The proposed changes were published in the August 14th Federal Register. The public had 60 days to comment on the proposal. Major environmental groups, scores of biologists, state agency regulators, and grassroots conservation organizations are denouncing the weakening of this fundamental wetlands protection instrument.

PROPOSED CHANGES
Specifically, the proposal would weaken the 1989 Federal Manual by—:

1 – Requiring that unreasonably stringent criteria be met before a wetland qualifies for protection. Even where known wetland plant species or wetland soils exist, time periods for soil saturation are significantly increased. New definitions eliminate seasonally wet areas that do not have standing water for at least 15 consecutive days, or soils saturated to the surface for at least 21 consecutive days during the growing season.

2 – Arbitrarily requiring the ponding or saturation occur during the “growing season,” defined as the frost-free period. Areas which flood in March or early spring WILL NOT BE classified as wetlands, because they flood at the wrong time of the year.

3 – Limiting the use of soil types and other indicators in determining the hydrology of the wetland site.

4 – Allowing “classes” of delineations to be made rather than site-specific determinations.

The Indiana Department of Natural Resources has estimated that 52% of Indiana’s wetlands will no longer be classified as wetlands under the new criteria.
SUPPRESSION OF WETLAND REPORTS
Weakening of the federal wetlands manual is not the only attack underway on wetlands policy. The Administration is also moving ahead with other actions, including a proposal to exempt a broader range of wetland disturbance activities from regulation, a freezing of enforcement initiatives, and the suppression of major U.S. Fish and Wildlife reports on wetland status and trends.

SECTION 404 UNDER ATTACK BY PROPOSED LAWS
Last, but not least, the Administration, Vice President Quayle's coalition, and supporters in Congress are also promoting new legislation to weaken the basic wetland protection provisions found in Section 404 of the Clean Water Act. Presently, Section 404's modest wetland protection is a requirement that a permit be obtained from the U.S. Army Corps of Engineers before a wetland may be filled in. Anti-wetland bills by Representative Hayes and Senator Breaux weaken Section 404 by establishing an arbitrary "value" ranking system of wetlands. If a "High Value" classification of a wetland prevents development, the landowner would be entitled to compensation determined by the owner. Development of "Middle Value" wetlands could be mitigated with the replacement of man-made wetlands. Present law allows mitigation under some circumstances. "Low Value" wetlands would receive virtually no protection. These bills would also eliminate the Environmental Protection Agency from the permitting process. Conservationists opposed to the Hayes HR 1330 house bill, and the Breaux S 1463 senate bill, are giving support to Florida Congressman Bennett's house bill HR 251, the "Wetlands No Net Loss Act of 1991."

DEADLINE EXTENSION
Time limitations on public comment prevented WETLAND MATTERS from informing Oxbow, Inc. members of these proposed changes in time. The comment deadline for the wetland manual changes has been extended to DECEMBER 14TH. Your comments should be sent to Gregory Peck, Chief, Wetlands and Aquatic Resources Regulatory Branch, (A-104-F), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Also send copies to your Congressperson, Senator Lugar and Vice President Dan Quayle's Council on Competitiveness. Urge them to request that NO ACTION BE TAKEN ON THESE CHANGES FOR AT LEAST ONE YEAR so that the NATIONAL ACADEMY OF SCIENCES HAS TIME TO SELECT A COMMITTEE TO EVALUATE THE VALIDITY OF THE CURRENT AND PROPOSED DEFINITIONS OF WETLANDS AND TO MAKE RECOMMENDATIONS.

Quoting Tom Dustin, Izaak Walton League, Indiana Division, "These proposed changes represent a white flag of surrender in the long battle to reverse the continuing loss of wetlands."

PLEASE TAKE A MOMENT TO VOICE YOUR OPPOSITION TO THESE CHANGES.

Information from Hoosier Environmental Council "Boardwatch"

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