

New wetlands plan would exempt millions of acres

WASHINGTON (AP) — The Environmental Protection Agency is trying to defuse a controversy over wetlands regulation, putting out proposed new rules that could exempt millions of acres from federal oversight.

EPA Administrator William K. Reilly told a Senate subcommittee on Wednesday that he was not retreating from a commitment to stop the loss of the nation's wetlands.

"We intend to hold the line," Reilly said. But he acknowledged that the new rules he is proposing "will, in fact, have the effect of contracting the land under jurisdiction" of wetlands regulations.

EPA officials say they do not know how much land would be affected, but estimates from environmentalists range up to 40 million acres.

The rules have been stuck for months in an inter-agency review, while more sweeping wetlands legislation has been gathering support in Congress. Environmentalists say those bills would gut laws protecting precious wetlands.

Farm groups, developers, oil companies and mining interests have been urging Congress to relax what they consider overzealous regulation of land that sometimes isn't very wet.

"Reilly's attitude seems to be that it can be taken care of by regulation," said Don Lipton, a spokesman for the American Farm Bureau Federation. "The lack of agreement in the administration seems to suggest that congressional action is needed."

An administration official, speaking on condition of anonymity, said Reilly decided to release his 101-page draft proposal without waiting for White House approval, in hopes of getting the process unstuck and reducing pressure for legislative changes.

Testifying before the Senate environmental protection subcommittee, Reilly said he hoped to get approval soon to propose the new rules formally in the Federal Register, but he did not set a target date.

The EPA administrator said more than half the original wetlands in the continental United States have been lost, but the pace appears to have slowed to about 290,000 acres a year from an average of 450,000 acres annually between the mid-1950s and

mid-1970s.

Wetlands — such as swamps, bogs and marshes — used to be considered worthless. But scientists have found that such lands are important for flood control, wildlife habitat and pollution control.

The EPA and officials from several other federal agencies have been working since last year on the new regulations, a revision of a "delinication manual" issued in January 1989. The manual stirred controversy because some land that was relatively dry fell under the scientific definition of wetlands.

"The current situation is rapidly undermining public support for wetlands protection," said Senate Majority Leader George Mitchell, D-Maine.

Reilly said he thought it would be "extremely difficult, if not impossible" to get final approval for the new rules by Oct. 1, the deadline proposed by the Senate for abandoning the current manual.

Bills being considered in the House would classify wetlands in categories by their ecological value and would require the government to compensate landowners if wetlands regulation diminished property values.

Reilly said he was worried the result would be that wetlands would be protected only if the government appropriated money to buy them.

Scott Feierabend, director of the wetlands program for the National Wildlife Federation, said Reilly's release of the revised manual without administration approval "points to the internal debate between the Greens and the Browns in the administration," with the "Browns" opposing most environmental regulation.

Under the current manual, part of the definition of a wetland requires that water rise within 18 inches of the surface for seven days of the growing season. In some cases, a homeowner's dry grassy lawn turned out to be a wetland.

The new proposal calls for requiring that the land be saturated all the way to the surface for a longer time — but officials were unable to agree on exactly how long. The EPA's new draft says the land should be saturated for between 10 and 20 consecutive days, and invites comment on what number to choose in that range.