

River Crossings

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Ten Most Endangered Rivers

The Washington, D.C. - based environmental group, *American Rivers*, released on 4/12 their 14th annual listing of the ten most endangered rivers in the U.S. Included on that listing were four Mississippi River Basins rivers - Missouri River, Yellowstone River, Fox River, and Coal River. Provided below is *American Rivers'* listing of all ten rivers, their location, reasons for listing and a brief summary of the issues.

(1) Lower Snake River - Washington - Federal Dams: To avoid the extinction of wild Snake River salmon and steelhead, the Clinton Administration must partially remove four dams on the lower Snake River. By replacing the free flowing Snake River with a series of slackwater pools, the dams have created lethal obstacles to migrating adult and juvenile fish. All four remaining stocks of Snake River salmon are listed as endangered and Snake River steelhead are listed as threatened. Legally obligated to release a Snake River salmon and steelhead recovery plan in 12/99, the administration's decision will determine the fate of these species. For More Information, Contact: Tim Stearns, *Save Our Wild Salmon*, 206-622-2904; Rob Masonis, *American Rivers*, 206-213-0330; Justin Hayes, *American Rivers*, 202-347-7550; or Beth Chasoff, *Taxpayers for Common Sense*, 202-546-8500, beth@taxpayer.net

(2) Missouri River - Montana, North Dakota, South Dakota, Nebraska, Iowa, Kansas, Missouri - Channelization, Dams, Bank Stabilization, Poor Grazing Practices: Meandering channels, thousands

of islands and sandbars, and a rich flood plain of wetlands, grasses, and forests characterized the Missouri River of Lewis and Clark. Today, the river has been largely channelized into a barge canal, impounded



behind gigantic dams, and cut off from its floodplain by flood control levees. The river's few remaining natural sections are increasingly threatened by bank stabilization, poorly managed livestock, and dam operations that ignore the needs of recreation, wildlife, and riverside communities. Fortunately, proposals to boost habitat

restoration spending, reform dam operations, and revitalize riverfronts create an unprecedented opportunity to revitalize our nation's longest river. For More Information, Contact: Chad Smith, *American Rivers*, 402-730-5593; Gary Raedeke, *Teddy Roosevelt Group - Sierra Club*, 701-328-4740; John Davidson, *South Dakota Canoe Association*, 605-677-5361; Ione Werthman, *Audubon Society of Omaha*, 402-493-0373; or Bill Griffith, *Sierra Club/Kansas Chapter*, 913-651-1480

(3) Alabama-Coosa-Tallapoosa River Basin - Georgia, Alabama - Sprawl, Water Withdrawals, Pollution, Dams: Home to one of the richest, and now most endangered, collections of freshwater aquatic organisms in the world, the Alabama-Coosa-Tallapoosa (ACT) River Basin is under siege by Atlanta, GA-the nation's most sprawling city. Water wars are no longer the exclusive domain of the

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arid West. Population pressures and growing industrial and agricultural development are increasing out-of-basin water withdrawals and diversions, exacerbating water quality impairment, and threatening construction of new dams that would alter natural flows and severely fragment these rivers. The 12/99 ACT Water Compact between Georgia, Alabama, and Florida promises either a comprehensive solution or an enormous lost opportunity for visionary water resource management in the basin. For More Information, Contact: Andrew Fahlund, *American Rivers*, 202-347-7550; Brad McLane, *Alabama Rivers Alliance*, 205-322-6395; Dick Bronson, *Lake Watch*, 256-825-9353; or Beth Fraser, *Coosa River Basin Initiative*, 706-235-0131, crbi@roman.net

(4) Upper San Pedro River - Arizona and Sonora, Mexico - Sprawl, Groundwater Pumping:

The Upper San Pedro River, highly valued for its biological diversity and importance for neotropical migrating birds, is threatened by rapid depletion of the regional aquifer that maintains the river's year-round flows. The threat to this natural treasure stems from the growing community of Sierra Vista, which owes its existence to the US Army's Fort Huachuca. Groundwater pumping in the Sierra Vista region has reduced the amount of groundwater feeding the river by 30%. These two communities are pumping water out of the aquifer faster than it can be replenished, causing a steady decrease in the river's flows during the dry season. The failure of the city and the Army base to take action to bring the groundwater deficit into balance directly threatens the existence of the San Pedro, its vast ribbon of riparian habitat, and the diversity of species that thrive there. For More Information, Contact: Mindy Schlinggen-Wilson, *American Rivers*, 602-234-3946; or Al Anderson, *Huachuca Audubon Society*, PO Box 63, Sierra Vista, AZ 85636, has@theriver.com

(5) Yellowstone River - Montana, North Dakota; Bank Stabilization, Flood Control:

The Yellowstone, one of our nation's most beloved rivers, is threatened by piecemeal bank stabilization. As private landowners attempt to stabilize one of the nation's last freely meandering rivers, the Yellowstone is increasingly being converted into a rock-lined channel, endangering the river's economically important trout fishery and storied cottonwood gallery. Rather than permitting the Yellowstone to be converted into an armored ditch, the Army Corps of Engineers should issue a moratorium on new bank stabilization permits and work with landowners to reduce the need for riprap and flood control levees.

For More Information, Contact: Scott Faber, *American Rivers*, 202-347-7550; Dennis Glick, *Greater Yellowstone Coalition*, 406-586-1593; or Jim Barrett, *Park County Environmental Council*, 406-222-0723, envirocouncil@imt.net

(6) Cedar River - Washington - Sprawl, Water Withdrawals:

If allowed to thrive, the Puget Sound Basin's Cedar River could produce one of the largest runs of salmon and steelhead in the state of Washington. The Cedar has not been allowed to fulfill its potential, however, as unchecked development from Seattle - one of the nation's ten most sprawling cities, according to the *Sierra Club* - has caused Cedar River runs to decline dramatically. Victims of the urban crush, Puget Sound chinook salmon are now listed under the federal Endangered Species Act. Unfortunately, Seattle's strategy for protecting what remains of the Cedar's salmon runs -

implementing a 50-year Habitat Conservation Plan (HCP) - may have the opposite effect. If accepted by the federal government, the HCP will allow more water to be taken from the river, further degrading salmon habitat and fueling even more urban sprawl. For More Information, Contact: Katherine Ransel, *American Rivers*, 206-213-0330; Charlie Raines, *The Sierra Club -- Cascade Chapter*, 206-523-1347; or Eric Espenhorst, *Friends of the Earth*, 206-633-1661, foenw@wolfenet.com

(7) Fox River - Illinois, Wisconsin - Sprawl, Pollution, State Agency Inaction:

In the 1970s, the Clean Water Act reduced industrial and municipal pollution in the Fox River and transformed the river from an unhealthy eyesore to a popular recreation destination. Today, the impacts of urban sprawl from the rapidly growing Chicago area threaten to shatter this success story. If state

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and local officials do not take steps now to improve municipal wastewater treatment and reduce agricultural and suburban runoff, the river will revert to its degraded past. For More Information, Contact: Jeff Stein, *American Rivers*, 202-347-7550; Jack Darin, *Sierra Club, Illinois Chapter*, 312-251-1680; Kathe Lacey-Anderson, *Friends of the Fox River*, 815-455-1537; Cindy Skrukud, *McHenry County Defenders*, 815-338-0393; and Robert Moore, *Prairie Rivers Network*, 217-344-2371, robmoore@earthlink.net

(8) Carmel River - California - Sprawl, Water Withdrawals, Dams: The Carmel River described by John Steinbeck in *Cannery Row* in 1945 no longer exists. Although migratory birds still flock to the mouth of the river and the upper reaches are home to an abundance of wildlife, many species struggle to survive. If Monterey County does not take immediate action to control sprawl and overuse of water from the river, California and the nation will lose what Steinbeck described as a river that “in its course has everything a river should have.” For More Information, Contact: Margaret Bowman, *American Rivers*, 202-347-7550; George Boehlert, *Carmel Valley Property Owners’ Association*, 831-659-7028; Clive Sanders, *Carmel River Steelhead Association*, 831-375-5376; Mary Ann Matthews, *California Native Plant Society*, Monterey Bay Chapter, 831-659-2528; Gillian Taylor, *Sierra Club/Ventana Chapter*, 408-659-0298; Jim Edmondson, *California Trout*, 805-584-9248, troutmd@earthlink.net

(9) Coal River - West Virginia - Mountaintop Removal Coal Mining: The Coal River in West Virginia, which flows through the Appalachian Mountains-one of the world’s oldest ranges-is under siege by mountaintop removal coal mining. In this practice, entire mountain tops are leveled to expose valuable seams of low-sulfur coal. The leftover soil and rocks, which are dumped into adjacent valleys, have already buried over 200 miles of streams in the Coal River watershed. If the appropriate state and federal agencies do not force mining companies to comply with Clean Water Act and Surface Mine Control and Reclamation Act regulations, this form of coal mining will continue to destroy waterways and landscapes on an unprecedented scale. For More Information, Contact: Suzy McDowell, *American Rivers*, 202-347-7550, Pam Moe-Merritt, *West Virginia Rivers Coalition*, 304-637-7201; Cindy Rank, *West Virginia Highlands Conservancy*, 304-924-6263; Janet Fout, *Ohio Valley Environmental Coalition*, 304-522-0246; or Randy Sprouse, *Coal River Mountain Watch*, 304-854-2182, crmw@citynet.net

(10) Bear River - Utah - Sprawl, Water Withdrawals, Proposed Dam: The Bear River, the largest source of freshwater flowing into the Great Salt Lake and home to a world-renowned wildlife refuge, could soon fall prey to the Salt Lake City region’s growing thirst. The Salt Lake City area is consuming water faster than most other urban areas in the country. (Utah has the second highest per capita water consumption rate in the country, coupled with the lowest water prices in the Rocky Mountain region.) Because of rock-bottom water rates, much of this arid region’s limited water supply is being used wastefully (e.g., on desert lawns, yards, and golf courses). The area’s rapidly increasing water consumption has drastically reduced Bear River flows, depriving the refuge’s remarkable diversity of birds and animals of the water they need to survive in the desert. Instead of developing incentives to curtail Salt Lake City’s over consumption of water, the water district wants to build a diversion dam. Under the current plan, Utah taxpayers would have to foot the bill for the proposed dam, which could reduce flows to the Bear River Migratory Bird Refuge even further. There are viable alternatives to the diversion dam, such as water conservation, that could protect the Bear River and its valuable wildlife habitat. For More Information, Contact: Mary Orton, *American Rivers*, 602-234-3946; Matt Sicchio, *American Rivers*, 202-347-7550; or Zach Frankel, *Utah Rivers Council*, 801-486-4776,

Source: *American Rivers Release*, 4/14/99

Dam Removal Issues

In what may be the first environmental complaint **against** the removal of a dam, activists in Duluth, MN protested in late April against dismantling a *Northern States Power Co.* (NSP) dam near the South Shore on Wisconsin’s Iron River.

NSP says it wants to abandon and remove the Oriental Dam, damaged in a 1985 flood, because repair costs are too expensive for the small amount of hydroelectric power it can produce. However, environmentalists object because they say that removing the dam will allow non-native species to migrate up the river and “wreak environmental havoc.” But the Wisconsin Dept. of Natural Resources (DNR) says the state would build a barrier on the site to keep harmful species away. Resource officials add that removing the dam would bolster populations of steelhead, coho salmon and brown trout in Lake Superior. Critics say the dam protects the stream against the

lake’s predatory lampreys and other unwanted aquatic life, like zebra mussels and the ruffe. The DNR offers assurances that it will install a lamprey barrier. But besides the lamprey threat, protesters said removal of the dam might allow non-native steelhead trout and coho salmon to spawn in the river, reducing the habitat for brook trout.

“In this case, we have the chance to let the dam’s owner, NSP, pay to remove it,” said Ted Smith, a DNR water supervisor in Superior. “In many cases in Wisconsin, these old dams have been left to fail and taxpayers are left holding the bill to maintain them or get rid of them years down the line,” he said. However, according to Mike Gellerman of Port Wing and a member of the *Save Iron River Association*, the dam may actually help the Iron retain some of its natural state. “It’s the last protected waterway on the south shore. The dam was built before all these foreign species got into Lake Superior,” Gellerman said. “These salmon and steelhead are just as much a nuisance as ruffe in my book. We can never go back to a truly natural setting because of all the species that have come into the lake but we can keep this river natural.” A hearing examiner last July authorized the dam removal. The opinion has been appealed to Circuit Court in Bayfield.

In the Pacific Northwest, environmentalists are working with taxpayer groups to convince Congress that breaching dams along the lower Snake River would not only help fish, but save taxpayers money, the *Portland Oregonian* reports. The groups hope to “tap regional rivalries” in Congress and build a coalition that can overcome Northwest lawmakers who oppose dam removal. But Northwest Congressionals already are “punching holes” in the groups’ arguments. Rep. Peter DeFazio (D/OR) says *Taxpayers for Common Sense* failed to account for payments to the government by the Bonneville Power Administration, which produces electricity at federal dams. And Sen. Gordon Smith (R/OR) says dam removal advocates did not consider the effects of economic growth and taxes generated by the dams.

Meanwhile, several conservation and fishing groups (*American Rivers*, *American Whitewater* and *Trout Unlimited*) on 3/31 filed a federal lawsuit alleging that the Army Corps of Engineers is violating the Clean Water Act along the Lower Snake River, where federal biologists say the Corps’ four dams are the largest single threat to

declining salmon and steelhead trout populations. The groups say that the dams create slack water reservoirs where temperatures rise to levels lethal to fish and that uncontrolled spillage over the dams in the spring can lead to high levels of nitrogen gas in the water. They say removing the earthen portions of the dams may be the “best and least expensive way to restore cool water for salmon and eliminate the dissolved gas problem”.

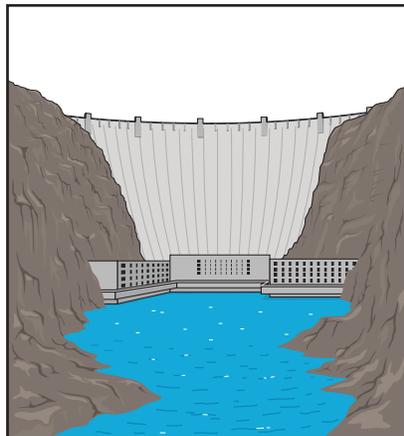
The groups on 3/30 “blasted” legislation they said would weaken environmental protections in federal licensing of hydro-power dams. Sen. Larry Craig (R/ID) in late April introduced a bill to amend the Federal Power Act, which currently requires federal authorities to consider environmental and energy concerns when licensing hydropower dams. Craig’s bill would “limit the abilities of federal agencies to protect natural resources and burden the agencies with more than a dozen new procedural, process and oversight requirements.” Similar legislation will be introduced in the House by Rep. Edolphus Towns (D/NY). The groups said these bills would “attack” the progress made in improving river conditions across the country under the current relicensing process. Steve Moyer of *Trout Unlimited* said, “These bills ... would be harmful to fish and other aquatic resources. They are being pressed by elements of the hydropower industry who want to make up their own rules”.

On another front, Sen. Craig stars in an *Idaho Farm Bureau* video informing the public on the issue of breaching the lower Snake river dams to save salmon. Craig urges people to pay attention to the issue because there may be a ballot initiative. Meanwhile, the *Portland Oregonian* reports that a “serious blow” to the Endangered Species and Clean Water acts almost occurred last year without environmental lobbyists taking notice when Sen. Slade Gorton (R/WA) pushed for legislation, but failed, to give Congress control over the fate of the Northwest’s federal dams.

On a more positive front, the Portland-based *PacifiCorp* is working on the last details of a plan to remove a dam on a Columbia River tributary in Washington state. The license for the Condit dam on the White Salmon River is up for renewal, but *PacifiCorp* in 1997 decided that removing the dam would cost less than half the \$30 million needed for an upgrade that would comply with modern environmental laws. Environmental groups and tribes were supportive of

PacifiCorp’s decision, which will help restore runs for endangered fish. Final details of the plan must be finished by 6/1 or the Federal Energy Regulatory Commission may order the company to make the repairs.

In Montana and Idaho the *Avista Corp.* has agreed to spend about \$200 million over 45 years to restore the Clark Fork River without removing two dams or radically changing their operations. The commitment includes more than \$43 million to help threatened bull trout and other fish bypass the dams. It is part of the power company’s application to get federal relicensing of its Noxon Rapids and Cabinet Gorge dams, which expire in 2001 and account for 60% of *Avista*’s power generation. *Avista* also has agreed to increase its minimum flow of water from the Cabinet Gorge Dam from 3,000 to 5,000 cfs, which will help fish habitat downstream. Biologists are optimistic about the role of the agreement in helping fish.



In California, the \$50.7 million removal of San Francisco-based *Pacific Gas & Electric*’s Battle Creek dam system is the “most ambitious salmon restoration effort” in the Sacramento Valley and “one of the most extensive dam removal projects” in the country. Five out of 15 dams will be removed allowing both Battle Creek forks to run higher and cooler. Biologists believe the project will successfully restore two endangered species of chinook and two other species that have been proposed for listing because the area is sparsely populated and the creek is “pocked with dependable cold springs”

In South Carolina, Gov. Jim Hodges (D), concerned over fish kills caused by Russell Dam’s reversible turbines, is urging Sens. Strom Thurmond (R/SC) and Ernest Hollings (D/SC) to amend the 1999 federal Water Resources Development Act to force

the Army Corps of Engineers to devise a mitigation plan “acceptable” to Georgia and South Carolina

In Maine, using high-tech military equipment originally designed to track Soviet submarines, scientists will monitor the shoreline above Edwards Dam on Maine’s Kennebec River to help researchers track changes to the environment over time. New varieties of plant and animal species are expected to colonize the wider shoreline zone after the dam is dismantled. Heather Jacobson of the *University of Maine* said the images could become a national model for the study of new shorelines.

Addressing watershed issues, Rep. Frank Lucas (R/OK) has introduced legislation that would spend \$600 million over the next 10 years to rehabilitate thousands of small, upstream watershed dams across the U.S. A House Agriculture subcommittee held a hearing on the bill on 4/14. Lucas said he wants “to get across that these dams are part of our basic infrastructure, like the highways, like the airports.” Further, he said, “If we spend a little money up front, we can prevent huge costs” in the future.

And finally, Sen. Craig (R/ID), Sen. Bob Morton (WA/R) and Rep. Helen Chenoweth (R/ID) criticized the 206 scientists who sent Pres. Clinton a letter this Spring supporting the breaching of four lower Snake River dams. Craig, Morton and Chenoweth say it was inappropriate for the scientists, particularly those who are government employees, to take a position on such a “bitterly disputed” issue

Sources: John Myers, *Duluth News-Tribune*, 4/28/99; *Associated Press* Newswires, 4/28 and 5/3/99; *Portland Oregonian*, Barnett/Hogan, 4/19/99; Jonathan Brinckman, *Portland Oregonian*, 4/1/99; *American Rivers*, *American Whitewater* and *Trout Unlimited* News Releases, 3/30 and 3/31/99; Nancy Vogel, *Sacramento Bee*, 5/4/99; Jim Barnett, *Portland Oregonian*, 4/1/99; *AP/Casper [WY] Star-Tribune*, 4/13/99; Jim Barnett, *Portland Oregonian*, 4/13/99; Dan McGillvray, *Kennebec [ME] Journal*, 3/29/99; Chris Casteel, *Oklahoma City Daily Oklahoman*, 4/15/99; Robert Pavey, *Augusta Chronicle*, 3/25/99; Jonathan Brinckman, *Portland Oregonian*, 3/27/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 9/8/98 and 3/23; 3/30; 4/2, 4/13; 4/16; 4/20, 4/29, 5/5/99

Environmentalists, usually critical of the Tennessee Valley Authority's (TVA's) land management and pollution control efforts, "are finding reasons to praise the agency." And the agency's decision against selling public lands that developers wanted to use for two, multi-million dollar projects is among several other decisions that have drawn "grudging support from activists". Stephen Smith of the *Tennessee Valley Energy Reform Coalition* said, "TVA is beginning to develop an environmental track record again. It's new and welcome, and I think there are better things yet to come".

Speaking further at a three-day March conference on the TVA's "environmental, historical and societal effects" at the *Tennessee Technological University*, Smith said TVA should continue managing waterways and public lands and do more to reduce air pollution. Further he said that the region must begin to demand other sources of energy such as solar and wind power. He urged the agency to convert its power plants to cleaner-burning natural gas. Janice Nolen of the *American Lung Association of Tennessee* said the TVA's coal-burning plants, which account for 60% of the agency's power, "play a major part" in air pollution in the region.

Meanwhile, TVA officials have said the agency will not "draw back" on maintaining its public lands, despite Congressional cuts to its annual budget. And on 4/21 it's board of directors approved a management plan for 11,000 mi² of shoreline in the TVA system. The Shoreline Management Initiative is a compromise drafted after environmentalists, property owners and politicians criticized the original proposal. It limits the maximum amount of shoreline that can be developed to 38%, down from 48%. There are no new fees for property owners and lake users, and the plan also includes a shoreline management zone of 50 ft. The zone limits tree-trimming and vegetation cutbacks. Ruben Hernandez, TVA VP of resource stewardship said, "What we're trying to do is balance the resource needs, the recreation and the shoreline development that takes place".

Sources: *AP/Birmingham News online*, 3/23 and 3/24/99; Jacques Billeaud, *Knoxville News-Sentinel*, 3/24/99; Add Seymour Jr., *Knoxville News-Sentinel*, 4/22/99; Rachel Zoll, *AP/Birmingham News Online*, 4/22/99; National Journal's GREENWIRE, *The Environmental News Daily*, 3/17, 3/23, and

Pallid Sturgeon Recovery Setback

Pallid sturgeon recovery, and for that matter recovery of any species, will come with setbacks as well as triumphs; and it should be understood that recovery will be possible only through perseverance. Hopefully, we can learn from the both the setbacks and the successes.

Unfortunately, a temporary pallid sturgeon recovery setback occurred in late April when a quarantine was placed on sturgeon being held at the Garrison, Valley City (ND) and Gavins Point (SD) National Fish Hatcheries (NFH), and Bozeman (MT) Fish Technology Center (FTC). An unknown virus was found in shovelnose sturgeon at Gavins Point NFH, after some mortality had been experienced in the shovelnose sturgeon progeny from 1998. Samples were sent to the Bozeman Fish Health Center (FHC) for verification and it was found that indeed an unknown virus resembling "iridovirus" was present.



Adult pallid sturgeon being released into one of the Missouri River reservoirs after data collection.

Although the virus was found in shovelnose sturgeon at Gavins Point, there are several aspects that are positive with this situation. Herb Bollig from Gavins Point has been diligent in maintaining proper culturing techniques to ensure that cross contamination between the pallid sturgeon and the shovelnose sturgeon did not occur. In addition to this, the pallid sturgeon at all three facilities have not shown any outward symptoms of the virus. Finally, at this time, there does not appear to be any indication that the fish were contaminated from an

outside source.

The primary reason for the quarantine was to (1) take precautionary measures in order to prevent the spread of an unknown virus, (2) protect the pallid sturgeon at all facilities, and (3) identify the unknown organism.

Non-lethal, non-invasive tissue samples were collected by the Bozeman FHC from the pallid sturgeon at all three locations; from the shovelnose sturgeon from Gavins Point and Bozeman FTC; and from the wild populations below Oahe Dam and the Yellowstone River. Plans have been made to also collect samples from wild populations during May and June, if it becomes necessary.

At this time, it is suspected that the unknown virus has always been present in the wild sturgeon population. However, the testing being conducted should begin to answer this question.

Source: *USFWS Upper Basin Pallid Sturgeon Update #99-3*, 5/6/99)

New Madrid Floodway Controversy

A \$65 million federal program is being considered near New Madrid, MO (along the Mississippi River near the Ohio River confluence) to drain more than 30,000 acres of wetlands. These wetlands provide important seasonal habitats for the Mississippi River's floodplain spawning fishes and for its migratory birds. At the same time the federal government is spending millions of dollars more to create wetlands elsewhere and to restore endangered species habitats. After the flood of 1993 proved the importance of riverine wetlands not only to river species, but also for use as areas for storage and conveyance of floodwaters, environmental interests say this is mind boggling!

Under the New Madrid project, the U.S. Army Corps of Engineers plans to complete a levee system to cut off the last piece of flood plain in Missouri that is connected to the Mississippi River. At the same time, the Missouri Department of Natural Resources wants to spend \$1.2 million to keep part of the area wet. The state plans to build a berm around a state park to retain floodwater needed for the health of the last remnants of the giant hardwood forest that once covered the river valley. As mitigation, the Corps has proposed to drill 20 relief wells in the park. The wells will be used to pump water

into the park to keep the trees wet and to imitate annual spring flooding. Unfortunately, well water has a different chemistry from surface water and some biologists question whether the chemistry of the well water will adversely affect the trees.

Justification for this project is to provide flood protection for the village of Pinhook, MO, a small 52 resident community, which nearly every year becomes an island surrounded by backwater from the flooding Mississippi River. Sometimes for weeks at a time, Pinhook's 52 residents go to work and school using boats or tractors to get over flooded Mississippi County roads. Residents of Pinhook and the neighboring community of East Prairie consider the flooding an annual irritant that saps the area's economy. But environmentalists say the floods are precious acts of nature that provide priceless habitat for spawning fish, a resting place for migratory waterfowl and rejuvenation for rare plant species – and therein lies the controversy over the over the \$65 million plan.

Area residents can't wait for the plan to be completed, complaining that flooding hurts the largely agricultural economy and prevents businesses from moving to the region. "The project will take care of our biggest problem," said Kathie Simpkins, city administrator of East Prairie, population 3,416. "This has been on the drawing boards for fifty years." However, environmentalists say the project will hurt wildlife and waste taxpayers' money. Tim Searchinger, senior attorney for the *Environmental Defense Fund*, said the plan is a "testimony to the stupidity of government." Searchinger said the federal government is spending billions of dollars elsewhere in order to (1) take 36 million acres of cropland out of production, (2) restore wetland environments and (3) reduce crop surpluses. "This project spends tens of millions of dollars to do precisely the opposite," Searchinger said.

The plan, called the *St. Johns Bayou and New Madrid Floodway Project*, is the latest skirmish in a 100-year war with the Mississippi River. For generations, levee and drainage districts and the Corps of Engineers have battled the river and its tributaries from Cape Girardeau south to the Bootheel. They have used diversion ditches, levees and drainage canals to draw water off lowlands as flat as a billiard table and just as green. Soybean and corn fields have replaced swamps and forests. But they've left one piece of land to the river. It's called

the *New Madrid Floodway*, which begins just south of Cairo, IL, and extends 33 miles down to New Madrid, Mo. With the exception of little settlements like Pinhook, Dorena and Wolf Island, the floodway is largely uninhabited farmland. The Corps has designated the floodway as a place for the swollen Mississippi to go rather than flooding nearby Cairo or Wickliffe, Ky.

If the river gets too high at Cairo, there is a plan to blow a hole in the New Madrid Floodway levee, allowing the river to spread over the floodway's 132,000 acres. At the south end of the floodway near New Madrid, there is a 1,500 ft. gap in the levee that would allow the water to escape. Now, when the Mississippi gets high -- usually in the winter and spring -- water flows into the floodway from the south through the 1,500 ft. gap and covers about 17,000 acres. That's what brings water around Pinhook. Sometimes the floodwater stays until late June, affecting crop planting.

Under the Corps plan, the 1,500 ft. gap in the levee would be closed with gates to prevent flooding. A large pump would be installed to take water out of the floodway when the gates are closed because of high water on the Mississippi. The Corps plan also deals with water problems in the nearby St. Johns Bayou Basin. Heavy rain and drainage in the basin sometimes flood as much as 13,000 acres. Gates at the mouth of the bayou are supposed to let water out, but when the Mississippi is too high, the gates are kept closed to prevent the river from backing up into the St. Johns Bayou. Under the Corps plan, another pump would be installed to pump water out of the basin.

The U.S. Fish and Wildlife Service, the Missouri Department of Conservation, the *Environmental Defense Fund* and the *Ozark Chapter of the Sierra Club* are all concerned about the project's impact on wildlife habitat. The major concern is the loss of natural spring flooding and the removal of fish access to spawning areas by cutting off the New Madrid Floodway from the Mississippi River. The groups say the project is not consistent with protection of wetlands. If flooding is a problem, they suggest building a levee around East Prairie to guard against local flooding while leaving the New Madrid Floodway untouched to preserve the fish habitat.

This Spring, seven environmental groups wrote President Bill Clinton asking him to conduct a review of three Corps drainage projects including the St. Johns Bayou-New

Madrid Floodway plan. The letter noted that the Clinton Administration had set a goal of restoring wetlands while discouraging flood plain development. The letter said the three projects did just the reverse. "Past drainage efforts have eliminated 95% of the wetlands along the lower Mississippi River, making the river's few remaining wetlands critical for the survival of wildlife," the letter said. "Wetlands which are connected to tributaries which flow freely into the Mississippi, like those that will be destroyed by the St. Johns Bayou-New Madrid Floodway Project, are particularly rare and provide important spawning areas for fish."

Of the 2.5 million acres of forested wetlands that once covered southeast Missouri, only about 50,000 acres remain. About 40% of those remaining forests are located within the Corps project. The environmental groups say the project's benefits to small numbers of people do not justify its cost in money and wildlife habitat. Searchinger said protection of East Prairie makes up only a small fraction of the justification for the \$65 million project. Farmers whose land will be protected from flooding are the major beneficiaries. "It's highly questionable how much that farm income will help," Searchinger said. "We've drained 95% of the delta and it hasn't helped these small remaining hamlets. Why would draining the remaining 5% help them?" Searchinger said increasing the number of acres that can be used for crops will cost farmers in the end. "The increased production on the additional acreage actually lowers prices that are paid to other farmers and then all the farmers will lose income," Searchinger said.

The Taxpayers for Common Sense, a group based in Washington, D.C. issued a report that listed the St. Johns-New Madrid Floodway project as one of the 16 most wasteful spending projects in the Mississippi River Basin. "The New Madrid Floodway, if drained, would be open for development rather than remaining a designated floodway," the report said. "This would force the federal government to pay up to \$10 million to flood it in the future." That's because once the flood control project is built, the Corps would have to pay landowners for flood easements in order to use the land as a floodway.

While environmental groups are concerned about the project's impact on the region, officials of the state Department of Natural Resources worry over what it will do to a 1,000 acre preserve that contains the last remnants of the original swamp forest that

once covered the Mississippi Valley down to the Gulf of Mexico. The refuge is Big Oak Tree State Park, a national natural landmark, 15 miles southeast of East Prairie. In the 1960s, the park contained nine national champion trees – trees larger than any other of their species in the country. Only the Great Smoky Mountains National Park had more. Periodic flooding of the park is what keeps the trees healthy, because the park contains tree species that thrive when their roots are wet. The floods' sediments also bring in nutrients that help plant life. In recent years, the park's champion trees have been dying and are not being replaced. Naturalists believe the drier conditions caused by the drainage of the region are hurting the diversity of the park.

The recent history of this project, as summarized below from newspaper accounts (emphasis added), represents a classic example of how water resource developments in this country are completed by “working the seams” of government, leveraging different regulations and agencies, and in some cases working one government program against another to gain authorization and funding that otherwise would not be economically feasible or in the greater public interest.

The project gained momentum in 1989 (four years before the great floods of 1993) when seven inches of rain fell over a two-day period, and local schools were closed for a week, sewers collapsed and sandbags were needed to keep water out of a nursing home. After that, East Prairie sought designation as a “federal enterprise community,” which would allow it to get **special government economic assistance**. During the grant application process, the community identified its water problem as the No. 1 obstacle to progress. **The grant enabled East Prairie to get around a federal requirement that local communities come up with 35% of the cost of Corps of Engineers projects.** Although the Corps plan had been drafted for years, it could never be implemented before now because residents and businesses of East Prairie and Mississippi County could not come up with the 35% match. In 1994, Clinton declared East Prairie an Enterprise Community because of its poverty and unemployment. **The designation allowed the U.S. Department of Agriculture to provide grants that could be used for the local match. As a result, the local sponsor only has to come up with 5% of the funds while the federal government provides the rest (95%) at taxpayer expense.**

Lynn Bock, the attorney for the *St. Johns Levee and Drainage District*, said the Corps project was “heavily mitigated,” meaning that the Corps was offering lands elsewhere to make up for the loss of river-connected wildlife habitat. The Corps plan calls for the purchase and reforestation of more than 9,500 acres of frequently flooded agricultural land to cover the losses of the flood plain habitat.

The recommended Corps mitigation proposal, summarized above, is a prime example of the Corps offering to trade off “priceless backwaters” that are presently connected to the Mississippi River for other habitats that are not – and that may be located long distances from the River. It is not possible for the Corps to mitigate for connected riverine habitats because for the most part “they no longer exist”. Virtually everything has been leveed off, and this is one of the reasons why riverine fish species are becoming more and more threatened. Unless the replacement habitats are connected to the River they are of no use to riverine fish! Perhaps, as recommended in policy proposed by the White House’s 1994 “Galloway Report”, it would be in the greatest public interest in this case to relocate the 52 residents of Pinhook and encircle the larger communities with levees.

Source: *St. Louis Post-Dispatch*, 5/9/99

Mountaintop Removal Issues

The US Office of Surface Mining (OSM) and the West Virginia Division of Environmental Protection (DEP) on 3/13 announced a new policy to limit the amount of waste rock and earth dumped into valley streams. The proposal would require coal operators to restore to the hilltops most of the rock and earth displaced during mountaintop removal mining. Materials that can only be dumped into valley fills due to mine maintenance rules would be excepted. Currently, individual permit review engineers determine what constitutes the federal “approximate original contour” (AOC) reclamation standard. DEP officials, who have criticized the OSM for the lack of a detailed AOC, say the new policy would make the standard “more consistent and objective”.

Then on 4/15 a week after being “scolded” by Sen. Robert Byrd (D/WV) and Rep. Nick Rahall (D/WV) “for taking too long to process mining operations,” the US EPA and

Army Corps of Engineers approved a 336 acre mine for *Pittson Coal Management Co.* on the Clay-Nicholas county line in West Virginia. The permit had been tied up for months by the mountaintop removal controversy. As part of the *Pittson Mine* approval the company agreed to (1) reduce the size of the mine’s fills, (2) cut the length of streambed affected by mining operations and (3) improve the mine’s in-stream sediment pond

Meanwhile, U.S. District Judge Charles Haden has ordered state and federal regulators to withhold permits for a mountaintop removal mine near Blair, WV, until the court resolves a lawsuit challenging the permit on environmental grounds. The *St. Louis Post-Dispatch* reports that since Haden’s ruling “tension has continued to mount in a region where coal field violence is legendary”. Some 30,000 miners held a 24-hour work stoppage on 4/2 to “memorialize the frail condition of America’s most basic of smokestack industries.” *United Mine Workers* Pres. Cecil Roberts, who ordered the stoppage, says “the American coal industry might well be eliminated” because of costly pollution controls and unrealistic demands by environmentalists.

An OSM report shows that about 450 mi.² of West Virginia are currently disturbed by surface coal mining. Coal operators last year received permits to strip twice as many acres as they reclaimed, the report said.

Sources: Ken Ward, *Charleston [WV] Gazette*, 4/16/99; *USA Today*, 4/16/99; Bill Lambrecht, *St. Louis Post-Dispatch*, 4/16/99; Ken Ward, *Charleston [WV] Gazette*, 3/14 and 3/17/99; Martha Hodel, *AP/San Francisco Chronicle/Examiner/online*, 4/2/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 3/4, 3/17 4/2 and 4/16/99

Acid Rain Still A Problem

Despite “important strides” in reducing air pollution, acid rain remains a “serious problem” in New York’s Adirondack Mountains and is “a growing threat” in the southern Appalachians, Colorado’s Front Range and elsewhere, according to a new federal report. The study by the National Acidic Precipitation Assessment Program, a consortium of federal agencies, warns about the continued effects of acid rain in sensitive regions and provides more evidence that acid rain is “more complex and intractable” than was believed 10 years ago.

Findings show that high elevation forests in Colorado, West Virginia, Tennessee and Southern California are nearly saturated with nitrogen, a key ingredient in acid rain. And high-elevation lakes and streams in the Sierra Nevada, the Cascades and the Rocky Mountains may be on the verge of “chronically high acidity.” Excess nitrogen also afflicts the Chesapeake Bay’s acidity and is increasing in many waterways in the Adirondacks.



A report released by the *Massachusetts Campaign to Clean Up Polluting Power Plants* found that sulfur dioxide releases in New England rose 41% from 1996 to 1998, nitrogen oxides increased 23.9% and carbon dioxide increased 37.1%. The “sharp increase” in emissions, resulting from electricity generators burning cheap oil instead of natural gas, “dims hopes” that new natural gas plants would quickly clear the region’s air by forcing older plants to close. New England power plants had been reducing emissions by adding pollution controls, closing older facilities and burning more natural gas. Between 1989 and 1995, Massachusetts plants reduced sulfur dioxide emissions by 60%, according to the Energy Information Agency.

Last year the US EPA ordered 22 states in the East and Midwest to further reduce emissions of nitrogen oxide, and Sen. Daniel Patrick Moynihan (D/NY) has proposed legislation that would further reduce airborne pollutants. Environmentalists say the recent reports may “help broaden political support” for the legislation. But the electricity industry thinks the EPA efforts are enough. John Kinsman of the *Edison Electric Institute* said, “These policies are going to get you where Moynihan’s bill will get you.”

Source: James Dao, *New York Times*, 4/5/99; Scott Allen, *Boston Globe*, 4/6/99; National Journal’s GREENWIRE, *The Environmental News Daily*, 4/6/99

Forest Service Criticized

Nine environmental groups have called on the chief of the U.S. Forest Service (USFS) to halt timber sales in “impaired watersheds” of the Bighorn National Forest (NF) in Wyoming until Bighorn’s forest management plan can be revised. The groups cited “frustration over continuing mismanagement” at Bighorn. Specifically, the groups cited: “harassment of employees,” approval of timber sales that might harm wildlife, opening trails without environmental review and “suppression of a forest plan amendment that would have reduced logging” among their concerns.

In Vermont, *Forest Watch*, an environmental group, says the USFS suppressed two public opinion surveys on managing the Green and White Mountain national forests because the polls found “broad support” for preserving the forests and little support for logging. The USFS denied the allegations, and noted that the 1996 survey on Green Mountain National Forest was presented at a 1996 conference. The survey for the White Mountain National Forest was not released, but a USFS representative said a summary of the survey will appear in a report currently being printed. The USFS is beginning a “long-overdue” overhaul of management plans for both the Green Mountain and White Mountain national forests.

In Minnesota, hoping to bolster its campaign against logging in national forests, the *Sierra Club* is using radio ads to launch a “hard-nosed attack” on logging in the Superior National Forest. The ads say intensive logging is damaging to the forest’s ecosystems and destroying fish and wildlife habitat. Less than 8% of all U.S. timber comes from national forests, but in Minnesota, about 10% of the timber harvested comes from the Superior and Chippewa national forests

In Montana, a federal judge has struck down a USFS proposal to log a portion of the Hyalite Creek drainage south of Bozeman, saying the agency “failed to consider the cumulative effects that other logging in the area would have on wildlife habitat.” The decision marks the second time a timber sale for the area has been defeated by the courts.

Meanwhile in Oregon, a USFS biologist at the Umpqua National Forest has accused her superiors of undercutting efforts to restore salmon runs in order to advance timber

sales. In a letter to a federal judge, Cindy Barkhurst petitioned to be allowed to join plaintiffs in a lawsuit challenging 24 timber sales in the Umpqua. Barkhurst says the USFS has “harmed the public’s trust” by hiring inexperienced people and nonbiologists on a team that consults with the National Marine Fisheries Service on whether logging threatens coho salmon and Umpqua River sea-run cutthroat trout. A 4/98 ruling blocked the 24 timber sales, saying that the federal government failed to adequately protect wildlife from the impacts of logging.

Sources: Michael Milstein, *Billings Gazette*, 4/20/98; Robert Braile, *Boston Globe*, 4/18/98; Myers/Lincoln, *Duluth News-Tribune*, 4/20/99; Joe Kolman, *Billings Gazette*, 4/21/99; Jeff Barbard, *AP/Idaho Falls Post Register*, 5/9/99 and National Journal’s GREENWIRE, *The Environmental News Daily*, 4/30/98; 4/21 and 5/10/99

Toward Sustainable Forestry Values

A report released by the *World Commission on Forests and Sustainable Development* says that “We can satisfy the world’s material needs from forests without jeopardizing their ecological services.” The group, launched by a coalition of former world leaders, held public meetings on five continents over the last three years. In its report, the panel recommends a four-point plan to involve people in forest decisions on the global, national and regional levels. The plan, called *ForesTrust*, would include:



- *Forest Watch*, a network of citizens and decision makers;
- A *Forest Management Council* to certify products as forest-friendly;
- A *Forest Ombudsman* to identify corruption and abuse; and
- A *Forest Award* to recognize successes in sustainable forest management.

The report also proposes creating a *Forest Security Council*, to be made up of officials, scientists, business people and groups from the heavily forested countries. And it recommends introducing a *Forest Capital Index* that would reflect the economic values of forests beyond their timber.

Commission Co-Chair and former prime minister of Sweden Ola Ullsten said, "Fixing the forest crisis is basically a matter of politics. It is about governments assuming their mandate to protect their natural resources – including forests – for the long-term benefit of their citizens". UN Environment Program Executive Director Klaus Toepfer said, "Most importantly, the report offers a way out of this crisis. It specifies reforms needed, from abandoning subsidies and tax incentives that provoke forest destruction to more openness in timber allocation procedures".

Sources: *Environmental Media Services* release, 4/19/99; *UNEP release*, 4/19/99; National Journal's *GREENWIRE*, *The Environmental News Daily*, 4/19/99

Ag Waste Update

The Oklahoma Wildlife Department has filed suit against *Seaboard Farms Inc.* to keep the company from operating a "huge" hog farm in Beaver County. Seaboard wants to populate the *Dorman Sow Farm* with 25,000 hogs.

North Carolina Gov. Jim Hunt (D) has called for a 10-year phaseout of hog lagoons – open waste pits that sometimes pollute waterways. Meanwhile, NC Division of Water Quality officials are investigating a 1.5 million gallon hog waste spill in the southeastern part of the state that started from a breach in a *Murphy Family Farms* waste lagoon dam in late April. Water officials tracked the waste plume into Persimmon Creek and an adjacent wetland, and monitored the ecological effects.

In South Dakota, work is underway on what eventually will become the third-largest hog farm in the world "in spite of strong opposition by the federal government, environmentalists, animal rights activists and a coalition of tribal members and other local residents." Construction of the \$105 million, 1,200 acre facility near the Rosebud Sioux Reservation

east of Rapid City resumed in March after a federal judge accused Kevin Gover, Assistant Interior Secretary for Indian Affairs, of abusing his discretionary powers and acting in an "arbitrary and capricious" manner when he ordered work stopped on environmental grounds. Environmentalists and some tribe members say waste from the hog farm will contaminate underground aquifers and cause serious air pollution from ammonia and methane gas rising from evaporation ponds.

In Nevada, *Rockview Farms Inc.*, a dairy, has been fined \$250,000 after admitting it negligently dumped 1.7 million gallons of cow waste that eventually made its way into the Amargosa River in California, a violation of the Clean Water Act

In Maryland, an administrative law judge has ruled that one of the state's largest hog farms is big enough to require an anti-pollution permit. The decision filed in early May gave Frederick County farmer Rodney Harbaugh 20 days to scale back his herd from 4,000 animals to fewer than 2,400 until he secures a state permit for concentrated animal feeding operations. Harbaugh's farm has caused a rift between neighbors who complain about odors and environmental risks and other area farmers who complain that the government is hindering their right to earn a living. Harbaugh's lawyers said that state environmental officials have "no right to interfere with Harbaugh's operation of his farm." Harbaugh said his farm's design makes water pollution problems virtually impossible.

Meanwhile, as part of a "broadening effort" to limit water pollution from the Maryland poultry industry, the state Dept. of the Environment will soon prohibit slaughterhouses from applying more sludge to fields than crops can digest. Under new rules that will become a condition for slaughterhouse permits, facility operators will be required to test soils and apply only the sludge load needed to fertilize crops. They will also have to keep detailed records of the sludge use. New conditions regulating manure

disposal were added to the permits in March. A *Baltimore Sun* editorial calls the new manure disposal rules "a commendable action to stem the flood of farm pollutants into the Chesapeake Bay" (4/5).

The *Baltimore Sun* also reports that there are thousands of miles of agricultural drainage ditches in Maryland and Delaware that serve as "rapid-delivery systems" to the Chesapeake Bay for pollutants which bypass natural filters like streams and wetlands. The ditch networks are created and maintained to drain farmland. By channeling agricultural runoff straight to the bay, they increase bay levels of nutrients responsible for algal blooms that reduce oxygen, kill underwater grass and possibly trigger toxic *Pfisteria* outbreaks. Efforts to reduce the ditches' impact on the bay are underway, but are complicated by the dependence of farmers and "sprawling" communities on the networks to minimize flooding. "You plug up the ditches, and it's not just farming you'd affect. You'd have trouble inhabiting some of these areas at all," says John McCoy of the Dept. of Natural Resources. The US EPA has "largely ignored ditching," but EPA officials "say they will be getting more involved with the issue" and plan to challenge a new, large ditching project in Delaware. Drainage ditches (and tiles) like these are common everywhere in the U.S. That includes much of the Mississippi River Basin.

On 4/15 Senate Finance Committee Chair William Roth (R/DE) introduced legislation to amend the Internal Revenue Code to make electric plants fueled by chicken droppings eligible for the same tax credits enjoyed by windmills and other alternative energy sources. Roth's bill would give power plants that burn chicken droppings a 1.7-cent-per-kilowatt-hour tax credit. Poultry is a \$500 million a year industry in Delaware alone, but the "droppings are also a big source of pollution, not to mention ... stench." Roth said, "As the amount of chickens we produce as a nation has grown, so too has the need to find a creative means for disposing of poultry manure"



Meanwhile, in a *Newsweek* (4/26/99) op-ed, Robert F. Kennedy Jr., an attorney for the *Natural Resources Defense Council* and the *Water Keeper Alliance*, attacked industrial farming and the resulting agricultural runoff, saying it is bad for the environment. According

to Kennedy, "North Carolina's hogs now outnumber its citizens and produce more fecal waste than all the people in California." As an alternative, Kennedy advocates small farms, which practice the "highest standards of husbandry and environmental stewardship".

Sources: Bruce Henderson, *Charlotte Observer*, 4/23/99; Mick Hinton, *Oklahoma City Daily Oklahoman*, 4/15/99; AP/*Washington Times*, 5/14/99; Heather Dewar, *Baltimore Sun*, 5/14/99; Tom Horton, *Baltimore Sun*, 4/8/99; *USA Today*, 4/21/99; William Claiborne, *Washington Post*, 4/4/99; Peter Goodman, *Washington Post*, 3/30/99; AP/*San Francisco Chronicle/Examiner online*, 4/27/99; Reuters/*PlanetArk*, 4/21/99; AP/*San Francisco Chronicle/Examiner online*, 4/16/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 2/2, 3/19, 4/6, 4/8, 4/14, 4/16, 4/20, 4/22, 4/27/99

Climate Change Update

Significant floods could be more common if projections from a new climate model bear out, said Tom Wigley, leader of a group of scientists at the *National Center for Atmospheric Research* in Boulder, CO (Web Site: <http://goldhill.cgd.ucar.edu/cas/ACACIA/>). The computer simulations ran by Wigley's team showed that levels of atmospheric carbon dioxide, the main gas produced by animals and fossil fuel combustion, could double by 2100. If that comes to pass, global temperatures could increase by 3 °F, generating added winter precipitation over the Plains and the Southwest. "A 40% increase in precipitation would greatly increase the probability of those extreme events" like the Flood of 1993, when much of the Midwest was swamped by record-high waters, Wigley said.

Another new report says that Iowa suffered an average \$543 million in flood damage per year from 1983 to 1997, more than any other U.S. state or territory. The figures are part of the *Extreme Weather Sourcebook*, an Internet site (http://www.dir.ucar.edu/esig/HP_roger/sourcebook) that compares the damages caused by floods, tornadoes and hurricanes in each state. Big floods in 1993 and 1997 also pushed four other Midwest states into the top 10 in damages: Missouri, No. 4; North Dakota, No. 5; Illinois, No. 6; and Minnesota, No. 9. Louisiana came in second, at an average \$479 million; California was third with \$377 million.

Roger Pielke Jr., who compiled the figures, said flood damages across the nation have been increasing steadily to around \$6 billion per year.

A study conducted by the federal *Climate Prediction Center* (CPC) concludes that while the much of the world is getting hotter, the continental U.S. has gotten slightly cooler over the last third of a century. The data runs "counter to what many Americans have been feeling and what scientists have been theorizing." The CPC study concludes "that the cooling has been subtle" and probably not "statistically significant." Since 1966, it is barely one-thirtieth of a degree cooler per decade for the lower 48 states as a whole. The study attributes the overall cooling to lower temperatures in the late summer and fall. The study also finds that nearly the entire country is getting wetter. The U.S. has been getting nearly an inch more precipitation every decade since 1966. Both skeptics and supporters of global warming theories found support for their positions in the study. While opponents say the data confirm the world is not getting warmer, climate-change theorists say the increase of precipitation corresponds with global warming because "rain is nature's air conditioner"



Meanwhile, a team of National Oceanographic and Atmospheric Administration (NOAA) researchers predict that ocean levels along the East Coast will rise by at least 3.5 ft. and average summer temperatures will increase by several degrees over the next 500 years even if levels of greenhouse gas emissions in the atmosphere stabilize over the next half-century. Jerry Mahlman, head of the NOAA Geophysical Fluid Dynamics Lab, used a computer model that showed the changing climate would boost average summer temperatures from Philadelphia to Miami from 80 °F to 87 °F, giving the area "a climate a lot like Southeast Asia." And higher seas would "cover the tip of Florida, all the way from Key Largo to Fort Lauderdale." The NOAA

model also forecasts a shutdown of the Atlantic deep-ocean current responsible for moving heat away from the equator and mixing nutrients for sea life. Mahlman said choices made during the next 100 years will determine whether the computer model becomes reality. "Ninety percent of the warming will occur in the first hundred years, but the problem is, when you think you are done, you get more warming", Mahlman said.

An unprecedented climate shift in Costa Rica, associated with global warming, appears to have already caused a "mysterious" disappearance of 20 frog species, according to findings published in a recent issue of the journal *Science*. The frog declines coincided with a sudden reduction in moisture levels on Monteverde in Costa Rica's highlands, an area referred to as the "cloud forest," according to J. Alan Pounds of the *University of Miami* and other researchers. Several plant and animal species living there depend on extreme moisture levels. Drier conditions, intensified by the El Nino weather pattern, and rising sea surface temperatures weakened several frog and reptile species, causing their populations to be reduced. Michael Lannoo of the *Declining Amphibian Populations Task Force* says Pounds has demonstrated the first animal extinction attributable to modern climate change

Meanwhile, scientists at the *University of Colorado* are "alarmed" to have discovered "a completely new" threat to the global environment, reports the *Daily Telegraph* of New South Wales, Australia. According to a study published in the British magazine *New Scientist*, the earth's mesosphere – between 30 and 55 miles above earth – is cooling at a rate of 33.8 °F per year, and already has cooled by as much as 86 °F. The trend is having the effect of "shrinking" the atmosphere and causing a "second major ozone hole". Researcher Gary Thomas says it is "the latest, the biggest and the most unequivocal signal that the global climate really is changing". The phenomenon is also "a direct result of global warming," reports the *Daily Telegraph*. While the planet seems to be warming at lower altitudes of up to 9 miles, "this has been found to have an opposite effect on the upper levels of the atmosphere." Scientists from the *British Antarctic Survey* in Cambridge also have confirmed that the "sky is falling" as it cools; they say the mesosphere's "surface" has dropped by 5 mi. in the past 40 years. Last year, researchers warned that if greenhouse gases continue

to accumulate in the atmosphere, stratospheric cooling could speed destruction of the ozone layer and yield an Arctic ozone hole as severe as the one over the Antarctic.

University of Colorado and British Antarctic Survey scientists also said that, "Global warming has greatly accelerated the melting of two Antarctic glaciers." Satellite photographs revealed that the Larsen B and Wilkins ice shelves together lost more than 1,800 mi² last year. The scientists attributed the trend to higher average temperatures in the region and a lengthening melting season. David Vaughan of the *British Antarctic Survey* said the ice shelves have been in retreat for 50 years, but those losses totaled about 7,000 km² (4,200 mi²). He said further that, "To have retreats totaling 3,000 km² in a single year is clearly an escalation". Satellite views of the glaciers are available at: http://www-nsidc.colorado.edu/NSIDC/ICESHELVES/lars_wilk_news

Meanwhile, syndicated columnist Mitzi Perdue reports on a *Loyola University* at Chicago study that examined the effects of higher carbon dioxide (CO²) levels on plant growth. A group of aspen trees exposed to CO² at levels expected in the year 2050 grew moderately faster than trees grown under today's atmospheric conditions. But the leaves from trees that grew in the carbon-rich atmosphere contained less nitrogen, which "translates into lower protein content," and more phenols, chemicals that can be toxic to animals.

Sources: Seth Borenstein, *Philadelphia Inquirer*, 4/20/99; Mark Jaffe, *Philadelphia Inquirer*, 5/3/99; *New Scientist*, 5/1/99; Simon Benson, *Daily Telegraph*, 4/29/99; Michael Mansur, *Kansas City Star*, 4/28/99; *Agence France-Presse*, 4/7/99; *Los Angeles Times*, 4/8/99; Michael Woods, *Pittsburgh Post-Gazette*, 4/26/99; *Nando.net*, 4/6/99; William Souder, *Washington Post*, 4/15/99; Thomas R. O'Donnell, *Des Moines Register*, 5/4/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 4/8, 4/9, 4/15, 4/20, 4/26, 4/29, 5/3/99.

Miscellaneous River Issues

USEPA Supports Tribal Water Regulations: A federal judge has dismissed Wisconsin's attempt to block the Chippewa tribe from setting water quality rules on their reservation near a proposed underground mine site at Crandon. The State had

challenged the US EPA's decision to grant the tribe sovereignty over administering the Clean Water Act on its lands. U.S. District Judge Charles N. Clevert upheld the EPA's ruling, aiding the Chippewa's battle to protect its rice beds from potential mine runoff. *Nicolet Minerals Co.*, the firm proposing to build the mine, says it would prefer to have the state, rather than the tribe, regulate water standards. Sources: *St. Paul Pioneer-Press*, 5/5/99 and National Journal's GREENWIRE, *The Environmental News Daily*, 5/14/96 and 5/5/99

Alabama Sturgeon Proposed for Listing:

The U.S. Fish and Wildlife Service (USFWS) on 3/23 proposed adding the Alabama sturgeon to the endangered species list, "risking the renewal of a political firestorm." A similar proposal in 1993 touched off an 18-month battle between the government and Alabama lawmakers, who argued that protection would shut down Alabama's waterways and cost the state billions of dollars in economic losses. The government eventually withdrew that proposal, saying the species may already be extinct. But since that time, fishers have caught at least six Alabama sturgeon. And recent studies by the USFWS and the Army Corps of Engineers have concluded that listing the fish as endangered will not affect activities in the Alabama and Tombigbee rivers, said Sam Hamilton, USFWS southeast regional director. But Bill Satterfield, who helped lead the fight against the 1993 listing said, "We don't think there's anything to gain by the listing re-proposal", so the USFWS is likely in for another fight. Sources: David Pace, *AP/Birmingham News* online, 3/24/99; Motoko Rich, *Wall Street Journal* [Southeast edition], 3/24/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 3/25/99

Decision on Property Values Pollution: A Massachusetts court judgment could create a precedent for holding polluters liable for the loss of value of their neighbor's property. An Essex County Superior Court jury ruled in April that the *Bass River Tennis Club* should get \$2.3 million as compensation for a decline in the club's land value caused by groundwater pollution. The club alleges the pollution seeped downhill from *Varian Associates'* former radar component factory. A second trial later this summer will determine whether to hold *Varian* liable for the damages. Some lawyers say the judgment could "encourage similarly large claims in other suits" based on lost resale value. Sources: Peter J. Howe, *Boston*

Globe, 5/3/99 and National Journal's GREENWIRE, *The Environmental News Daily*, 5/3/99

Save Louisiana Wetlands: On 4/26, Louisiana Dept. of Natural Resources Secretary Jack Caldwell unveiled the "Save LA Wetlands" campaign, a nationwide series of public service announcements "to broaden public awareness of Louisiana's devastating coastal wetlands losses". Sources: *Louisiana DNR release*, 4/26/99 and National Journal's GREENWIRE, *The Environmental News Daily*, 4/29/99

Hudson River PCB Study: New York state health officials are soliciting volunteers from two communities along the Hudson River for a study of the effects of PCBs on humans. Sources: Joel Stashenko, *AP/Albany Times Union*, 4/25/99 and National Journal's GREENWIRE, *The Environmental News Daily*, 4/27/99

North Carolina "Outhouse" Program:

Aiming to combat environmental and health problems surrounding the use of outhouses, North Carolina is launching a first-of-its-kind program to connect all residents to septic tanks or sewer systems. The initiative, called the *Small Town Environment Program*, allots \$250,000 in federal grants to each county to upgrade as many homes as possible. The program aims to eliminate "straight-piping", the illegal practice of diverting raw waste directly into waterways. The Department of Agriculture has promised more than \$200 million for clean water improvements in rural areas of 44 states and Puerto Rico. About \$155 million would come in the form of USDA loans and grants, with the remainder provided by other public and private sources. The money will primarily pay for improvements to substandard wastewater systems. Across the U.S. according 1990 census data, more than 1.1 million homes lack adequate indoor plumbing. Sources: Sue Anne Pressley, *Washington Post*, 4/25/99; *AP/San Francisco Chronicle/Examiner* online, 4/23/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 4/23 and 4/26/99

Western Lands Access Problem: A growing number of "those who can afford a slice of the Rockies" in Montana are finding "that they can have exclusive or near exclusive access" to government-owned wilderness areas by locking the public out, the *New York Times* reports. Many people from out of state buy land that includes roads and trails "long used by the natives"

to gain access to public lands. But the new landowners aren't happy with the public's right of access through their private ranches, resulting in more incidents where private landowners close trails or roads. *CNN* founder Ted Turner has even been accused of using armed security guards to deny legal access to public areas. For longtime residents, "the closures trend represents the erosion not just of access but of an established way of life". Sources: Jim Robbins, 4/26/99, *New York Times*; and National Journal's GREENWIRE, *The Environmental News Daily*, 4/26/99

Alabama Construction-site Runoff

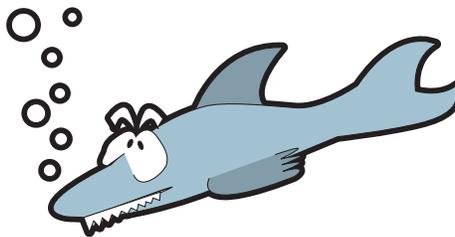
Program: A state-federal task force has begun discussing ways to train police in 11 Alabama cities and two counties to look for construction-site runoff, "a growing source of pollution in Alabama's coastal waters." The *Gulf Coast Civil Environmental Task Force* plans to have the "runoff patrol" trained by summer to "scour subdivisions and other developments in burgeoning coastal communities" for construction site violations, such as improperly installed fences that fail to prevent silt and other pollutants from washing into Mobile Bay. Violators could face federal lawsuits to stop their projects or be hit with criminal charges. Source: Jennifer Ordonez, *Wall Street Journal* online [Southeast edition], 4/21/99

WV Logging Lawsuit: Two environmental groups are suing to prevent *Allegheny Wood Products* from logging in West Virginia's Blackwater Canyon. Plaintiffs *Heartwood Inc.* and the *West Virginia Highlands Conservancy* say the timber company has not developed plans to protect threatened and endangered species at the site and has violated the Endangered Species Act while logging 1,600 acres in the canyon. Also named as plaintiffs are four threatened species found in the canyon: the Virginia northern flying squirrel, Cheat Mountain salamander, Indiana bat and Virginia big-eared bat. In February, the *Sierra Club* agreed not to sue *Allegheny Wood* after the company agreed to work with the U.S. Fish and Wildlife Service to protect threatened species at sites it was already logging. An *Allegheny Wood* contractor has since filed papers to log a separate section of the canyon. Sources: Ken Ward, *Charleston [WV] Gazette*, 4/16/99; *AP/Charleston [WV] Daily Mail*, 4/16/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 2/24 and 4/19/99

KY Strip Mining Agreement: Environ-

mentalists and coal companies reached an agreement in early May to halt further strip mining and logging near the top of Black Mountain. The tentative deal requires sustainable forestry practices between altitudes of 3,000 and 3,600 feet. Sources: Lance Williams, *Lexington Herald-Leader*, 5/4/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 5/6/99

Ballast Water Controls: The federal *Aquatic Nuisance Species Task Force* announced in late April that it wants to accelerate efforts to prevent non-native aquatic species from entering U.S. harbors through ballast water pumped from ships. The task force, jointly chaired by the National Oceanic and Atmospheric Administration and U.S. Fish and Wildlife Service, passed a resolution calling for the elimination "as soon as possible" of ballast water "as a significant pathway for the introduction of invasive species into American waters" and increased efforts to find



"effective and safe" solutions to ballast water management. In a *Journal of Commerce* op-ed, (5/3/99) attorney Sean Connaughton writes that various efforts underway at federal and state levels to combat the "threat of foreign invasion from ... non-indigenous aquatic species" must be "viewed with great alarm." Connaughton said that some of the "haphazard" measures being considered by the US EPA and the California State Assembly have the potential to cost the shipping industry "billions of dollars in liability for ballast water discharges". Sources: *NOAA release*, 4/30/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 5/3/99

Artificial Marshes Popular: Governments "around the globe" are creating man-made marshes in increasing numbers to "purify the fouled water of growing urban populations." Artificial wetlands can be an alternative to high-tech water purifying systems since they are cheaper to build and can serve multiple functions, including flood control and wildlife preservation. Partially-treated wastewater and storm runoff are collected in ponds, where plants

and microbes purify them of silt and some pollutants. The water can then be reused for farming and other non-drinking purposes. Sources: Robert Jablon, *AP/Sacramento Bee*, 5/4/99; National Journal's GREENWIRE, *The Environmental News Daily*, 5/7/99

Grazing Issues: Livestock and public lands groups from four Western states filed a lawsuit on 4/14 to stop a new Bureau of Land Management (BLM) grazing policy. The groups charge that the policy, which is scheduled to take effect in June, would eliminate grazing permits on public lands if the BLM has not completed its environmental review. Under the BLM policy, the groups say, permits would in effect be eliminated whenever they are transferred or renewed while the agency decides whether to make any changes to the permits. Frank Falen, an attorney for the plaintiffs said, "We are not opposed to environmental review of the grazing program and any change of the terms and conditions of the permit. But we do not want the people we represent and their livelihood terminated just because the BLM has not done an environmental analysis". Meanwhile, the Idaho Supreme Court ruled in early April that it is unconstitutional for the state land board to give preference to ranchers when determining who may bid for grazing leases on state lands. Since 1993, the *Idaho Watersheds Project*, which seeks to protect streamside areas, has repeatedly outbid ranchers for the leases only to have the land board overturn the successful bids. Sources: *AP/Salt Lake Tribune/others*, 4/16/99; *AP/Idaho Falls Post Register*, 4/4/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 4/8 and 4/16/99

CITES Caviar Smuggling Case Made:

The first criminal prosecution of caviar smuggling has been made against three couriers caught smuggling endangered sturgeon caviar from Poland to New York. Twenty-seven species of sturgeon are protected internationally under the CITES pact. U.S. Fish and Wildlife investigators say the 12/98 case should "serve as a wake-up call for all importers still doing business in the caviar black market." But USFWS officials say, "despite international treaties, tougher U.S. enforcement of import rules and renewed Russian promises of a crackdown on the poachers, the caviar black market is no more likely to be eliminated than the drug cartels.". Sources: Rempel/Kistner, *Los Angeles Times*, 4/8/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 12/21/98 and 4/

James River (VA) Fishway: On 4/20 conservationists and state and local officials dedicated the “long-awaited” Boshers Dam Fishway, a concrete ladder of baffles that will allow fish to reach hundreds of miles of traditional spawning grounds on the James River for the first time in nearly 200 years. Sources: Wes Allison, *Richmond Times-Dispatch*, 4/21/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 4/22/99

UMR Lock Expansion Pushed: An alliance of farm industries and St. Louis-based barge interests is pushing for \$1 billion in new lock-and-dam construction on the upper Mississippi and Illinois rivers, “defying” preliminary US Army Corps of Engineers findings that say such construction won’t be needed for about 25 years. The industries say the new projects are needed to “assure smooth exports of grain well into the next century.” Missouri representatives are expected to introduce legislation in Congress calling for doubling the size of seven locks, five on the Upper Mississippi River. But the Corps, in the middle of a \$50 million study of river navigation, has already concluded that grain exports won’t increase enough to justify expansion of the five locks until 2023. Environmentalists argue that the new construction could damage wildlife habitat, along with fishing and hunting, because of an increase in sediment deposits in side channels. Rick Moore of the *Mississippi River Project* said, “Expanding five locks could double barge traffic on the Mississippi River, potentially doubling truck traffic in riverside communities and accelerating the loss of habitat for river wildlife ... This would be the final nail in Old Man River’s coffin”. Sources: Bill Lambrecht, *St. Louis Post Dispatch*, 3/23/99; *US Newswire*, 3/19/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 3/24/99

Yellowstone Bioprospecting Film : The Dept. of Interior unspooled a new promotional film for Yellowstone National Park that also touts proposed public-private ventures in bioprospecting microbial life from the park’s thermal features. Former *CBS News* anchorman Walter Cronkite narrates “*Yellowstone Revealed*”, which features music by Chip Davis and *Mannheim Steamroller*. Asked if it was appropriate for the National Park Service (NPS) to engage in profit-sharing ventures in bioprospecting, Cronkite said the amounts of microbes taken amount to little

more than samples and do not pose the type of impact mining or logging in park boundaries pose. Cronkite said, “I believe it is entirely appropriate.” The NPS signed a contract in 8/97 with San Diego-based *Diversa Corp.* to share profits from the commercialization of microbial life in the park’s geysers and springs. But in March, a federal judge ordered a temporary halt to the precedent-setting deal pending an environmental impact statement. The NPS is conducting the review and appealing the judge’s decision, and hopes to eventually sign more agreements with other firms . Source: National Journal’s GREENWIRE, *The Environmental News Daily*, 3/26 and 5/7/99

Zebra Mussels Found on the Missouri River: Zebra mussels have been found at a power station near Sioux City, IA, presenting the first evidence (4/12/99) that the species, native to the Caspian Sea area, has invaded the Missouri River. The discovery marks the first westward expansion of the mussel’s range in two years. Officials were expecting to find the mussels eventually, as they have already spread through much of the Great Lakes and the Ohio and Mississippi rivers. Some power plants along the Missouri have installed chemical treatment systems to combat the mussels. Many biologists believe that that zebra mussels have been spread largely by barge traffic. Sources: Julie Anderson, *Omaha World-Herald*, 4/24/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 2/24 and 4/26/99



Model Public/Private Refuge Partnership: State and federal officials are hailing a private-public linking of wildlife refuges on the Rappahannock River in Virginia as a conservation model for the U.S. The overall effort involves private conservation groups, which have gathered more than 2,700 acres of wildlife-rich property. The refuge will consist of multiple sites strung for miles along the tidal river “like a string of pearls,” said Assistant U.S. Secretary for Fish and Wildlife Don Berry. This concept was pioneered on the Missouri River after the great Midwest floods of 1993, and is being implemented there by state and federal agencies through development of state lands and the Big Muddy National Fish and Wildlife Refuge. Source: Lawrence Latane III, *Richmond Times-Dispatch*, 5/12/99 and

National Journal’s GREENWIRE, *The Environmental News Daily*, 5/12/99

Montana Mining Agreement/Lawsuits: Two Montana interest groups and *Stillwater Mining Co.* are in “precedent-setting” talks to come up with a “good neighbor” policy that legally binds the company to measures that protect the public and environment “beyond what the company’s operating permits require.” If the talks are successful, they could make moot a lawsuit filed by the two groups (*Stillwater Protective Association.* and *Cottonwood Resource Council*) against the state Dept. of Environmental Quality over its approval of a permit for *Stillwater Mining* to expand its operations near Nye. Though *Stillwater Mining* is not named in the suit, company VP Chris Allen said it would like to come to an agreement. Meanwhile *Atlantic Richfield Co. (Arco)* will pay \$260 million to the state of Montana, the federal government and Indian tribes under a settlement approved on 4/19 by a federal judge in Great Falls. The case ends 16 years of court battles brought by the state over pollution in the Upper Clarks Fork River Basin from mining and smelter operations in Butte and Anaconda, MT. The settlement provides \$215 million to the state plus interest that has been accruing since 4/98; \$18.3 million for the Confederated Salish and Kootenai Tribes; and \$26.7 million for various federal agencies . The 130 mile-long stretch from the headwaters of Clarks Fork River is the largest Superfund cleanup site in the nation. *Arco* inherited the problems in the 1970s after it acquired the *Anaconda Co.* Sources: Dan Burkhart, *Billings Gazette*, 4/24/99; *AP/ Billings Gazette*, 4/21/99; *Baltimore Sun*, 4/21/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 3/19, 4/21 and 4/27/99

Electric Contaminant Cleanup: Researchers have successfully tested a method for cleaning up contaminated industrial sites that uses electric currents running through the soil. The method, developed by *Monsanto*, *General Electric* and *Du Pont* researchers, uses layers of electrodes buried up to 45 ft. underground that attract water laced with trichloroethylene (TCL). The water then is filtered into treatment zones where the TCL is dechlorinated. The technique should be less expensive than traditional treatment techniques because cleanup can be done at the site and treated areas can be left in place after treatment. Sources: *New York Times*, 4/6/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 4/9/99

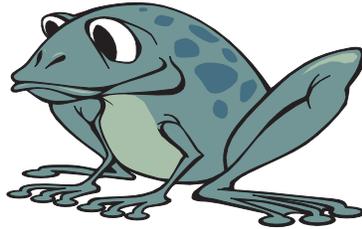
Airboats Damaging Parks: A draft assessment by the National Park Service of airboat tours in Big Cypress National Preserve concludes “that airboats are killing mangrove trees along their trails, degrading marshes with deep ruts, interfering with wildlife and making it impossible for other boaters or canoeists to use the waterways”. While the report recommends allowing the tours to continue, it proposes new rules to limit environmental damage and restricted operating times to allow other boaters to use the public waterways. Sources: Cyril T. Zaneski, *Miami Herald*, 5/10/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 10/30/95 and 5/10/99

NY Land Use Settlement: The New York State Adirondack Park Agency and Connecticut-based *Champion International Corp.* have agreed to a \$1 million settlement over land-use violations, clearing the way for the largest public land-acquisition deal in state history. *Champion* agreed to pay a fine for its Adirondack seasonal homes that were too large, too close to waterways or had illegal septic systems. In addition, the company will pay \$350,000 for local environmental benefit projects and a \$500,000 performance bond to ensure the homes are brought into compliance. The agreement clears the way for a deal negotiated in 12/98 to preserve nearly 143,000 acres in New York currently owned by *Champion* that will be managed partly for timber and primarily for recreation and conservation. Environmentalists, who had urged the state to correct the violations, praised the deal. Dan Fitts of the *Adirondack Council* said, “This provides for a healthy forest products industry to grow and thrive and allows for recreational opportunities. Sources: Lara Jakes, *Albany Times Union*, 5/6/99, Jennifer Jordan, *AP/Boston Globe* online, 5/5/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 12/10/98 and 5/6/99

WV Ohio River Fish Consumption Advisory: The state divisions of Environmental Protection and Natural Resources (DEP) and the Bureau for Public Health have extended a consumption advisory for several species of fish caught in the Ohio River. Meanwhile, a state environmental appeals board has upheld a DEP decision that denied future pollution discharges into the Blackwater River. Sources: *Charleston [WV] Gazette*, 3/31/99; *USA Today*, 3/31/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 4/1/99

Frog Deformities

Two studies published in the 4/30 issue of the journal *Science*, focusing on Pacific tree frogs in California, say that a “simple parasitic flatworm” may be to blame for deformities in frogs in the Western U.S. Researchers found that trematodes burrow into a tadpole’s developing limbs, and the infestation can cause deformed and multiple



limbs such as seen elsewhere in the U.S.

Other researchers have said that deformities in frogs could be caused by environmental pollutants or depleting ozone levels, and that the effect on frogs could be “an early warning of much more widespread malformations to come in other species”. Jim Burkhart of the *National Institute of Environmental Health Sciences* said his group is looking into deformities in Minnesota and has “narrowed its investigation to a handful of chemical contaminants ... shown to cause limb defects in the lab”.

Meanwhile, researchers at the *University of Arizona* have identified at least six sites in that state where the chytrid skin fungus is killing off native frogs. Frogs involved in die-offs include the lowland leopard frog, Chiricahua leopard frog and canyon tree frog.

Sources: Paul Recer, *AP/San Francisco Chronicle/Examiner online/others*, 4/30/99; Carol Kaesuk Yoon, *New York Times*, 4/30/99; Deborah Schoch, *Los Angeles Times*, 4/30/99; William Souder, *Washington Post*, 4/30/99; Jim Erickson, *Tucson Arizona Daily Star*, 4/30/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 2/25 and 4/30/99

Power Plants Contaminating Fish?

A new *Izaak Walton League of America* report, released on 5/12 blames coal-burning power plants in the Great Lakes states for the mercury contamination that has led states to advise against eating locally caught fish. It recommends that area states, including Wisconsin, Minnesota and

Michigan, should impose stronger laws to reduce mercury emissions and conserve energy to avoid burning coal. Dave Michaud, a scientist for *Wisconsin Electric Power Co.*, immediately disputed the study, saying that “the form of mercury emitted from power plants may not be the type that taints fish”. He suggested that “geological formations” could be a more potent source of mercury contamination.

Minnesota Gov. Jesse Ventura’s (Reform) administration seems to favor the regional approach. Karen Studders, commissioner of the state’s Pollution Control Agency, said she hopes regional efforts will lead to “a national effort.” Scientists say as much as 90% of the mercury falling into Minnesota lakes and rivers may come from outside the state. Minnesota legislators are about to pass a bill that would set a voluntary goal to reduce mercury emissions in the state by 70% by 2005, based on 1990 levels.

Sources: Tom Vanden Brook, *Milwaukee Journal Sentinel*, 5/13/99; John Meyers, *Duluth News-Tribune*, 5/13/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 5/13/99

Microbe Threats

People who got sick from *Pfiesteria piscicida* once may be more vulnerable to the toxic microbe even at lower levels of exposure, according to preliminary results of a study conducted by *University of Maryland* neurologist Lynn Grattan. A “handful” of Maryland residents who were “probably” exposed to *Pfiesteria* in both 1997 and 1998 appeared to suffer “mild to moderate” short-term memory loss after their second round of exposure. The microbe was found at levels high enough to kill fish in 1997 but at much lower levels in 1998.

The study is the first to show that some Marylanders got sick from *Pfiesteria* last year, and the findings could pose problems for state health officials, who must determine when to close waterways. *Pfiesteria* appeared at low levels in the Wicomico and Chicamacomico rivers last year, but because the outbreaks were not serious enough to kill fish, the rivers were presumed safe for people. The Maryland Dept. of Health and Mental Hygiene and Dept. of Natural Resources (DNR) are reviewing their criteria for closing rivers, and John Surrick of the DNR said the agencies will “be taking a look” at all of the new information.

Meanwhile a report issued by the *American Society of Microbiology* (ASM) says that water pollution rules, which focus mainly on chemical sources, have overshadowed the threat from microbes such as viruses and bacteria. The report said that “microbial pollutants in water,” such as *E. coli*, *cryptosporidium*, *giardia*, *hepatitis A* and *Pfiesteria*, “pose far greater risks to communities.” The practice of pumping human waste into water bodies, or letting them filter into groundwater, is responsible for “much of the contamination.” ASM said that US EPA drinking water standards put limits on 70 chemicals, but only one microbe, coliform bacteria. Agencies, universities and industries involved in water safety should coordinate their efforts to reduce the “current state of fragmentation and inaction,” ASM said.

Sources: Heather Dewar, *Baltimore Sun*, 3/26/99; Maggie Fox, *Reuters/PlanetArk*, 4/29/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 3/26 and 4/29/99

Pesticide Risks Higher

The environmental and human health consequences of widespread pesticide use have been underestimated, according to several new studies of the effects of pesticide exposure. Research in a recent issue of *Toxicology and Industrial Health* by a multidisciplinary group of scientists demonstrates that methods used by the chemical industry and the US EPA to determine safe exposure levels for pesticides have failed to reveal “less obvious, and perhaps delayed, effects on wildlife and human populations,” according to a statement from a research work session.

EPA studies indicate that some commonly used pesticides are antiandrogens, which block the male hormone system and cause reproductive abnormalities. These effects “uncover a whole new class of endocrine disrupters” that have previously been overlooked, the journal reports. And several pesticide ingredients that were believed to be inert are demonstrated to have hormone-disruptive effects.

The EPA found that a DDT substitute and a fungicide can produce “subtle alterations” at doses below that previously believed to be safe. The EPA concluded that there may be no safe exposure level for these chemicals. Other studies also found that commonly used test methods were insufficient to

predict human and ecological effects. And one study found indications that even at undetectable levels, a new class of herbicides can harm non-targeted plants, “raising concerns about biodiversity.”

Environmental and health effects from pesticides are reported by the journal to range from brain damage in children exposed in utero to long-term effects on the sex ratios of certain species. The researchers conclude that “the majority of the adverse health effects in wildlife from exposure to pesticides are not observed,” and therefore, “the full extent of the risk to wildlife and human health ... is poorly understood.”

The studies were produced or assembled by a group of 23 scientists who met in 1996 to discuss pesticide risks. The group states that exposure to pesticides and risk of harm from them are both “greater than most people realize.” It urges the development of better screening methods for new chemicals, as well as “wiser use and reduced reliance” on pesticides.

Source: National Journal’s GREENWIRE, *The Environmental News Daily*, 3/15 and 3/24/99

Lead Sinker Ban

Five years after first proposed, the push for a ban on lead fishing tackle is making a quiet comeback. When the nationwide ban was first proposed in 1994 the US EPA based its position on the lead-poisoning death of several shorebirds that ingested lost sinkers. The sportfishing community and tackle manufacturers fought the issue, and the EPA proposal was poorly put together because it overblew the risk associated with lead tackle, said Mike Nussbaum, vice president for government services with the *American Sportfishing Association*. “We’ve never been opposed to a ban, but what we’ve always said is, ‘Show us the evidence. Show us proof that we have a legitimate lead problem resulting from fishing sinkers lost by anglers, and we’ll be happy to respond.’”

The EPA could not do that, and the proposal was rejected. But where the EPA failed, the state of New Hampshire and the U.S. Fish & Wildlife Service (FWS) are succeeding. Last June, New Hampshire passed a ban on small lead sinkers and jigs that will take effect on 1/1/00. The ban applies only to freshwater lakes and ponds, not streams or

rivers, and only to sinkers less than an ounce or jigs less than an inch long. State officials determined that 11 common loons died of lead poisoning in 1997. That’s 2% of the state’s estimated loon population of 576.

Loons ingest lost sinkers along with the small stones and grit they swallow to aid in digestion. A single sinker can kill a loon. Last month, the FWS announced a plan to establish lead-free fishing at selected national wildlife refuges. The FWS plan would involve a phased-in ban of lead tackle on refuges where waters are used frequently by both anglers and loons. FWS spokesman Eric Eckl said the proposal has attracted “surprisingly little attention.”

“National wildlife refuges are where wildlife comes first, so they are held to a higher standard,” Eckl said. “We do have scientific evidence that lead sinkers in limited areas can be a real problem.” But Eckl said there is not enough evidence to support another attempt at a nationwide ban. It is difficult to document why birds die. Birds weakened by lead poisoning crawl off and hide, and raccoons or other scavengers often make quick work of the carcasses.

Nussman points out a big difference between banning lead fishing tackle and the nationwide ban on lead shot pellets, which was enacted in phases from the late 1970s to the early 1990s. “Anglers do not go out with the purpose of losing lead sinkers,” Nussman said. “Are some lost? Sure, some are. But it’s not like lead shot, where to participate in the sport lead had to be spewed out over the water.”

As with shot pellets, there are safe substitutes for lead sinkers. Manufacturers sell steel, tin and brass-composite products, often at a slightly higher cost. It’s hard to tell where the lead-sinker issue is headed. Nussman said several other Northeastern states likely will attempt bans based on damage to loons.

Source: Ken Gordon, *The Columbus (OH) Dispatch*, 5/16/99

New Property Rights Legislation

Private property rights continue to be a major issue in Washington, and Congressional Republicans are leading the charge to cushion the impact of the Endangered Species Act (ESA) and other federal laws and regulations on private landowners - this time by requiring that the government pay

landowners who are forced to keep their land dormant because of the ESA.

The *Landowners Equal Treatment Act of 1999* (H.R. 1142) written by Rep. Don Young, (R/AK), and cosponsored by more than 25 House Republicans, equates the ESA's impact on private land to a "taking" of the land for public use. The measure would prevent the government from such a taking" unless it (1) obtains landowner permission, (2) negotiates an agreement or (3) pays compensation. Critics say the bill could be applied so broadly that it would require federal agencies to spend most of their budgets paying compensation to landowners instead of for species protections.

The *American Farm Bureau Federation* (AFBF) supports the act. But Steven J. Shimberg of the *National Wildlife Federation* says the bill would be a "raid on the treasury" and would "essentially repeal the ESA's application to private property ... unless developers were paid to obey." Young and his allies have been trying rigorously in recent Congresses to get the ESA off the backs of private landowners. But environmentalists expect this most recent bill to meet with the same kind of failure as his other recent efforts. They say Democrats and moderate Republicans are reticent to support any proposal that would make the publicly popular ESA more difficult to enforce.

Young cites the Constitution as the basis for his proposal. He points out that the 5th Amendment states in part that "nor shall private property be taken for public use, without just compensation." On introducing the Bill he said, "It just makes sense that if the government forces you to make your property into a federal wildlife refuge, then you should be compensated." But the Clinton Administration has threatened a veto. The Young bill goes far beyond what the courts have upheld as a "taking" under the Constitution, Jamie Rappaport Clark, director of the U.S. Fish and Wildlife Service (FWS), said in testimony at a 4/14 hearing before the House Resources Committee (HRC), which Young chairs.

Bill Snape, legal director of *Defenders of Wildlife* said there is support for modest ESA reforms, such as deferring estate taxes for private landowners who take actions to help endangered species. But he said Young's bill goes too far.

Still, some private landowners are happy for

the effort. Dave Pechan, a grape grower near Stockton, CA, still gets angry when he recalls a 1997 threat that he said the FWS made. He said agency officials talked of not allowing him to plant a vineyard on his 40 acres because it might hurt the fairy shrimp. But Pechan, who had already received permission from the Agriculture Department for the vineyard, continued with his project. The FWS never followed through on its threat. Still, he said, the ESA has "placed a real chill, I think, in this area of California. ... I see this as purely a government control thing over the rights of private property owners."



Nancie Marzulla, president of the group *Defenders of Property Rights*, told the HRC on 4/14 of a retired builder in suburban Washington, D.C., who has been kept from building a home on a small lot unless he takes steps to help protect an eagle nest located on a neighbor's property. "The property owner is really a sitting duck, so to speak," Marzulla said later in an interview. "This bill would really level the playing field."

Elizabeth Megginson, chief counsel for the HRC, said many private landowners are hesitant to pursue their rights in court because cases drag on for a decade and can cost landowners more than \$500,000. "The government fights them every step of the way," she said.

On the other hand, environmentalists say that Republicans and many private landowners mistakenly believe that just because they have private land, they are exempt from the type of regulations that govern everything from automobiles to food production - all for the public good. "These landowners are not sovereign nations," said Leona Klippstein, conservation program director of *Spirit of the Sage Council* in Pasadena, CA. "There are environmental regulations to protect our natural resources and to uphold the public trust."

Meanwhile, the Clinton Administration contends that it has already made the ESA more landowner friendly through the expanded use of habitat conservation plans, (HCPs). These plans allow private landowners to harm a species or species habitat in return for taking action to help the species long-term, such as setting aside land elsewhere for habitat. After having just 14 HCPs on the books in 1992, there are now more than 240, largely because the administration has included guarantees that they will be in place for decades or more.

On another private lands vs public use front, the *Columbia River (OR) Gorge Commission* has ordered a Prindle, WA, couple to move their house 200 ft. to make it less visible from the surrounding countryside. The action has become a "major test" of a federal law requiring structures to be "visually subordinate to its landscape setting." Jody and Brian Bea, aided by the Sacramento-based property-rights group *Pacific Legal Foundation*, are suing the commission, saying the law is "unconstitutionally vague." The commission said the couple failed to maintain adequate vegetation on the property as promised in the house's architectural plans. Other area homeowners called the Beas' 4,000 ft² house an "obscene gesture" and said they have been able to build homes that blend well with the landscape. Kevin Gorman, executive director of Portland-based *Friends of the Columbia Gorge*, "maintains that the Beas' house is such a clear violation of the law that allowing it to stand as is would 'send a terrible message.'"

On yet another front, private property and tax groups are combining forces to try to block attempts to approve permanent funding for federal land purchases, saying that two billion-dollar land conservation bills are "a direct attempt by the left to buy Republican" districts. The bills in question are H.R. 701 and 798, introduced respectively by HRC chair Don Young (R/AK) and Ranking Member George Miller (D/A). Young and Miller say they have "wide-spread support" for the bills, but would be willing to address opponents' concerns. The competing bills would spend federal money from offshore oil development to buy and restore federal lands and help endangered species recover. In part, the two bills would help to fund the *Teaming With Wildlife* proposal, discussed in past issues of *River Crossings*.

American Land Rights Association (ALRA) Director Chuck Cushman said if either of

the two bills were to pass, “no landowner would be safe.” He said further, “The Park Service, Forest Service, Fish and Wildlife Service and [Bureau of Land Management] will once again become the extreme tyrants of the past”. But Daniel Beard of the *National Audubon Society* (NAS) said that each bill “can chart the course for conservation into the next century.” In a letter to Young, Beard said, “We look forward to working with you to craft the best legislation possible to provide permanent funding for protecting our environment”.

Meanwhile, Sen. Craig Thomas (R/WY) has introduced legislation to keep the federal government from acquiring more land. The bill (S. 826) would apply in states where 25% or more of the land is federally owned and would require the government to sell off land as it acquired other private lands. Thomas says federal agencies continue to acquire “vast amounts of land in the West,” creating problems for local economies and “spread[ing] thin” federal agencies that manage the land.

Finally, in a *Wall Street Journal* op-ed (4/26), James V. DeLong, of the Washington, DC-based *Competitive Enterprise Institute*, says property rights is becoming “a significant issue of business law.” Governments are becoming “eager to assert control of key assets” and businesses are fighting to keep control of their property.

And so it goes...

Sources: John Hughes, *Associated Press Newswires*, 4/24/99; Brody Mullins, *Congress Daily*, 3/9/99; David Whitney, *Anchorage Daily News*, 3/10/99; ALRA release, 3/9/99; NAS release, 3/9/99; John Hughes, *AP/Anchorage Daily News*, 4/26/99; AFBF release, 4/14/99; NWF release, 4/14/99; *AP/Casper [WY] Star-Tribune*, 4/26/99; Sam Howe Verhovek, *New York Times*, 4/24/99; and National Journal’s GREENWIRE, *The Environmental News Daily*, 2/24, 3/10 and 4/26/99

Environmental Education and Economics

The *Political Economy Research Center* (PERC) has come out with a new book intended to fill “a critical void in the field of environmental education.” PERC said *A Blueprint for Environmental Education* “offers a road map for introducing economics to environmental education.” The book

is a collection of essays by educators and economists “who point out current problems with environmental education, introduce economics as a solution, and illustrate the relevance of economics.” Some of the essays look at market approaches to environmental problems and reform of environmental education.

Some parents, scholars, and environmentalists have objected to the “doomsday tone” of some material being used to teach students about the environment. A report by the DC-based *Capital Research Center* on environmental education developments since the 1970s cites a study by the *Independent Commission on Environmental Education* that found many sources used in environmental education programs “simply ignored or mis-stated the most important and interesting scientific questions at the heart of an education about the environment”

Sources: PERC release, 3/99; *Capitol NewsWire*, 3/24/99; Matthew Brown, *CRC*, 3/99; National Journal’s GREENWIRE, *The Environmental News Daily*, 3/26/99

Grassroots Groups Lead Environmental Efforts

Declaring a new “age of the little guy”, *Outside* magazine examines “emerging grassroots efforts” that are generating national attention. No longer do the large national organizations “have the juice,” the monthly declares. Local activists have scored many of the environmental successes of recent years, each through distinct tactics.

One is a “good cop” approach exemplified by the coalition building and letter writing of activist Gene Sentz, a fourth-grade teacher who was the “driving force” behind U.S. Forest Service Chief Mike Dombeck’s 2/99 decision to ban new mining claims in Montana. “Rather than preaching to the green choir,” coalition builders like Sentz go to the *Rotary Club* and churches to build support.

“Bad-cop tactics have their place as well,” the magazine declares. The *Southwest Center for Biological Diversity*, the “undisputed master” of the “legal train wreck” approach, has filed more than 100 Endangered Species Act lawsuits and won 82% of them. One of its higher profile efforts involved the San Pedro River near the Mexican border. In that effort, the

Tucson-based group sued the U.S. Fish and Wildlife Service several times to force it to protect the river from a U.S. army facility and nearby town that were “basically sucking dry the aquifer” under the river.

Sources: John Skow, *Outside*, 4/99; National Journal’s GREENWIRE, *The Environmental News Daily*, 4/10/98, 10/16/98; 2/4 and 4/8/99

Religion and the Environment

“Religious-based environmentalism” may be returning the green movement to its “original spiritual roots,” as more religious groups across the country make environmental activism a “top-priority concern.” The movement encourages a new interpretation of religious teachings and emphasizes “Creation care” -- the assuming of a “significant responsibility for God’s creations,” according to John Carr of the *U.S. Catholic Conference*.

The *Sierra Club*’s Carl Pope applauds the “power that organized religion can bring to our mission.” And some have taken the creed to protect the planet personally. Peter Kreidler, an Episcopal priest who founded the Santa Monica, CA-based environmental group *Earth Services*, resigned from his parish to work full-time on the environment and sell organic fertilizer, “the most important theological work I’ve ever done.” Kreidler said, “When God commands: ‘Peter, preserve creation,’ what can be more elementary than becoming a fertilizer salesman?”. And the movement may encourage some religious institutions, rich in land holdings but cash-poor, to choose environmental buyers when selling off valuable open lands they have held for decades. *Trust for Public Land* president Will Rogers said, “Church land is often the last remaining property of its kind in a community”.

In a bid to halt the rampant destruction of America’s remaining forests, religious leaders came to Washington, D.C. in February, to call for an end to commercial logging in national forests. The Santa Rosa, CA-based *Religious Campaign for Forest Conservation*’s (RCFC) first lobbying effort culminated on 2/3 in a meeting with White House Council of Environmental Quality staff. Earlier in the week, the RCFC urged Interior Secretary Bruce Babbitt, U.S. Forest Service Chief Mike Dombeck and members of Congress to redirect timber subsidies to communities for ecological restoration

projects and worker retraining. The group also demanded a stop to all logging in old-growth forests. The 50 Christian and Jewish leaders say they see a clear spiritual obligation to preserve the nation's forests and forest ecosystems. RCFC chair Reverend Owen Owens said, "As stewards of the lands that God has given us, we need to make some changes, and we need to make them now."

Meanwhile, environmentalist and Christian groups have sued the US Fish and Wildlife Service (USFWS) and Interior Secretary Bruce Babbitt for "refusing" to designate critical habitat for seven California species listed under the Endangered Species Act. The suit "represents the most significant manifestation to date" of the collaboration between religious and secular environmen-

talists. The groups contend the USFWS has "consistently violated the ESA" by not mapping and designating critical habitat for endangered and threatened species. Species identified as having been "denied" protection are the Alameda whipsnake, arroyo toad, spectacled and Steller's eiders, Morro shoulderband snail, San Bernardino kangaroo rat and the Zayante band-winged grasshopper.

And finally, a representative of the Vatican in February issued a "strong denunciation" against "any type of pollution" of global water resources. Speaking at the 23rd session of the UN Food and Agriculture Organization's Committee on Fisheries (COFI), Archbishop Alois Wagner called for an improvement of the water situation around the world, with priority given to

smaller forms of agriculture and fishing over industrial methods. He emphasized the responsibility of governments to protect waters from contamination and said fishers must have "adequate income, human recognition [and] professional schools"

Some scientists, however, caution that this "trend toward the spiritual" marks the "emergence of an irrational ideology" that is opposed to scientific, industrial and economic progress.

Sources: Teresa Watanabe, *Los Angeles Times*, 12/25/98; Richard Stapleton, *Land & People*, Fall 1998 issue; Glen Martin, *San Francisco Chronicle*, 3/5/99; ZENIT News Agency, 2/17/99; and National Journal's GREENWIRE, *The Environmental News Daily*, 5/18/98, 1/4, 2/5, 2/1, 3/5/99

Meetings of Interest

August 2-6: 9th Annual National Gap Analysis Program Meeting, Duluth Entertainment Convention Center, Duluth, MN. Contact: (208) 885-3555 or gap@uidaho.edu

August 6-8: Annual Convention of the North American Native Fishes Association, Jumers Castle Lodge, Champaign-Urbana, IL. Contact: NANFA, 8401 North Lakewood Place, West Terre Haute, IN 47885, (812) 535-4175 or (812) 535-1230.

August 10-12: Missouri River Natural Resources Committee Annual Meeting, Ramkota Inn, Pierre, SD. Contact: Mike Le Valley, USFWS, (712) 642-4121 or mike_levally@fws.gov.

August 15-20: International Congress on Ecosystem Health, Sacramento Convention Center, Sacramento, CA. Contact: (503) 754-8507 or ehc@ucdavis.edu.

August 29-Sept. 2: 129th Annual Meeting of the American Fisheries Society, Adam's Mark Hotel, Charlotte, NC. Contact:

Betsy Fritz, (301) 897-8616, ext. 212, bfritz@fisheries.org

Sept. 7-9: International Shallow Water Fisheries Sonar Conference. University of Washington, Seattle. Contact: Melanie Milnes, mmilnes@biosonicsinc.com.

Sept. 19-24: International Conference on Diseases of Fish and Shellfish, Rodos Palace Hotel and Conference Centre, Rhodes, Greece. Contact: Maura Hiney, 011/353-91-524411 or nuigalway.ie.

Sept. 21-22: Vegetation of the Upper Mississippi and Illinois River System: Status, Management and Ecological Systems, Radisson Hotel, La Crosse, WI. Contact: Penny Tiedt, UW-La Crosse, La Crosse, WI 54601, (608) 785-6503, FAX (608) 785-8221 or rada@mail.uwlax.edu

Sept. 23-25: International Conference of the Society for Ecological Restoration, Presidio, San Francisco, CA. Contact: SER, 1207 Seminole Highway, Suite B, Madison, WI 53711, (608) 262-9547, (608)

265-8557 or ser@vms2.macc.wisc.edu

Oct. 24-27: 4th Microcomputer Applications in Fish and Wildlife Conference, Caesars Tahoe Hotel, Stateline, NV. Contact: Jeff Trollinger, OFWIM Treasurer, c/o VDGIF, 4010 West Broad St., Richmond, VA 23230-1104, (804) 367-1185 or jtrollinger@dgif.state.va.us

Oct. 27-29: Confronting Uncertainty: Managing Change in Water Resources and Environment Conference. Contact: Yassine Djebbar, (604) 436-6714 or Ydjebbar@gvrd.bc.ca.

Oct. 27-30: Spatial Processes and Management of Fish Populations Symposium, Anchorage, AK. Contact: Brenda Baxter, (907) 474-6701.

Nov. 29-Dec.3: Congress on Recreation and Resource Capacity, Snowmass Village, Aspen, CO. Contact: Susan Scott Lundquist, (970) 491-4865 or FAX (970) 491-2255.

Congressional Action Pertinent to the Mississippi River Basin

Endangered Species

S. 1100: Chafee, (R/RI). Addresses designation of critical habitat. Hearing held on 5/27.

H.R. 494, 495 and 496: Endangered Species Fair Regulatory Process Reform, Land Management Reform and Criminal and Civil Penalties acts, (W.M. Thomas R/CA).

H.R. 960: G. Miller (D/CA). Amends the Endangered Species Act (ESA) of 1973 to strengthen the commitment to protect wildlife, safeguard our children's economic future, and provide assurances to local governments, communities, and individuals.

H.R. 1101: R. Pombo (R/CA). Amends the ESA to improve the ability to prevent flood disasters.

H.R. 1763: K. Calvert (R/CA). Amends the ESA, limiting required mitigation costs for public construction projects to less than 10% of total project cost.

Environment

S. 352: State and Local Government Participation Act of 1999, C. Thomas (R/WY). Amends the **National Environmental Policy Act (NEPA) of 1969** requiring that Federal agencies consult with State agencies and county and local governments on environmental impact statements.

S. 481: Environmental Crimes and Enforcement Act of 1999, C.E. Schumer (D/NY). Provides for protection of government employees and the public from environmental crimes.

S. 1090: J. Chafee (R/RI). Reauthorizes and amends the **Comprehensive Environmental Response, Liability, and Compensation Act of 1980.**

H.R. 525: Defense of the Environment Act of 1999, H.A. Waxman (D/CA). Requires any Congressional provision that reduces environmental protection to: (1) identify and describe the provision, (2) assess the extent of the reduction, (3) describe actions taken to avoid the reduction, and (4) recognize any statement of the Comptroller General assessing the reduction.

H.R. 1836: D. Bereuter (R/NE). Balances the wind and water erosion criteria and wildlife suitability criteria for the 18th Conservation Reserve Program sign-up.

Population Growth

H. Con. Res 17: Population Growth Resolution (T.C. Sawyer (D/OH)). Expresses the sense of Congress that the U.S. should develop, promote, and implement, at the earliest possible time and by voluntary means consistent with human rights and individual conscience, the policies necessary to slow U.S. population growth.

Public Lands

S. 446: (B. Boxer D/CA). Provides for permanent protection of U.S. resources in the year 2000 and beyond.

S. 510: (B. Campbell R/CO) and H.R.

883: (D. Young (R/AK). Preserves U.S. sovereignty over public and acquired lands, and preserves state sovereignty and private property rights in non-federal lands surrounding public and acquired lands.

S. 532: (D. Feinstein (D/CA) and H.R. 1118: (T. Campbell (R/CA) Provides increased funding to resume state grant funding for the Land and Water Conservation Fund and development of conservation and recreation facilities in urban areas under the Recreation Recovery Programs.

S. 338: (B. Campbell R/CO); S. 568: (C. Thomas R/WY) and H.R. 154: (J. Hefley (R/C). Establish fee systems for commercial filming activities on public lands.



S. 826: C. Thomas (R/WY). Limits the federal acquisition of land located in a State in which 25% or more of the land in the State is owned by the U.S.

H.R. 488: Northern Rockies Ecosystem Protection Act of 1999, C. Shays (R/CT). Special designation of lands in the states of ID, MT, OR, WA, and WY.

H.R. 701: Conservation and Reinvestment Act of 1999, D. Young (R/AK). Provides funding for Land and Water Conservation Fund, Urban Parks and Recreation, and Teaming With Wildlife.

H.R. 798: G. Miller (D/CA). Provides for permanent protection of U.S. resources in FY 2000 and beyond through Land and Water Conservation Fund funding, Urban Parks and Recreation and various other conservation programs.

H.R. 829: D. DeGette (D/CO). Designates certain lands in Colorado as components of the National Wilderness Preservation System.

H.R. 1002: Declaration of Taking Act, (D.

Hunter (R/CA). Amends the subject act to require that all condemnations of property by the government proceed under that Act.

H.R. 1118: T. Campbell (R/CA). Increases Land and Water Conservation Fund and Urban Parks and Recreation Recovery Program funding, State grants funding and acquisition and development of conservation and recreation facilities and programs in urban areas.

H.R. 1142: D. Young (R/AK). Ensures that landowners receive equal treatment to the government when property must be used.

H.R. 1207: B.F. Vento (D/MN). Prohibits the U.S. government from entering into agreements related to public lands without Congressional approval.

H.R. 1500: J. Hansen (R/UT). Accelerates the Wilderness designation process by establishing a timetable for completion of wilderness studies on Federal lands.

H.R. 1199. R.W. Pombo (R/CA). Prohibit the expenditure of Land and Water Conservation Funds for new National Wildlife Refuges without Congressional authorization.

H.R. 1284: Minnesota Valley Refuge Bill, D. Young (R/AK). Provides protection for the Minnesota Valley National Wildlife Refuge and protected species to ensure that scarce refuge land in and around the Minneapolis, MN metro area are not subjected to physical and auditory impairment.

Regulations

S. 746: Regulatory Improvement Act of 1999, S.M. Leven (D/MI). Improves the ability of Federal agencies to use scientific and economic analyses to assess cost-benefits and risk assessments of regulatory programs.

S. 1028: O. Hatch (R/UT). Simplifies and expedites access to Federal courts for parties whose rights and privileges, secured by the Constitution, have been deprived by actions of Federal agencies, entities or officials acting under color of State law.

H.R. 1864: J. Hansen (R/UT). Standardizes public hearing processes for Federal agencies within the Dept. of the Interior.

H.R. 1866: J. Hansen (R/UT). Provides a

process for the public to appeal certain decisions made by the National Park Service and by the U.S. Fish & Wildlife Service.

Tennessee Valley Authority

S. 123: TVA Funding Act, R.D. Feingold (D/WI). Phases out Federal funding for the Tennessee Valley Authority.

Water Resources

S. 294: (R. Wyden D/OR). Directs the Secretary of the Army to develop and implement a comprehensive program for fish screens and passage devices.

S. 507: Water Resources Development Act, (J. Warner R/VA) and H.R. 1480: R. Shuster (R/PA). Provides for construction of various projects in rivers and harbors of the U.S.

S. 685: (M. Crapo R/ID). Preserves state authority over water within their boundaries and delegates states the authority of Congress to regulate water.

S. 740: (L. Craig R/ID). Amends the **Federal Power Act** to improve coordination and licensing processes.

H.R. 1444: P. DeFazio (D/OR). Authorizes the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts of irrigation system water diversions in the states of OR, WA, MT and ID.

H. Con. Res. 86: E. Blumenauer (D/OR). Concurrent resolution expressing the sense of Congress regarding Federal decisions, actions, and regulations affecting water.

Water Quality

S. 20: Brownfield Remediation and Environmental Cleanup, F.R. Lautenberg (D/NJ). Directs the EPA to establish a program to provide grants to States and local governments to inventory and conduct site assessments of brownfield sites. Defines brownfield sites as facilities suspected of having environmental contamination that could limit their timely use and can be readily analyzed.

S. 493: (P. Sarbanes D/MD). Requires the U.S. Army, Corps of Engineers to conduct pilot projects on toxic microorganisms in tidal and non-tidal waters.

S. 878: R. Torricelli (D/NJ). Amends the **Federal Water Pollution Control Act (FWPCA)** to permit grants for the national estuary program to be used for development and implementation of a comprehensive conservation and management plan.

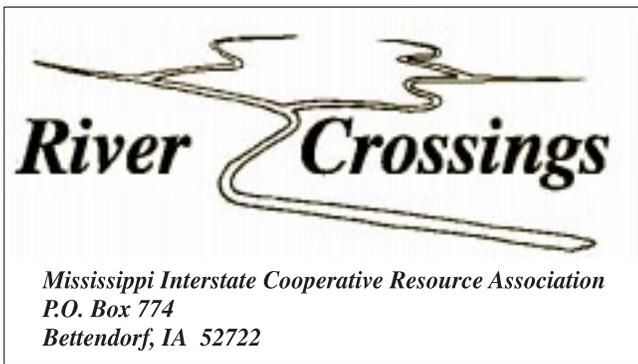
H.R. 684: Farm Sustainability and Animal Feedlot Enforcement Act, (G. Miller (D/CA). Amends the **Clean Water Act.**

H.R. 1290: W.B. Jones (R/NC). Amends the FWPCA related to wetlands mitigation banking.

H.R. 1549: P. Visclosky (D/IN). Amends the FWPCA to establish a National Clean Water Trust Fund to carry out projects to restore and recover U.S. waters from damages resulting from FWPCA violations.

H.R. 1578: J. Hostettler (R/IN). Amends the wetland conservation provisions of the **Food Security Act of 1985** and the FWPCA to permit unimpeded use of privately owned crop, range, and pasture lands that have been used for the planting of crops or the grazing of livestock in at least 5 of the preceding 10 years.

Source: Congressional Affairs Update, USFWS, 5/28/99



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