

River Crossings

Volume 23

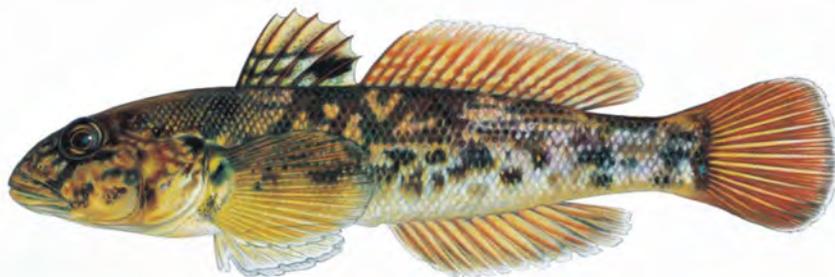
October/November/December

Number 4

Round Goby Found in the Ohio River Basin

Donovan Henry, U.S. Fish and Wildlife Service biologist at the Carterville, IL office, reported in late September that the invasive round goby (*Neogobius melanostomus*) has been collected in the Ohio River Basin. The goby was found in early August in Lake LeBoeuf and in its outlet stream LeBoeuf Creek in northwest Pennsylvania. LeBoeuf Creek is a tributary to French Creek which flows from northwest Pennsylvania into southwest New York.

The round goby is abundant in the Great Lakes where it has greatly impacted Lake Erie smallmouth bass populations by aggressively and voraciously preying on their eggs. Native to Eastern Europe, the species entered the Great Lakes via ballast water releases from ocean going ships. Henry stated that this is likely the first occurrence of the round goby in the Ohio River Basin. Because of the goby's history in the Great Lakes, it is likely that the species will also have negative effects on the fishes and mussels directly and indirectly in the Ohio River Basin. The state of Pennsylvania is currently evaluating options that might be available to control spread of the species.



Round goby - Joseph Tomelleri illustration.

The round goby is already established in the Mississippi River Basin. It escaped the Great Lakes and entered Mississippi River Basin headwaters more than a decade ago via the canals connecting the two basins in Chicago. Since that time, the round goby has been actively colonizing the Illinois River downstream toward its confluence with the Mississippi River near St. Louis. It is feared that the goby will significantly impact darter populations if it becomes established in species rich areas such as the Ozarks and Tennessee River Basin.

Bait Sales as a Vector for the Spread of Invasive Species

Inadequate regulation of the bait fish trade and carelessness on the part of anglers may be allowing invasive species – including Asian carp – to reach inland waterways and lakes, according to a scientific paper released in late August. Researchers with

Inside This Issue

Round Goby in the Ohio River Basin	1	IA Manure Rule Enforcement	8
Bait Sales as ANS Vectors	1	Ohio River Water Quality Trading	9
Silver Carp in Two Great Lakes Tribs	3	Mercury Levels in Streams	10
UN Invasive Species Risk Guidelines	3	EPA CWA Proposed Rule Defined	11
Trade and Amphibian Disease Spread	4	Science Advisory Board Supports EPA	12
LA Sues Corps Over MR-GO	4	Sportsmen Oppose State Land Takeover	13
GAO Supports MO River Decision	5	Legal Defense for Scientists	14
Corps Looking to Watershed Planning	5	Warmest Year in History	14
CO Earthquakes and Gas Drilling	6	Ecosystem Valuation Toolkit	14
Fracking Pollution Fines	7	Meetings of Interest	14
EPA Mining Veto Upheld	7	Congressional Action	15
Mining Lab Tests Falsified	8		

Central Michigan University and the University of Notre Dame said they tested water samples from tanks containing small fish for sale as bait at more than 500 shops across the eight states surrounding the Great Lakes and found that 27 tested positive for invasive species' DNA. Positive hits for silver carp, one of the Asian varieties threatening to reach the Great Lakes, were recorded in three water samples from shops along the Lake Erie shore in Ohio.

The team also detected genetic material from round goby, tubenose goby and Eurasian rudd, which are already in the Great Lakes although authorities hope to prevent them from reaching inland lakes and other waters. They also found traces of goldfish, which are classified as an invasive foreign species despite being widely available for purchase at pet stores. "While overall only a small percentage of bait shops had evidence of invasive species, it is nevertheless alarming that at least some invaders are being spread by anglers, the very group of people that value the Great Lakes fishery the most," said Andrew Mahon, one of the paper's co-authors and a molecular ecologist at Central Michigan's *Institute for Great Lakes Research*. The report was being published in the journal *Conservation Biology*.



Adult female Round goby - Ontario's Invading Species Awareness Program - Linda D. Corkum Photo.

Many states urge anglers to not dump unused bait into the water but not everyone obeys, Notre Dame scientist Christopher Jerde said. A study in Canada found that over 30 percent of anglers were releasing unwanted minnows into waterways instead of discarding them in trash cans or freezing them for future use. The scientists described their study as the first systematic effort to document the presence of invasive species in bait supplies using the tool known as "environmental DNA" (eDNA), in which water samples are examined in a laboratory for signs of genetic fingerprints from particular fish. It's a more effective detection strategy than simply examining containers of live fish, Jerde said. The typical bait tank contains tens of thousands of minnows, and at that early stage of life many invasive species are barely distinguishable from native ones. Additionally, DNA analysis of a water sample reveals a better snapshot of the variety of species in a tank than a few scoops of fish removed for visual inspection.

While the debate over shielding the Great Lakes from Asian carp has focused largely on how to seal off potential entry points, the scientists said bait also represents a serious threat. "If we ignore this pathway for spread of invasives, then we will likely be too late to prevent the damages they could ultimately cause," said Lucas Nathan, a

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MICRA email: MICRA@MICRARivers.org

MICRA Web Site: <http://www.micrarivers.org/>

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Central Michigan biologist and the paper's lead author. The scientists said members of their team visited 525 retail bait shops in 2012 and 2013, buying buckets of minnows from each. They analyzed 576 eDNA samples from the water. The 27 positive hits represented 4.7 percent of all samples. Michigan had the highest number of positives with 13, including seven for round goby, three for tubenose goby, one for Eurasian rudd and two for goldfish. Each state except Minnesota and Wisconsin had at least one positive reading. The silver carp eDNA in Ohio came from the western Lake Erie basin around Sandusky Bay, where Asian carp eDNA has been detected previously. Each of the shops where it turned up had dealt with the same wholesaler, Jerde said.

Bait policies vary widely between the Great Lakes states, the paper said, urging more consistency. "You could have really tight regulations in one state but if the state next door does not and they're basically an open system for moving bait around, they become a potential source for invasives being introduced," Jerde said. Nick Popoff, a fisheries regulator with the Michigan Department of Natural Resources (MIDNR), said the state prohibits use of invasive fish as bait and will conduct its own studies. MIDNR law enforcement units monitor more than 500 licensed dealers, he said. The study doesn't prove that invasive fish are being transferred between waterways through bait dumping but raises concerns, Popoff said. "It does mean we should ... be vigilant on the movement of bait and recognize it is a pathway," he said.

Source: John Flesher, *AP/The Detroit News*, 8/29/14

[BACK TO TOP](#)

Silver Carp eDNA Detected in Lake Michigan Tributaries

One of the of 200 water samples collected this summer from both the Kalamazoo River, MI and the Fox River, WI have tested positive for Asian carp eDNA. The positive sample taken from the Kalamazoo River was collected in July just below the Caulkins Dam. An additional 200 eDNA samples were collected in the same vicinity in June and resulted in no positive results. The positive sample collected from Wisconsin's Fox River was collected in downtown Green Bay. The findings indicate the presence of Asian carp genetic material, such as scales, excrement or mucous. However, there is no evidence that a population of Asian carp is established in either river. In addition to live fish, genetic material can enter water bodies via boats, fishing gear and the droppings of fish-eating birds.

The lower Kalamazoo River is popular for recreational activities including fishing and boating. Activities such as these may increase the possibility of eDNA entering the river without the presence of a live silver carp. "Although not conclusive, this finding heightens our vigilance and sets into motion a specific response," said Michigan Department of Natural Resources (MIDNR) Director Keith Creagh. "We will work with our partner organizations and anglers on next steps to protect the Great Lakes and its tributaries against this significant threat." MIDNR officials requested additional assistance from the U.S. Fish and Wildlife Service to implement a third eDNA surveillance effort on the lower Kalamazoo River. The results from this third round of sampling will inform and guide any future assessment and response actions for silver carp in the Kalamazoo River.

As noted above, the discovery of Asian carp eDNA in the Fox River was in the heart of the city of Green Bay and was part of a survey that started at the mouth of the river and ended about five miles upstream, the *Milwaukee Journal Sentinel* reported. "It's important," Wisconsin Department of Natural Resources aquatic invasive species coordinator Bob Wakeman said, "But we don't want to jump to conclusions that Asian carp are there." State officials reported another positive Asian carp sample in the region in November 2013 near Potawatomi State Park, where Sturgeon Bay opens to Green Bay, but follow-up samples did not find any additional evidence of Asian carp.

"The Kalamazoo River results further point to the urgency of the Great Lakes states to be vigilant in seeking all solutions to keep Asian carp and other invasive species out of the Great Lakes basin," Creagh said. "Michigan continues to advocate for hydrological separation between the Mississippi River basin and the Great Lakes basin as the best long-term solution to the threat of Asian carp. By working together as a united front, we can address the imminent threat invasive species pose to our quality of life," he said. Results of eDNA monitoring from the Midwest region are posted on line at: www.fws.gov/midwest/fisheries/eDNA.html.

Source: MIDNR Press Release, 10/7/14; AP/St. Paul Pioneer Press, 10/21/14; and Greenwire, 10/22/14

[BACK TO TOP](#)

The United Nations Issues Guidelines to Minimize Risk of Invasive Species

The United Nations [Convention on Biological Diversity \(CBD\)](#) has adopted new [guidelines](#) to prevent and control biological invasions by pets, aquarium and terrarium species, live bait and live food. The new guidance is largely based on input from the *International Union for Conservation of Nature (IUCN) Species Survival Commission (SSC) Invasive Species Specialist Group (ISSG)*. Species invasions are a major and growing driver of biodiversity loss. Alien invasive species contributed to the extinction of 54% of the 170 extinct animal species on [The IUCN Red List of Threatened Species](#) for which the cause of extinction is known, and were the main cause for 20% of these extinctions. The guidelines were adopted on October 10, 2014 during the [12th meeting of the Conference of the Parties to the CBD \(COP 12\)](#) in Pyeongchang, Republic of Korea.

The CBD also asked Parties to compile and share information on alien invasive species and to make these data available to the databases managed by the IUCN SSC ISSG. IUCN was called upon to continue providing technical support to the Convention, such as further elaborating methods to rank invasive species by the magnitude of their impacts, and continuing to carry out assessments on the positive and negative effects of the use of biocontrol agents to combat invasive species.

Source: *IUCN, News Release*, 10/14/14

[BACK TO TOP](#)

IUCN Stresses the Threat Global Trade Poses to Amphibian Disease Spread

A [joint statement](#) released in early November by the *International Union for Conservation of Nature (IUCN) Species Survival Commission (SSC) Amphibian Specialist Group (ASG)* and the *Amphibian Survival Alliance (ASA)* calls attention to the role of global amphibian trade in raising the threat to unexposed amphibian populations to infection by the introduced chytrid fungus (*Batrachochytrium salamandrivorans*) and virus (*Ranavirus*). The groups point out that unregulated and unmonitored global amphibian trade is considered a major mechanism for dispersal of invasive species, including non-native emerging infectious diseases (EID).

There are currently no global safeguard standards to ensure that amphibians in the international trade are monitored and tested for amphibian diseases the statement says. This means that amphibian populations in unaffected areas are at a very high risk of being impacted by EIDs that may be transported by amphibian hosts in the pet trade. The ASG and ASA urge all governments to prioritize this issue and to implement whatever actions are needed to stop the spread of these devastating diseases. ASG and ASA are currently in the process of exploring suitable global actions to address this major threat to amphibians worldwide.

Source: [ASA & ASG Web Site](#)

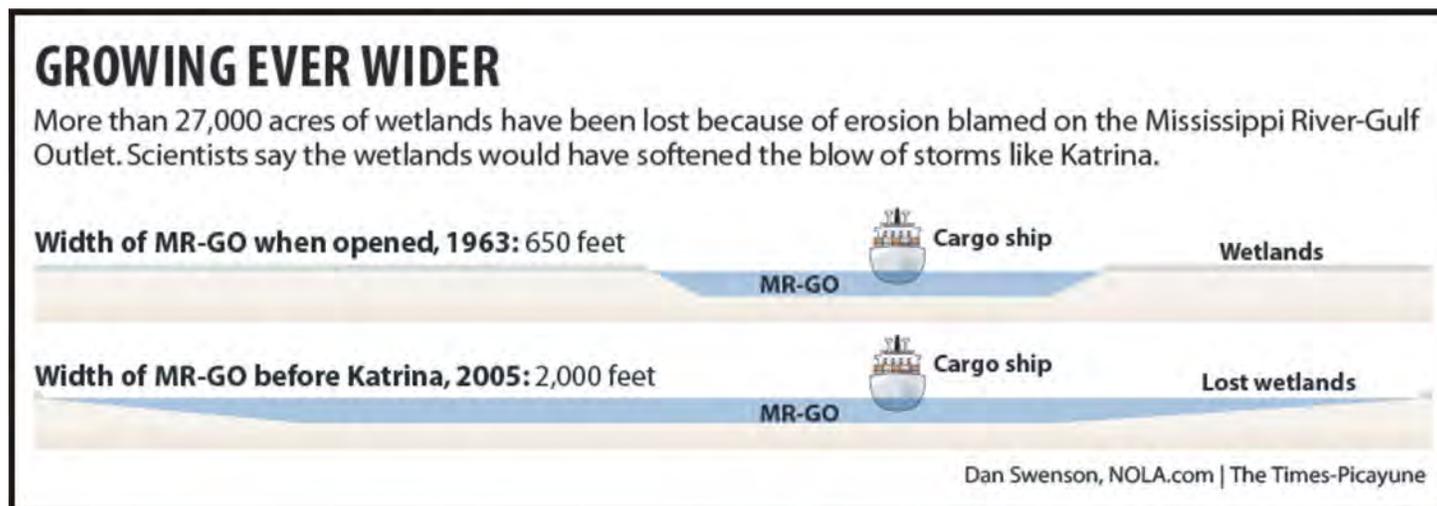
[BACK TO TOP](#)

LA Sues the Corps of Engineers Over Wetlands Restoration Funding

Louisiana officials sued the U.S. Army Corps of Engineers (Corps) on October 28 to ensure that the agency covers the entire \$2.9 billion price tag for restoring wetlands destroyed during maintenance and operation of the now closed Mississippi River-Gulf Outlet (MR-GO) navigation channel. They said negotiations had reached an “impasse” with the federal agency. The MR-GO was a little-used, 72-mile shortcut from the Gulf of Mexico to the Intracoastal Waterway and the Industrial Canal in New Orleans that was completed in 1965. Authorized to be 36 feet deep and 500 feet wide, segments of the channel that ran through wetlands in Plaquemines and St. Bernard parishes on the east side of the Mississippi River eroded to more than 2,500 feet wide. The channel itself allowed salt water from the Gulf to move inland, killing the remnants of a cypress and tupelo forest that bordered portions of St. Bernard Parish and New Orleans.

The Corps signed off on a \$2.9 billion wetland and cypress forest restoration plan in 2012, and Louisiana argues that the Corps is responsible for paying for the entire restoration, pointing to the language ordering the channel’s closure in the 2007 Water Resources Development Act and two supplemental appropriation bills following Hurricane Katrina. But when the restoration agreement was signed, then-Corps commander Lt. Gen. Thomas Bostick said Louisiana must cover \$975 million of the construction and recommended that the project be scrapped because the state refused to sign a nonfederal sponsor agreement.

The state continues to maintain that Congress ordered the Corps to pay 100 percent of the project, and Jerome Zeringue, chairman of



the state's *Coastal Protection and Restoration Authority* and coastal adviser to Gov. Bobby Jindal (R), said the suit is aimed at getting something done after what the state says has been years of attempting to negotiate a sponsorship agreement. "We are clear as to what Congress intended and what Congress meant in directing the Corps to do all of the work at full federal expense. We would prefer to settle this issue without litigation, and we've been trying to work with the Corps for years in order to resolve this issue, but we are at an impasse and feel we need the court to rule on Congress' intent," Zeringue said. Corps spokesman Rene Poche said, "The Corps is unable to comment on pending litigation."

Sources: Mark Schleifstein, *New Orleans Times-Picayune*, 10/28/14; and *Greenwire*, 10/29/14

[BACK TO TOP](#)

GAO Report Endorses MO River Management Decisions

A *Government Accountability Office* (GAO) report released in mid-September supports actions taken by the U.S. Army, Corps of Engineers (Corps) during the Missouri River floods of 2011 and a drought in 2012 and 2013. Damages caused by the 2011 floods spurred a major political outcry which culminated last March when some 200 farmers and landowners filed a lawsuit against the Corps accusing the agency of improper decisions. The landowners claimed the Corps de-emphasized flood control over the past decade in favor of protecting fish and wildlife along the waterway. That choice, they said, led to floods – and an unconstitutional taking of their land. The March/April/May 2014 issue of *River Crossings* discussed this issue.

Senators representing states along the length of the river asked the GAO to review the Corps' decisions about how and when to release water from Missouri River reservoirs to address flooding and drought problems. As a result a panel of nine experts and the *National Academy of Sciences* was convened by the GAO to address the issue. Panel members agreed that the 2011 floods were primarily precipitated by extreme rains in eastern Montana in May and June of 2011, which they said could not have been predicted more than a week in advance. Given that it would have taken the Corps several months to release enough water from reservoirs along the river to make space to capture all that runoff combined with snow melt, the experts said the Corps made the right decisions in releasing water as it did. Those releases peaked between late May and late June, when the agency was sending 160,000 cfs flows down the river.

In fact, one of the experts said that in order for the Corps to have released enough water from the dams in advance to make room to hold back the heavy spring rains without causing downstream flooding in the process, the agency would have needed to begin releasing water in October 2010 – far before forecasts were predicting intense spring rains. "Experts who participated in our meeting agreed that the Corps made appropriate release decisions during the flood and drought, given that neither the flood nor drought could have been predicted and the Corps' need to follow the guidelines in the *Master Manual*," the report states. "These experts did not suggest changes to the *Master Manual* due to the 2011 flood or subsequent drought."

The experts did recommend, however, that the Corps consider incorporating additional forecasting techniques into its processes. Specifically, they suggested the Corps incorporate probability-based techniques into runoff forecasts. The primary type recommended by the GAO experts was *ensemble forecasting*, which combines multiple forecasts to create a sample of potential future weather developments. The Corps said it had not weighed the benefits versus costs of using that type of forecasting, expressing concern about whether key players in the basin would understand such an approach. The Department of Defense, who oversees the Corps, agreed to consider the techniques in comments to the GAO report.

The GAO experts also noted the challenges facing the Corps as it attempts to balance eight competing authorized purposes of the Missouri River reservoirs, ranging from flood control to water supply to recreation and fish and wildlife habitat. Some of the experts wanted the Corps to restart a study that the agency had been working on for the two years in advance of the 2011 floods examining whether the purposes for which each of the reservoirs was authorized are still relevant today. That study, dubbed the *Missouri River Authorized Purposes Study*, was defunded by Congress in fiscal 2011 amid fears it could lead to a further de-emphasis on flood control.

Source: Annie Snider, *Greenwire*, 9/15/14

[BACK TO TOP](#)

Corps of Engineers Looking to Watershed-based Planning

The U.S. Army Corps of Engineers (Corps) has begun taking steps to assess the vulnerability of its infrastructure to the effects of climate change, and has discovered that ultimately the government may need to move to a watershed-based approach to planning, Lt. Gen. Thomas Bostick said in early November in discussing the agency's *Climate Change Adaptation Plan*. "Adaptation and preparation, or preparedness, are not an optional thing for the Corps of Engineers; it's something that we feel we have to do," he said.

The Corps builds many of the country's critical levees and storm protection systems, as well as dams that provide flood protection and water supply. It is also responsible for keeping rivers open for commercial navigation, and implementing ecosystem restoration

projects that can serve as storm buffers and pollution filters in their own right. So far, the Corps has looked at about 1,400 of its projects and found that about a third are vulnerable to potential changes, said Kate White, the Corps' lead for climate change. About 100 of those, she said, fell into the high or very high vulnerability category, which is where the Corps will begin focusing its attention.

Much of the challenge comes not in building the infrastructure, but in figuring out how to operate it during times of crisis. Floods and droughts can bring complicated political questions about where the water goes, and the Corps often finds itself smack-dab in the middle of those debates. For example, in 2011, the Mississippi River saw massive flooding that triggered political battles over whether to activate floodways – washing out farmers on prime agricultural land – or risk flooding communities upstream. Then, in 2012, the same region saw a drought that caused water levels on the heavily trafficked waterway to dip low enough to threaten barges' ability to operate along a key stretch.

“I will tell you, from a personal perspective, that time was as intense as the response to (Hurricane) Sandy, for me,” Bostick said. “The president, the White House were heavily engaged to ensure that we were able to get traffic moving – barge traffic moving along the Mississippi – and we were successful in doing that, but it took a significant response effort.” At the time, the barge industry and industries whose goods the barges take to market called for water to be released from dams upstream on the Missouri River to raise lower river water levels. But those reservoirs were not built with the purpose of providing water for navigation, and so, Bostick said, the Corps' hands were tied. Instead, the agency opted to blast rock pinnacles along the key stretch, essentially deepening the river.

Many argue that the Corps' rules for operating infrastructure are outdated. But updating the manuals can be an exceedingly difficult process, Bostick said. “Changing a water control manual, for example, on how we would operate a dam is a very difficult thing to do. I mean, some of these water control manuals have been fought over, debated over and developed over many, many years, and to change it, we must go through a long and arduous process.” Bostick said the Corps is going through this process in some cases, but “it takes all of the stakeholders to come together, it takes local leaders, both business and government, all the way up to the Congress in order to work together on making the appropriate changes.” Ultimately, Bostick said he believes the Corps and the country need to move toward a more systems-based approach to planning and managing water, rather than viewing individual projects in isolation.

For years, the Corps has been talking about the idea of taking a watershed-based approach to funding that would enable this sort of systems approach to thinking about how to reach its goals. Bostick said that his staff is still working on this and that he thinks such an approach could even reach beyond the Corps to include other agencies, but that it's not ready for prime time yet. But, he said, he believes it can be done. Given this likely future, the importance of groups like MICRA and the role they can play in future systemwide planning efforts can only be expected to increase.

Source: Annie Snider, *Greenwire*, 11/14/14

[BACK TO TOP](#)

Colorado Earthquakes Linked to Gas Drilling

There is “clear evidence” that gas drilling activities triggered the magnitude 5.3 earthquake that shook Colorado in August 2011, according to a U.S. Geological Survey (USGS) study. That rupture was the largest quake in a 13-year pattern of shaking along the New Mexico border, which the study links to disposal of waste water from coalbed methane production. “The earthquakes are clustered around wells that have been quite active since about a year before the earthquakes started,” said Art McGarr, one of four USGS scientists who worked on the study. The peer-reviewed study was published in the online version of the *Bulletin of the Seismological Society of America*. According to the study, there's been a big increase in earthquakes in the Raton Basin around Trinidad, CO, and the only other thing that has changed has been the arrival of new disposal wells.

But one of two companies producing gas in the area sharply disagrees. “We would categorically disagree,” said Jennifer Webster, spokeswoman for Irving, Texas-based *Pioneer Natural Resources Co.* “We're not seeing any connection with disposal activity in the area.” The area has a history of natural earthquakes, she noted. And for the past 18 months, *Pioneer* has been monitoring a sensitive array of 25 instruments in the area. Webster said the seismicity they detected is far from the injection wells and 2 miles deeper than the injection zone. The two companies are not engaged in high-volume hydraulic fracturing of shale formations. Instead, they are tapping into the natural gas found in coal formations of the Raton Basin. Coal beds are found much shallower than shale, but producing from them also creates significant amounts of wastewater.

From 1972 through July 2001, there was one quake in the area larger than magnitude 4. Then 12 occurred between August 2001 and 2013, mostly within 3 miles of active disposal wells. The study says the statistical likelihood that such a rate change would occur if earthquakes behaved randomly in time is 3 percent. In addition, earthquake activity remains low outside the drilling zone. As soon as the shaking started in 2001, seismologists were suspicious that the convulsions in the Raton Basin were linked to drilling. But for years, USGS scientists were equivocal. McGarr said by the time of the magnitude 5.3 earthquake, the relationship between injection and earthquakes was a lot more conclusive.

Seismologists at the agency put out new instruments, went back into the data they had gathered in the past 10 years and began to point the finger at drilling activity with increasing certainty. The series of foreshocks and aftershocks in 2011 was centered within 6 miles of five injection wells in the Raton Basin, the study says, two owned by *Atlas Resource Partners* (ARP) on the same site and three owned by *Pioneer*. All but one, the study says, are “high-injection-rate, high-volume wells.” The ARP wells are within 1.7 miles of where the 2011 sequence began. “The proximity of the [ARP] wells to the 2011 earthquake sequence also suggests that they are the wells most likely to have induced the earthquake sequence,” the study says.

There was drilling and disposal in the Trinidad area from 1994 through July 2001, with no uptick in earthquakes. But in early 2001, the study says, injection rates in the Colorado portion of the field dramatically increased, rising from a median rate of 500,000 barrels a month to 1.2 million barrels a month. The earliest earthquakes were located in the eastern portion of the gas field, shortly after six wastewater injection wells were put into operation. “Total injection volumes and the number of earthquakes roughly track each other,” the study says.

Source: Mike Soraghan, *EnergyWire*, 9/16/14

[BACK TO TOP](#)

Fracking Driller to Pay Millions for Stream Pollution

An oil and gas company will pay \$3 million in penalties and millions more to restore 15 sites damaged by illegal discharges of dredge-and-fill material in West Virginia. The terms came in an early September settlement between *Trans Energy Inc.* and the U.S. EPA, the Department of Justice and the West Virginia Department of Environmental Protection. The agencies say *Trans Energy* violated the Clean Water Act (CWA) in 2011 and 2012 by releasing dredge-and-fill material without a permit from EPA or the U.S. Army Corps of Engineers. According to federal and state investigations, *Trans Energy* filled streams with sand, dirt, rocks and other materials to build well pads, impoundments and other facilities for natural gas development. The discharges affected 13,000 feet of streams and more than an acre of wetlands in northern West Virginia’s Marshall, Wetzel and Marion counties. The counties sit above the natural-gas-rich *Marcellus Shale*.

The consent decree requires the company to reconstruct the streams, address other impacts and develop a program for future CWA compliance – together estimated to cost more than \$13 million. “We will continue to ensure that the development of our nation’s domestic energy resources, including through the use of hydraulic fracturing techniques, complies with the CWA and other applicable federal laws,” said Sam Hirsch, acting assistant attorney general of the Environment and Natural Resources Division of the Department of Justice. The \$3 million penalty will be split between the federal government and the West Virginia environmental agency.

Source: Ellen M. Gilmer, *EnergyWire*, 9/3/14

[BACK TO TOP](#)

Judge Upholds EPA Veto of WV Mountaintop-mining Project

A federal judge in late September upheld U.S. EPA’s 2011 retroactive Clean Water Act (CWA) permit veto of *Arch Coal Inc.’s Spruce No. 1* mountaintop-removal coal mining project in West Virginia. U.S. District Court for the District of Columbia Judge Amy Berman Jackson rejected *Arch’s* arguments against the court’s veto decision, which she deemed “reasonable, supported by the record and based on considerations within the agency’s purview.” Jackson’s ruling is only the latest milestone in the litigation, which has spanned four years. *Arch* has sought the CWA Section 404 permit for *Spruce* for more than a decade.

Jackson originally ruled against EPA, saying the agency violated the CWA with its veto of the permit four years after it was issued by the U.S. Army Corps of Engineers. But last year the U.S. Court of Appeals for the District of Columbia Circuit took a broader interpretation of EPA’s veto power. With the issue in her court, Jackson held three hours of oral arguments earlier this year. Even if EPA had the power to issue the veto, *Arch* attorneys argued, the agency made the wrong call in pulling the regulatory trigger. But Jackson remained unconvinced. She found, for example, that Section 404(c) of the CWA – the clause allowing for vetoes – did not require that the agency have new information to veto the permit. “The text of section 404(c) is silent on the issue of whether EPA must have substantial new information when exercising its veto authority after a permit issues,” Jackson wrote in a 50-page opinion.

Arch attorneys argued that EPA’s retroactive veto was an about-face by the agency. First it allowed the permit to move forward, they said, then it vetoed it under a new administration. “EPA was concerned about [*Arch* subsidiary] *Mingo Logan’s* proposed section 404 discharges from day one,” Jackson wrote, “and those same concerns supply the grounds for the Final Determination.” She added, “At the outset, the Court must recognize that EPA’s analysis of the effects of the section 404 discharges and its conclusion that those effects are unacceptable are entitled to deference.”

Arch attorneys also argued the agency usurped state authority under another part of the CWA, Section 402, by considering the

downstream impacts of the *Spruce* mine rather than potential site-specific harms. “Although it is true that West Virginia – in issuing the section 402 permit – reached the conclusion that the discharges from the sediment ponds were permissible despite any effects on downstream water quality,” Jackson wrote, “EPA’s separate determination that the same streams could have specific unacceptable consequences did not invade West Virginia’s regulatory sphere.”

Environmental advocates cheered the decision. “The coal industry has falsely painted the *Spruce* mine veto as an example of EPA overreach and a ‘war on coal,’ and this decision shows that EPA’s decision is based on clear scientific evidence of serious environmental harm from mining,” said Jim Hecker, attorney for the group *Public Justice*, which has worked with *Spruce* opponents. Pro-mining lawmakers on Capitol Hill are pushing legislation in response to the recent rulings in favor of EPA’s retroactive veto. Their measure would restrict EPA’s veto power. In a statement, *Arch* said, “We appreciate the court’s reiteration that finality in the permitting process is important, and believe that legislation is the clear next step in addressing the retroactive veto question.” The company said that it still believed EPA’s actions were arbitrary and capricious and that it was weighing its next steps with regard to the litigation.

Source: Manuel Quiñones, *Greenwire*, 10/1/14

[BACK TO TOP](#)

Lab Worker Pleads Guilty to Falsifying Coal Mine Compliance Tests

An employee of a West Virginia laboratory that helped monitor dozens of sites pleaded guilty in early October to conspiring to violate the Clean Water Act (CWA) by falsifying pollution tests. U.S. Attorney Booth Goodwin for the Southern District of West Virginia said John Shelton, who worked for *Appalachian Laboratories Inc.*, a company certified by state regulators to test pollution dumps from mining operations, diluted samples to ensure compliance. “Shelton admitted that they diluted samples by adding distilled water, and substituted water samples from the ‘honeyhole,’ designated as such because the samples were always within permissible limits,” said a release from Goodwin’s office. “Each time samples were diluted or water was substituted, Shelton allowed excessive pollutants to be discharged from mining operations into adjacent creeks and rivers,” the release said.

Shelton also admitted that he and other employees at *Appalachian Laboratories* failed to cool down samples with ice as required by law between 2008 and 2013. Shelton attempted to place blame with the mining companies during his plea hearing, according to a transcript obtained by *Greenwire*. Responding to a question from Judge Irene Berger, Shelton said he fudged the tests to “maintain the business with the coal companies that we were working for.” “The coal companies put a lot of pressure on the companies, smaller companies to get good water data. And that was it,” he said. But *West Virginia Coal Association* chief Bill Raney told *The Charleston Gazette*, “I have absolutely no knowledge of anything like that. You hope these kinds of things don’t ever occur. If that’s happening, it’s not happening in very many places.”

Documents show Shelton worked on the conspiracy with another lab worker, identified as *First Known Person*, and others. The FBI and U.S. EPA’s Criminal Investigation Division are active in the investigation. Environmental groups have long complained about problems with lab testing and record keeping of mine pollution compliance reports, including lax scrutiny by state regulators. In 2011, Kentucky lawmakers passed legislation to boost scrutiny of labs. *Appalachian Voices* campaigner Erin Savage said of the latest developments, “This shocking discovery further highlights the extreme need for state agencies to seriously re-evaluate their enforcement efforts and for the EPA to step in when the states do not properly enforce the law.”

The *Sierra Club* is calling on federal agencies like U.S. EPA to conduct an investigation into Appalachian water safety. The charge of conspiring to violate the CWA carries a penalty of up to five years in prison, a \$250,000 fine or three years’ supervised release. Sentencing is scheduled for Feb. 26, 2015.

Source: Manuel Quiñones, *Greenwire*, 10/10, 10/21 and 11/3/14

[BACK TO TOP](#)

Iowa Begins Enforcing Manure Runoff Rule

A new clean water rule in Iowa, designed to increase inspections of livestock farms and provide stricter enforcement when manure spills pollute waterways, took effect in late October. The new rule, supported by farm groups, establishes new permit processes for livestock farms but does not impose mandatory permits for farms that repeatedly spill manure, a measure some environmental groups wanted. The Iowa Department of Natural Resources (IADNR) signed a deal with the U.S. EPA in September 2013 to develop the new rule. The deal came after EPA threatened to take over federal Clean Water Act enforcement if the state didn’t toughen its enforcement. The EPA investigated Iowa’s practices after three environmental groups – *Iowa Citizens for Community Improvement (ICCI)*, the *Environmental Integrity Project* and the *Sierra Club Iowa Chapter* – petitioned the EPA in September 2007 to revoke Iowa’s authority to manage livestock farms and their impact on water. The EPA determined the IADNR was failing to adequately inspect farms, wasn’t levying fines for violators and wasn’t issuing permits to polluters.

But environmental groups say the new rule gives the IADNR too much latitude in deciding when to issue permits which would impose stricter guidelines on livestock operations and could force them to close if they repeatedly spill. “We’re finding that the IADNR is still failing at these things today,” said Barbara Lang, a retired Des Moines teacher and member of ICCI, a citizen action environmental group. Lang said the number of impaired lakes, rivers and streams in Iowa is increasing. “Something is wrong here,” she said. “We now have over 20 million hogs and there’s only so much you can do with the billions of gallons of manure they produce. It’s getting into our water.” The IADNR said its new rule largely adopts a federal rule because the State Legislature bars the agency from approving anything more stringent than federal law.

More than 60 manure spills have been reported in Iowa in the past year, including 11 since Sept. 1. One from a Guthrie County cattle feedlot dumped more than 200,000 gallons of liquid manure onto fields and possibly into a ditch. Another dairy farm spill in northwest Iowa killed more than 860,000 fish when manure flowed into Mill Creek. The farm has been ordered to pay more than \$160,000. Fines and other actions have been taken against some farms with recent spills, said IADNR spokesman Kevin Baskins. “Others are still under investigation and we haven’t gotten to the stage yet to determine the appropriate enforcement actions,” he said. “There’s a process that has to work here to be fair to everybody.” He said the new rule could lead to additional clean water permits but it depends on individual cases. If farm operators make repairs that prevent further manure discharges, a permit usually isn’t required. “It’s not as simple as just requiring every facility to get a permit,” he said.



Large Hog Farm Manure Lagoon - Tom Philpott, Mother Jones Photo.

Iowa, the nation’s leading corn, pork and egg producer, struggles with managing the waste generated by 60 million chickens, 20 million hogs, 9 million turkeys and 4 million cows. Three members of ICCI, including Lang, filed a lawsuit in August against the state environmental commission, seeking to overturn the new rule. The state filed a motion to dismiss in September, but a judge hasn’t ruled on it.

Sources: *AP/Des Moines Register*, 10/26/14; and *Greenwire*, 10/27/14

[BACK TO TOP](#)

Ohio River Basin Water Quality Trading Project

Last March watershed stakeholders in Ohio, Kentucky, and Indiana began purchasing water quality stewardship credits under a new three-year pilot program called the [Ohio River Basin Water Quality Trading Project](#). The project is the result of a 7-year planning and collaboration effort between the nonprofit *Electric Power Research Institute* (EPRI) and power companies, wastewater utilities, farmers, state and federal agencies, and environmental groups. The project allows wastewater dischargers to meet their nutrient reduction goals or requirements by purchasing credits from other stakeholders.

The first stewardship credit transaction took place on March 11, 2014, with the transfer of 9,000 credits at \$10 each to three utilities: *American Electric Power*, *Duke Energy*, and *Hoosier Energy*. Each credit sold was for a 3-year period, so the buyer was guaranteed nutrient reduction credits for 3 years in a row. Each credit represents roughly a pound’s worth of quantifiable nitrogen and phosphorus reductions achieved by implementing certain conservation practices. Each credit also represents other ancillary environmental benefits such as improved soil health, habitat enhancement, and reduced greenhouse gas emissions. The credits were generated by farmers who implemented conservation practices on their land that reduce nonpoint source contributions of nutrients into local water bodies.

Initial funds for the practices were provided by EPRI using private money. EPRI entered into 5-year and 10-year contracts with approximately 30 farmers initially and transferred the funds to them via the soil and water conservation districts. Another 20 farmers are expected to join the project by the end of 2014. The participating farmers use the funds to offset costs to plant cover crops, install heavy-use area protection practices, and implement milk house waste management and other conservation projects designed to reduce nitrogen and phosphorus loading into surface waters. The farmers are required to maintain these practices for the 5 or 10 years of the contract period, with options to renew after that time. For seasonal projects such as cover crops, the annual costs are outlined in the original application for funding and the farmer is reimbursed every year after the cover crop is planted. For structural projects (e.g., heavy-use area protection - see photo on next page), 100 percent of the costs occur in the first year. To ensure that the conservation projects achieve their estimated annual reductions, the state agriculture agency inspects and verifies each practice at least annually.

Each credit is then certified via desk audit by the state permitting authority before being offered for sale.

The money generated by the initial credit sale allowed EPRI to recoup the funds it provided to help farmers implement conservation practices in the first portion of the pilot project. “As the credit market gets going, the funds generated by transactions are expected to directly support ongoing conservation project implementation,” explained Jessica Fox, EPRI’s Water Quality trading Program manager. The project’s ultimate goal is to develop a self-sustaining, nutrient management program that is less reliant on state and federal funding sources. “The initial sale was a demonstration. It allowed us to analyze every aspect of the water quality trading system’s operation and see what needs to be improved,” explained Fox. “The companies that purchased the initial credits are using them to make progress toward sustainability goals, rather than to meet permit requirements.

Our goal is to sell an additional 80,000 credits this fall,” added Fox. The fall sale was conducted through online credit auctions allowing for the traditional supply-and-demand market forces to determine the costs of the credits. The fall auction again offered only “stewardship” credits, meaning that buyers must retire them for the public benefit and can apply them to manage supply chain impacts or meet sustainability objectives. EPRI will assess the success of the fall auction to determine whether to hold another auction within the pilot project time-frame.

If EPRI meets its goal of 80,000 additional credits sold throughout the Ohio River Basin, the 3-year-long pilot project will prevent an estimated 66,000 pounds of nitrogen and 30,000 pounds of phosphorus (equivalent to almost 3,000 50-pound bags of fertilizer) from entering the Ohio River. Depending on the success of the pilot project, EPRI might seek to expand the program over a larger geographic area. At full-scale (operating across the entire Ohio River basin), the water quality trading program could encompass up to eight states and potentially create a market for 46 power plants, thousands of wastewater utilities, and approximately 230,000 farmers to exchange water quality credits for nitrogen and phosphorus.

The water quality trading program includes a publicly accessible credit registry – a secure, online tracking system that follows a credit from creation to sale and provides the status of the credit over time. The registry allows interested parties to review information about the credits sold, including the type of conservation practice implemented to generate the credit, the 10-digit hydrologic unit code-level watershed in which the practice was implemented, the practice installation date, an estimate of the total number of credits generated for the site, all inspection and verification paperwork, and pictures of each completed practice. “We tried to find a middle ground where the public has access to information about the generation and sale of credits but the landowners can maintain their privacy,” explained Fox. Additional information about the project and other valuable educational resources can be found on [EPRI’s Ohio River Basin Water Quality Trading Project](#) website.

Source: *Nonpoint Source News-Notes*, September 2014, Issue #96

[BACK TO TOP](#)

Hazardous Mercury Levels Found in 1 of 4 Streams

One in four streams in the United States contains methylmercury levels above U.S. EPA’s criterion for protection of human health, according to a new report by the U.S. Geological Survey (USGS). The report, “[Mercury in the Nation’s Streams -- Levels, Trends and Implications](#),” found the highest levels of methylmercury – the form of atmospheric mercury that bioaccumulates in fish – in streams in the southeastern United States and in Western states with a history of gold and mercury mining activities. In the South, mercury levels are believed to be caused by more streams in the area that drain forested wetlands that are more conducive to a buildup of methylmercury. Even though urban streams pass through more industrial areas where inorganic mercury is present, they contained lower levels of methylmercury because fewer wetlands were present, the study said.

The report also noted that cutting mercury emissions would likely have a greater effect in the eastern United States than on the West Coast, where levels would be supplanted by Asian mercury emissions. “Understanding the source of mercury, and how mercury is transported and transformed within stream ecosystems, can help water resource managers identify which watersheds are most vulnerable to mercury contamination. They can then prioritize monitoring and management actions,” William Werkheiser, the



A farm’s livestock loafing area, before (top) and after (bottom) a heavy-use area protection practice was installed. EPRI Photo.

agency's associate director for water, said in a statement. Previous USGS research has found that lakes near urban areas have four times greater mercury loads than lakes in rural locations.

Source: Sam Pearson, *E&ENews PM Headlines*, 10/15/14

[BACK TO TOP](#)

Myths and Truths About the Proposed EPA/Corps CWA Rule

The U.S. EPA published the list of myths and truths displayed below on their [website](#) to address concerns and misconceptions about the new proposed EPA/U.S. Army Corps of Engineers rule to protect clean water. The proposed rule clarifies protection under the Clean Water Act for streams and wetlands that form the foundation of the nation's water resources. EPA emphasizes that the proposed rule cuts through red tape to make normal farming practices easier while also ensuring that waters are clean for human health, communities, and the economy.

MYTH: The rule would regulate all ditches, even those that only flow after rainfall.

TRUTH: The proposed rule actually reduces regulation of ditches because for the first time it would exclude ditches that are constructed through dry lands and don't have water year-round.

MYTH: A permit is needed for walking cows across a wet field or stream.

TRUTH: No. Normal farming and ranching activities don't need permits under the Clean Water Act, including moving cattle.

MYTH: Ponds on the farm will be regulated.

TRUTH: The proposed rule does not change the exemption for farm ponds that has been in place for decades. It would for the first time specifically exclude stock watering and irrigation ponds constructed in dry lands.

MYTH: Groundwater is regulated by the Clean Water Act.

TRUTH: The proposed rule specifically excludes groundwater.

MYTH: The federal government is going to regulate puddles and water on driveways and playgrounds.

TRUTH: Not remotely true. Such water is never jurisdictional.

MYTH: EPA is gaining power over farms and ranches.

TRUTH: No. All historical exclusions and exemptions for agriculture are preserved.

MYTH: Only the 56 conservation practices are now exempt from the Clean Water Act.

TRUTH: No. The proposal did not remove the normal farming exemption. It adds 56 beneficial conservation practices to the exemption, which is self-implementing.

MYTH: The proposed rule will apply to wet areas or erosional features on fields.

TRUTH: Water-filled areas on crop fields are not jurisdictional and the proposal specifically excludes erosional features.

MYTH: This is the largest land grab in history.

TRUTH: The Clean Water Act only regulates the pollution and destruction of U.S. waters. The proposed rule would not regulate land or land use.

MYTH: EPA and the Army Corps are going around Congress and the Supreme Court.

TRUTH: EPA and the Army Corps are responding to calls from Congress and the Supreme Court to clarify regulations. Chief Justice Roberts said that a rulemaking would provide clarification of jurisdiction.

MYTH: The proposal will now require permits for all activities in floodplains.

TRUTH: The Clean Water Act does not regulate land, and the agencies are not asserting jurisdiction over land in floodplains.

MYTH: This proposed rule will harm the economy.

TRUTH: Protecting water is vital to the health of the economy. Streams and wetlands are economic drivers because of their role in fishing, hunting, agriculture, recreation, energy, and manufacturing.

MYTH: The costs of this proposal are too burdensome.

TRUTH: The potential economic benefits of the proposed rule are estimated to be about double the potential costs – \$390 to \$510 million in benefits versus \$160 to \$278 million in costs.

MYTH: This is a massive expansion of federal authority

TRUTH: The proposal does not protect any waters that have not historically been covered under the Clean Water Act. The proposed rule specifically reflects the more narrow reading of jurisdiction established by the Supreme Court and protects fewer waters than prior to the Supreme Court cases.

MYTH: This is increasing the number of regulated waters by including waters that do not flow year-round as waters of the U.S.

TRUTH: Streams that only flow seasonally or after rain have been protected by the Clean Water Act since it was enacted in 1972. More than 60 percent of streams nationwide do not flow year-round and contribute to the drinking water supply for 117 million Americans.

MYTH: Only actual navigable waters can be covered under the Clean Water Act.

TRUTH: Court decisions and the legislative history of the Clean Water Act make clear that waters do not need actual navigation to be covered, and these waters have been protected by the Clean Water Act since it was passed in 1972.

MYTH: The proposal sets no limits on federal jurisdiction.

TRUTH: The proposed rule does not protect any types of waters that have not historically been covered under the Clean Water Act

and specifically reflects the Supreme Court's more narrow reading of jurisdiction, and includes several specific exclusions.

MYTH: This is about little streams in the middle of nowhere that don't matter.

TRUTH: Everyone lives downstream. This means that our communities, our cities, our businesses, our schools, and our farms are all impacted by the pollution and destruction that happens upstream.

MYTH: The proposal infringes on private property rights and hinders development.

TRUTH: EPA, the Army Corps, and states issue thousands of permits annually that allow for property development and economic activity in ways that protect the environment. The proposed rule will help reduce regulatory confusion and delays in determining which waters are covered.

MYTH: Stakeholders were not consulted in the development of the proposed rule.

TRUTH: This is a proposal. Agencies are seeking public comment and participating in extensive outreach to state and tribal partners, the regulated community including small business, and the general public.

MYTH: The federal government is taking authority away from the states.

TRUTH: The proposed rule fully preserves and respects the effective federal-state partnership and federal-tribal partnership established under the Clean Water Act. The proposed rule will not affect state water laws, including those governing water supply and use.

MYTH: Nobody wanted a rulemaking to define Waters of the U.S.

TRUTH: A rulemaking to provide clarity was requested by the full spectrum of stakeholders – Congress, industry, agriculture, businesses, hunters and fisherman, and more.

MYTH: This rule is coming before the science is available.

TRUTH: EPA's scientific assessment is based on more than 1,000 pieces of previously peer-reviewed and publicly available literature. The rule will not be finalized until the scientific assessment is finalized.

David Petty, *Aquatic Ecosystem Restoration Foundation* (AERF) Editor, noted that while the US EPA published the questions and answers listed above on their website, they don't discuss the core of the issue, the expansion of the definition of the waters covered by the act. More facts about the proposal can be found at: www.epa.gov/ditchthemyth.

Source: *AERF News*, September 2014, No. 11

[BACK TO TOP](#)

Scientific Advisory Board Supports USEPA Report

A report released in mid October by the Science Advisory Board (SAB) supports the U.S. EPA [synthesis of the scientific literature](#) on how different types of streams and wetlands are connected to downstream waters. The SAB states that the EPA report "reflects the pertinent literature and is well grounded in current science." The scientific review process has become a lightning rod in the battle over the Obama administration's proposed rule to increase the number of streams and creeks that receive automatic Clean Water Act protection following two muddled Supreme Court decisions.

The [SAB review](#) agreed with the EPA's connectivity report findings that all tributary streams, including those that flow only during certain times of year or after rainfall, have a strong influence on downstream waters, and that all streams and wetlands within a river's floodplain have an important influence. The Obama Administration's proposed rule would put both of these types of waters under automatic federal jurisdiction. However, the board disagreed with the report's third finding, namely that there was not enough evidence to generalize about the connectivity of waters like prairie potholes – waters and wetlands outside the floodplain that don't physically connect to a downstream water. This category of waters, called "geographically isolated wetlands," was thrown into jurisdictional confusion following a 2001 Supreme Court decision. "The SAB disagrees with this overall conclusion," the board wrote. "To the contrary, the SAB finds that the scientific literature provides ample information to support a more definitive statement."

Waters and wetlands outside the floodplain fall under the category of "other waters" in the administration's proposed rule, which would require regulators to make case-by-case calls about how important an individual stream or wetland is to larger downstream waters, and thus whether it falls under federal jurisdiction. This type of individual analysis is labor-intensive and subjective, and as a result, environmentalists and sportsmen's groups say, many of the "other waters" simply don't get protected. They have argued that categories of waters, like the Great Plains' prairie potholes and the arid West's playa lakes, should be evaluated as a unit and ruled in or out by category. Jan Goldman-Carter, senior manager of wetlands and water resources at the *National Wildlife Federation*, said the SAB conclusion could open the door to such an approach. "I think it pushes things more in the direction of some kind of provision in the rule that is more protective of at least some non-floodplain wetlands than the case-by-case," she said.

The SAB review also urged EPA to bolster its evidence on how a number of similar waters or wetlands in a region together influence downstream waters. This touches on a hot button within the regulatory debate. The proposed rule would have regulators consider not just the value of a single stream or wetland, but the value of that stream in combination with other nearby features – a concept called "aggregation." Supporters say that this captures important ecological functions, but opponents say it's a way of making insignificant waters seem more important. "The SAB recommends that the Report more explicitly address the scientific literature on cumulative

and aggregate effects of streams, groundwater systems, and wetlands on downstream waters,” the report states.

The new SAB review follows a previous endorsement from the board of the agency’s overall water rule. In a letter sent to EPA Administrator Gina McCarthy in late September, the board said “the available science provides an adequate scientific basis for the key components of the proposed rule”. Supporters of the rule have said that these two scientific endorsements should pave the way toward finalization of the proposed rule. But opponents argue that the conclusions mean little to the regulatory process.

Source: Annie Snider, *Greenwire*, 10/23/14

[BACK TO TOP](#)

Report by Sportsmen’s Group Faults State Takeovers of Federal Lands

The transfer of federal lands to Western states could harm sportsmen and women by reducing access to quality wildlife habitat, according to a new [report](#) by the group *Backcountry Hunters and Anglers* (BHA). The report urges hunters and anglers to “push back against the special interests that want to sell your land” and lobby public officials to maintain the federal estate. The national sportsmen’s group, based in Missoula, MT, and led by a former Democratic activist, is fighting efforts by conservative politicians in Washington, D.C., and across the West for states to “take back” federal lands. “Specific proposals about ‘transferring’ or privatizing public land vary in details. But they share a common feature: They would wrest the public estate from its owners, the American people,” the report said. “They leave no guarantees that our access to hunting and fishing would be maintained in either the short or long term.” The report tells readers that, as American citizens, “you are part owner of the largest piece of public real estate in the world.” Federal lands are increasingly valuable to sportsmen as private hunting grounds like farms are converted to strip malls and subdivisions, the report said. Lack of access to quality habitat is the primary reason hunters and anglers quit their pastime, the report added.

Legal experts say state takeovers of public lands are a legal and political long shot, but the issue has garnered lively debate in recent years in states including Utah, Arizona, Idaho and Montana. Western attorneys general – including those who recently won election in Colorado and Utah – have signaled plans to build a West-wide coalition and possibly sue the federal government for its lands. Proponents, including the *American Lands Council* (ALC) led by Utah Republican state Rep. Ken Ivory, insist that state ownership of public lands would not block access. A [policy statement](#) ALC ratified this fall pledges to “protect public access, rights of way and multiple-uses on public lands for all people including sportsmen, tourists, recreational users, subsistence and sustenance activities, and emergency access.” ALC’s platform also does not seek to take over federal wilderness areas – which are presumably of high priority for backcountry sportsmen. Takeover proponents argue states could manage forests more aggressively to reduce insect epidemics and wildfires while responsibly developing mineral resources – all without the drag of lengthy environmental reviews required on federal lands.

The BHA report acknowledges the uncertainty of how federal lands would be managed by states, but it argues that states have a poor record of keeping their own lands open to recreation. A chart shows that states have already sold a significant portion of the tens of millions of acres of trust lands they were granted at statehood. Those that remain are managed, by law, in large part to generate revenue, and hunting and angling is not always allowed or free as it is on federal lands. If states took over federal tracts, it is unclear whether those who live out of state would remain stakeholders in deciding how they are managed. “Today, the opponents of public land are well funded and better organized than ever,” the BHA report said. “Hunters and anglers must stand up together to defend our rights.”

Source: Phil Taylor, *Greenwire*, 11/14/14

[BACK TO TOP](#)

Watchdog Sets Up Legal Defense Group for Scientists

Public Employees for Environmental Responsibility (PEER) has set up a new group to help defend public scientists in court. PEER announced in mid-October that it had created the [Alliance for Legal Protection of Science](#) (ALPS) to defend scientists free of charge when they are faced with litigation. PEER officials have begun contacting attorneys across the country to be part of the pro-bono legal pool, and PEER’s own attorneys will also help with the effort. “Science should be unfettered from politics and money, but it’s not, unfortunately, in this country. We want to provide this service so science can come out,” Kyla Bennett, PEER’s New England director, said in an interview. “We want to try to eliminate some of those pressures.” Bennett, who worked for EPA Region 1, will be program director for the legal defense campaign. PEER will also set up a presence online for scientists to schedule meetings with lawyers and access information about their rights. ALPS will help scientists working in public universities and at federal agencies deal with their critics’ tactics to sideline their work, through tactics which have included large public records requests and lawsuits.

The PEER effort seeks to build off of a similar campaign known as the [Climate Science Legal Defense Fund](#) that defended researchers from requests for their emails and other documents. That group had some success, helping University of Virginia professor Michael

Mann deal with litigation. Bennett said she believes public university professors will be one of ALPS's biggest groups of clients. "I think those people are really at risk. They are on the cutting edge of research. They get grants from the federal government and foundations. But they're under immense pressure to toe the party line as public employees," Bennett said. The group also expects to defend scientists working in government. Bennett noted that scientific research is going on at federal agencies, such as U.S. EPA, on vital issues such as pesticides and toxic chemicals as well as air and water quality. "There is a lot of money at stake for people out there, in industry," Bennett said. "Science has the potential to direct regulations at the federal and state level. Those regulations can make or break certain businesses. That's what it boils down to."

Source: Kevin Bogardus, *Greenwire*, 10/10/14

[BACK TO TOP](#)

NOAA Reports Warmest Year in History

Despite the unusually cooler temperatures experienced in parts of the Midwest this year, scientists are now sure that this year will be the hottest on record for the planet as a whole. The only question is how much hotter will it be than 2010, the previous hottest year in the 135-year temperature record. Remarkably, the 2014 temperature record would be set in the absence of an El Niño, the global circulation pattern that contributed to temperature records in 2010, 2005 and 1998. Global temperatures over the land and oceans in October averaged 50.6 °F, 1.9 °F above the 20th-century average, NOAA officials said. Driving the heat up are the oceans, which warmed in October by 1.12 °F above the 20th-century average. That's the warmest the global oceans have ever been since modern measurements began, said Axel Timmermann, oceanography professor at the *International Pacific Research Center* in Hawaii.

Scientists do not know what is driving the ocean warming, which is not localized to any particular region, but they think it is linked to climate change. "The warmth around the global oceans is truly around the global oceans," Deke Arndt, chief of the climate monitoring branch at NOAA's National Climatic Data Center said. The oceans absorb a significant portion of the energy trapped by greenhouse gases. "With increasing greenhouse gas emissions, we expect to see the lower part of the atmosphere and the surface of the planet heat up," Arndt said. "What we see this year is entirely consistent with that."

Meanwhile, the huge snowfall (up to 85 inches) that fell on Buffalo, NY in mid-November was truly a remarkable event, but it does not mean global warming is any less a reality as some climate deniers have claimed. In fact, the snowfall was triggered by the proximity of the region to Lake Erie and according to climate scientists by a strong typhoon, *Supertyphoon Nuri*, that formed in the North Pacific in early November. The weather system associated with *Nuri* nudged the jet stream downward, bringing a blast of cold air over upstate New York, according to NASA officials. The cold, dry air collected moisture from the surface of Lake Erie and dumped it as snow over the surrounding regions.

Source: Joshua Learn, *ClimateWire*, 10/14/14 and Gayathri Vaidyanathan, *ClimateWire*, 11/21/14

[BACK TO TOP](#)

Ecosystem Valuation Toolkit Available Online

The nonprofit group *Earth Economics* developed [The Ecosystem Valuation Toolkit](#), a comprehensive collection of online tools and resources designed to help planners, watershed managers, forest owners, natural resource agencies, scholars, and businesses research and communicate the value of ecosystem services. The *Ecosystem Valuation Toolkit* offers (1) *SERVES*, a self-service tool for ecosystem service valuation and natural capital appraisal; (2) a *Researcher's Library*, with a community research platform for ecosystem service valuation studies; (3) the *Repository*, the world's largest database of published valuation data; and (4) the *Resource Library*, materials for education, best practices, communication, policy, and more.

Source: *Nonpoint Source News-Notes*, September 2014, Issue #96

[BACK TO TOP](#)

Meetings of Interest

Jan. 27-28: [Aquatic Invasive Species Summit: Boat Design and Construction in Consideration of AIS](#), Las Vegas, NV.

Feb. 8-11, 2015: [75th Midwest Fish and Wildlife Conference](#), Indianapolis, IN.

Mar. 22-26, 2015: [Upper Mississippi River Conservation Committee and Freshwater Mollusk Conservation Society Joint Meeting](#), St. Charles, MO.

Jun. 14-19, 2015: [Catchment Science: Interactions of Hydrology, Biology, and](#)

[Geochemistry 2015](#), Andover, NH

Aug. 23-28, 2015: [4th Biennial Symposium of the International Society for River Science \(ISRS\)](#), La Crosse, WI

[BACK TO TOP](#)

Congressional Action Pertinent to the Mississippi River Basin

Climate Change

S. 7. Reid (D/NV) and 21 Co-sponsors. Promotes investment to ensure resilience to extreme weather and disasters and ensures that the federal government is a leader in reducing pollution, promoting the use of clean energy sources, and improving energy efficiency.

S. 332. Sanders (I/VT) and Boxer (D/CA). Addresses climate disruptions, reduces carbon pollution, enhances the use of clean energy, and promotes resilience in the infrastructure of the U.S., and for other purposes.

S. 659. Wyden (D/OR) and **H.R. 518,** Markey (D/MA) and 14 Co-sponsors. Reauthorizes and amends the *Reclamation States Emergency Drought Relief Act of 1991*, and for other purposes.

S. 1202. Whitehouse (D/RI) and Baucus (D/MT). Requires establishment of an interagency *Natural Resources Climate Change Adaptation Panel* to adopt the *National Fish, Wildlife, and Plants Climate Adaptation Strategy* and review and revise such strategy every four years.

H.R. 3988. Huffman (D/CA) and 12 Co-sponsors. Supplements Corps of Engineers (Corps) authorities to change reservoir operations in order to meet the needs of climate change.

H.R. 4461. Honda (D/CA) and 13 Co-sponsors. Requires NOAA to establish a Climate Change Education Program and to establish a grant program for climate change education.

H.R. 5065. Cartwright (D/PA) and 16 Co-sponsors. Establishes an integrated Federal program to respond to impacts of extreme weather and climate change by protecting, restoring, and conserving the natural resources of the U.S., and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

Conservation

S. 51. Boxer (D/CA) and 11 Co-sponsors and **H.R. 263,** Grimm (R/NY) and Dingell (D/MI). Reauthorizes the *National Fish*

and Wildlife Foundation.

S. 327. Barrasso (R/WY) and 10 Co-sponsors and **H.R. 2401,** Cotton (R/AR) and LaMalfa (R/CA). Authorizes the Secs. of Agriculture and Interior to enter into cooperative agreements with states authorizing state foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S. 338. Baucus (D/MT) and 42 Co-sponsors and **H.R. 2727,** McKinley (R/WV) and 15 Co-sponsors. Amends the *Land and Water Conservation Fund Act of 1965* to provide consistent and reliable authority and funding for it, and for other purposes.

S. 526. Baucus (D/MT) and 25 Co-sponsors and **H.R. 2807,** Gerlach (R/PA) and 221 Co-sponsors. Amends the IRS Code to make permanent tax deductions for charitable contributions of real property interests for conservation purposes, and for other purposes.

S. 632. Mc Cain (R/AZ) and 19 Co-sponsors and **H.R. 1313,** Hartzler (R/MO) and 64 Co-sponsors. Repeals a provision of the *Food, Conservation, and Energy Act of 2008* establishing an inspection and grading program for catfish and other species of farm-raised fish or shellfish.

S. 741. Vitter (R/LA) and 15 Co-sponsors and **H.R. 2208,** Whittman (R/VA) and 9 Co-sponsors. Extends the *North American Wetlands Conservation Act* through 2017.

S. 923. Udall (D/NM) and **H.R. 1890,** Blumenauer (D/OR) and 25 Co-sponsors. Amends the *Food Security Act of 1985* to make a producer violating certain conservation requirements under the highly erodible land or wetland programs ineligible for federal crop insurance premiums.

S. 1441. Bennet (D/CO) and 3 Co-sponsors and **H.R. 3023,** Gardner (R/CO) and 6 Co-sponsors. Amends the IRS Code to facilitate water leasing and water transfers to promote conservation and efficiency.

S. 2080. Cardin (D/MD) and 2 Co-sponsors. Authorizes appropriation of \$29 million over the 2015-2018 period for the Department of the Interior to fund projects to conserve fish habitats, and for other

purposes.

S. 2636. Begich (D/AK) and Murkowski (R/AK) and **H.R. 4721,** Young (R/AK). Amends the IRS Code of 1986 to encourage charitable contributions of real property for conservation purposes by Native Corporations.

H.R. 48. Bishop (D/NY) and Hanna (R/NY). Amends the IRS Code to allow installment sales treatment for land sold to a governmental unit or tax-exempt charitable organization for conservation purposes even though the purchase funds for such sale are held in a sinking or similar fund, as required by state law.

H.R. 638. Fleming (R/LA) and 13 Co-sponsors. Amends the *National Wildlife Refuge System Administration Act of 1966* to require that any new national wildlife refuge may not be established except as expressly authorized by statute.

H.R. 910. Fleming (R/LA). Reauthorizes Title 1 of the *Sikes Act* through 2019.

H.R. 1080. Bordallo (D/GU). Amends the *Sikes Act* to promote use of cooperative agreements for land management related to the Department of Defense on military readiness activities.

H.R. 1611. Ribble (R/WI). Authorizes use of Forest Service funds derived from conservation-related programs executed on National Forest System lands to utilize the *Agriculture Conservation Experienced Services Program* to provide technical services for conservation-related programs and authorities carried out on such lands.

H.R. 1788. Bachmann (R/MN) and 10 Co-sponsors. Amends the *Migratory Bird Treaty Act* to delegate double-crested cormorant management authority to a state on the date the Interior Secretary approves a cormorant management plan submitted by such state, and for other purposes.

H.R. 2261. Crawford (R/AR) and 6 Co-sponsors. Ensures continuation of successful fisheries mitigation programs by imposing charges for such mitigation on the federal agency developing an impacting project, and for other purposes.

H.R. 2714. Meadows (R/NC). Amends the IRS Code to allow taxpayers to assign to another taxpayer the amount of the unused charitable deduction for qualified conservation contributions.

H.R. 4551. Gibson (R/NY) and 14 Co-sponsors. Amends the *Cooperative Forestry Assistance Act of 1978* to authorize states to allow certain entities to acquire, hold, and manage conservation easements under the forest legacy program.

H.R. 4790. Hastings (D/FL) and 12 Co-sponsors. Authorizes use of federal funds for the provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees that is related to a federally-funded transportation project.

H.R. 5026. Gosar (R/AZ) and 13 Co-sponsors. Prohibits closing or repurposing any propagation fish hatchery or aquatic species propagation program of the U.S. Department of the Interior unless such action is expressly authorized by an Act of Congress, and for other purposes.

H. R. 5220. Graves (R/MO). Amends the Land and Water Conservation Fund to limit the use of funds available for maintenance.

Endangered Species

S. 19. Cornyn (R/TX) and 17 Co-sponsors and **H.R. 1314,** Flores (R/TX) and 6 Co-sponsors. Amends the Endangered Species Act (ESA) to establish a procedure for approval of certain settlements.

S. 1175. Feinstein (D/CA) and **H.R. 2280,** Calvert (R/CA). Requires that the Treasury Secretary establish a program to provide loans and loan guarantees to enable state political subdivisions to acquire interests in real property pursuant to habitat conservation plans approved under the ESA, and for other purposes.

S. 1731. Paul (R/KY) and 2 Co-sponsors and **H.R. 3533,** Amodei (R/NV). Amends the ESA to permit state Governors to regulate intrastate endangered and threatened species, strips the protection from many currently listed species and their habitats, and for other purposes.

S. 2084. Pryor (D/AR) and Landrieu (D/

LA) and **H.R. 4319,** Crawford (R/AR) and 30 Co-sponsors. Amends the ESA to require the Interior Secretary to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published.

S. 2630. Enzi (R/WY) and 4 Co-sponsors. and **H.R. 4317,** Neugebauer (R/TX) and 29 Co-sponsors. Amends the ESA to require disclosure to the states of the basis of determinations under the Act, and for other purposes.

S. 2635. Cornyn (R/TX) and 5 Co-sponsors, and **H.R. 4315** Hastings (R/WA) and 28 Co-sponsors. Amends the ESA to require Internet publication of the basis for threatened and endangered species determinations, and for other purposes.

S. 2729. Pryor (D/AR) and Boozman (R/AR). Amends the ESA to require publication of a public comment draft economic analysis at the time a proposed rule to designate critical habitat is published.

S. 2748. Lee (R/UT) and **H.R. 4318.** Huizenga (R/MI) and 28 Co-sponsors. Amends the ESA to conform citizen suits under that Act with other existing law, and for other purposes.

S. 2752. Lee (R/UT) and **H.R. 4316,** Lummis (R/WY) and 26 Co-sponsors.. Amends the ESA to improve the disclosure of certain expenditures under that Act, and for other purposes.

H.R. 576. Stockman (R/TX) and 2 Co-sponsors. Amends the ESA to provide for captive breeding and for other purposes.

H.R. 1866. Young (R/AK). Amends the ESA to promote sustainable-use conservation to harmonize it with the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), and for other purposes.

H.R. 4256. Stewart (R/UT) and 3 Co-sponsors. Amends the ESA to require counting the number of the species occurring on state and private lands before listing as endangered or threatened.

H.R. 4284. Neugebauer (R/TX) and 4 Co-sponsors. Amends the ESA to encourage greater state input and authority over

species and habitat management by allowing states to propose and implement state Protective Action before species are listed under that Act, and for other purposes.

H.R. 5329. Conaway (R/TX) and 7 Co-sponsors. Amends the ESA to require establishment of objective numerical recovery goals for removal of species from lists of endangered and threatened species under that Act, and for other purposes.

Energy

S. 279. Tester (D/MT) and 9 Co-sponsors and **H.R. 596,** Gosar (R/AZ) and 61 Co-sponsors. Promotes development of renewable energy on public lands, and for other purposes.

S. 545. Murkowski (R/AK) and 12 Co-sponsors and **H.R. 267,** McMorris-Rodgers (R/WA) and 9 Co-sponsors. Improves hydropower, and for other purposes.

S. 1233. Inhofe (R/OK) and 13 Co-sponsors and **H.R. 2511** Black, (R/TN) and 37 Co-sponsors. Authorizes states to develop all forms of energy resources on available federal land in the state including meeting the requirements of the ESA and NEPA.

S. 1234. Inhofe (R/OK) and 18 Co-sponsors and **H.R. 2513,** Gohmert (R/TX) and 11 Co-sponsors. Gives states sole authority to regulate hydraulic fracturing on Federal lands within their boundaries.

S. 1482. Hoeven, (R/ND) and 4 Co-sponsors. Prohibits the Interior Secretary from issuing or promulgating any guideline or regulation relating to oil or gas exploration or production on federal land in a state if the state has otherwise met the requirements under applicable federal law, and for other purposes.

S. 2010. Barrasso (R/WY) and **H.R. 1963.** Daines (R/MT) and 4 Co-sponsors. Amends the *Water Conservation and Utilization Act* to authorize development of non-Federal hydropower and issuance of leases of power privileges at projects.

S. 2280. Hoeven (R/ND) and 55 Co-sponsors. Approves the Keystone XL Pipeline.

H.R. 334. Poe (R/TX) and 42 Co-sponsors. Approves a specified permit regarding certain energy-related facilities

and land transportation crossings on the international boundaries of the U.S. for the Keystone XL pipeline project.

H.R. 1235. Hartzler (R/MO) and 5 Co-sponsors. Amends the *Federal Power Act* to prohibit FERC from considering public use and environmental purposes in issuing a license for a project in a state whose law expressly authorizes such a prohibition.

FWPCA and Water Quality

S. 496. Pryor (D/AR) and 11 Co-sponsors and **H.R. 311,** Crawford (R/AR) and 73 Co-sponsors. Directs the USEPA to change the *Spill Prevention, Control, and Countermeasure* rule with respect to certain farms.

S. 802. Hagan (D/NC) and 13 Co-sponsors and **H.R. 935,** Gibbs (R/OH) and 61 Co-sponsors. Clarifies Congressional intent regarding regulation of pesticide use in or near navigable waters, and for other purposes.

S. 830. Manchin (D/WV) and 6 Co-sponsors and **H.R. 524,** McKinley (R/WV) and 13 Co-sponsors. Amends the FWPCA to clarify and confirm USEPA authority to deny or restrict use of defined areas as disposal sites for discharge of dredged or fill material.

S. 861. McConnell (R/KY) and Paul (R/KY) and **H.R. 1829,** Capito (R/WV) and 21 Co-sponsors. Amends the FWPCA to provide guidance and clarification regarding issuance of new and renewal permits, and for other purposes.

S. 890. Paul (R/KY) and 8 Co-sponsors and **H.R. 3377,** Thornberry (R/TX) and 32 Co-sponsors. Prohibits FWPCA activities carried out by the USEPA or the Corps from impinging upon states' power over land and water use, clarifies the definition of navigable waters, and for other purposes.

S. 1006. Barrasso (R/WY) and 27 Co-sponsors. Preserves existing rights and responsibilities with respect to waters of the U.S.

S. 1343. Grassley (R/IA) and 5 Co-sponsors and **H.R. 4157** Crawford (R/AR) and 15 Co-sponsors. Prohibits the USEPA, or any USEPA contractor or cooperator, from

disclosing any information regarding the location of the owner, operator, livestock, or employee of any CAFO regulated under the Clean Water Act (CWA).

S. 1470. Kaine (D/VA) and Warner (D/VA) and **H.R. 2937,** Hurt (R/VA) and 7 Co-sponsors. Amends the FWPCA with respect to the guidelines for specification of certain disposal sites for dredged or fill material.

S. 1961. Manchin (D/WV) and 5 Co-sponsors and **H.R. 4024,** Capito (R/WV). Protects navigable waters from contamination by chemical storage facilities, and for other purposes.

S. 2094. Begich (D/AK) and 32 Co-sponsors. Requires the U.S. Coast Guard to establish and implement enforceable uniform national standards for the regulation of discharges incidental to the normal operation of a vessel into navigable waters.

S. 2225. Udall (D/NM) and Chambliss (R/GA), and **H.R. 5149,** McNeerney (D/CA) and Kinzinger (R/IL). Directs the Secretary of Energy (DOE) to establish and carry out a smart water management pilot program..

S. 2226. Udall (D/NM) and 2 Co-sponsors and **H.R. 123,** Holt (D/NJ) and Miller (D/CA). Establishes a *WaterSense* program within the USEPA.

S. 2496. Barrasso (R/WY) and 38 Co-sponsors, **H.R. 5078,** Southerland (R/FL) and 120 Co-sponsors. Preserves existing rights and responsibilities with respect to waters of the U.S.

S. 2798. Portman (R/OH) and Brown (D/OH) and **H.R. 5456,** Latta (R/OH) and 11 Co-sponsors. Requires NOAA to create an electronic database of research and information on the causes of, and corrective actions being taken with regard to, algal blooms, and for other purposes..

S. 2902. Gillibrand (D/NY) and **H.R. 4895,** Pallone (D/NJ) and 3 Co-sponsors. Amends the Federal Food, Drug, and Cosmetic Act to prohibit, beginning January 1, 2018, the distribution of a cosmetic that contains synthetic plastic microbeads.

H.R. 1175. Cartwright (D/PA) and 70 Co-

sponsors. Amends the FWPCA to direct the Interior Secretary to conduct a study with respect to stormwater runoff from oil and gas operations, and for other purposes.

H.R. 1296. Miller (R/CA) and 4 Co-sponsors. Amends the FWPCA to clarify a maintenance exemption regarding the removal of sediment, debris, and vegetation from certain structures.

H.R. 1304. Walberg (R/MI) and 19 Co-sponsors. Permits the chief executive of a state to create an exemption from certain requirements of Federal environmental laws for producers of agricultural commodities, and for other purposes.

H.R. 1837. Pallone (D/NJ) and 93 Co-sponsors. Amends the FWPCA to clarify that fill material cannot be comprised of waste.

H.R. 1877. Bishop (D/NY) and 40 Co-sponsors. Amends the FWPCA to authorize appropriations for state water pollution control revolving funds, and for other purposes.

H.R. 1887. Engel (D/NY) and 3 Co-sponsors. Amends the IRS Code to deny all income tax credits and deductions to an offending oil polluter, and for other purposes.

H.R. 1948. Mica (R/FL) and 2 Co-sponsors. Amends the FWPCA to preserve the authority of each state to make determinations relating to the state's water quality standards, and for other purposes.

H.R. 2581. Hurt (R/VA) and 9 Co-sponsors. Replaces the need for an FWPCA permit for the discharge of dredged or fill material into navigable waters for projects which bring waters into uses for which they were not previously subject and where the flow or circulation of such waters may be impaired or the reach of such waters may be reduced with a requirement that a permit be obtained for any such discharge that is not currently exempted from permit requirements.

H.R. 2850. Smith (R/TX) and 2 Co-sponsors. Oversees review and release of the USEPA study on the impacts of hydraulic fracturing.

H.R. 2948. Matheson (D/UT) and Harper

(R/MS). Requires analyses of the cumulative and incremental impacts of certain rules and actions of the USEPA, and for other purposes.

H.R. 3464. LoBiondo (R/NJ) and 10 Co-sponsors. Amends the FWPCA to prohibit a permit from being required under such Act for a discharge incidental to the normal operation of a commercial vessel, and for other purposes.

H.R. 3582. Blumenauer (D/ID) and 7 Co-sponsors. Amends the IRS Code to establish a *Water Infrastructure Investment Trust Fund* for the USEPA to use in making capitalization grants under the CWA.

H.R. 4012. Schweikert (R/AZ) and 52 Co-sponsors. Prohibits the USEPA from releasing a regulation or related action without publicly disclosing the technical backing.

H.R. 4739. Reed (R/NY) and 4 Co-sponsors. Authorizes USEPA to make grants to reduce the discharges of nitrogen, phosphorus, or sediment (pollutants) in an area that is subject to a total maximum daily load (TMDL) for those pollutants

H.R. 4854. Gibbs (R/OH) and 20 Co-sponsors. Amends the FWPCA to clarify when the USEPA Administrator has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, and for other purposes.

H.R. 5071. Ribble (R/WI) and 68 Co-sponsors. Preserves existing rights and responsibilities with respect to non-prohibited discharges of dredged or fill material under the CWA.

Grazing

S. 258. Barrasso (R/WY) and 8 Co-sponsors and **H.R. 657**, and 15 Co-sponsors. Amends the *Federal Land Policy and Management Act of 1976* to improve management of grazing leases and permits, and for other purposes.

Invasive Species

S. 125. Brown (D/OH) and 5 Co-sponsors and **H.R. 358**, McCollum (D/MN) and 26 Co-sponsors. Authorizes multi-agency ef-

fort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins.

S. 248. Begich (D/AK) and 2 Co-sponsors and **H.R. 584**, Young (R/AK) and 23 Co-sponsors. Amends the *Federal Food, Drug, and Cosmetic Act* to require labeling of genetically engineered fish.

S. 365. Klobuchar (D/MN) and Franken (D/MN) and **H.R. 709**, Ellison (D/MN) and 3 Co-sponsors. Authorizes the Corps to take actions to manage the threat of Asian carp traveling up the Mississippi River in the State of Minnesota, and for other purposes.

S. 1153. Gillibrand (D/NY) and 3 Co-sponsors and **H.R. 996**, Slaughter (D/NY) and 32 Co-sponsors. Establishes an improved regulatory process for injurious wildlife to prevent the introduction and establishment in the U.S. of nonnative wildlife and wild animal pathogens and parasites.

S. 1463. Boxer (D/CA) and 20 Co-sponsors and **H.R. 2856**, Fitzpatrick (R/PA) and 134 Co-sponsors. Amends the *Lacey Act* to prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species.

S. 2530. Heller (R/NV) and Feinstein (D/CA) and **H.R. 1823**, Heck (R/NV) and 22 Co-sponsors. Amends the *Lacey Act* to prohibit the importation or exportation of quagga mussels, and for other purposes.

H.R. 985. Rogers (R/MI) and 12 Co-sponsors. Directs the Corps to prevent the spread of Asian carp in the Great Lakes and the tributaries of the Great Lakes, and for other purposes.

H.R. 3105. Crawford (R/AR) and 5 Co-sponsors. Amends the Lacey Act to exclude from the meaning of the term "fish or wildlife" any animal accidentally included in a shipment of an aquatic species produced in commercial aquaculture for human consumption or for use for recreational or ornamental purposes.

H.R. 3994. Bishop (R/UT) and 3 Co-sponsors. Improves the control and management of invasive species on Federal lands, and for other purposes.

Mining

S. 222. Udall (D/NM) and 3 Co-sponsors and **H.R. 488**, Pearce (R/NM) and Lujan (D/NM). Amends the *Surface Mining Control and Reclamation Act of 1977* to clarify that uncertified states and tribes have the authority to use certain payments for certain non-coal reclamation projects and acid mine remediation programs.

S. 1443. Udall (D/CO) and Bennet (D/CO) and **H.R. 2970**, Tipton (R/CO). Facilitates the remediation of abandoned hardrock mines, and for other purposes.

H.R. 526. Yarmuth (D/KY) and 46 Co-sponsors. Places a moratorium on permitting for mountaintop removal coal mining until health studies are conducted by the Department of Health and Human Services, and for other purposes.

H.R. 2467. Markey (D/MA) and 2 Co-sponsors. Permits state or local governments or Indian tribes to petition for withdrawal of specific federal land from mining in order to protect specific values, and instructs the Interior Secretary to ensure that mineral activities on federal land are carefully controlled to prevent undue degradation of public lands and resources.

H.R. 2824. Johnson (R/OH) and 5 Co-sponsors. Amends the *Surface Mining Control and Reclamation Act of 1977* to implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

Public Lands

S. 311. Landrieu (D/LA). Directs the Interior Secretary to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes.

S. 400. Boozman (R/AR) and Merkley (D/OR). Amends the *Federal Lands Recreation Enhancement Act* to include the Corps as a Federal land management agency, and for other purposes.

S. 1294. Alexander (R/TN) and Corker (R/TN). Designates specified federal lands in the Cherokee National Forest in Tennessee as wilderness and as additions

to the *National Wilderness Preservation System*.

S. 1966. Barrasso (R/WY) and 2 Co-sponsors. Provides for restoration of the economic and ecological health of National Forest System lands and rural communities, and for other purposes.

S. 2560. Cardin (D/MD). Authorizes the USFWS to seek compensation for injuries to trust resources and use those funds to restore, replace, or acquire equivalent resources, and for other purposes.

S. 2873. Coburn (R/OK) and 2 Co-sponsors. Authorizes the naming of National Park facilities after donor organizations such as corporations, similar to the way athletic facilities are being named.

S. 2916. Heinrich (D/NM) and 2 Co-sponsors. Amends the Omnibus Public Land Management Act of 2009 to promote watershed health, and for other purposes.

H.R. 916. Kind (D/WI) and 16 Co-sponsors. Directs the Interior Secretary to develop a multipurpose cadastre of federal real property to assist with federal land management activities, including, but not limited to, resource development and conservation, travel management, agricultural use, active forest management, environmental protection, and use of real property.

H.R. 1017. Poe (R/TX) and Jones (R/NC). Directs the sale of certain BLM and Forest Service lands to reduce the Federal budget deficit, and for other purposes.

H.R. 1021. Stivers (R/OH). Directs that there shall be no net increase in the acres of BLM, NPS, USFWS or FS lands unless the Federal budget is balanced for the year in which the land would be purchased.

H.R. 1526. Hastings (R/WA) and 22 Co-sponsors. Doubles logging on national forests.

H.R. 1633. Amodei (R/NV) and 3 Co-sponsors. Provides for the conveyance of small parcels of federal lands up to 160 acres in size to adjacent landowners, and for other purposes.

H.R. 1834. Grijalva (D/AZ). Establishes the *21st Century Great Outdoors Commission* to assess the use, value, job creation,

and economic opportunities associated with the outdoor resources of public lands and other U.S. lands and water areas.

H.R. 4545. Harper (R/MS) and 3 Co-sponsors. Directs the USDA to convey to the *Pat Harrison Waterway District*, approximately 8,307 acres of specified National Forest System land within the Bienville National Forest of Mississippi.

Public Works

S. 360. Udall (D/NM) and 10 Co-sponsors and **H.R. 1351,** Grijalva (D/AZ) and 42 Co-sponsors. Promotes a new generation of young men and women with the desire to seek careers in resource stewardship and public service by working directly with professionals.

S. 994. Warner (D/VA) and 10 Co-sponsors, and **H.R. 2061** Issa (R/CA) and 10 Co-sponsors. Puts limits on federal spending for and attendance at scientific conferences, and for other purposes.

S. 1262. Nelson (D/FL) and 3 Co-sponsors and **H.R. 3451** Garcia (D/FL) and 29 Co-sponsors. Establishes a *Veterans Conservation Corps* to work on public lands.

H.R. 188. Kaptur (D/OH) and 2 Co-sponsors. Authorizes reestablishment of the *Civilian Conservation Corps* to provide gainful employment to unemployed and underemployed citizens of the U.S. through the performance of public work, and for other purposes.

Recreation

S. 170. Murkowski (R/AK) and 15 Co-sponsors and **H.R. 1825,** Benishek (R/MI) and 108 Co-sponsors. Directs Federal public land management officials to facilitate use of and access to Federal public lands for fishing, sport hunting, and recreational shooting, and for other purposes.

S. 421. Alexander (R/TN) and 3 Co-sponsors and **H.R. 826,** Whitfield (R/KY) and 6 Co-sponsors. Prohibits the Corps from taking any action to establish a restricted area prohibiting public access to waters downstream of a Corps dam, and for other purposes.

S. 1554. Heinrich (D/NM). Requires publication of information on federal web

sites of public lands available to public access for hunting, fishing and other recreational purposes.

S. 1996. Hagan (D/NC) and 27 Co-sponsors. Amends several acts and addresses multiple issues related to resource management and hunting and fishing on public lands.

S. 2018. Barrasso (R/WY) and 2 Co-sponsors and **H.R. 3492,** Lummis (R/WY) and Bishop (R/UT). Opens the rivers and streams of Yellowstone and Grand Teton National Parks in Wyoming to hand-propelled vessels. Declares specified regulations to have no force or effect with regard to the closing of rivers and streams of such Parks to such vessels.

S. 2028. Rockefeller (D/WV) and Thune (R/SD). Reauthorizes the *Sport Fish Restoration and Boating Trust Fund*, and for other purposes.

S. 2327. Walsh (D/MT). Makes continuing appropriations for certain programs that benefit sportsmen in the event of a lapse in appropriations.

S. 2363. Hagan (D/NC) and 46 Co-sponsors. Revises a variety of existing programs to expand access to, and opportunities for, hunting, fishing, and shooting.

H.R. 2046. Gibbs (R/OH) and 8 Co-sponsors. Prohibits the Corps from promulgating or enforcing any regulation that prohibits an individual from possessing a firearm at a Corps water resources development project if the person can legally possess such firearm.

H.R. 2799. Latta (R/OH) and 7 Co-sponsors. Amends the *Fish and Wildlife Coordination Act* to establish the *Wildlife and Hunting Heritage Conservation Council Advisory Committee* to advise the Secs. of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.

H.R. 3197. Latta (R/OH) and 4 Co-sponsors. Amends the *Toxic Substances Control Act* (TSCA) to exclude from the definition of "chemical substance" various types of hunting and fishing gear, and for other purposes.

H.R. 3590, Latta (R/OH) and 86 Co-spon-

sors. Amends several acts with regard to hunting and fishing on public lands.

H.R. 3962. Daines (R/MT). Amends the *Land and Water Conservation Fund Act of 1965* to ensure that amounts are made available for projects to provide recreational public access, and for other purposes.

H.R. 4642. Israel (D/NY). Requires all recreational vessels to have and post passenger capacity limits and authorizes states to enter into contracts for the provision of boating safety education services, and for other purposes.

Water Resources

S. 66. Vitter (R/LA) and 2 Co-sponsors. Directs the Corps to establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-federal sponsors as the lead project delivery teams for authorized Corps civil works, flood control and navigation construction projects.

S. 407. Casey (D/PA) and 6 Co-sponsors and **H.R. 1149**, Whitfield (R/KY) and 33 Co-sponsors. Provides funding for construction and major rehabilitation for projects located on inland and intracoastal waterways of the U.S., and for other purposes.

S. 565. Durbin (D/IL) and 2 Co-sponsors and **H.R. 1152**, Enyart (D/IL) and 3 Co-sponsors. Provides for the safe and reliable navigation of the Mississippi River, and for other purposes.

S. 566. Durbin (D/IL) and Kirk (R/IL) and **H.R. 1153**, Bustos (D/IL) and 7 Co-sponsors. Establishes a pilot program to evaluate the cost-effectiveness of allowing non-Federal interests to carry out certain water infrastructure projects, and for other purposes.

S. 574. Landrieu (D/LA) and **H.R. 1161**, Richmond (D/LA). Modifies the 50-foot Mississippi River Ship Channel – Gulf of Mexico to Baton Rouge for navigation, and for other purposes.

S. 732. Paul (R/KY). Modifies the criteria used by the Corps to dredge small ports.

S. 970. Cardin (D/MD) and Boozman (R/AR). Amends the *Water Resources Research Act of 1984* to require research into new ideas that expand the understanding of water resources and for other purposes.

S. 996. Landrieu (D/LA) and 2 Co-sponsors and **H.R. 1035**, Moore (D/WI) and 2 Co-sponsors. Improves the *National Flood Insurance Program*, and for other purposes.

S. 1630. Barrasso (R/WY) and 7 Co-sponsors and **H.R. 3189**, Tipton (R/CO) and 15 Co-sponsors. Prohibits the Secs. of Interior and Army from conditioning the issuance, renewal, amendment, or extension of any permit or similar action on the relinquishment of any water right directly to the U.S., and for other purposes.

S. 2055. Boozman (R/AR) and 4 Co-sponsors. Amends WRDA to authorize the Army Secretary to allow non-federal public or private entities to charge user fees for facilities which they are operating at civil works projects whether built by them or the government.

H.R. 136. Matsui (D/CA) and Bera (D/CA). Authorizes the Corps to implement any flood risk management project for which the Defense Secretary has transmitted to Congress, before the date of enactment of this Act, a letter that is technically sound, environmentally acceptable, and economically justified; and consistent with the President’s policy and programs.

H.R. 1268. Palazzo (R/MS). Amends the IRS Code to allow qualified taxpayers a tax credit, up to \$5,000 in a taxable year, for flood mitigation expenses and for other purposes.

H.R. 1460. Graves (R/MO) and 5 Co-sponsors. Directs the Corps to revise certain authorized purposes described in the *Missouri River Mainstem Reservoir System Master Water Control Manual*.

H.R. 1489 Maloney (D/NY) and 2 Co-sponsors. Amends the *National Dam Safety Program Act* to identify and ensure the safety of dams in need of repair and rehabilitation, and for other purposes.

H.R. 1662. Richmond (D/LA) and Boustany (R/LA). Provides for liability for the Corps in cases of damages caused

by the gross negligence of an officer or employee of the Corps.

H.R. 1769. Richmond (D/LA). Provides for a study to evaluate the National benefits of flood protection.

H.R. 2741. Noem (R/SD) and 2 Co-sponsors. Declares that states have authority to manage the waters of rivers located within their boundaries; and that states in which Missouri River mainstem reservoirs occur have the authority to allocate the quantity of water in the reservoir attributable to the natural flows of the Missouri River within its boundaries.

H.R. 2813. Cotton (R/AR). Amends the *Water Supply Act of 1958* to permit an interested state or local interest to submit to the Army Secretary by January 1, 2016, a plan for the utilization of future water storage under such Act.

H.R. 4001. Miller (R/MI) and 4 Co-sponsors. Directs the Corps to create a physical barrier between the Mississippi River System and Lake Michigan to prevent an Asian carp invasion of Lake Michigan.

H.R. 4029. Smith (R/MO), Requires the Interior Secretary to transfer all Federal land and facilities associated with the *Ozark National Scenic Riverways* to the State of Missouri.

H.R. 4182. Smith (R/MO). Adds the preservation of historical recreational activities as a purpose of the *Ozark National Scenic Riverways* in Missouri and prohibits the Interior Secretary from designating management zones in said Riverways.

H.R. 4258. Napolitano (D/CA) and 18 Co-sponsors. Amends the *Omnibus Public Land Management Act of 2009* to include “planning for or addressing the impact of drought” among the activities for which the Secretary may make grants and enter cooperative agreements for water management improvement, and for other purposes.

H.R. 5604. Hall (R/TX). Directs the Corps to revise the management plan for the conservation pool of Lake Texoma, and for other purposes.

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[BACK TO TOP](#)