

FARM, ENVIRONMENTAL GROUPS SQUARE OFF

Clinton's wetlands plan: Will it resolve stalemate?

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Washington, D.C. — The early reviews are in, and President Clinton's new policy for protecting wetlands has disappointed both farm groups and environmentalists, which some take as progress.

"It's a step in the right direction, but it's pretty weak tea," Mark Maslyn, chief lobbyist on wetlands policy for the American Farm Bureau Federation, said of Clinton's plan.

"From an environmental point of view, it's not all positive, but it's a responsible bill," said Maitland Sharpe, executive director of the Izaak Walton League.

In the past, environmental and

farm organizations could scarcely inhabit the same ZIP code when the subject was discussed. Wetlands, said Rep. Gerry Studds, D-Mass., had become an eight-letter word for stalemate.

Now, Studds, chairman of a House subcommittee with jurisdiction over the subject, believes there is a chance to break the stalemate, and he will take up a bill bearing the Clinton plan soon.

Farmers in upper Midwestern states such as Iowa might not like all of the changes, but most agree they will at least remove conflicting interpretations of the law that have been so frustrating.

Wetlands are low areas with

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unique soils that filter nitrates out of farm runoff, provide habitat for ducks and other waterfowl and store excess rainfall to reduce flooding. They can't be drained or filled without a federal permit.

For farmers who own wetlands, that smacks of government encroaching on their property, and the Farm Bureau and others have made this a constitutional issue.

Historically, Iowa had more than 6 million acres of wetlands, according to the U.S. Department of Agriculture. About 90 percent of them have been drained, and some argued that this summer's flooding was made worse because of that.

Wetlands are governed by two major federal laws — the Clean Water Act, which makes wetlands an Army Corps of Engineers responsibility, and the farm bill, which gives the Soil Conservation Service oversight of "swampbuster" violations.

Identifying Wetlands

In the past, those agencies often disagreed on the definition of a wetland, a situation that drove farmers to distraction when they sought clearance to improve drainage or fill wet spots.

If passed intact by Congress, the Clinton plan will give sole jurisdiction over identifying wetlands on farm property to the Soil Conservation Service, which has offices close to farmers in each county.

"If I was sitting in a farmer's shoes, I'd be glad you only have to go to one office," said Dennis Pate, assistant state conservationist for Iowa.

Among the other changes in the Clinton plan:

- All "prior converted" wetlands would be removed from regulation. That is, wetlands that were thoroughly drained and converted to cropland before Dec. 23, 1985, would no longer fall under federal wetlands restrictions.

This would put into law what had already become the practice of the Corps of Engineers, but for farm groups, it's an important advance.

- Farmers denied a permit to change the drainage on their wetlands — the now famous Section 404 permit, which will still be administered by the Corps of Engineers — could appeal directly to the Corps rather than going to court.

- All four of the federal agencies that have at least some jurisdiction over wetlands — the Fish and Wildlife Service and the Environmental Protection Agency also have a role — would use the same 1987 wetlands manual, which is less expansive in its regulatory sweep than a newer manual issued in 1989.

Further, interested local parties would get a voice in how these rules apply to their watershed, and the Clinton administration proposes

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spending more to pay farmers to enroll land in the Wetlands Reserve Program.

Farmer Concerns

"It's giving the state a bit more flexibility," said Pate, the assistant state conservationist, who expects to sit down with local, state and private groups. "There's something to be said for reaching agreement with all of these groups."

Many of these provisions have been sought by the Farm Bureau and others for years, and Maslyn acknowledged that they are improvements. Still, he said, it doesn't go far enough.

"I think the administration punted on some issues," he said. He and others wish the new rules would classify some wetlands as more worthy of protection than others.

Specifically, the Farm Bureau has been pushing to exempt land on which a crop can be planted in six out of 10 years. "I really don't see why this is such a drop-dead issue for the environmental groups," he said.

The Farm Bureau also wants stronger protections for property rights, and it had pushed hard through former Vice President Dan Quayle's Competitiveness Council to greatly restrict the definition of wetlands.

Environmental Concerns

That effort, which brought a storm of environmental criticism and was deemed unworkable by Corps of Engineers officials, has now run out.

Environmental groups generally

support letting the Soil Conservation Service decide what is a wetland on farm property, and they support the non-regulatory approach to paying farmers easements to enroll land in the Wetlands Reserve Program.

However, they are put off by the process that lets a farmer appeal a Section 404 permit denial, but prevents neighbors and conservation groups opposed to the permit from being heard. "We see that as a fundamentally skewed process," said Sharpe.

What's more, the Clinton plan would allow "mitigation banking," which permits the draining of some wetlands if other mitigating wetlands are created to replace them. "This could function as a fig leaf to cover some embarrassing wetlands destruction," said Sharpe.

For the Soil Conservation Service, this could create a ticklish legal problem. Until now, the SCS has had to worry only about how wetlands policy applied to farm benefits. Farmers would lose their subsidies if they drained a wetland.

If a farmer complained that this violated his property rights, the SCS responded that subsidy programs were voluntary, not a right. Now that the SCS decisions affect more than just subsidies, that argument might not wash, said Pate.

Not everyone is sounding a conciliatory note.

Jan Goldman-Carter of the National Wildlife Federation complained that local regulators will be more easily rolled by pressure from developers, and said the plan is "laden with wetlands giveaways."

Rep. Don Young, R-Alaska, said the plan would devastate his state, and compared wetlands regulators to the Ku Klux Klan at a recent hearing.

Nevertheless, the two sides are generally beginning to move away, grudgingly, from their long-hardened positions on wetlands rules. "This policy may very well succeed in moving it off the dime," said Sharpe.

Pennsylvania governor still in hospital

Pittsburgh, Pa. (AP) — Gov. Robert Casey, recipient of a heart and liver transplant, continues to undergo treatment for a viral infection causing flu-like symptoms, a spokeswoman said Saturday.

The virus bothering Casey is cytomegalovirus, which about four out of five people harbor in their bodies without discomfort, but which frequently affects patients with weakened immune systems, said University of Pittsburgh Medical Center spokeswoman Jane Duffield.

The governor is taking anti-rejection drugs to prevent his immune system from attacking the heart and liver he received in a transplant operation June 14.

Casey entered the medical center

Sept. 28 because of the infection, Duffield said. A decision on when he will be discharged will not be made until this week, she said.

Iraqis fire on Kuwaiti post in border clash

Kuwait City (AP) — Iraq forces fired on a Kuwaiti border post in the second such attack in less than two weeks, the government said Saturday. Iraq and Kuwait have clashed repeatedly since a U.N. commission moved the border slightly north in November, expanding Kuwaiti territory. Iraq refuses to recognize the new boundary.