS for the study year supported $1.2 billion in total industrial output and 18,500 jobs nationwide. For the 76 counties in the study area, recreational activity supported $400 million in output and 7,200 jobs.

Several types of recreational activities were not included in the study, but also add significantly to the overall economic impact on the region. These included: private clubs, undeveloped area use, urban parks, commercial tour and gambling boats, fishing tournaments, and river festivals.

Copies of the report are available from Bruce Carlson of the St. Paul District Corps of Engineers, St. Paul, Minnesota, (612) 290-5252.

Missouri River Master Manual Review

Arvid Thompson (Corps of Engineers/ Omaha Division) said at a recent Missouri River Basin Association (MRBA) meeting that the Fish and Wildlife Service (Service) has been provided all necessary data for formal consultation on the Master Manual review for operation of the large Missouri River flood control reservoirs, and that the consultation process is on-going.

By April 1 all Service input will be provided to the Corps on the "selected plan". The Corps will then take that input and decide what the "preferred" plan will be. New Deputy Assistant Secretary of the Army (Civil Works), Zersky will hold a one-day Washington summit in April to brief federal agencies on the Corps decision. By the end of April, a 1-3 page document will be released describing some rationale, but few details of the preferred plan.

Then while the Service prepares it's Opinion an EIS will be written. A 1-3 day workshop will be held in late May or early June with MRBA representatives to discuss/debate the EIS draft.

Briefings will then be provided to the Governors and Congressionals. After that, 15 public meetings will be held (from Helena, MT to Memphis, TN). Timing is not yet fully worked out, but all this is expected to happen before the end of July.

Changes Proposed for Glen Canyon Dam Operations

Like Missouri River dams, operations of Arizona's Glen Canyon Dam may also soon be changed. According to recommendations made in a recent Bureau of Reclamation (BOR) Draft Environmental Impact Statement, changes are needed at Glen Canyon to minimize adverse environmental impacts.

The 311-page BOR document presents nine alternatives that cover a full range of possible operations to protect the environmental and cultural resources of the Grand Canyon and the Colorado River region.

BOR prefers the Modified Low Fluctuating Flow alternative, which would significantly reduce daily flow fluctuations below the historic release pattern. If the preferred alternative is implemented, sediment would accumulate in the river system, and long-term beach degradation would stop.

For more information contact: Colorado River Studies Office, Bureau of Reclamation, POB 11568, Salt Lake City, Utah 84147, (801) 524-5479.

Source: Association of American Geographers Water Resources Specialty Group Newsletter, Vol 14, No. 1, March, 1994.

Nonstructural Flood Control in France

Two existing dams on France's Loire River will be demolished to restore migration routes for the threatened Atlantic salmon. The French government has decided not to build a flood control dam, but instead will implement a nonstructural plan that emphasizes strict floodplain zoning, a ban on gravel mining, and restoration of river bank habitat.

Source: Association of American Geographers Water Resources Specialty Group Newsletter, Vol 14, No. 1, March, 1994.

Shutting Down U.S. Hydropower Dams?

Both EPA and the Interior Department (DOI) are arguing that the federal government has the authority to shut down, or decommission, hydropower dams, though EPA is declining to say whether the government can require decommissioned dams to be removed. DOI takes a stronger stance, asserting that the government is not only within its rights to order dam removal, but that it must require environmental protection and restoration projects as part of dam decommissioning.

The two federal agencies are urging the Federal Energy Regulatory Commission (FERC) in response to its solicitation of public comments to consider dam decommissioning within the scope of its hydropower licensing authority. FERC's notice of inquiry on the issue comes as the commission considers relicensing more than 100 hydropower projects. This relicensing process has focused increased attention on hydropower's effects on water quality, and has led environmentalists to join in the call for decommissioning and removal of several dams. To date, no federally licensed dam has ever been removed without the support of the licensee.

FERC issued its notice (Docket No. RM93-23-000) on Sept. 15, 1993 to determine whether it "[c]an and should consider decommissioning of a project as an alternative to issuance of a new license for it and, if so, under what circumstances and pursuant to what conditions?" While the notice states that FERC is not proposing "new regulations at this time," both EPA and DOI strongly encourage the commission to proceed with rulemaking.

DOI points out that FERC's decommissioning authority is inherent in the Federal Power Act (FPA), which requires that hydropower licenses are issued only for those projects "consistent with basin-wide objectives" including "non-power values" such as fisheries, wildlife and recreation. According to DOI this decommissioning authority extends to removal of project facilities if the public interest would be served by such an action.

FERC's decommissioning rulemaking should include policy on establishment of a hydropower reserve or trust fund to pay for dam decommissioning, and that this fund's creation should be part of a project's license, DOI says. DOI notes that in the past taxpayers have had to "bear the burden of retiring inactive or abandoned projects," but suggests that project owners/operators and their customers "should fund the cost of project retirement."

Source: Water Policy Report, Vol. III, No. 4, February 16, 1994 .

UMRCC Says Upper Mississippi River Threatened

According to a February 3, 1994 news release of the Upper Mississippi River Conservation Committee (UMRCC), the fish and wildlife resources of the Upper Mississippi River "may be on the verge of rapid decline", and the Upper Mississippi (between Minneapolis and the mouth of the Ohio River "is on its way to becoming little more than a shipping channel."

The UMRCC drew these conclusions

in a report titled "*Facing the Threat: An Ecosystem Management Strategy for the Upper Mississippi River System; a Call to Action from the Upper Mississippi River Conservation Committee*." The report concludes that ecological collapse of one of the world's great rivers may be just around the corner unless there are dramatic steps taken to change the way the river is managed.

"Increasing sedimentation, continued stream channelization, levees separating the river from its floodplain, water level control for navigation, planned expansion of the commercial navigation infrastructure, and the introduction of a variety of toxins into the river system are the major contributors to the decline of the ecosystem."

"The challenge America faces is to develop (by the end of this century) and implement (over the next 50 years) a comprehensive program to protect and restore the ecosystem of the Upper Mississippi River," the UMRCC report concludes. "This will require new tools, probably new authorities, and a level of effort unprecedented in the history of environmental restoration."

Three significant recent events have caused UMRCC biologists and resource managers to realize that ecosystem management of the Upper Mississippi River is critically needed: (1) the great flood of 1993, (2) the systemic navigation study being conducted by the Corps of Engineers, and (3) evidence that the ecosystem is beginning to decline rapidly. "The flood of 1993 taught us that we must reexamine our floodplain development policies and that we must also prioritize those developments deserving of federal involvement," the report concludes.

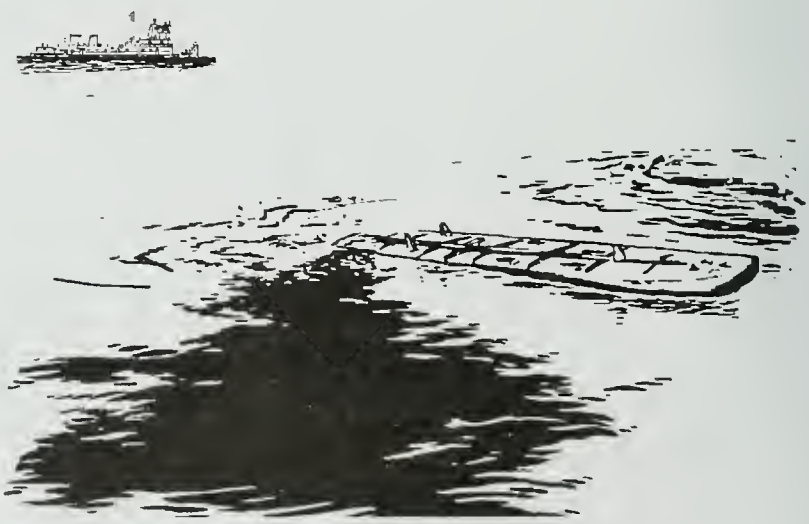
"The UMRCC believes that what is truly needed is a unified federal policy for the floodplain that weighs the benefits versus costs of all floodplain uses. The UMRCC supports a basin-wide effort to develop long-term, cost effective alternatives rather than continued taxpayer subsidization of inappropriate floodplain developments."

Commercial navigation is also of great concern to river managers. The Corps of Engineers plans to spend over $40 million in the next six years to study the expansion of the nine-foot channel navigation system from Minneapolis, Minn. to Cairo, Ill. Five or more 1,200-foot locks (along with other lesser improvements), costing billions of dollars, are envisioned by the Corps.

While the UMRCC concludes commercial traffic on the river is vital to the nation's economy, the group believes that commercial navigation planning is proceeding much too rapidly and without necessary long-term environmental planning for fish and wildlife resources. The Corps' study of the "feasibility" of expanded navigation includes more than $7 million for engineering and design of new navigation structures. And this proposed navigation expansion comes at a time when the environmental effects of the original lock and dam projects--built 50-60 years ago--are beginning to become apparent. The damming of the river for navigation significantly impaired its natural processes and created an inevitable decline "that could eventually leave a barge canal and little else".

The long-term decline of dammed rivers---documented around the world---includes points of relatively sudden ecological collapse. The river's biologists fear that such a collapse, which has already occurred on the Illinois River, may soon occur on the Mississippi---and with devastating results.

No government agency currently has authority to take a comprehensive ecosystem approach to managing the river. The UMRCC warns that the quality environment now used by millions of fisherman, boaters, hunters, bird watchers and others will



decline significantly in coming years. Government and the American people must take a new approach to managing the Mississippi River, the UMRCC report concludes.

Copies of the report can be obtained from the UMRCC Coordinator, 4469 48th Avenue, Court, Rock Island, Illinois 61201, (309) 793-5800, FAX (309) 793-5804.

Special Designation Recommended for the Mississippi River

The health of the Mississippi River is in jeopardy, according to a report released on March 7th by the Izaak Walton League of America (IWLA) and the Natural Resources Defense Council (NRDC).

"*Restoring the Big River: A Clean Water Act Blueprint for the Mississippi*" reveals that toxic chemicals, manufacturing wastes and agricultural runoff contaminate the river with PCBs, dioxin, pesticides, heavy metals and agricultural wastes. At the same time, sedimentation, wetlands loss and the development and maintenance of the river's navigation system are destroying wildlife habitat at alarming rates.

"The Mississippi River is in trouble," stated Paul Hansen, Midwest Director of the IWLA. "Many stretches of the river do not meet the basic national goals of fishable or swimmable waters established by the 1972 Clean Water Act." Robbins Marks, NRDC resource specialist and report co-author, added, "An increasing number of river biologists warn that we may soon cross critical ecological thresholds, leading to rapid and perhaps irreversible loss of biodiversity throughout the river." Among the findings reported by the NRDC and the IWLA are:

- As of 1991, at least 150 major chemical manufacturing facilities were located along the river. Forty-seven of those facilities discharge more than 296 million pounds of toxic chemicals directly into the Mississippi annually.
- 621 municipal wastewater treatment facilities discharge more than 1 billion gallons of wastewater directly into the river each day.
- Sedimentation, through erosion from farmlands, mining, and forestry activities, is a major cause of habitat degradation in the Upper Mississippi, causing rapid declines in animal populations (e.g., largemouth bass) and in food supplies for various wildlife (e.g., canvasback ducks, tundra swans).
- Toxic "hot spots" along the river--areas contaminated with unsafe levels of a mixture of chemicals such as chlordane, dieldrin, endrin, PCBs and dioxin--include Memphis (TN), the chemical corridor from Baton Rouge (LA) to New Orleans (LA), Sauget (IL), Calvert City (KY), Osceola and West Helena (AR) and Vicksburg (MS).
- The effects of long-banned chemicals haunt the river. DDT, banned in 1972, is found in the fatty tissue of Mississippi River catfish, a food supply for many people along the river.
- The creation and maintenance of the river as a navigation system has altered the waterway and continues to threaten its viability as an ecosystem. Engineers cut more than 150 miles from the river to ease navigation, the building of levees and artificial banks destroyed critical habitat and hindered the river's natural cleansing and flooding processes, and barge traffic continues to pose an environmental threat to water quality and river species.

"To restore the Mississippi to its original glory and make it a productive waterbody for both people and wildlife, Congress must use the Clean Water Act to allow for improved management of the river," said Marks. The NRDC/IWLA report makes the following recommendations:

- Grant special designation for the Mississippi River to initiate more coordinated planning and action by state and federal agencies and other entities responsible for the river's well-being.
- Revise national "nonpoint source" policy to control polluted runoff from farms and urban areas.
- Strengthen Environmental Protection Agency and state authority to achieve pollution prevention and enforce existing "point source" laws.
- Increase protection and restoration of wetlands and riparian areas that buffer the river from contamination.
- Expand citizen involvement in regional water quality efforts.
- Update water quality standards with stricter criteria for toxic pollutants and encourage better coordination of standard setting and monitoring efforts.

THE IZAAK WALTON LEAGUE OF AMERICA

To obtain a copy of the report and its recommendations, contact the IWLA at (612) 922-1608.

Clean Water Bill Introduced

The long awaited House version of an omnibus Clean Water Act reauthorization bill (H.R. 3948) was introduced on March 3 by Public Works Committee Chairman Norman Mineta (D-CA). Although the bill does not yet contain any wetlands provisions, it is designed to be a comprehensive reauthorization vehicle, as is S. 1114, the bill approved Feb. 25 by the Senate Environment Committee.

The bill calls for greater federal assistance to state and local

governments, while encouraging flexibility in program implementation. More than $3 billion in spending is recommended in fiscal 1995 through the State Revolving Fund (SRF) program, an amount that would increase by $500 million per year thereafter to offset the estimated $137 billion in total water pollution control needs in the United States. "The federal government interest and role in cleaning up water pollution, which flows back and forth across state boundaries, is sufficient for the federal government to play a very significant regulatory role through the Clean Water Act," Mineta said. "And the federal government interest and role is sufficient for the federal government to contribute a meaningful part of the costs of that clean-up."

Although states would not be required to do watershed management planning under H.R. 3948, they could be authorized to do so in watersheds that states deem appropriate. Once a watershed is designated, states would have the flexibility to make trade-offs between point sources, and between point and non-point sources, in order to achieve water quality standards within the watershed in the most efficient, least burdensome way.

Mineta pledged to add a provision during mark-up that would allow the various sources of pollution to transfer among themselves some or all of the pollution they are allowed to discharge, provided that the overall watershed water quality standards are met. This provision has drawn fire from many environmentalists.

According to some environmentalists both bills weaken current law, and the environmental community may be forced to adopt a "kill strategy," preferring to see no bill rather than a bad bill.

Another Clean Water bill (H.R. 2199) by Merchant Marine Chairman Gerry Studds (D-MA) that would raise $4 billion annually from taxes on pesticides, fertilizers and certain pollutant dischargers did not receive endorsement from the Clinton administration. In a March 15 hearing, EPA administrator Carol Browner said the administration favored more study of such "polluter pays" taxes to determine "whether, how and what fees or taxes might be proposed."

Clean water act reauthorization priorities, according to the Association of State and Interstate Water Pollution Administrators include the following key program issues:

State Capacity: Recognition of the need for increased State capacity or authority to tailor programs to effectively implement provisions of the Act and the need to balance new initiatives and existing obligations with available implementation resources;

SRF: Enhanced funding for and improvements to implementation of the State Revolving Loan Fund (SRF) Program;

Partnership: A reaffirmed and strengthened State/EPA partnership in protecting the nation's waters by removing barriers to the consultative process in development of Federal regulations, policy and program guidance;

Watershed Management: Provision of a flexible framework for State establishment of programs which address the improvement of impaired waters on the basis of manageable hydrologic units;

Nonpoint Sources: Strengthened nonpoint source pollution control provisions;

Stormwater: Establishment of a more efficient and effective process for preventing water quality standards violations or use impairments from stormwater runoff;

CSOs: Endorsement of the process for effectively managing combined sewer overflows (CSOs) described in EPA's published combined sewer overflows policy;

Better Science and Standards: Higher priority for and a more expeditious process for establishing and updating effluent guidelines and 304(a) criteria;

Wetlands: Definition of a balanced and rational approach for effective protection of the nation's important wetlands;

Monitoring: Establishment of guidelines for and improvements to the process for coordinating water quality monitoring activities, especially among Federal agencies; and

Fish Advisories: Establishment of consistent guidelines for the issuance of fish consumption advisories.

Sources: Land Letter, March 20, 1994, and Association of State and Interstate Water Pollution Control Administrators, 750 First St. NE Suite 910, Washington, DC 20002.

Watershed Game - A Tool for Decision Makers

Conceived and created by EPA Region 6's Susan Alexander, as part of a cooperative agreement between Terrene Institute and Region 6, the "*Watershed Management Game*" is a unique training tool for local governments, watershed planners, volunteer monitors, and decision makers. "I can see river authorities, county commissioners, county judges, and industry representatives sitting down at the game board to learn about watershed management in a nonconfrontational way," Alexander commented. "It helps each player see his or her role in a larger context."

Players move across the board, traveling the length of a river, through

11 different land uses or ecoregions. They must manage the land so that water quality and watershed resources are protected and players earn a profit. To do this, says Alexander, players must balance jobs and production with the installation of Best Management Practices (BMPs) to protect water resources. The game links each land use or BMP choice with specific environmental consequences like chemical water quality, riparian health, and biological resources.

The Watershed Management Game includes a user's guide that defines terms and explains basic watershed management principles, including Total Maximum Daily Loads (TMDLs). Each game also includes several blank cards so that the game can be customized with local BMPs and land uses. Two to four people can play the game, which takes about two hours to complete. The game is suitable for watershed and nonpoint source managers, planners, college environmental students, etc.

Copies can be obtained on loan from EPA Regional Non-Point Source (NPS) coordinators or Region 6 state NPS agencies. Copies can also be purchased from Terrene Institute, 1717 K Street, NW, Suite 801, Washington, DC. 20006, (202) 833-8317, FAX: (202) 296-4071, $39.95, plus $4 shipping/handling.

Citizen's Guide to Watershed Protection

Focusing on the citizen's role in protecting watersheds, "*Clean Water in Your Watershed - A Citizen's Guide to Watershed Protection*" is a 90 page guide designed to help citizen groups work with local, state, and federal government agencies to design and complete watershed protection or restoration projects tailored to the economic, social, and environmental needs of their own communities.

The guide was developed through a cooperative agreement between U.S. EPA Region 6 and the Terrene Institute. The bulk of the guides have been sent to EPA Region 6 states for use in their NPS and watershed programs. While supplies last, single copies can be obtained by sending a self-addressed adhesive mailing label to Susan Alexander (6W-QS), U.S. EPA Region 6, 1445 Ross Ave., Dallas, TX 75202. Copies may also be purchased from the Terrene Institute for $19.95, plus $3 shipping/handling, (202) 833 8317, FAX: (202) 296-4071.

SCS - Lead Agency for Wetlands on Agricultural Lands

On January 6, 1994, the U.S. Department of Agriculture's Soil Conservation Service was recognized as the lead federal agency for delineating wetlands on agricultural lands. Four federal agencies (Agriculture, Interior, Army, and EPA) with wetlands protection responsibilities signed the new memorandum of agreement (MOA).

The MOA implements one of many recommendations regarding federal wetlands policies included in the Clinton Administration's August 24, 1993, approach to managing America's wetlands, and reflects the commitment of the Clinton Administration to implement wetland policies through a coordinated process focused on eliminating inconsistencies between agency policies, minimizing duplication of efforts, and providing an accurate delineation of wetlands for use by all agencies.

Under the agreement, farmers will be able to rely on Soil Conservation Service wetland maps for determining the extent of wetlands under both the Farm Bill (also known as the Swampbuster program) and Section 404 of the Clean Water Act.

Previously, farmers participating in U.S. farm programs received wetland maps from the Soil Conservation Service for Swampbuster purposes

only. If that farmer needed a Section 404 permit for work in wetlands, the Corps of Engineers or the EPA required an additional wetland delineation. The agreement eliminates this duplication of effort and gives the farmer one wetland determination from the federal government. The Section 404 regulatory program will continue to be administered by the Corps of Engineers and the EPA.

Copies of the MOA may be obtained by calling the EPA Wetlands Hotline at (800) 832-7828.

Source: Non-Point Source News Notes, January/February 1994 #34, c/o Terrene Institute, 1717 K Street, NW, Suite 801, Washington, D.C. 20006.

Agriculture Reorganization Bill Clears Senate Committee

A Department of Agriculture reorganization bill cleared the Senate Agricultural Committee March 9 by a vote of 17-1. The bill would streamline department operations by eliminating 7,500 federal employees, closing and consolidating 1,100 county offices, and reducing the number of USDA agencies from 43 to 28.

The latest bill creates both a Farm Services Agency and a Natural Resources Conservation Service. The USDA's current conservation cost-share programs, which are administered by the Agricultural Stabilization and Conservation Service, would be absorbed by the NRCS. Like the other proposals, the bill abolishes the Soil Conservation Service and transfers its wetlands and other conservation functions to the new NRCS.

Source: Land Letter, March 20, 1994

Takings Bills Introduced

Rep. Billy Tauzin (D-LA) unveiled H.R. 3785, the "Private Property Owners Bill of Rights," on Feb. 23, pledging an all-out effort in Congress this year to settle the "takings" issue once and for all.

The bill is designed to strike a balance between concerns for the environment and for private property owners--especially those small landowners who cannot afford to challenge federal regulations in court, Tauzin said. "Things are coming to a head now...," he said, "When you lose your job in the state of Washington because of an owl; when you lose your shrimp boat in Louisiana because of a turtle; or you lose your home in California because of a rat, the cost of environmental protection hits home". Sen. Richard Shelby (D-AL) introduced a virtually identical bill, S. 1915, on March 9.

Called "takings" bills by environmentalists because they refer to the Constitution's Fifth amendment clause prohibiting the "taking" of private property for public use without just compensation, the Tauzin bill and other related measures have sparked tremendous controversy in Congress and among environmentalists and regulators.

National Audubon Society counsel John Echeverria called the bill "a compilation of every bad idea that's ever been seen in this arena." While the bill itself has no chance of passage, he said many of the bill's key provisions could be difficult to defeat as amendments to other critical legislative efforts this year.

Property rights advocates strongly bolstered their position during the debate over the National Biological Survey Act last year, when Tauzin and Rep. Charles Taylor (R-NC) forced through a number of amendments related to the rights of private property owners. Takings issues are expected to be raised during debate over a wide range of environmental bills, in particular the Clean Water and Endangered Species acts.

H.R. 3875 sets up an administrative appeals process for private property owners confronted with adverse Endangered Species Act and wetlands rulings, and it requires compensation to owners who are deprived of 50 percent or more of their property's fair market value, or of the economically viable use of their property due to Endangered Species Act or Clean Water Act regulations. As written, the bill would "essentially gut the two environmental statutes," said John Kostyack, fisheries and wildlife counsel for the National Wildlife Federation.

In addition, the bill requires federal agencies to comply with applicable state laws regarding private property rights and privacy, prohibits federal agencies from entering private property for the purpose of gathering information without the landowner's written consent, and prohibits the use of information gathered on private land unless the owner has been provided access to that information.

Source: Land Letter, March 20, 1994

Drain Commissioner Sued For Harming Wetlands

In a case with major national implications, the Justice Department recently sued a Michigan drain commissioner for improperly authorizing the excavation of a drain that the Dept. of Justice (DOJ) says jeopardized more than 1,000 acres of wetlands and destroyed critical habitat for thousands of migratory waterfowl and wildlife species. The Oceana County, MI drain commissioner authorized the drainage of the

wetlands without first notifying or consulting the Forest Service despite the fact that he knew -- or should have known -- that the dredging would severely lower water levels which caused "irreparable harm" to the soils, vegetation and wildlife in the Huron-Manistee National Forest, DOJ contends.

The case has "very major implications nationally," a Sierra Club source says, because states all over the country have drain codes, allowing counties to dry up lands. These laws are "counter to the intent of protecting wetlands," yet they typically are allowed to supersede wetland protection laws, the source says. "If drain codes could be struck down, it will go a long way to ensure wetlands protection," the source adds. The DOJ took an interest in the case in part because a number of these drains are adjacent to federal lands. "Counties are acting unilaterally to destroy a federal resource," the Sierra Club source says.

Among other things the suit seeks to mitigate the damage caused to wetlands by installing three weirs, or small dams, in the Hagar Drain which would restore the previously existing character of the wetlands. DOJ and the Forest Service negotiated for more than a year to resolve the dispute, but the commissioner refused to approve a pending application to install the weirs unless the Forest Service met specific conditions -- including having the Forest Service pay for the weirs, holding the county harmless and requiring the government to obtain flood easements for any land upstream that may be flooded.

On Jan. 7, a judge denied a DOJ motion for a preliminary injunction. But the federal government is proceeding with the case and expects a trial date to be set soon.

Source: Water Policy Report, Vol. III, No. 4, February 16, 1994

Bureau of Reclamation Pledges New Environmental Orientation

The Department of the Interior's Bureau of Reclamation announced last fall that its new "reinvented" mission would be: To manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

The changes, contained in a document called "*Blueprint for the Future*", included these highlights:

- The Bureau said it would facilitate integrated water resources management on a watershed basis, stressing interagency cooperation, public participation, and local implementation.
- Federally owned irrigation water supply projects will not be initiated in the future.
- The Bureau pledged to be the agent of reforms needed to open the door to new uses of water that increase benefits to the largest numbers of people.
- The Bureau promised to conserve the West's distinctive character by using solid environmental practices in managing water and land resources.
- The Bureau said it would accept water conservation and efficient use as its fundamental responsibility in managing water supplies, and would try to use incentives rather than regulation.
- The establishment and continuance of Native American water rights will be a priority.
- The Bureau will emphasize the coordinated use and management of its existing facilities to improve the management of existing water supplies.
- The budget process will be changed to reflect the Bureau's new needs as a water management agency.
- Washington headquarters will develop policy and give guidance, but regional and area offices will have more direct decision-making power over projects in their regions.

For more information contact: Lisa Guide, Department of the Interior, Bureau of Reclamation (202) 208-4662.

World Record Piranha Taken in Wisconsin

While casting for bass and bluegill, David Stark, a Portage, WI fisherman, hooked and landed a 21 inch Piranha that weighed in at 6 lbs. 15 oz.

Stark, fishing in Lake Columbia early on the morning of March 26, thought he had hooked a big bass only to be surprised (after a 30 minute struggle) by the strange catch .

According to Ted Dzialo, Director of the National Freshwater Fishing Hall of Fame in Hayward, WI, Stark's catch edges the previous world record (6 lb. 8 oz.) set in 1982 by an Ohio fisherman in the South American country of Colombia.

The fish is likely the last of four piranha dumped in the lake in 1984, said Tim Larson, an official of the Department of Natural Resources. The man responsible is wanted on several conservation charges and has fled the state, Larson said.

Three of the four fish were caught within a week. The last apparently survived for ten years on bluegills and stripers. When hauled in its teeth were worn down enough to resemble human molars.

Source: La Crosse (WI) Tribune, March 28, 1994.

Fungus and Rays Devastating Amphibians

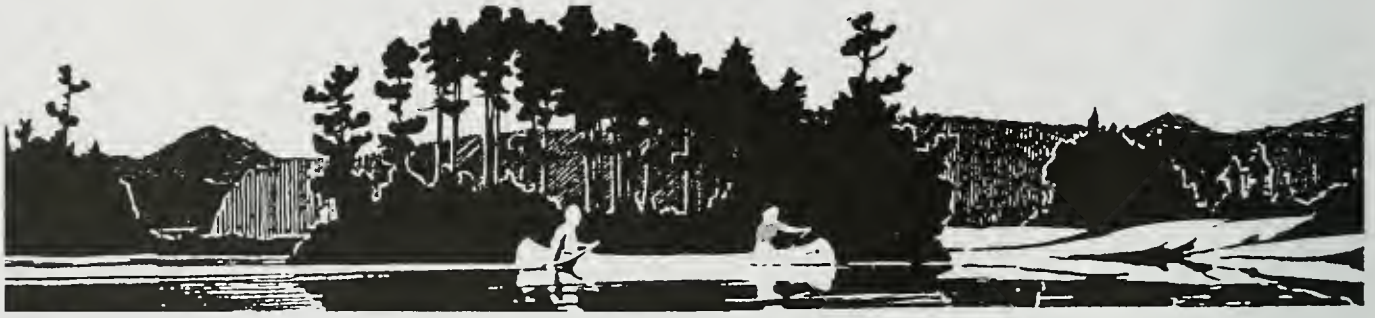
An unprecedented decline in the populations of many frogs, toads and salamanders, recently linked to increased solar radiation leaking

through a depleted ozone layer, may in fact have more to do with a rampant amphibian-killing fungus, according to the March 7 issue of New York Times.

Populations of many amphibian species have dropped precipitously world-wide, leading many scientists to consider a global cause. The ozone theory emerged from a National Academy of Sciences study that showed how UV-light damaged frog and toad eggs. But that would account for only the portion of species that lay their eggs in shallow open waters accessible to radiation.

Now, an Oregon scientist has identified the fungus, Saprolegnia, which has in recent years infested much of the world's waters, as another leading cause of mortality though other factors may be involved.

Source: Land Letter, March 20, 1994.



Meetings of Interest

April 17: The International Erosion Control Association 25th Annual Conference and Trade Exposition, Reno, NV. Contact: IECA, P.O. Box 4904, Lincoln Avenue, Suite 103B, Steamboat Springs, CO 80477-4904. (303) 879-3010. FAX: (303) 879-8563. Topics include innovative applications for solving erosion control problems; soil bioengineering methods and techniques; wind erosion in arid environments; erosion control for urban construction sites; streambank and shoreline stabilization; steep slope stabilization; how to meet permit requirements; erosion control in the third world; and research and development.

April 17-20: Responses to Changing Multiple-Use Demands: New Directions for Resources Planning and Management, Nashville, TN. Contact: Ralph H. Brooks, General Chairperson, Tennessee Valley Authority, Water Management, Evans Bldg., Rm. 1W 141, Knoxville, TN 37902. (615) 632-6770. Topics will include water use trends, water resources forecasting, hydrologic modeling, GIS tools, water pricing policies, water allocation, water law, BMPs, environmental impact mitigation, reservoirs, and hydropower licensing.

April 19-22: Rivers Without Boundaries, The Second Bi-annual ARMS Symposium on River Planning and Management, Holiday Inn, Grand Junction, CO. Contact: Caroline Tan, ARMS Program Director, (510) 655-5844. The American River Management Society (ARMS) believes that rivers should no longer be managed in terms of boundaries, be they administrative, property or special interest. The conference will explore solutions for coordination, cooperation and consensus in the management of river systems.

April 20-22: Second Environmentally Sound Agriculture Conference, Orlando, FL. Contact: Wendy Graham, University of Florida, PO Box 110570, Gainesville, FL 32611-0570. (904) 392-9113. FAX: 392-4092. Topics include surface and ground water management, wildlife and habitat preservation, air pollution, and the urban/agriculture relationship.

April 25-29: The International Land Reclamation and Mine Drainage Conference and the 3rd International Conference on Abatement of Acidic Drainage, Pittsburgh, PA. Contact: Debbie Lowanse/Bob Kleinmann, U.S. Bureau of Mines, PO Box 18070, Pittsburgh, PA 15236. (412) 892-6708. FAX: 892-4067. Topics include acid mine drainage prediction, chemical and biological treatment of AMD, mine soil productivity, waste management and characterization, reclamation of derelict/abandoned mined lands, revegetation case studies, slope

stability/erosion control, wetlands on mined lands, and wildlife/habitat restoration.

April 28-29: 26th Annual Meeting of the Mississippi River Research Consortium, Holiday Inn, LaCrosse, WI. Contact: Charles Theiling, Mississippi River Research Consortium, Inc. (MRRC), 575 Lester Avenue, Onalaska, WI 54650. (618) 259-9027. The MRRC is a non-profit regional scientific society concerned with the ecology and management of the Mississippi River.

May 16-18: American Fisheries Society Fisheries Administrators Section Spring Meeting, Doubletree Hotel at Corporate Woods in Overland Park, KS. Contact: Bob Hartman (Kansas Department of Wildlife and Parks) at (316) 672-5911 ext. 196. Hotel reservations can be made by calling (913) 451-6100.

May 18-19: Third Annual Meeting of the MICRA Steering Committee, Doubletree Hotel at Corporate Woods, Overland Park, KS. The meeting will be held in conjunction with the American Fisheries Society Fisheries Administrators meeting, beginning at 1 P.M on the 18th and ending at noon on the 19th. The MICRA agenda will include review of the Draft Constitution and By Laws. Other agenda items will include discussions related to the flood of 1993, introduction of exotic fishes, and possible formation of a committee to address exotic fish concerns. Contact: MICRA Coordinator's office (314) 876-1911 or MICRA Chairman Jim Fry at (314) 751-4115. For hotel reservations contact the Doubletree Hotel at (913) 451-6100.

May 19-20: MICRA Paddlefish Sturgeon Committee, Doubletree Hotel at Corporate Woods in Overland Park, KS. The meeting will be held in conjunction with the Annual MICRA Steering Committee meeting. Implementation of the Committee's Strategic Plan, recently approved by the MICRA Steering Committee, will be the major topic of discussion. For reservations contact the Doubletree Hotel at (913) 451-6100.

May 23-25: Evolution and the Aquatic System, Doubletree Hotel, Monterey, CA. Contact: Jennifer Nielsen, Department of Molecular and Cell Biology, 401 Barker Hall, AC Wildon Laboratory, University of California, Berkely, CA 94720. (510) 642-7525. Recently the term "Evolutionarily Significant Unit" (ESU) has entered the regulatory arena in an effort to describe subunits of fish species for conservation purposes. ESU's are already established as criteria for petitions for listings by the National Marine Fisheries Services (NMFS). NMFS used genetic and other data to examine ESU's in recently petitioned fish stocks (Redfish Lake sockeye, Illinois River steelhead, and Sacramento River chinook). To define significant units in population conservation with the scientific and regulatory communities, the American Fisheries Society and other cosponsors are hosting this three day conference.

June 12-14: Multidimensional Approaches to Reservoir Fisheries Management, Chattanooga Marriott and Convention Center, Chattanooga, TN. Contact: Steve Miranda, Third Reservoir Fisheries Symposium, Mississippi Cooperative Fish & Wildlife Research Unit, P.O. Drawer BX, Mississippi State, MS 39762, FAX (601) 325-8726.

June 12-16: High Performance Fish - An International Fish Physiology Symposium, University of British Columbia, Vancouver. Contact: Don MacKinlay, Fisheries and Oceans, 555 West Hastings Street, Vancouver, Canada V6B 5G3, (604) 666-3520, FAX (604) 666-3450. The purpose of this symposium if for researchers and practitioners to exchange information on the present state and future needs of basic fish biology.

July 12-15, International Large Rivers Conference - Sustaining the Ecological Integrity of Large Floodplain Rivers: Application of Ecological Knowledge to River Management, La Crosse, WI. Contact: Ken Lubinski, National Biological Survey, Environmental Management Technical Center, Onalaska, WI 54650. (608) 783-7550, Ext. 61.

July 18-19, Applying Ecological Integrity to the Management of the Upper Mississippi River System, La Crosse, WI. Contact: Ken Lubinski, National Biological Survey, Environmental Management Technical Center, Onalaska, WI 54650. (608) 783-7550, Ext. 61.

August 3-6: Sixth International Symposium On Regulated Streams (SISORS II). The University of South Bohemia, Ceske Budejovice, Czech Republic. SISORS II is the sixth in an on-going series of International Symposia devoted to scientific research of rivers modified by large dams, weirs, channelization and flow diversion schemes. Contact: Professor G.E. Petts, Department of Geography, University of Technology, Loughborough, Leicestershire, LEll 3TU, UK.(Fax: 509 262192), or Dr. K. Prach, Faculty of Biological Sciences, Jihoceska Univerzita, Branisovska 31, 37005, CESKE BUDEJOVICE, Czech Republic. (Fax: 038 45985).

August 21-25: 124th American Fisheries Society Annual Meeting, "Managing Now for the 21st Century: Food, Recreation, Diversity." Sheraton Hotel and World Trade Centre, Halifax, Nova Scotia. Contact Paul Brouha, AFS, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199, (301) 897-8616, Fax (301) 897-8096.

Agriculture

H.R. 3794 (Roberts, R-KS) defers deadline for compliance with conservation plans for highly erodible croplands that have been damaged by severe weather.

Endangered Species

H.R. 3978 (Pombo, R-CA) amends Endangered Species Act to incorporate greater emphasis on economic, private property rights and scientific peer review concerns.

H.R. 3997 (Doolittle, R-CA) bars endangered species listings, regulations or recovery planning if economic impact is too great and requires congressional approval of all listings retroactive to 1986.

Fish and Wildlife

H.R. 3664 (Minge, D-MN) directs Interior Department to convey New London National Fish Hatchery production facility to the state of Minnesota.

Senate Environment Committee reported S. 476, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, on Feb. 10. Passed on March 8, also allowing for the transfer of the Senacaville National Fish Hatchery to the state of Ohio and establishes a 7,000 acre wetlands research center in Brownsville, TX.

Forests

H.R. 3944 (LaRocco, D-ID) extends for one year a provision of the fiscal 1993 Interior appropriations bill that allowed the Forest Service to use money from timber salvage sales to offset costs for related ecosystem management projects.

Parks

H.R. 3709 (Vento, D-MN) overhauls process that the National Park Service and Congress uses to study new areas for possible inclusion into park system.

H.R. 3710 (Vento, D-MN) beefs up research and data collection, encourages partnerships to preserve parks, establishes emergency response mechanism and seeks to ensure that federal and state programs do not damage parks.

Recreation

H.R. 4014 (Barlow, D-KY) bars imposition of certain user fees at Army Corps of Engineers sites.

S. 1806 (Nickles, R-OK) rescinds the fee required for the use of public recreation areas at lakes and reservoirs under Corps of Engineers jurisdiction.

Takings

H.R. 3784 (Smith, R-TX) provides compensation to owners of property substantially devalued as a result of a final decision of any U.S. agency.

H.R. 3875 (Tauzin, D-LA) and S. 1915 (Shelby, D-AL) entitle owners of land that has dropped in value by 50% because of decisions made under the Endangered Species Act or wetland permitting program of the Clean Water Act to compensation, and require written consent of landowner for federal agents to enter land to gather information under both acts.

Water Quality

S. 1114, Water Pollution Control and Prevention Act of 1993, Sens. Max Baucus (D-MT) and John Chafee (R-RI), the Senate's Clean Water Act reauthorization vehicle first offered June 15, 1993. Water resources subcommittee chair Bob Grahm (D-FL) floated the new bill Jan. 21. Senate Environment's clean water panel referred S. 1114 to the full committee who voted 14-3 on Feb. 25 to approve an amended S. 1114.

H.R. 3948 (Mineta, D-CA) reauthorizes and amends the Clean Water Act.

H.R 3957 (Petri, R-WI) amends the Clean Water Act to reward states that set aside funds for water pollution control in excess of that amount required by the act, by reserving funds normally set aside for capitalization grants for water pollution control revolving funds.

H.R. 3873 (Norton, D-DC) sets aside at least 25% of Clean Water section 319 non-point source pollution grants for urban watershed restoration.

Wetlands

S. 1813 (Bond, R-Mo.) provides additional funds to repair damage from the Midwest floods of 1993 through the wetlands reserve program.

S. 1304, The Wetlands Conservation and Regulatory Improvements Act of 1993, Sens. Max Baucus (D-MT) and John Chafee (R-RI) reforms the nations wetlands regulations under the Clean Water Act. Water resources subcommittee chair Bob Grahm (D-FL) floated the new bill Jan.21.

S. 1857 (Mitchell, D-ME) increases authorized spending under the North American Wetlands Conservation Act to $40 million in fiscal 1999 from $15 million currently.

H.R. 3894 (Bereuter, R-NE) extends the conservation reserve program for 10 years and the wetlands reserve program for 5 years, enables farmers to meet conservation compliance requirements through the early withdrawal, modification, or re-enrolling of lands in the conservation reserve, and permits limited uses on lands within the conservation reserve.

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