3.6.3
Estero Americano Calibration
page 35

The draft document is inadequate in that it acknowledges that insufficient data are available upon which to base a calibration under bar-closed conditions, and then fails to recognize that artificial opening of the bar at the Estero Americano is no longer permitted. 191

page 55
The draft document is inadequate in that it assumes, with no substantiation, that the incremental load of nitrogen to Americano Creek and Stemple Creek from project irrigation will be removed by 33 and 93 acres of riparian corridor, respectively. No justification for these arbitrary acreages is provided. 192

The draft document is inadequate in that it fails to incorporate in the baseline assumptions for the Stemple Creek corridor the riparian restoration work and watershed rehabilitation efforts already completed or being planned by groups such as the Soil Conservation Service, Gold Ridge RCD, the Shrimp Club, and the California Coastal Conservancy, within this watershed. 193

3.7.2
page 56
The assumption is made, but not documented, that both Esteros become nearly fresh during high flow periods. This appears to be based on assumptions, not justified with data, of total volume replacement times of 4 and 26 hours for the Estero de San Antonio and Estero Americano, respectively. The Final EIR/EIS must substantiate these unsubstantiated assumptions. 194

1-12
Development of Evaluation Criteria for Potential Water Quality Impacts

3.0 Evaluation of Project Relative to Criteria

page 57
The draft document is inadequate in that it fails to recognize and propose compliance methodologies with the relevant anti-degradation regulatory statutes. 195

3.2.1
Biostimulatory Substances
page 58
The project evaluation criterion is flawed for levels of allowable increase in monthly average attached or planktonic chlorophyll. The draft document is inadequate in that it fails to indicate how it arrives at a 10 percent decrease as a "significant" threshold. 196

3.3 197
Special Site Criteria
page 61
No effective mitigation measures are identified in the document for alteration of water quality within the waters of the Gulf of the Farallones National Marine Sanctuary, including the Estero de San Antonio and the Estero Americano.

Appendix XIII

L-2 198

Santa Rosa Subregional Long-Term Wastewater Project
Anadromous Fish Migration Study Program
1991-1994

The draft document is inadequate in that it covers only one project option at this level of detail, and completely omits consideration of this type of information for the South County and West County alternatives. The habitat survey, abundance information, and survey of redds and spawning activity evidenced in this document represents an unusual level of focus on one particular disposal option alternative. Information of this nature, and to this level of detail, should be developed for the water resources and waterways downstream of other proposed project options so that a realistic comparison can be made.

L-3 199
Memorandum June 13, 1994
Coho Salmon Listing

ESA implications of the National Marine Fisheries Service listing of the Coho Salmon and the Steelhead on all of the project alternatives need to be addressed in detail and in a more up-to-date fashion. It appears probable that a listing of either of 200
these species as endangered by the federal government could render entire alternatives evaluated in the DEIR/EIS irrelevant and unbuildable. The final DEIR/EIS should explain project contingencies for listing prior to project selection, and consider what the economic and retrofit implications for a particular project element might be should the coho salmon or the Steelhead be listed under ESA subsequent to construction and implementation of a particular project alternative.
Presently-listed ESA species are not adequately considered in the DEIR/EIS (see 201
Attachment J).

L-4 202
Aquatic Habitat Survey Results

2.1
page 2-3
The discussion of habitat types to be evaluated in the methodology described at 2.0 and 2.1 fails to identify estuarine habitats as a habitat type to be considered.

page 5 203

The Project Area Sensitive Species Table 1 recognizes the FE status of the Tidewater Goby, the California red-legged frog, and the California Freshwater Shrimp, but followup discussions provide only anecdotal evidence of the presence or lack thereof of any of these species in the project sites studied. For example, on page 11, the document states that the California Freshwater Shrimp is believed to be extirpated in the Americano Creek watershed, provides a citation from 1975, but offers no more recent evidence.

page 11 204
Discussions of existing habitat conditions in the Draft EIR/EIS tend to focus exclusively on observations by the preparer on what appear to be negative conditions within the watershed. This bias undermines the objectivity of the document. This trend continues throughout other site evaluations on the following pages, including pp. 14 and 15, and represents a bias on behalf of the preparer. No mention of existing riparian restoration projects, clearly visible at some of these sites, is made in the DEIR/EIS.

page 12 205
A number of Sensitive SPP are considered present or likely to be present at a number of Americano and Stemple creek sites, but no consistent standard for determination of significance thresholds is established.

L-5 206
Aquatic Life Survey Results

2.0 Methodology
page 2
No evidence of a required take permit for the capture of the Tidewater Goby or Syncaris Pacifica is provided by the researcher. This information must be provided in the Final EIR/EIS.

3.2 Aquatic Invertebrates 207
page 6
This section makes only a brief mention of Tributary 2 at the Two Rock site, still

flowing when visited on August 21. Distinguishing this tributary, and correlating Tributary 2 so that it can be identified by reviewers on Table 2 as a perennial year-round stream, will be necessary in evaluating impacts in the Final EIR/EIS. 207 (cont.)

L-6 208

Evaluation of Bioaccumulation in Organisms Exposed to Reclaimed Water from the Santa Rosa Subregional Water Reclamation System.

1.0 Summary

The draft document is inadequate in that it fails to consider additional loading of various contaminants likely to occur as a result of increased utilization of the expanded treatment plant capacity resulting from increased urban and industrial dischargers. Assumptions gained from evaluation of bioaccumulation 209 phenomenon in the Kelly Farm Demonstration Wetland are artificial, since this is a constructed wetland and provides none of the range of natural conditions, including salt to brackish to fresh water habitats, which would be found in the Estero de San Antonio or the Estero Americano. Evidence from Kelly Farm Demonstration Wetland is not transferable to assumptions about unrelated conditions in natural wetlands or estuaries.

page 1 210

The draft document is inadequate in that it acknowledges that a bioaccumulation factor for copper of 3.5 was observed for crayfish but attempts to discount this documented bioaccumulation by rationalizing it as a phenomenon which "can be expected". The draft document also identifies bioaccumulation factors for zinc in 211 crayfish and mercury in crayfish and mosquitofish ranging from 0.56 to 1.24, and discounts this information as not significant without further explanation. The draft 212 document states that zinc concentration in mosquitofish was twice as high as that measured in sediments, which suggests a possible accumulation, but makes no conclusory statement from which a reviewer might attribute this level of zinc to a particular metabolic pathway.

page 7 213

The draft document is inadequate in that it states that increases in metals content of the sediments in 1994 relative to 1991 were documented for arsenic and mercury, but fails to connect this observation to wastewater, stating that the increase in the levels was not attributable to wastewater since levels of arsenic and mercury did not increase. This rationalization fails to recognize that perhaps the levels of arsenic and mercury in the sediments of Kelly Farm Demonstration Wetland are accumulating over time, and are therefore cumulative.

1.5 214

State Mussel Watch Program Results

The draft document is inadequate in that it fails to explain why surveys found high variability between stations within years. The document blames pesticide

applications within the Laguna watershed as a likely source of pesticide application, but fails to determine whether such pesticide application may or may not be connected with agricultural irrigation of crops using wastewater. 214(cont.)

4.2 215
Biological Sampling
page 9
The draft document is inadequate in that it states that metals (including aluminum) in crayfish may be overestimated, but does not indicate a realistic reason why this assumption is made.

4.3.2 216
page 10
Exposure Pathways and Receptors
The draft document is inadequate in that it fails to provide any detailed explanation of biomagnification and bioaccumulation as part of the exposure pathways and receptors discussion.

4.3.3 217
Benchmark Values
page 10
The draft document is inadequate when it states that a lack of federal criteria for sediment quality creates the need to use an apparent effects threshold as a benchmark for potential effects of sediment-sorbed contaminants on aquatic organisms. EPA standards for discharge to an aquatic habitat (which the waste stream fails to meet for Cu) should be referenced at this point.

page 10 218
The draft document is inadequate in that it applies benchmark levels for effects on terrestrial plants which were obtained from soil remediation criteria for parkland and residential use, derived by the CCME. Remediation criteria are inappropriate for benchmark use in this context, essentially providing the "dirtiest allowable" baseline instead of the "cleanest possible" baseline.

6.0 Comparison of 1994 Results with 1991 Results 219

6.1.1
Aluminum
page 18
The draft document is inadequate in that it fails to assign the responsibility for the greatly increased aluminum concentration in mosquitofish to any particular source, stating only that the difference between years "may be genuine".

page 19 220
The draft document is inadequate in that it does not explain the increase in arsenic

found in the Kelly Farm Demonstration Wetland from 1991 to 1994. 220 (cont.)

page 21 221
The draft document is inadequate in that it fails to assign the responsibility for the increased chromium concentration in mosquitofish to any particular source.

page 22 222
The draft document is inadequate in that it fails to assign the responsibility for the increased lead concentration in mosquitofish and crayfish tissues to any particular source.

page 23 223
The draft document is inadequate in that it fails to assign the responsibility for the increased mercury concentration in sediments to any particular source.

page 25 224
The draft document is inadequate in that it fails to assign the responsibility for the increased silver concentration in all tissue types to any particular source. Photographic and industrial sources should be identified as possible sources of this increase.

6.3 225
Summary of 1991 and 1994 Comparison

page 27
The draft document is inadequate in that it fails to assign the responsibility for the increased levels of concentrations of aluminum, chromium, and lead in reclaimed water from 1991 to 1994 to any potential source.

page 28 226
The draft document is inadequate in that it assigns the probable responsibility for the increased levels of concentrations of arsenic and mercury in the sediments of Kelly Farm Demonstration Wetlands to increased loading from wastewater, but fails to suggest mitigation measures, such as source reduction, which might rectify this increase.

page 28 227
The draft document is inadequate in that it identifies silver and copper levels as having increased in plant tissue between 1991 and 1994 but does not explain the increase other than to state that it was not "likely" to be due to changes in reclaimed water.

page 28 228
The draft document is inadequate in that it fails to assign the responsibility for the increased levels of concentrations of aluminum in mosquitofish from 1991 to 1994,

in spite of an increase in the average concentration in aluminum in reclaimed water during the same period of time. 228 (cont.)

229

7.0
Bioaccumulation
7.2
Aquatic Fauna

page 32
Bioaccumulation factors of 3.5 for copper in crayfish and 0.56 to 1.24 for zinc in crayfish and mercury in crayfish and mosquitofish were identified, but not explained.

230

page 36
The document states that there is not a trend toward bioaccumulation of metals, but immediately contradicts itself by stating that copper is an exception to this statement.

231

9.3.1

page 53
Again, the document fails to explain the importance of significant exceptions to the "no increase" statement, when aluminum, chromium, and copper show increased levels in clam tissues.

232

page 54
The draft document is inadequate in that it fails to suggest a source reduction strategy for Lindane pesticide, thought to be the source of the elevated levels of Gamma BHC.

233

L-7
Aquatic Biological Resources Impact Analysis Report

2.0 Evaluation Criteria
page 2

The Draft EIR/EIS fails to consider the full range of evaluation criteria, limiting itself instead only the determination of impact significance based on physical lineal feet of stream impacted. This makes no adjustment or accommodation for the fact that various segments of streams may have relatively more or less importance as habitat for various aquatic organisms. Spawning gravels, deep pools, and undercut banks each provide special habitat types of critical importance for selected species.

234

page 3
The Draft EIR/EIS is inadequate in evaluating as sensitive species only those which are identified as having some state or federal listing status. Other, endemic species

native to that particular stream segment or watershed are not evaluated. Species with pending federal Endangered Species Act listing are not considered as such, including the Coho Salmon and the Steelhead (see Attachment J). 234 (cont.)

page 4 235
The Draft EIR/EIS is inadequate in claiming that only the professional judgment of the preparers need be considered as establishing the threshold percentages considered in evaluating the relative importance of these habitat types within the region of the project area. This is ambiguous and must be replaced with a more objective criteria for evaluating thresholds of significance in the Final EIR/EIS.

page 4 236
2.2.2
Barriers to Movement
The Draft EIR/EIS is inadequate in claiming that zero barriers to migratory movement are significant, and then failing to maintain this as an unmitigable impact in subsequent conclusions reached by the document.

pages 4-5 237
2.2.3
Changes in Salinity
The Draft EIR/EIS is inadequate in failing to provide for effective mitigation measures which can maintain the existing salinity regime of estuaries within the Gulf of the Farallones National Marine Sanctuary (Estero Americano and Estero de San Antonio). The impacts on the "few species adapted only to the brackish environment" are not adequately identified and discussed. The document correctly assumes that "the significant impact threshold for salinity change in the two estuaries is 0 percent change", but provides for no effective mitigation strategy.

page 5 238
2.2.4
Changes in Stream Flow
The Draft EIR/EIS is inadequate in claiming that the main effect of any project storage reservoir is to intercept flow. Other reservoir impacts on levels of ammonia, dissolved oxygen, and hydrogen sulfide are identified elsewhere in the document, but not effectively provided for in the mitigation strategies.

page 6 239
The Draft EIR/EIS is inadequate in asserting that summer flows are generally much more critical to aquatic life than are the wet season flows. Historic salmon migrations have taken place in the affected West County watersheds and should be taken into account in the Final EIR/EIS analysis.

page 6 240
2.2.5 Stream Bed Alteration
The Draft EIR/EIS is inadequate in failing to consider the need for a stream bed alteration permit from the California Department of Fish and Game in constructing project elements, such as stream bed crossings for pipelines.

page 10 241
4.0 Potential Impacts to Aquatic Habitat
4.1 Storage Reservoirs
4.1.1 West County

The Draft EIR/EIS is inadequate in that it erroneously states that no impacts would be expected to result from the proposed dams acting as barriers to movements of migratory fish for the Huntley, Two Rock, Bloomfield, or Valley Ford sites. This assertion fails to take into account anecdotal evidence of prior stream conditions and historic migratory use which might be restored.

page 11 242
The Draft EIR/EIS is inadequate in claiming that the Carroll Road reservoir site is the only site where spawning habitat loss reaches the threshold of significance.

page 12 243
Operations and Maintenance
Streams
The Draft EIR/EIS is inadequate in claiming that only in cases where runoff causes the reservoir to fill beyond its capacity would impacts to aquatic habitats result from increased streamflows. The Draft EIR/EIS assumes that only during such infrequent events would overtopping of the spillway of a dam occur, but goes on to admit that the frequency of such events has not been estimated. To discard such events from consideration, without a discussion of their anticipated rate and frequency, is not responsible.

page 12 244

The Draft EIR/EIS is inadequate in claiming that reservoir seepage could partially offset the downstream flow reduction caused by the dams. Elsewhere in the Draft EIR/EIS, it is claimed that reservoir seepage would be recaptured and pumped back upstream into the reservoir. The Draft EIR/EIS is inadequate in making two conflicting assertions at different points in the document.

page 13 245
Esteros
The Draft EIR/EIS is inadequate in that it asserts that increases of up to 2.5 parts per thousand (ppt) in salinity in the upper reach of the esteros during summer would result from all of the West County project components. Irrigation is identified as

the cause of the the anticipated elevated TDS in the inflowing water. No mitigation strategy can be envisioned that would effectively prevent this impact from occurring. Since any change in water quality is considered significant under the regulatory framework of the Marine Sanctuary, mitigation measures must be identified or all Alternative 3 options dropped from further consideration in the Final EIR/EIS as infeasible. 245 (cont.)

ATTACHMENT I 246

THE PRESS DEMOCRAT
138th Year. No. 208 50¢

SR part of House rewrite of water law

By TIM TESCONI
Staff Writer

Riggs

The House approved a sweeping rewrite of one of the country's landmark environmental laws Tuesday, voting to reduce federal protection of wetlands and approving amendments by Rep. Frank Riggs that allow more wastewater to be discharged into the Russian River.

In a 240-185 vote reauthorizing the Clean Water Act, the Republican-dominated House further demonstrated its will to reshape U.S. environmental policy.

The package approved Tuesday includes amendments by Riggs, R-Windsor, that clear the way for Santa Rosa to substantially increase the wastewater it discharges into the Russian River. For 20 years, Santa Rosa has been seeking a long-term solution for wastewater disposal.

A companion amendment by Riggs would allow hundreds of acres along Laguna de Santa Rosa to be restored as wetlands using wastewater as part of a natural system to further cleanse the water before it drains into the river. The amendment removes wastewater-

See Water, back page

Water

Continued from Page A1

created wetlands from the authority of the Army Corps of Engineers, which has prohibited Santa Rosa from using wastewater for restoration.

Environmental groups in Sonoma County opposed Riggs' amendments.

"It opens the doors for similar urban sewer projects that could destroy wetlands across the American landscape," said Tom Yarish of the Friends of the Esteros.

Presidential veto?

The Clinton administration and other critics, including Rep. Lynn Woolsey, D-Petaluma, who represents Santa Rosa, said the broad changes passed Tuesday gut the 1972 Clean Water Act, reversing two decades of progress in cleaning up the nation's lakes and rivers.

The bill still faces a hard fight in the Senate, where support is mixed, and a possible presidential veto. President Clinton has said he would not sign the statute if it comes to his desk.

The bill garnered the support of 195 Republicans and 45 Democrats.

Riggs voted for the bill and Woolsey voted against it, saying the Republican-sponsored bill threatens North Coast drinking water and thwarts efforts to protect wetlands on the Santa Rosa Plain.

"As far as I am concerned it's the new Dirty Water Act," Woolsey said.

But Riggs and many representatives attacked the 23-year-old water pollution law as an example of overly burdensome and costly federal regulations.

Riggs was unavailable for comment Tuesday night. Riggs' press aide Beau Phillips said the Windsor congressman supported the bill because it makes the Clean Water Act more realistic and less onerous on property owners.

"The revisions in the bill prevents some of the regulatory horror stories that we have heard from all over the country," Phillips said.

Split on the North Coast

Reaction on the North Coast showed that lines are being drawn in the accelerating battle between property rights and environmental protection.

"This is a step in the right direction in getting some common sense back into the legislation. The Clean Water Act isn't being gutted. The standards are still there, it's just that now we have clearer definitions of what's to be protected," said Healdsburg dairy rancher John Bucher, president of the Sonoma County Farm Bureau.

Members of the Sierra Club said the bill is a victory for polluters and a serious defeat for clean water.

"It's a bad day for everyone who believes in clean water, a bad day for the population of America and the wildlife that lives in and around waterways," said David Bannister, co-chairman of the water committee for the Sierra Club's Sonoma County group.

The legislation would significantly narrow the definition of a wetland, requiring that it contain standing water for 21 consecutive days before it could be protected, and would require the government to reimburse landowners for financial losses from a wetland designation.

The measure would bypass the Environmental Protection Agency, which now plays a central role in wetlands policy, to consolidate responsibility for defining wetlands in the Army Corps of Engineers and U.S. Agriculture Department.

It would direct those agencies to classify such terrain into three categories, with land falling only into the most environmentally sensitive category being subject to severe land-use restrictions.

Wetland changes decried

Critics of the new system charge the plan would free as much as 70 percent of wetlands now protected by the government for development. That, they add, would contribute to a general decline in water quality.

EPA Administrator Carol Browner called the bill irresponsible and said it provides numerous loopholes that will allow industry to pollute the nation's waterways.

"This isn't a question of do we continue to move forward. This bill takes us back to a time when raw sewage and toxic chemicals were discharged into rivers and lakes," Browner said.

Rep. Bud Shuster, R-Pa., chairman of the House panel that drafted the bill, calls the bill "a major environmental accomplishment" that disarms the "radical environmental fringe" in the debate over controlling water pollution.

Shuster said the bill fixes what has become a nightmare for all involved in the system of wetlands protection.

"Wetlands will not have bureaucrats practicing Gestapo-like tactics on the American people," he said.

This story includes information from the Associated Press and Los Angeles Times.

RIGGS AMENDMENT NO. 48 - Title VIII c. H.R. 961

H.R. 961

OFFERED BY: MR. RIGGS

AMENDMENT NO. 48: On page 275, strike lines 3 through 7 and insert in lieu thereof the following:

"ponds, wastewater management facilities (including pipelines, dikes and berms) that are used by concentrated animal feeding or municipal wastewater reuse operations, or irrigation canals and ditches or the maintenance of drainage ditches;".

Explanation

Riggs Amendment No. 48 adds pipelines and municipal water reuse operations to the explicit list of activities not requiring permits under section 404 of the Act. Other applicable water quality standards must still met.

The effect of the amendment will be to encourage cities to use properly treated wastewater to restore degraded wetlands and create new wetlands.

SONOMA COUNTY INDEPENDENT
MAY 18-24

In Brief

Riggs Water Plan Riles Critics

WASHINGTON Local conservationists on Wednesday blasted an amendment to the federal Clean Water Act that would allow Santa Rosa to use wastewater to restore wetlands along Laguna de Santa Rosa and increase wastewater discharges into the Russian River. That amendment, approved Tuesday by the House of Representatives and included at the request of Rep. Frank Riggs, R-Windsor, would make the city exempt from current Army Corps of Engineers regulations. It is part of a controversial reauthorization of the landmark environmental law that critics say will effectively gut the tough regulations. Those wastewater discharges could pollute sensitive wetlands and coastal areas with heavy metals and algae-forming nitrogen and set a dangerous precedent for similar plans, according to Tom Yarish of Friends of the Estero. "Santa Rosa's wastewater discharge plans for the Estero de San Antonio have now opened the door for similar urban sewer projects that could destroy wetlands across the American landscape," Yarish said. "It essentially removes all federal oversight to Santa Rosa's wastewater program," added Frank Gross, [illegible] Conservation Action. "It seems pretty [illegible] Santa Rosa's Republican-dominated city staff." Green charged that Riggs is simply fishing for campaign contributions among Santa Rosa Republicans, since the city isn't even in his district. Rep. Lynn Woolsey, who does represent Santa Rosa, voted against the reauthorization, terming the bill "the Dirty Water Act."

THE Press DEMOCRAT
Santa Rosa, California
(A New York Times Company)

5/21/95

Clean water politics

Efficiency and environmental protection not irreconcilable goals

It's never hard to find examples of duplicative, burdensome government over-regulation, particularly on environmental issues.

Last week, for example, Sonoma County supervisors were concerned about whether all the state and federal agencies that oversee wetlands could be convinced to sign on to a local wetlands preservation plan.

They know that getting the Army Corps of Engineers, federal and state environmental protection agencies, the California Department of Fish and Game, the U.S. Fish and Wildlife Service, etc., on the same page requires some real political magic.

Are all these regulators necessary? No.

But when congressional Republicans say that, environmentalists become nervous. They fear the GOP's broad swipes at existing regulation will cripple worthwhile efforts to protect the environment.

Last week, the issue was clean water. The House approved an overhaul of the Clean Water Act, which would narrow the definition of wetlands, require the government to compensate land owners for financial losses caused by a wetlands declaration and make it easier for industries to claim pollution waivers.

Some experts say the bill would free as much as 70 percent of the nation's wetlands for development.

So in response to years of failure by Democratic leaders to clean up the bureaucratic morass of environmental legislation, we have Republicans swinging the policy pendulum too far in the other direction.

Locally, most of the attention was focused on two amendments offered by Rep. Frank Riggs, R-Windsor, that would allow more of Santa Rosa's wastewater to be discharged into the Russian River and wetlands areas.

The criticism that Riggs is drawing for these proposals is out of proportion to their environmental effects.

The proposed change on the amount of wastewater disposal would only bring federal policy in line with a reasonable two-year-old state dictate.

The state Department of Health Services ruled that the city could increase its disposal of wastewater into the Russian River if it could show that it did not have a negative impact on the river.

Disposing wastewater at a rate of up to 20 percent of the river's flow during the rainy season is not a great idea, but not because of the harm it would do to the river. This treated water is as clean, or cleaner than, the river itself.

It is instead a flawed notion because that wastewater is a valuable commodity that should be put to better use.

And using wastewater for wetlands restoration is not a bad idea at all. In fact, it could prove to be a cost-effective (a term seldom heard as the astronomical price of disposal plans rises) way to produce three good results.

It would allow the re-use of some portion of the wastewater from the regional plant, would help reinvigorate the Laguna de Santa Rosa and the treated water would be further cleansed by the natural processes at work in the wetlands.

Despite the claims by its critics, the city of Santa Rosa has, of late, been environmentally responsible in trying to find a way out of its wastewater dilemma.

Its wastewater is treated to near-drinkable standards.

The city has bent over backward to reach consensus with critics who live in communities that have far lower standards of wastewater treatment.

But the real concern raised by weakening federal oversight of clean water is that it doesn't just apply to cities that are closely watched by environmental activists and ecologically aware voters.

Strong federal oversight is supposed to prevent one community from dumping on the next. Without it, it is easy to see how environmental protection could be reduced to the lowest common denominator.

Can reasonable federal standards be enforced without burdensome, overlapping regulation?

It's an important goal. The task now falls to the Senate to figure out how to stop the pendulum at dead center.

House GOP overhauls Clean Water Act

KRT News Wire

WASHINGTON — The nation's most powerful water protection law emerged from a week's worth of congressional surgery yesterday, looking leaner, according to crusaders [illegible] gerrymandered, according to environmentalists.

And though the conservatives who led the cutting and restitching of the Clean Water Act pronounced their operation a success, it appeared unlikely that this new version would live long enough to become law.

The 319-page Clean Water Act Amendments of 1995 passed the House on a 240-185 vote.

Rep. Lynn Woolsey, D-Petaluma, did not vote.

Pennsylvania Republican Bud Shuster, who engineered the bill's passage, called it "a historic environmental bill, a sound environmental bill, a balanced environmental bill."

But House Minority Whip David Bonior, D-Mich., called it "the ultimate example of putting the fox in charge of the henhouse," saying the bill had been written by industry lobbyists for their benefit, not that of the public.

And liberal Republican Sherwood Boehlert of New York, the leading opponent of the bill in yesterday's [illegible] projects the changes it contains would never come to pass.

"Clearly this bill is not going to become law," Boehlert said in an interview as the final votes were being cast, pointing out that the bill's backers did not get the two thirds' majority they would need to override a presidential veto.

President Clinton has promised to veto the bill, and there is no similar measure pending in the Senate, where pro-environment Republicans have more power than in the House. Even Shuster suggested that changes would be needed if the bill is to become law, telling his colleagues "If compromise is called for, we certainly have an open mind."

Shuster and other conservatives agreed that the Clean Water Act, first passed in 1972, has been one of the nation's most successful environmental laws.

Under its authority, the Environmental Protection Agency has set safety standards for the amount of overall contamination allowed in the nation's rivers, streams and seas. The agency has issued permits to cities and businesses that severely limit the kinds and quantities of pollutants they can dump. And the EPA, working with the Army Corps of Engineers, has restricted development in wetlands, which act as natural buffers against pollution and flooding, as well as breeding grounds for commercially valuable seafood and waterfowl.

But the detailed regulations used to enforce the bill have been [illegible] trouble paying for the tests and clean-up equipment the law requires.

The wetlands protection measures in particular have sparked outrage among property owners who say that by preventing them from filling in wet areas for farming or building, the government is depriving them of their property rights. They also complain that the government's definition of a wetland is unreasonable and hard to understand.

"Every little mud puddle is being called a wetland these days," said Rep. Bill Emerson, R-Mo.

The most controversial section of the House bill dramatically would change the definition of a federally protected wetland to include only lands that are flooded for at least three weeks out of the year.

University of Colorado wetlands expert William Lewis, head of a National Academy of Sciences panel that studied the wetlands issue at Congress' request, said that definition would [illegible] protection and [illegible] losses of flood protection, pollution cleanups and reduced catches.

The bill also would offer maximum protection to only the most pristine and rare wetlands, making it possible to fill in wetlands if they are considered "degraded." And no more than one fifth of the land in any county could get the highest level of protection.

Wetlands experts with the U.S. Fish and Wildlife Service said the classification scheme sharply would reduce wetlands protection along the edges of South Florida's Everglades, in the Chesapeake Bay region including the Pennsylvania headwaters of the Susquehanna River, in the northern Midwest from Minnesota to Michigan, and along the entire Louisiana coast.

What Clean Water Act changes do

■ **Wetlands:** A new definition of wetlands that scientists said would strip federal protection [illegible] efforts to clean up the Everglades, the Chesapeake Bay, the Great Lakes and other waterways.

■ **Treatment programs:** Revisions to the regulations governing cities' water- and sewage-treatment programs that would loosen standards for some pollutants and allow ocean dumping of lightly treated sewage.

■ **Runoff:** A slowdown in efforts to halt the flow of polluted runoff from streets, parking lots and farm fields into the nation's waterways. The bill [illegible] up with a plan for reducing storm water runoff, which most experts say is one of the biggest sources of unchecked pollution.

■ **Pollution trading:** A pollution trading program that would allow industries to dump more water pollutants if they produced less air pollution, or if other industries in the same area reduced their water pollutants.

ATTACHMENT J

Religious expression upheld B4

The Press Democrat B

EMPIRE NEWS

Santa Rosa, California, Saturday, October 5, 1996

Steelhead hearings in RP, Eureka

Public comment sought on protection

By ROBERT DIGITALE
Staff Writer

PORTLAND — From the upper reaches of the Columbia River watershed to the Central California coast, the public starting Monday will get to sound off about federal efforts to protect West Coast steelhead.

On Monday, Rohnert Park will host one of 15 hearings on whether to list steelhead as a threatened or endangered species under federal law. The October hearings on the West Coast are part of a yearlong process that will culminate when federal officials decide whether to protect the fish under the Endangered Species Act.

The meeting will be held at 7 p.m. at the Red Lion Inn. The Eureka Inn will be the site of a similar meeting at 7 p.m. Tuesday.

The National Marine Fisheries Service has proposed listing steelhead as "endangered" from the Russian River south to Southern California. To the north, the officials proposed a lesser designation of "threatened" for those fish that spawn in coastal rivers from Mendocino County almost to the Columbia River at the northern border of Oregon. The fish also would be listed as threatened in Idaho's Snake River.

Such a listing could mean that on some rivers fishermen would be able to catch and release steelhead, but not keep them. On others, fishing of steelhead might not be allowed at all.

The steelhead represent an important component of sport fishing on rivers throughout California's North Coast. The call for government protection has come from a variety of fisheries' experts, conservation groups and fishing organizations.

"It's abundantly clear that steelhead aren't going to be restored unless they get listed," said John Beuttler, executive director of the 30,000-member sport fishing group, United Anglers.

Unless state Fish and Game Department officials agree to begin marking hatchery-raised steelhead to distinguish those fish from their wild counterparts, fishermen face "pretty extensive closures" on several riv-

See Fish, Page B2

[redacted]

Wine tax rollback