America's Challenge.

Does Political Environmentalism Threaten America's Future?

Part Three

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The Road Ahead

"We have worn through the cushion of excess capacity built into earlier investments… A declining infrastructure inevitably will jeopardize the productivity of our economy and our quality of life."[1]

Building the infrastructure necessary to accommodate the 120 million additional Americans by 2050 will require an enormous investment. Being able to afford this investment will require certain pre conditions: Only one of which may be in place today.

The first pre condition is a strong, vibrant growing economy. Only a growing economy can ensure the investment funds (private and public) needed to build the required infrastructure. Without a growing economic pie, politicians will resort to dividing the existing pie to benefit their political agendas: Each group will struggle to improve its lot which can only happen at the expense of other citizens. This is a win-lose formula where, in fact, everyone loses.

Only a growing pie can result in improved economic conditions for all and create conditions where corporations and investors can receive an adequate return on their investments. Without an adequate return on investment the flow of funds will disappear and America's capital plant, public and private, will wither.

The second pre condition is an economy free of politically motivated regulations that have minimal value, especially those that prohibit building the required infrastructure or result in construction delays that increase cost. The prospect of costly delays can make an investment so unattractive that it is impossible to secure necessary financing.

Burdensome regulations also generate burdensome litigation: People who object to a project can use any regulation they can find as a stalking horse to delay or kill a project, regardless of its merits. Litigation turns a low risk investment into a high risk investment requiring higher than normal rates of return before financing can be arranged. This in turn creates, for similar, projects, an atmosphere that perpetuates the need for higher rates of return, compounding the difficulties of building the needed infrastructure.

The third pre condition is an ordering of priorities so that available funds are directed at building high value infrastructure rather than funding feel good programs that have little economic benefit. This may be the most difficult precondition, but without some progress in this direction the nation's resources will be squandered and funds won't be available for building the nation's future.

For the past quarter century the nation has lived off the investments made by the parents of the baby boomers. As mentioned earlier, trailers at schools are a recent phenomena, few roads or bridges have been built since the mid 1970's, practically no reservoirs have been built and much of the existing capital plant, including roads, bridges, waterworks and sewer systems continue to deteriorate. By one estimate it will cost *one trillion dollars* to merely repair the existing infrastructure.

Against this background of economic neglect, some investments were made in

the last quarter century that have had a positive effect: The fiber broadband network and digital communication systems, cell phones, internet etc. built in the last twenty years will stand the nation in good stead and require (comparatively) only moderate additional investment over the next fifty years. Sewage treatment plants built since the 1970's have made important strides in eliminating the direct threat of human waste to the nation's waterways: But this is an area that will need ever increasing investments to support population increases.

Burdensome Regulations.

Virtually every current construction project is being delayed and their costs increased as a result of regulations. Even environmentalists are coming face to face with the monster that they have largely created. The wind power industry, a darling of environmentalists, is about to face the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act and the Endangered Species Act. The 400 foot towers and rotating blades of wind turbines are being accused of bird kills[2].

A summary of the Migratory Bird Treaty Act says in part: "Unless and except as permitted by regulations ...it shall be unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, kill. …any migratory bird ...(The Act) prohibits the taking, killing… except when specifically authorized by the Department of the Interior." The word "take" is defined as "to …kill…, or attempt to kill..."

A 1972 amendment to the MBTA resulted in inclusion of Bald Eagles and other birds of prey in the definition of a migratory bird. The Endangered Species Act comes into play because some of the migratory birds are endangered.

Bird kills have caused turmoil in the ranks of environmentalists. The outcry in one chat room was riotous: Some people wanted wind farm operators to go to jail for violating the Migratory Bird Treaty Act while others said that wind farms should be exempt.

In addition, the discussion got ugly when one group reminded the others that Defenders of Wildlife sued to prevent building wind turbines in West Virginia claiming that clearing the land for the wind turbines would threaten the West Virginia Northern Flying Squirrel, supposedly an endangered species.

Currently there are proposals for over 500 wind turbines along the Appalachian ridge lines in Maryland and West Virginia: These and many other locations in the eastern United States proposed for wind turbines are traversed by migratory birds. At least one politician has called for a year long delay in constructing the wind turbines during which time additional studies should be done.

And lest anyone think that environmental laws haven't become burdensome, here is a list of some Federal Environmental Laws[3].

Partial List of Environmental Laws:

- **Clean Air Act** (42 U.S.C.§§ 7401-7671q). The original Clean Air Act was passed in 1955 (PL 84-159). It was wholly replaced by the Air Quality Act of 1967 (PL 90-148). Amendments were passed in 1970 (PL 91-604), 1977 (PL 95-95), 1983 (PL 98-213), and 1990 (PL 101-549). It established a system where states prepare and submit plans to implement national clean air standards. If a state implementation plan is approved by the EPA, then the state is primarily responsible for administering the permit program. Requires the EPA to comment on environmental impact statements prepared by other agencies.

More>>>

Partial List of Environmental Laws Continued:

- **Chemical Safety Information, Site Security and Fuels Regulatory Relief Act** Public Law 106-40, Jan. 6, 1999; 42 U.S.C. 7412(r) Amendment to Section 112(r) of the Clean Air Act
- **Clean Water Act** (33 U.S.C. §§ 1251-1387. Clean Water Act of 1977 (PL 92-500) amends Federal Water Pollution Control Act Amendments of 1972 (PL 92-500, 86 Stat. 816) which basically rewrote federal water pollution law; last amended in 1990 (PL 101-596, 101 Stat. 60).
- **Coastal Zone Management Act** (16 U.S.C. §§ 1451-1464).
- **Comprehensive Environmental Responses Compensation and Liability Act** of 1980 (CERCLA) (PL 96-510, 42 U.S.C. §§ 9601-9675, 94 Stat. 2767). Creates Superfund. Amended in 1986 by Superfund Amendments and Reauthorization Act or 1986 (SARA) (PL 99-499, 100 Stat. 1613). Last amended in 1992 (PL 101-426, 106 Stat. 2174).
- **The Emergency Planning & Community Right-To-Know Act (EPCRA)**; 42 U.S.C. 11011 et seq. (1986)
- **Endangered Species Act** (16 U.S.C. §§ 1531-1544).
- **Federal Food, Drug, and Cosmetic Act (FFDCA)** 21 U.S.C. 301 et seq.
- **Federal Insecticide, Fungicide, and Rodenticide Act** (FIFRA) (7 U.S.C. §§ 136-136y).
- **Food Quality Protection Act (FQPA)** Public Law 104-170, Aug. 3, 1996
- **The Freedom of Information Act (FOIA)**; U.S.C. s/s 552 (1966)
- **National Environmental Policy Act of 1969** (NEPA). Signed January 1, 1970. (Pub. L. No. 91-190, 42 U.S.C. §§ 4321-4370d, 83 Stat. 852). Requires environmental impact statements from all federal agencies which undertake major federal actions significantly affecting the quality of the human environment. Creates the Council on Environmental Quality (CEQ) which issues regulations which implement the Act.
- **National Forest Management Act** (16 U.S.C. §§1600-1614)
- **The Occupational Safety and Health Act (OSHA)**; 29 U.S.C. 651 et seq. (1970)
- **The Oil Pollution Act of 1990 (OPA)**; 33 U.S.C. 2702 to 2761
- **The Pollution Prevention Act (PPA)**; 42 U.S.C. 13101 and 13102, s/s et seq. (1990)
  Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901-6992k).
- **Safe Drinking Water Act** [Public Health Service Act, Title 14] (42 U.S.C. §§300f-300j-26).
- **The Superfund Amendments and Reauthorization Act (SARA)**; 42 U.S.C.9601 et seq. (1986)

All of the preceding acts are listed on the EPA web site as authorization for its activities. A more comprehensive list is shown in Table I.

In addition to the laws listed above, the U.S. Fish and Wildlife Service has additional laws, such as the Migratory Bird Treaty Act. Table II lists the legal sources from which the U.S. Fish and Wildlife Service derives its authority.

The U.S. Fish and Wildlife Service also maintains a list of threatened and endangered animal species which is 34 pages long and is available at http://endangered.fws.gov.

About half of the 1082 listed species are in the United States.

There is a second 15 page list of endangered plants, virtually all of which are in the United States. It can be obtained from http://endangered.fws.gov/

There can be little scientific justification for protecting endangered plant species in the wild: Endangered plants could be grown in many botanical gardens and, unlike animals, their seeds could be stored to ensure no loss of any species. If a particular plant is important for other environmental reasons it should be evaluated on that basis rather than the arbitrary "on/off" decision of endangered or not endangered.

This, of course, is heresy to the political environmentalist, and probably for many others who have no political motivation but who champion biological diversity: But there is precious little scientific support for the absoluteness of biodiversity.

One definition of Biodiversity is "The richness, abundance and variability of plant and animal species and communities and the ecological process that links them with one another and with soil, air and water[4]."

In addition to species, biologist Reed F. Ness, Oregon State University, has identified 126 types of ecosystems in the United States that he claims are threatened or endangered. These areas include the Southern Appalachian spruce fir forests, Eastern grasslands, savannas and barrens; Hawaiian dry forests; California native grasslands; old growth forests of the Pacific Northwest; and Southern forested wetlands[5]. With this pronouncement, the push is on to **render entire areas of the United States off limits to people** rather than to merely protect animals, insects, plants etc.

Examining the list of endangered species raises some interesting questions. The list includes:

"The Ozark Bat",

"The Fresno Kangaroo Rat",

"The Rice Rat",

"The Alabama Beach Mouse" (plus several other mice),

"The Carolina Northern Flying Squirrel" (plus several other squirrels),

"The Blunt Nosed Leopard Lizard",

"The San Francisco Garter Snake",

"The Barton Springs Salamander" (plus several other salamander),

"The Houston Toad",

"The Dusty Tail Darter (plus several other darter),

"The Cape Fear Shiner" (plus other shiner),

"The Razor Back Sucker" (plus several other suckers),

"The Cumberland Bean Clam",

"The Winged Maple Leaf Mussel",

"The Cylindrical Lioplax Snail",

"The American Burying Beetle",

"The Hines Dragon Fly",

"The Delhi Sands Flower Loving Fly",

"The Bone Cave Harvestman Spider",

"The Nashville Crayfish",

"The Lee County Cave Isopod"

and

"The Kentucky Cave Shrimp".

Should development that benefits mankind be held prisoner by endangered species? Was protecting "The American Burying Beetle" what the American people intended when they supported passage of the Endangered Species Act: Or have the political environmentalists been having a field day at the expense of the average American?

A glance at the list of laws affecting the environment and development demonstrates the enormity of the problem: No wonder tens of thousands of lawyers are involved. Will it be possible to build the infrastructure that 400 million Americans will need by 2050 if all these laws and their accompanying regulations (not itemized here due to their shear volume) have to be followed? Or is it time to re-look at these laws, strip them of their complexity and eliminate the wanton use of endangered species.

Conservation biology is a "value laden science…akin to a religion with an accepted dogma[6]." Conservation biology is at the core of biodiversity and the concept of ecosystems. By definition conservation biology cannot be a science: **"Value laden science" is a contradiction in terms**. Scientific decisions and analyses are not based on opinion: Yet laws are being passed based on opinions masquerading as science.

How can America build the needed infrastructure when the political environmentalist promotes "deep ecology" where an ant or spider is equal to humans?

Clearing Roadblocks.

Obstructionists must be discouraged from delaying or preventing the construction of infrastructure: Much of the obstruction is either due to political environmentalists or NIMBY's[7] (Not In My Back Yard) using environmental regulations as a device to slow down or eliminate projects.

Transmission lines have been particularly vulnerable to these groups. Here are a few examples.

A 250-mile transmission line that would cut through parts of central and northwestern Wisconsin from Wausau to Duluth, Minnesota came under fire in 1999. Wisconsin regulators were flooded with more than 10,000 cards, letters, e-mails and faxes with their top priority being to save green space.

In Hawaii there was organized opposition to a new transmission line with the local paper trumpeting "Overhead lines and massive power poles are unsightly and degrade the natural environment and the visual experience for tourists and residents alike. …It is no wonder that the National Trust for Historic Preservation has declared the ridge one of the nation's most endangered historic places because of Hawaiian Electric Company's (HECO's) plans. Given the importance of the natural environment, it should come as no surprise that many, many people from across our community have opposed HECO's plans."

In 2000 the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) voted against the construction of a 345,000 volt transmission line being proposed to bring power from hydroelectric dams in the Province of Manitoba through portions of the tribal area in Wisconsin because the construction, operation and maintenance of the proposed transmission line threatened a variety of natural resources.

In 2002 the Bonneville Power Administration (BPA) announced a delay of at least one year in building a nine-mile transmis-

sion line across the Cedar River watershed. The BPA said concerns of environmental groups and members of the City Council forced another review of the Kangley-Echo Lake project.

Beginning in 2002 a recently completed 24 mile underwater transmission cable from Connecticut to Long Island was kept from being put into operation by Connecticut environmental groups and elected officials who claimed the transmission line would hurt shellfish colonies living in Long Island Sound.

Opposition doesn't always result in a project being cancelled but the usual delays result in added costs and makes obtaining financing more difficult. Building transmission lines becomes a high risk investment driving up the needed return on investment when it becomes clear there is a possibility that a completed project, such as in Connecticut, will not be allowed to operate.

Using the right of eminent domain to construct electric transmission lines has been thwarted by local resistance. While the Federal Energy Regulatory Commission (FERC) has the power of eminent domain for natural gas line construction, it does not have it for electric transmission line construction[8]: This has been a prerogative of the states even though electric transmission is clearly interstate commerce. Unfortunately local pressure groups can dissuade state governments from exercising their eminent domain rights which would be far more difficult if FERC had the authority and could balance national interests against local parochial interests.

While market forces are the best way to resolve economic issues, some industries or parts of industries are regulated. Regulators need to permit a fair rate of return on investments made by regulated industries. The lack of a fair rate of return is a huge obstacle: Regulators for example have limited the rate of return on transmission lines to 11.5%[9].

Establishing Priorities.

In the 2000-2001 recession many Counties and States learned that money is not an inexhaustible commodity. Even the federal government is limited by economic forces as to how much money it can print.

Money spent on one activity is not available for another activity. Like any family, government must establish how and where to spend its money. No matter how confiscatory the tax rate there is only a finite amount of money available for government to spend: In fact the argument can be made that the higher the tax rate the less money there will be for government to spend.

But investment in infrastructure comes from private sources as well as taxes. For private money to be invested in a project the project must produce an adequate rate of return; adequate being determined by the alternative competing investment opportunities.

It is therefore essential that priorities be established and that investments that provide little if any economic benefit be placed at the bottom of the list; to be done only after all the economic needs of the country have been satisfied.

Market forces are the best arbiter of economic decisions, but arbitrary federal, state and local legislation short circuits the process. Public outcry is necessary to prevent undesirable projects from being set in motion by the legislative process.

Political environmentalists recognize this and have developed an aggressive agenda to ensure that their projects are enshrined by the legislative process: Political environmentalists are a well organized minority.

It is not only necessary to prevent the establishment of new laws that further restrict economic development it is also necessary to prevent the implementation of new regulations mandated by agencies established by earlier legislation.

It should be easier to prevent new programs than to eliminate existing programs, but in many instances the process is already underway for forcing new regulations and laws on America.

Stormwater management is one of these programs. Most Americans have not yet encountered this issue, but there is an entire industry growing up around the issue.

Already there is an annual convention called *StormCon* where stormwater management "professionals" meet to learn about new techniques and equipment. The subject matter of the 2003 conference included[10] how attendees can:

- Better understand the impacts of urbanization on aquatic systems
- Discover new ways of Phase II compliance
- Evaluate new surface water-quality technology, tools, and techniques
- Get the inside scoop on upcoming regulations
- Investigate the latest stormwater industry developments
- Learn about alternative watershed planning and protection methods
- Learn to write effective local stormwater management ordinances.

Note the sessions on "upcoming regulations" and on "writing effective ordinances". Also note "Phase II' compliance: How many Americans even heard of Phase II regulations let alone understand what is coming down the road with respect to stormwater management?

"The Phase II stormwater rule will automatically cover operators of [Municipal Separate Storm Sewer Systems] MS4s who are located within an urbanized area that has a total population of 50,000 or more and a density of 1,000 persons per square mile[11]".

"The definition of what constitutes a separate storm sewer system includes any method of conveying surface water, including streets, gutters, ditches, swales, or any other manmade structure that alters and/or directs wet-weather flows." Thus, the impact of the Phase II rule will be far-reaching[12].

There are 572 urban areas[13] in the lower 48 states that meet the Phase II rule criteria.

There is also a magazine devoted to stormwater management: *Stormwater, The Journal for surface water quality professionals* with the first issue published in November 2000.

Recently the U.S. Fish and Wildlife Service issued a $65,000 grant to a Virginia community to help with its watershed management plan. This and other actions prove that government agencies are promoting watershed management as another government sponsored environmental program.

With all these forces amassed to promote stormwater management (a professional group, a dedicated magazine, companies with a vested interest, an annual conference, government support and political environmentalists' pronouncements) the train is leaving the station: it will be hard to reign in this low priority program.

A representative of a Virginia county estimated that stormwater management would cost the county at least $500 million[14]. If the 508 suburban counties in the United States pursue the watershed plans as envisioned by the political environmentalists it will cost American taxpayers around $250 billion. **This $250 billion won't be available for building the infrastructure America will need by 2050**.

Every time a regulation is tightened it costs money; money that won't be available for the infrastructure needed for the future.

Forecasting Future Needs.

Using demographics and historic trends an estimate can be made as to the amount of additional electric power America will need by 2050 and the amount of gasoline it will need, assuming the hydrogen option fizzles, and the number of new single family homes and apartments required by the 120 million new Americans. These rough estimates are sufficiently accurate to identify the size of the challenge, providing no dislocation occurs to alter historic trends.

Estimates for the number of new highway miles that will have to be built are more problematic due the number of variables: Assumptions about car ownership, miles driven and the extent that existing streets can be used before becoming saturated.

It is beyond the scope of this paper to provide detailed forecasts of the required investments; however, we can identify some estimates about needed infrastructure additions by 2050.

- Power Generation:

  Assuming a 1.6% compound growth rate in electrical demand, over 1 billion megawatts of new generating capacity will need to be added by 2050: This essentially doubles current generating capacity.

  Since no new hydropower can be expected and since renewable energy is unable to add any appreciable amount of power, nearly all the new power generation will need to use fossil fuels (coal and gas) or nuclear energy.

- Power Transmission and distribution:

  The amount of transmission and distribution capacity will need to be doubled by 2050. By one estimate it will cost $100 billion to merely catch up and account for current growth over the next ten years[15]: And could require another $100 billion for additional growth until 2050.

- Natural gas production:

  With a 1.8% growth rate, natural gas usage will more than double from 24.1 quads in 2000 to 58.8 quads by 2050.

  Either new gas wells will need to be drilled in the United States, Canada or Mexico, or Liquid Natural Gas facilities for importing LNG will need to be built. In total at least $56 billion will be required for new natural gas production facilities or LNG terminals.

  Adopting nuclear power would reduce these requirements somewhat since a significant part of the growth in natural gas usage is a result of using natural gas to generate electricity.

- Natural gas pipelines

  Over 1.5 million miles of natural gas pipelines will need to be built by 2050

- Roads:

  Assuming that the number of national highway lane miles needs to increase in proportion to the increase in population, an additional 200,000 lane miles will need to be built by 2050. It is assumed that no new rural lane miles will need to be built and that the average national highway has four lanes.

  By one estimate each new lane mile will cost $6 million. At $6 million per lane mile the total investment in road infrastructure would be $1,200 billion by 2050[16].

  The Federal Highway Administration's Condition and Performance Report projects that over the next 10 years the vehicle distance (miles) traveled is estimated to increase by 24 percent and by 53 percent in 20 years. "More people, more cars, more miles traveled will add more strain" to all aspects of the highway system and could make the above projection inadequate.

These, together with schools, waterways, sewage treatment plants etc., represent the minimum investment required by 2050 to prevent a decline in our standard of living: These infrastructure investments deserve our highest priority.

- Some will say that this is a call for higher taxes: This is not the case.
- Some will argue that these investments can only be made by implementing higher taxes: This is also not the case.
- The only way that these investments can be made is by eliminating burdensome regulations and freeing the market to do what it does best; allocating resources. As mentioned earlier many of these investments will be made by private companies such as for transmission lines and generating plants.

Roads can be built using the money from the highway trust fund: This is money paid for by drivers as gasoline taxes and user fees. The highway trust fund was originally established to ensure that the nation's highways were adequate and in good repair. Siphoning this money, paid in good faith by drivers everywhere, out of the trust fund for other than building and repairing highways is counterproductive.

When government money is required it can be made available by reordering priorities and avoiding wasteful spending on unnecessary projects such as stormwater management.

Building the necessary infrastructure is essential if we are to maintain our standard of living: At the same time, Americans are genuinely interested in conservation and these interests must also be accommodated while renouncing the actions of political environmentalists.

Clearing The Road Ahead

Eliminating the confusion, inflexibility, complicated rules and detritus found in current environmental law and regulations requires a bold initiative that can succeed with strong political leadership. The longer America continues on its current course the more likely it will be that future generations will be worse off than Americans are today.

The most direct way to clear away all that is wrong with current environmental law is to rewrite all environmental laws; combining them wherever possible and trying to arrive at three laws covering air, water and land issues.

Current laws have been implemented piecemeal over a period of thirty years. Rewriting these laws would result in eliminating conflicts or redundancies that result in confusion and lawsuits. The rewriting of environmental law should be based on fundamental principles, which include:

- The application of science as the basis for environmental law where scientific proof is required before regulations are written.
- Acknowledging that perfection is impossible and that standards are to be based on reasonableness; whether based on cost benefits or estimated years of additional life achieved as the result of any new regulation.
- A standard that defines when the interests of people should be considered ahead of the environment…recognizing that it is in the interest of people to have a safe environment. Such a step could codify when economic growth usurps the environment.

As an example, the American Burying Beatle, currently on the list of endangered species, would loose out when destruction of its habitat is required for building a power plant or new interstate highway.

Current regulations would need to be revised where necessary to conform to the new law…And would have to meet scientific standards based on peer review. Standards should be established to achieve a realistic objective. It is not possible to protect every person from every threat. The law of diminishing returns must come into play: Environmental solutions are asymptotic, where constantly increasing costs produce fewer and fewer results.

Such an approach would provide flexibility for protecting the interests of people and the environment.

The use of lawsuits to challenge economic activities should be severely circumscribed under any new environmental law.

Logically, an intermediate step would be taken before rewriting all the environmental laws. Such a step would establish (1) when people are to be placed ahead of the environment, (2) that science must be the basis for all rules and regulations (including those on the books today) with each regulation peer reviewed before being enforced, and (3) when the use of lawsuits are to be circumscribed.

This interim legislation could be known as the "People First Act."

This list originally appeared in "Creating a Healthier Environment: How EPA Works For You," published by EPA as part of the Winter 1995 issue of *EPA Journal*. Among the environmental laws enacted by Congress through which EPA carries out its efforts are:

1938 Federal Food, Drug, and Cosmetic Act	1974 Shoreline Erosion Control Demonstration Act
1947 Federal Insecticide, Fungicide, and Rodenticide Act	1975 Hazardous Materials Transportation Act
1948 Federal Water Pollution Control Act (also known as the Clean Water Act)	1976 Resource Conservation and Recovery Act
1955 Clean Air Act	1976 Toxic Substances Control Act
1965 Shoreline Erosion Protection Act	1977 Surface Mining Control and Reclamation Act
1965 Solid Waste Disposal Act	1978 Uranium Mill-Tailings Radiation Control Act
1970 National Environmental Policy Act	1980 Asbestos School Hazard Detection and Control Act
1970 Pollution Prevention Packaging Act	1980 Comprehensive Environmental Response, Compensation, and Liability Act
1970 Resource Recovery Act	1982 Nuclear Waste Policy Act
1971 Lead-Based Paint Poisoning Prevention Act	1984 Asbestos School Hazard Abatement Act
1972 Coastal Zone Management Act	1986 Asbestos Hazard Emergency Response Act
1972 Marine Protection, Research, and Sanctuaries Act	1986 Emergency Planning and Community Right to Know Act
1972 Ocean Dumping Act	1988 Indoor Radon Abatement Act
1973 Endangered Species Act	1988 Lead Contamination Control Act
1974 Safe Drinking Water Act	1988 Medical Waste Tracking Act
	1988 Ocean Dumping Ban Act
	1988 Shore Protection Act
	1990 National Environmental Education Act

Table I

U.S. Fish and Wildlife Service List of Resource Laws

From USFWS Web Site http://laws.fws.gov/lawsdigest/reslaws.html

African Elephant Conservation Act

Airborne Hunting Act

Alaska National Interest Lands Conservation Act

Alaska Native Claims Settlement Act

Alien Species Prevention Enforcement Act of 1992

Anadromous Fish Conservation Act

Animal Damage Control Act

Animal Welfare Act

Asian Elephant Conservation Act of 1997

Atlantic Striped Bass Conservation Act

Bald Eagle Protection Act of 1940

Bankhead-Jones Farm Tenant Act

Base Closure and Realignment Act

Bureau of Land Management Authorities

Bureau of Reclamation Projects

Cave Resources Protection Act

Central Valley Project, California

Chehalis River Fishery Resources Study

Clean Air Act

Clean Vessel Act of 1992

Coastal Barrier Resources Act

Coastal Wetlands Planning, Protection and Restoration Act

Coastal Zone Management Act of 1972

Colorado River Basin Water Project Acts

Upper Colorado River Endangered Fish and Recovery Program

Colorado River Floodway Protection Act

Columbia Basin Project Act

Comprehensive Environmental Response Compensation and Liability Act

Fire Control Authorities

Fish and Wildlife Conservation Act

Fish and Wildlife Act

Fish and Wildlife Coordination Act

Fish and Wildlife Improvement Act

Fish-Rice Rotation Farming Program Act

Fishermen's Protective Act

Fishery Conservation and Management Act

Flood Control Act

Foreign Assistance Act

Forest Service Authorities

Fur Seal Act of 1966

Game Management Supply Depots Act

Great Lakes Critical Programs Act

Great Lakes Fish and Wildlife Restoration Act

Great Lakes Fishery Act

Great Lakes Tissue Bank

Great Apes Conservation Act of 2000

Hawaii Tropical Forest Recovery Act

Historic Preservation Acts

Interjurisdictional Fisheries Act of 1986

International Environment Protection Act

Klamath River Basin Fishery Resources Restoration Act

Lacey Act Amendments of 1981

Land and Water Conservation Fund

Land Exchanges

Land Remote Sensing Policy Act

Lea Act

Locks and Dam 26 Replacement Act

Marine Mammal Protection Act

Marine Protection, Research and Sanctuaries Act

Northwest Atlantic Fisheries Act

Nutria Eradication and Control Pilot Program

Oil Pollution Act

Olympic Experimental State Forest Act

Organotin Antifouling Paint Control

Outer Continental Shelf Lands Act

Pacific Northwest Electric Power Planning and Conservation

Pacific Salmon Treaty Act

Partnerships for Wildlife Act

Pyramid Lake/Truckee-Carson Water Rights Settlement

Reclamation Projects Authorization and Adjustment Act of 1991

Refuge Recreation Act

Refuge Revenue Sharing Act

Refuge Trespass Act

Renewable Resources Extension Act

Research Grants Act

Resource Conservation and Recovery Act

Rhinoceros and Tiger Conservation Act of 1994

Rivers and Harbors Appropriation Act of 1899

Rivers and Harbors Appropriation Act of 1938

Russian River Fishery Resources Study

Salmon and Steelhead Conservation and Enhancement Act

San Juan River Basin Recovery Implementation Program

Sikes Act

Small Reclamation Projects Act

Soil Conservation and Domestic Allotment Act

Surface Mining Control and Reclamation Act

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U.S. Fish and Wildlife Service List of Resource Laws

From USFWS Web Site http://laws.fws.gov/lawsdigest/reslaws.html

Cooperative Research and Training Units Act	Migratory Bird Conservation Act	Surplus Grain for Wildlife Act
Corps of Engineers Projects	Migratory Bird Hunting and Conservation Stamp Act	Swan Falls Dam
Detail Personnel and Loan Equipment Act	Migratory Bird Treaty Act	Take Pride in America Act
Dolphin Protection Consumer Information Act	Mining and Mineral Leasing	Tariff Act of 1930
Driftnet Impact Monitoring, Assessment, and Control Act	Mitchell Act	Tax Deductions for Conservation Easements
Elwha River Ecosystem and Fisheries Restoration Act	National and Community Service Act	Timber Protection
Emergency Wetlands Resources Act	National Aquaculture Development	Toxic Substances Control Act
Endangered Species Act	National Environmental Policy Act	Transfer of Certain Real Property for Wildlife Conservation Purposes Act
Environmental Education Act	National Fish and Wildlife Foundation Establishment Act	Trinity River Basin Fish and Wildlife Restoration
Estuary Protection Act	National Fish Hatchery Acts	Tule Elk Preservation Act
Estuaries and Clean Waters Act of 2000	National Fisheries Center and Aquarium Act	U.S. and Japan Fishery Agreement Approval Act of 1987
Farm Bill/Conservation Features	National Fishing Week	Water Bank Act
Farm Credit System	National Hunting and Fishing Day	Water Resources Development Act of 1976
Federal-Aid Highways Act	National Oceanic and Atmospheric Administration Authorization Act	Water Resources Development Act of 1986
Federal Aid in Sport Fish Restoration Act	National Trails System Act	Water Resources Development Act of 1988
Federal Aid in Wildlife Restoration Act	National Wildlife Refuge Acts	Water Resources Development Act of 1990
Federal Environmental Pesticide Control Act of 1972	National Wildlife Refuge System Administration Act	Water Resources Development Act of 1992
Federal Facilities Compliance Act	National Wildlife Refuge System Centennial Act of 2000	Water Resources Development Act of 1996
Federal Noxious Weed Act	Native American Graves Protection and Repatriation Act	Water Resources Planning Act
Federal Power Act	New England Fishery Resources Restoration Act	Water Rights
Federal Water Pollution Control Act ("Clean Water Act")	Neotropical Migratory Bird Conservation Act of 2000	Waterfowl Depredations Prevention Act
Federal Water Project Recreation Act	Nonindigenous Aquatic Nuisance Prevention and Control Act	Watershed Protection and Flood Prevention Act
	North American Wetlands Conservation Act	Wetlands Loan Act
		Wild and Scenic Rivers Act
		Wild Bird Conservation Act
		Wild Horses and Burros Act
		Wilderness Act
		Youth Conservation Corps Act

TABLE II Part 2

TSAugust is a 501 (c) 3 organization supported by tax exempt contributions.

People at TSAugust are volunteers who do not receive compensation of any kind. Contributions are typically used to accomplish research, pay for general operating expenses such as web site hosting and less than 3% for fund raising.

We are intent on publishing more papers such as this and our papers on Hydrogen and Renewables. We believe that these papers are among the best available on these important subjects and are all offered free to any person downloading them from our web site.

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Part Three Notes

1. *Fragile Foundations: A report on America's Public Works*, Final Report to the President and Congress February 1988.
2. *Peril in the Wind Industry, Turbines That Produce Clean Energy Also Kill Migrating Birds*. By Kimberly Edds, Special to The Washington Post, Wednesday, December 24, 2003; Page A02
3. *FEDERAL AND STATE ENVIRONMENTAL LAW*: An Annotated Bibliography and Guide to Research in the Young Law Library Compiled by Sally J. Kelley Revised 2002
4. Encyclopedia of Environmental Issues 2000
5. Ibid
6. Ibid
7. NIMBY = Not In My Back Yard
8. Recent energy legislation included a provision that gave FERC the authority of eminent domain for transmission line rights of way, but as of the end of 2003 this legislation had not passed.
9. From WSJ August 15, 2003 "Bob Mitchell, executive vice president of Trans-Elect Inc., a Reston, Va., transmission company, said FERC has tended to cap the rate of return around 11% to 11.5%, when utilities have had other investment options that promise better payoffs."
10. StormCon website for 2003 StormCon.
11. November/December issue of *Stormwater* magazine.
12. Ibid
13. 2000 Census: US Municipalities Over 50,000:Ranked by 2000 Density. From demographia.com
14. At the May 8, 2003 Public Hearing in Fairfax County, Virginia a management representative of the County said it would cost at least $500 million to solve stormwater management problems in Fairfax County, Virginia.
15. Quote from Yeager, president and chief executive of the Electric Power Research Institute as reported in the WSJ August 15, 2003
16. It is difficult to obtain estimates for total construction costs for new Interstate highways. Actual construction costs without land acquisition costs are estimated in the *2002 Transportation Costs*, Office of Policy Planning Florida at $4 million per center lane mile. Another independent estimate has been $5.7 million per lane mile. The Journalist's Guide to the American Dream estimates the cost at around $10 million per lane mile.