repair levees outside the Corps program that were also ineligible for SCS assistance.[162] The Administration contracted with the Corps to supply technical assistance for both determining eligibility and project design.

The Department of Agriculture attempted to find a middle ground in these debates. In a speech before the National Governor's Association, Secretary Espy stated that a White House Task Force was looking at floodplain management with an eye toward determining whether some levees should not be rebuilt.[163] He also discussed the option of buying towns that lie in the floodplain and expanding the Wetlands Reserve Program (WRP) at a flood relief conference in Des Moines on August 26.[164] Shortly after this statement, Espy reassured Midwesterners that levees protecting cities and farmland were going to be rebuilt.[165]

SCS's own emergency work reflected the Secretary's middle-of-the-road approach. Although the Service was not a major builder of levees, it was obligated to repair eligible structures through the EWP program. SCS repair decisions were a function of EWP eligibility, financial constraints, White House policy, individual state conservationists, and the level of local cooperation with the Corps.

At a workshop on the EWP program in Kansas City, Missouri, in late July of 1993, the Corps and SCS seemed to reach an agreement based upon a 1986 Memorandum of Understanding (MOU) between the two agencies.[166] The Corps stressed the need to fulfill the MOU by enforcing consistent standards for sponsorship, cost-sharing, and maintenance. SCS was not to work on any levees on water courses with drainage areas over four hundred square miles (the same limit as for small watershed projects). All agreed that a one-stop center in each state for levee repair questions and requests was vital during the flood recovery process. These sites became the Disaster Field Offices (DFO's) where SCS, the Corps, and FEMA jointly received and considered requests for assistance. DFO's were established in the states with the most levee damage--Iowa, Illinois, Kansas, and Missouri.

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[162] Despite the efforts led by Senator Bond of Missouri, the Clinton administration requested and received only $18 million, not $150 million. These supplementary repairs were to be done under a 75-25 cost-share arrangement and to be built and maintained to the Corps' standards. See James Worsham, "Levee Repair Funds Fall Far Short of Missouri Plea," *Kansas City Star*, November 20, 1993.

[163] "Flood to Have Minimal Food Price Effect," Reuters wire service, August 16, 1993.

[164] Stephen Labaton, "U.S. Weighs Scrapping Levees for Flood Control," *New York Times*, August 28, 1993.

[165] "Alternatives to Rebuilding Levees Studied," *Washington Post*, August 27, 1993.

[166] This MOU was part of the Corps' overall effort to improve and standardize maintenance standards on levees during the late 1980's.

A contractor hired by SCS makes levee repairs along the Grand River in Missouri. Levee repair became one of the most contentious issues in the Emergency Watershed Protection efforts. Photo by Charles Rahm, SCS-Missouri.

Events would show that the degree of SCS-Corps cooperation varied from state to state. The problem centered around interpretation of the 1986 MOU and whether the Service could repair levees ineligible for the Corps' program. One issue was whether the Memorandum of Understanding had ever been implemented, since there had been little or no contact between the agencies concerning levees or their repair after the signing. Time and again, SCS personnel stated that the statutory requirements of the law that authorized the EWP program (the Agricultural Credit Act of 1978) did not contain a provision for SCS to refuse to rebuild a levee based on previous maintenance standards or the Corps' objections.[167]

Despite these concerns, a wide range of efforts at interagency cooperation met with success. On August 5, SCS, Corps, and FEMA held a meeting in Moline, Illinois, in order to coordinate the repair of levees. Meetings were also scheduled for August 6 in Davenport, Iowa, and Earth City, Missouri. The Interagency Levee Rehab Task Force met in Earth City, Missouri, on August 19. The SCS representative with the group,

[167] Each state's experience with levee repair is recounted in more detail in separate sections.

Tom Wehri, reiterated great concern that the Corps' restrictions on levee repair would put the Service in an untenable political and legal position. There was still time for these debates during the summer of 1993 as the amount of levee repair work was minimal because of high standing water, especially in Missouri. EWP efforts focused on debris removal and streambank stabilization along tributaries.

The staff of the Soil Conservation Service struggled to balance many of the same financial, legal, and political pressures as the Corps did. Many members of Congress expected levees in their districts to be repaired immediately, while environmental groups like the Izaak Walton League urged a slower approach that looked at floodplain management and emphasized environmental values. Specifically, some elected officials were angry that the expansion of wetlands appeared to be a higher priority than the repair of levees. These conflicts put SCS, which was involved in both programs, in a difficult position. At a public flood recovery meeting in late October, Governor Terry Branstad of Iowa exclaimed, "Is it the policy of the federal government to make the whole goddamn upper Midwest a wetland?"[168] He wanted funds released immediately for levee repair to prevent spring flooding. Jeff Vonk, state conservationist in Iowa, pointed out that the estimated costs of repair requests far exceeded available funds. SCS in Iowa had received 895 flood damage reports to repair $27.6 million in damages. At that time, the Service was making many EWP repairs and had not even finalized rules for the emergency wetlands program.

These pressures were felt by the Service in Washington. At an August 24 meeting in Karl Otte's office, discussion focused on levee repair, relations with the Corps, and related environmental concerns. Some at the meeting stressed that the process of levee repair needed to be systematized. They were concerned that SCS, with fewer employees than the Corps, was running itself ragged by attending meeting after meeting on levee repair without reaching any consensus. SCS hoped to rely on a system of three classes of levees, developed as part of its Small Watershed Program, to set priorities for repairs.[169] Almost all or all Class I levees would be replaced, since they were built to

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[168] Jonathan Roos, "Governor Curses in Flood Aid Talks," *Des Moines Register*, October 29, 1993.

[169] According to the *National Handbook of Conservation Practices*, the three classes are defined as follows:

- Class I dikes are those constructed on sites where...Failure may cause loss of life or serious damage to homes, industrial and commercial buildings, important public utilities, main highways or railroads, and high value land, crops or other improvements. Protection was required to contain over twelve feet of water above the normal ground surface.
- Class II dikes are those constructed in highly developed and productive agricultural areas... Failure may damage isolated homes, highways or minor railroads, causing interruption in service of relatively important pubic utilities. The maximum level of protection is twelve feet of water.

protect life and property. Most of the Class II levees would be replaced also. Class III levees would require extensive input from FWS and EPA before any action would be taken. These classifications, however, had not been completed in the field.

Many discussions about the advisability of rebuilding levees took place within the White House and federal agencies. In late August a memo from T. J. Glauthier, Associate Director, Natural Resources, Energy and Science, OMB, and Kathleen McGinty, Director, White House Office on Environmental Policy, laid out the general procedures for levee repair. The memo was based on meetings at the White House attended by SCS, EPA, the Corps, and FEMA. The Watershed Projects Division sent its own expert, usually Karl Otte, to attend these discussions. First, the memo ordered that federal agencies consider alternatives to rebuilding levees and other flood control structures. Second, FEMA's Disaster Field Offices (DFO's) were to be the focal points for repair requests in each state. Third, state and federal agencies would have twenty-four hours to comment on levee repair project proposals. Finally, federal agencies were to make monthly reports to the Office of Management and Budget (OMB) on repair applications received, comments received, and actions taken.[170] The White House memo on levees was forwarded to SCS state offices in the Midwest.

The August 24 White House directive also gave the Department of Transportation, the Environmental Protection Agency, and other federal agencies the right to review levee repair plans submitted to the DFO's in each state. Some SCS staff expressed concern that the Department of Transportation and the Environmental Protection Agency, organizations with relatively little experience in water resources issues, would hold frequent meetings, increase their role in the evaluation of levee repairs, and thus slow EWP work. For two reasons, this did not become a serious problem. First, SCS tried to consider a wide variety of factors, including environmental, in the initial planning stages of each project.[171] SCS construction plans anticipated environmental concerns and were prepared accordingly. Second, many federal agencies lacked the field staff or technical expertise to evaluate levee repair requests. The FWS provided much of the guidance or suggestions on structural repair work. The agency's experience in areas such as wetlands and its relatively large presence in rural areas enabled it to participate in the process.

- Class III dikes are those constructed in rural or agricultural areas where...Damage likely to occur from dike failure is minimal. The levee must be designed to hold back six feet of water in mineral soils and four feet in organic soils.

170 T. J. Glauthier and Katie McGinty memorandum to various federal agencies, August 23, 1993.

171 See the section on Illinois for details on one approach to this problem.

Following their visit to Iowa, Missouri, and Illinois in early September, the Interagency Levee Rehabilitation Task Force wrote several draft memos with suggestions on improving management of the DFO's. First, the twenty-four hour comment period on project reports was deemed inadequate. They suggested that when SCS, the Corps, or FEMA received a levee repair request, they immediately notify other members of the team. This arrangement would allow about two weeks for comments while SCS or the Corps conducted site visits and wrote project reports. One of the memos also detailed a dispute over levee repair in Illinois and Iowa. SCS personnel in both states emphasized that their legislative authority did not allow them to follow rigidly the 1986 MOU with the Corps and that they must repair levees eligible for EWP assistance when requested. Finally, the memos reemphasized the need for DFO's to make nonstructural alternatives clear to those requesting assistance.

The White House clearly sought to link levee repair and wetlands policies. In order to implement the August 24 White House directive on the need to provide non-structural alternatives to levee repair, the White House requested that SCS supply detailed information on alternatives to levees, such as the Small Watershed Program, Wetlands Reserve Program, and the Conservation Reserve Program. The Service supplied this data. Staff in the Watershed Projects Division also stated that their goal was to develop a plan for an emergency wetlands reserve program by Friday, August 28.

Although much time and energy were devoted to discussions of providing alternatives to levees in late 1993, there were actually few viable options available. The sign-up for the pilot WRP had been completed and ASCS was no longer accepting bids from landowners. Although the August flood relief bill provided funds for easement purchases in the wetlands program, there were no rules to carry out this activity until November of 1993. Further, much of the land inundated in 1993 did not meet wetlands criteria. This was true for those areas far from the river which were flooded for the first time in memory and areas in the river bottoms now covered with several feet of sand. Other than FEMA, which assisted a few communities that were able to organize quickly to relocate out of the floodplain, no other federal agencies were even able to offer farmers viable nonstructural alternatives to levee repair in 1993.

It is also important to bear in mind that many levee repair decisions were straightforward--they were economically defensible, protected valuable cropland or infrastructure, had proper sponsorship, and little or no adverse impact upon the environment. Therefore, there was little incentive for many Midwesterners to delay repairs in order to consider an alternative.

In the field, the progress of levee repair work at least partially reflected the Service's organizational structure, which gave each state conservationist a great deal of authority. Each state took a slightly different approach. In late 1993, Iowa was declining few requests, Missouri was generally following the Corps' lead, and Illinois was treading a path roughly in the middle. National headquarters staff explained the initial variation among the states. State conservationist Russ Mills had long experience with levees in Missouri and had seen some wiped out four or more times. This experience has made him more willing to reach agreements with the Corps and limit the number of levee repairs. Mills had no intention of doing any work in the 100-year floodplain of the Mississippi or Missouri rivers. On the other hand, Jeff Vonk, state conservationist in Iowa, was newer to his state and was more willing to rebuild structures. There was a gradual convergence of levee repair policies over the fall of 1993. By the spring of 1994, there were few differences between the states.

Shortly before Thanksgiving, the White House presented the next iteration of its long-term levee repair policy. Within each state, SCS and the Corps were to determine the geographical areas of their work. Based on the 1986 agreement between the two agencies, SCS would generally handle repairs for levees on waterways with a drainage area of less than four hundred square miles, though work in other areas was possible. The Service would not fund any work in areas under Corps jurisdiction. Levee work was to be prioritized based on factors such as the type of property protected, the record of maintenance by the levee sponsors, and the environmental impact of the repair. Shortly after this approach was transmitted to the states, winter weather began to halt repair work. Developments during early 1994 led to further modifications to the criteria for which levees SCS would or would not repair under its EWP program.

Pressure for more and faster levee repair increased in early 1994. The American Farm Bureau Federation stated several reasons why these repairs were needed quickly: 1) to protect farm income, 2) to preserve property values, and 3) to prevent future flooding.[172] Many of the complaints voiced through the press focused on the perception that the Corps was repairing too few levees too slowly. The Corps responded that there were often complicated disputes with levee districts or other sponsors over repairs. For example, the Engineers may find that it is more cost-effective to build around the edge of a major scour hole. On the other hand, the levee district members may want to restore as much cropland as possible by filling in the hole and rebuilding the levee in the exact position it was before the flood, a more expensive option.[173]

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[172] "Failure to Rebuild Levees May Spur Flooding, Group Says," Knight-Ridder News Service, March 8, 1994.

[173] See Pringle Pipkin, "Floods Menace Battered Lands," *Kansas City Star*, April 13, 1994, and Sharon Cohen, "Living Without Levees: Pushing Paper, but Not Much Dirt," AP wire, April 16, 1994.

In 1994, it became increasingly clear that more levees were going to be repaired than most outside observers and government personnel had expected back in the summer and autumn of 1993. The supplemental appropriation of early 1994 provided money for regular EWP work and the wetlands program. The relief bill also gave $50 million to the Service to repair levees that had been rejected in 1993 by the Corps or SCS. These funds were to repair large agricultural levees with over four hundred square miles of drainage, thus negating the 1986 agreement between SCS and the Corps. This appropriation, along with a smaller amount of money ($18 million) given to EDA in late 1993, represented another shift in the federal policy on levee repair.

At the Kansas City flood recovery meeting in mid-March of 1994, the SCS stated that it planned to repair additional levees on the condition that the sponsors place these rehabilitated structures into the Corps' program. The Corps would then assume responsibility for enforcing standards and would make repairs after natural disasters in the future under their levee program. The Soil Conservation Service, FEMA, and Corps personnel met to discuss this criteria. Ed Hecker of the Corps said that they had rejected levee repairs for two main reasons: lack of proper sponsorship and lack of proper maintenance. The Corps and OMB were eager to see SCS repair only levees that had sponsorship problems, not those levee systems with maintenance deficiencies.[174] According to the EWP program rules, SCS could restore a levee to pre-flood conditions only. Therefore, if the levee had been ineligible for the Corps' program due to design or severe maintenance problems prior to the flood, then it would remain outside the program after repairs. Almost all present at the Kansas City meeting stated that the four hundred square mile limit on SCS repair work, which was based upon guidelines for the P.L. 566 program, was arbitrary and need not be followed for these levee repair jobs.

Although the details of the "hand-off" of these levees from SCS to the Corps were not worked out completely, both agencies took steps toward building a long-term plan to get levees into the Corps' maintenance program. The sponsor had to be informed that the alternative to entering the program after SCS completed its repairs was to be without protection or the promise of repair if another major flood occurred. One major concern was whether levee districts were willing and able to fund the improvements needed to bring their structures up to the Corps' standards.[175]

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[174] OMB personnel tended to agree with the Corps' stand on this issue. The law itself, however, did not make this distinction. SCS looked at the failed amendment to the relief bill sponsored by Representative Pat Donner of Missouri, which did contain this provision.

[175] Under the EWP program rules, the SCS may return structures to pre-flood conditions only, not improve them. Again, that condition may not meet Corps' standards.

Some SCS staff expressed skepticism at the attempt to create rigid, long-term rules for which levees the Service or the Corps would repair. They pointed out that despite the decisions by the Corps not to repair many levees and the lobbying of the environmental community, when Congressmen wanted something repaired, it generally got done. Congress had essentially overridden the Army and SCS levee repair criteria with its $50 million supplemental appropriation. What was to stop this from happening after the next major flood?

The Service's supplemental levee repair criteria was finalized with OMB approval in early April. The following criteria for repairing levees with over four hundred square miles of drainage were then distributed to the nine flood states:

1. The primary beneficiary must be agriculture or related businesses.
2. Levee is not currently in the Corps' program.
3. Levee owner agrees to enter the Corps' program within two years of repairs. Preference will be given to levees most likely to become eligible for the program after repairs.
4. Levee owner must supply twenty-five percent of repair costs and five percent of the costs must be in cash.[176]
5. EWRP will be offered as an alternative when possible. Repairs must be environmentally and economically defensible.
6. No repairs would be made on the river side of the main levee.[177]
7. All project agreements for repairs will be complete by the end of 1994.

One of the last major levee repair meetings between SCS and the Corps was held in St. Louis in mid-April of 1994. At this meeting, these two agencies, along with the EDA, exchanged information on the status of their repair efforts. Also present at the meeting were representatives from the White House and the Secretary of Agriculture's flood liaisons from Missouri and Illinois. These men and women all emphasized the need to

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[176] The five percent cash requirement was added by OMB at the urging of the Corps. SCS, which often obtained the entire twenty-five percent of the sponsors' cost-share contribution in services or materials instead of money, objected but was overridden. Since SCS in Iowa attempted to manage its EWP effort along the model of a grant program (see the Iowa section which follows), the cash requirement represented a significant barrier to sponsors. See also the comments of Steve Knorr, an aide to Senator Kit Bond of Missouri: "We believe that there are levee districts out there that meet SCS guidelines, but because the administration is forcing the SCS to use Army Corps of Engineers guidelines, only roughly $4 million has been spent in the entire Midwest." James Kuhnhenn, "Levee Repairs Slowed," *Kansas City Star*, July 13, 1994.

[177] A main levee is usually defined as the levee which supplies the highest level of protection. This is not necessarily the levee closest to the river. Often, after the Corps or a levee district built a main levee set-back some distance from the river, an individual farmer constructed a smaller levee right next to the river in order to maximize the area he can farm.

make firm levee repair decisions as quickly as possible. The Service was eager to find out which projects EDA was funding. A great deal of time was spent discussing how to transfer levees repaired by SCS under the 1994 supplemental appropriation into the Corps program. The Corps stressed that it wanted to create a common policy among all federal agencies. In light of the Corps' lack of popularity in much of the Midwest and the fact that SCS was only involved in temporary levee repair work, many in the Service were not eager to be tied to the Department of the Army's program.

SCS staff were concerned that the public was getting the impression that the Service would repair any levee rejected by EDA, the Corps, or anyone else. In fact, assistant state conservationists from Illinois, Iowa, Kansas, and Missouri did not expect to spend more than a small portion of the $50 million made available in the supplemental appropriation. There were several reasons that the number of levees eligible for this emergency repair program was small. First, many levee districts balked at the requirement that they bring their levees up to Corps standards and enter its program within two years of SCS repairs. Second, many levees were built by and benefited a single landowner; therefore, there was no public benefit to repairing them Third, other levees lacked proper sponsorship. Fourth, a few did not meet economic criteria. Gary Parker of Illinois, Lyle Asell of Iowa and Mike Wells of Missouri each said they would be repairing a few more levees. James Wallace, chief engineer in Kansas, stated that his office had received seventy-four requests for repairs. The vast majority of these, however, would not be eligible for assistance.[178]

Looking back from the summer of 1994, it is clear that levee repair was a relatively minor part of EWP work that took up an inordinate amount of time and effort. This was a function of the complicated politics of floodplain management, which focused on the advisability of repairing levees. A related factor was the bureaucratic competition between agencies, mainly SCS and the Corps. The rivalry had its long-term basis in differing approaches to flood control or flood prevention. These traditional tensions were heightened by the desire of all agencies to prove their worth to the new presidential administration, as well as the inevitable personal conflicts. Further, policies or approaches to flood recovery work varied not only between, but also within agencies. The pressure to make repairs would have been even greater except for the continued presence of standing water in the floodplain which delayed damage survey and emergency work in late 1993.

[178] One reason for the great variation in the number of requests for assistance is that some states tended to count a "request" for assistance only if it had a good chance of being approved and completed. Others let almost anyone make a request.

Most levee breaks were not like the spectacular events which dominated the network news. Here, in a more typical scene, water pours through a break in a levee along Little Canteen Creek near Belleville, Illinois. Photo from SCS-Illinois.

Two related factors which have received insufficient attention are the different organizational structures and cultures of each agency. SCS places a great deal of responsibility for decision-making at the state and conservation district level. Although there are four National Technical Centers, each serving a different region of the country, lines of authority generally run from Washington to the individual states. Further, the Service has long prided itself on its close ties to the communities it serves through a system of field offices. SCS personnel also tend to come from agricultural backgrounds or areas where commercial agriculture is important.

The Corps is different in several significant ways. First, it is organized into divisions which are generally based upon the drainage areas of major rivers. Each encompasses several states or parts of several states. These divisions are further divided into districts. One state can be part of several districts. Iowa is divided between two divisions (Missouri River and North Central) each with two districts in part of the state. From the

Corps' perspective, SCS relies on arbitrary political divisions between states. Second, the Corps' organization is more centralized and hierarchical than most agencies, probably due to its military heritage and the personnel. These different structures and approaches hampered coordination.[179]

Another factor which made the development of a uniform approach to levee repair difficult was the great variation among states in their own floodplain management laws. As pointed out in the Interagency Floodplain Management Task Force Report, Illinois has twenty-two full-time persons working on floodplain management while Missouri has none. Wisconsin has an extensive state program for mapping floodplain areas while South Dakota does not. While Illinois and Iowa directly regulate floodways with standards that exceed those of the National Flood Insurance Program, the other flood states either set standards for local regulations or have no significant rules. The same variation is seen in state regulations for special flood hazards, such as areas above or below dams, and programs for redevelopment, two areas where Minnesota is a leader. Variations in SCS's own EWP policies must be seen in the context of the different levels of state interest and expertise in the field of floodplain management.

The final report of the Interagency Task Force staked out a position in the middle of the levee repair debate, stressing that these structures did not cause the 1993 floods. The report admitted, however, that levees may have had a significant local effect upon flood stages and suggested that many levees should be either repositioned or abandoned. Reflecting the dominate position of the Corps as the most important single builder and maintainer of levees, and source of information for much of the report, the Task Force suggested that the Corps become the principal federal levee construction and repair agency. Further, the report supported the Corps' levee repair policy and standards and criticized the supplemental levee funding from Congress in early 1994 because it may "send the wrong message to levee sponsors" and not encourage proper maintenance. Within the ranks of SCS, there were few objections to these proposals, as long as they were made clear to the public, and the Corps shouldered the financial and political costs of their policy.

[179] To add to the confusion, the flood areas of the Midwest contained parts of three FEMA regions (region V-Chicago, VII-Kansas City, and VIII-Denver).

## Wetlands Policy

The development of wetlands policies in 1993 and 1994 grew out of long-term trends like increasing interest in protecting the environment. It also stemmed from more recent stress on wetlands as a sensitive political issue, and the intense pressure from the media, the public, interest groups, and the government to respond quickly to the Midwest flood and limit future flood recovery costs.[180] Also, the purchase of wetlands easements was seen as a way to help devastated farmers whose land could not be restored to productive agriculture at a reasonable cost.

The federal role in protecting wetlands has expanded steadily over the past two decades. The Water Bank Act of 1970 provided payments to farmers for protecting wetlands used as breeding and nesting areas for migratory waterfowl. The next important step in wetlands legislation was the Clean Water Act of 1972. Court interpretations of Section 404 of this Act expanded the Corps of Engineers' jurisdiction to all waters in the United States, including wetlands. A "404" permit is now required for the discharge of dredged or fill materials into waters. EPA may also restrict discharges that have adverse impacts upon wildlife or water supply. The Food Security Act of 1985 was another advance. Its "swampbuster" provisions linked protection of wetlands to farm subsidies from the Department of Agriculture. The Emergency Wetlands Resources Act of 1986 increased the role of the Department of Interior's Fish and Wildlife Service in monitoring wetlands resources.

The most contentious aspect of the program has been the criteria for wetlands delineations--this would determine the lands that fell under the scope of the program. The issue was deferred by the Bush administration in 1992 when it charged a committee under the auspices of the National Academy of Sciences with developing uniform criteria for all federal agencies. Meanwhile, the Corps of Engineers' 1987 standards were used.[181] A related issue was the willingness of President George Bush to follow through on his promise for "no net loss" of wetlands in America during his ill-fated re-election bid.

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[180] According to the 1994 Interagency Floodplain Management Review Committee report's glossary, wetlands are "Those areas that are inundated by surface or ground water with a frequency sufficient to support and, under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include bottom land hardwoods, swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflow, mud flats, and natural ponds."

[181] For an overview of how wetlands are defined and their benefits to wildlife, see Jon A. Kusler, William J. Mitsch, and Joseph S. Larson, "Wetlands," *Scientific American* (January 1994): 64-70.

Wetlands in Minnesota. SCS photo file.

The Wetlands Reserve Program (WRP) was the basis for the Emergency Wetlands Reserve Program implemented by the Service after the 1993 flood. The original goal of the WRP was to take cropland that had formerly been or was currently wetlands out of agricultural commodity production by purchasing permanent easements and paying seventy-five percent of the costs of restoring the wetlands values at the site. The program has important environmental benefits: improved water quality, increased wildlife habitat, and flood damage abatement.

The WRP was authorized in the Food, Agriculture, Conservation, and Trade Act of 1990. However, it was not until the fiscal year 1992 appropriations bill that funds were provided to enroll up to fifty thousand acres. WRP became a nine-state pilot program managed by ASCS with SCS and FWS assistance.[182] The Service's main roles were to make wetlands determinations, help develop criteria for bid rankings, and provide technical assistance on wetlands restoration. ASCS oversaw the appraisal process, ranked bids, and handled the purchase of easements. Although farmers began to sign up for the program in June of 1992, it was not until January of 1993 that the extensive

[182] California, Iowa, Louisiana, Minnesota, Mississippi, Missouri, New York, North Carolina, and Wisconsin. Note that four of these were among the nine flooded states.

bidding and evaluating process was complete and 49,888 acres were tentatively accepted. The average cost per acre was $923 ($742 for the easement, $52 for cost-share payments for restoration, $124 for SCS technical assistance, and $4 for appraisal fees).

The American Farmland Trust and the Soil and Water Conservation Society each provided their own evaluations of the WRP and found weaknesses in several key areas. First, almost twenty percent of farmers whose bids had been accepted by ASCS changed their minds. Therefore, ASCS had to go back to landowners it had rejected previously. Second, the lack of an open procedure for ranking and selecting wetlands deterred many from joining. Landowners wanted decisions to be made at the state or local level rather than in Washington. Third, many did not like the permanent nature of the easements. Finally, some landowners preferred to sell title to the land outright rather than sell the easement and lose almost all productive use of the land while retaining tax liability. SCS staff was aware of these problems and tried to develop the EWRP program accordingly.

SCS staff drew several other conclusions from the pilot program that would influence the emergency program in 1993 and 1994. First, the period between the farmer's first inquiries and the final purchase of the easement was too long. Second, the process of bids and evaluations, which wound its way from the local level all the way to Washington, was too complicated. Nevertheless, there was great potential for the program. The easements purchased under the pilot program represented only about twenty percent of the total acreage offered by landowners.[183]

In 1993 and 1994 attention re-focused on wetlands and one particular question: would more wetlands in the floodplains have reduced the severity of the Midwest flood? The *Chicago Tribune* published an article concerning the wetlands program which quoted ASCS official Jack Webb, "the Agriculture Department official responsible for coordinating the Wetlands Reserve Program," as stating that the floods would not have been as extensive if adequate wetlands had been in place. He blamed flood control structures for increasing flood damage by constricting the river. [184] Another *Chicago Tribune* essay by a representative of the World Wildlife Fund (WWF) claimed that wetlands reduce flood peaks. The author said that the FWS agreed with WWF on the importance of wetlands. In conclusion, the author advocated restoration through the Wetlands Reserve Program.[185] United Press International interviewed a member of the

[183] For more detail on the pilot program, see "1992 Wetlands Reserve Program: Report to Congress," Agricultural Stabilization and Conservation Service, February 1993.
[184] Michael A. Lev, "In Flood's Wake, Wetlands Idea Surfaces Again," *Chicago Tribune*, August 1, 1993.
[185] Constance Hunt, "Returning the Wetlands to the Water," *Chicago Tribune*, July 31, 1993.

Committee on Wetlands Characterization, which will issue a scientific definition of wetlands by September 30, 1994. He stated that most of the wetlands lost each year disappear because of agriculture and development in the upper Mississippi region and posited that the floods would have been less severe had there been more wetlands.[186] The increasing influence of opinions such as these was clear in 1993. By lessening future floods and moving infrastructure out of the floodplains, wetlands were seen as a way to reduce future damage and relief payments. Thus, a budgetary justification was offered for increasing the amount of wetlands in the floodplains.

Some experts pointed out that the 1993 flood was a uniquely large event that filled many floodplains from bluff to bluff. Thus, it was unfair to use it as a measurement of the effectiveness of levees or wetlands in flood control. A Corps of Engineers expert stated that, "On a flood like we had last year, it [wetlands] will have no effect. Wetlands are important, but not for flood reduction."[187] Overall, this viewpoint was in the minority.

Environmental groups, the scientific community, Congress, commercial agriculture, the White House, and USDA each played a role in influencing wetlands policy. In mid-July Chairman of the Senate Agriculture Committee, Patrick Leahy of Vermont (D), suggested that the WRP be expanded. The Senator stressed the long-term savings in disaster relief payments that could result from more wetlands.[188] In his July 29 request for additional flood relief funds, the President introduced the option of the wetlands reserve as an alternative to levee repair.[189] The President's proposal also stated that if the Secretary of the Army determined that the cost of the repair exceeded the economic benefits, he could transfer funds to the Secretary of Agriculture to enroll the land in the wetlands program. This provision did not make it into either the House or the Senate versions of the emergency flood relief bill. The $60 million allocated to the Service in the August relief bill authorized the purchase of permanent easements on wetlands which had been inundated in the 1993 flood if the cost of levee repair and/or cropland restoration exceeded the value of the land.

The immediate pressures of flood recovery and the long-term development of a wetlands policy merged in late August. On August 24 the White House Office on Environmental Policy, under Director Kathleen McGinty, announced a new federal wetlands policy, based on talks among an interagency group of nine federal organizations (including the Service), farmers, environmentalists, scientists, and Congress. Highlights included: 1)

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186 "Scientists Define What Is a Wetland," UPI newswire, September 8, 1993.

187 Peter Annin, "To the River, the Spoils," *Newsweek*, (April 11, 1994): 71.

188 "Senator Leahy on Mississippi River Flooding and Disaster Relief," *FWN*, July 16, 1993.

189 Letter from President William Clinton to the President of the Senate, July 29, 1993, with enclosures.

continued use of the 1987 wetlands delineation until completion of the National Academy of Sciences study in September of 1994, 2) SCS designated as the lead agency for wetlands determinations for agricultural lands, and 3) Alaskan wetlands added to the program.[190]

In a separate press release on the same day, the Office of Environmental Policy set forth five general principles of the Clinton administration's wetlands policy:

1. No net loss is a short-term goal; increasing quality and quantity of wetlands is a long-term goal.
2. Regulatory programs must be clearer.
3. Public-private cooperative efforts are needed to reduce reliance on regulation.
4. A partnership is needed with state, tribal, and local governments.
5. Wetlands policy should be based on the best scientific information available.

The White House announced that an Executive Order to implement these principles would be issued. The President reassured agricultural interests that the approximately fifty-three million acres of prior-converted cropland would not be affected.[191]

The Clinton administration's wetlands policy proved slightly less controversial than Bush's had been. Some farmers were angry over the wetlands policy because it kept prairie potholes in the plains under federal protection. Others praised the plan for simplifying the regulation of wetlands on agricultural lands by clearly putting the Soil Conservation Service in charge. [192] The Service was criticized by some for its wetlands policies. Some editorials and articles questioned whether SCS could be trusted to carry out wetlands protection or any program that did not have the strong support of commercial agriculture. For example, a *Baltimore Sun* editorial generally praised the Clinton administration's wetlands policy as evenhanded. However, the *Sun* noted that

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[190] See the White House Office of Environmental Policy press release, July 24, 1993. This statement was formalized with a Memorandum of Agreement signed by representatives of SCS, the Corps, FWS, and EPA on January 10, 1994.

[191] See the White House Office of Environmental Policy press release, July 24, 1993.

[192] "Clinton Rejects Farmed Wetlands Exemption," *The Forum*, August 25, 1993. For one horror story detailing the danger of too many agencies involved with wetlands on agricultural lands, see Marcia Zarley Taylor, "Tale of a Wetlands Hostage," *Top Producer* (April 1994): 16-17. In this article, a California farmer spent $150,000 disputing faulty wetlands determinations made by the Corps of Engineers and FWS.

> enforcement of the wetlands rule for farmers will be left to the Agriculture Department, whose traditional role of promoter rather than regulator is suspect. Doubters need only look at the agency's weak hand in curbing water pollution by farm pesticides and fertilizers.[193]

The Fayetteville, North Carolina, *Observer-Times* discussed the Clinton administration's wetlands program. It echoed other reports: farmers welcomed the plan while environmental groups criticized the role of SCS. A scientist with the Environmental Defense Fund in Raleigh said, "The scuttlebutt is that the Soil Conservation Service has never seen a farm field it considered wet."[194] The Service's policy was an attempt to balance the often contradictory interests of the environmental community and commercial agriculture.

At a meeting of SCS Washington staff involved with the wetlands issue on August 25, it was decided to approach ASCS with a draft policy that would accelerate the Wetlands Reserve Program. The Service's primary goal was to create a more streamlined process so that farmers could decide in the fall of 1993 whether they needed to prepare to plant in waterlogged fields in the spring of 1994. The goal was to complete a plan within one week. It was decided quickly that the SCS Acting Chief, Galen Bridge, should speak with the head of ASCS in order to promote interagency cooperation.

Developing a wetlands program to respond to the immediate needs of flood victims became a long and frustrating process. The Fish and Wildlife Service, which played a major role through its National Wetlands Inventory, was enthusiastic over the possibility of a streamlined program, as was EPA. On the other hand, ASCS did not want SCS to significantly modify the WRP rules. The sticking point was the method of determining the easement value. ASCS legal experts said that an appraisal was required for each easement. They claimed that the best method to decide this value was to use the post-flood appraised value plus a small "add-on." They also wanted to continue to follow the relatively slow bidding and ranking process used by ASCS. These procedures would have led to very low easement values--so low that landowners would have opted for assistance to repair structures or restore cropland. Alternatively, the federal government could have been perceived as attempting to take advantage of people in distress in order to buy easements at "fire sale" prices.

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193 "Balancing Act in the Wetlands," *The Baltimore Sun*, September 19, 1993.

194 "Farmers Welcome Easing of Rule on Wetlands," *Fayetteville Observer-Times*, August 27, 1993.

Severely scoured cropland along the Missouri River. The Service worked with landowners to help them determine the best method to restore their cropland or to place their land into the Emergency Wetlands Reserve Program. Photo by Norm Klopfenstein, SCS-Missouri.

One of the difficulties in forming a new policy stemmed from the plans to reorganize the Department of Agriculture, which were announced publicly in early September of 1993 by Secretary Espy even as the dispute with ASCS over wetlands policy was heating up. This initiative, part of Vice President Gore's Re-inventing Government effort, was designed to streamline the department by abolishing redundant administrative services. Specifically, the National Performance Review Team report, supported by Secretary Espy, called for the creation of a Natural Resources Conservation Service made up of SCS and ASCS's cost-share programs. Other ASCS programs were to be placed into a Farm Service Agency. The possible "survival" of SCS and the dismembering of ASCS led to tensions and concerns that delayed interagency cooperation on the emergency wetlands program.

Early September was an important period in the complicated development of what became known as the Emergency Wetlands Reserve Program. All were eager to begin work in the field--making wetlands determination and drawing up restoration plans--while weather permitted. At a September 7 meeting in Karl Otte's office, Don Butz,

Land Program Manager with the Land Branch, stated that he thought ASCS and SCS were very close to agreeing on a cooperative program along the lines of the WRP. Discussion centered on the intent of Congress--did lawmakers expect the regular WRP program rules to be followed exactly? Billy Teels, national biologist with the Ecological Sciences Division, stressed that the Service could carry out the process without ASCS up to the point of setting an easement value. The goal was to publish rules by September 17.

They also discussed potential local obstacles to the emergency wetlands program. Some heads of drainage or levee districts might oppose the wetlands easements, since replacing farmland protected by levees with unprotected wetlands could eviscerate or severely weaken their organizations. Also, bitter disputes were expected in areas where only some landowners behind a levee wanted to move into the wetlands program. Would the other landowners then not have the protection of a repaired levee?

At a September 8 meeting, Lloyd Wright suggested that if ASCS would not cooperate, then SCS would have to act alone. He offered several justifications for this course of action. First, the relief bill recently signed into law gave the Secretary of Agriculture the authority to decide which agency would administer the program. Second, environmental groups and the White House were clearly backing the wetlands alternative. Wright also said that wetlands determinations should be done before making levee repairs and that there should be documentation that the wetlands option was offered to those seeking assistance. One further justification was that, as some SCS staffers stated, the Service could eventually get the entire WRP activity under the Secretary's plan for the creation of a Natural Resources Conservation Service. Billy Teels emphasized that the Service should keep in touch with FWS and EPA in order to build support for an accelerated program. Based on his continuing talks with ASCS, Don Butz felt confident that the two agencies could agree on a joint program. Nevertheless, that afternoon SCS decided to prepare to move ahead with its own wetlands program without ASCS.

A conference call on September 9 with state conservationists from the nine flood-affected states, Lloyd Wright, Billy Teels, Gary A. Margheim (deputy chief for programs), and Larry Babich became a forum to discuss SCS plans to manage the EWRP. Most important was the issue of easement values. Most agreed to define fair market value as the post-flood value plus the value of the reclamation. They also planned to end the one-year ownership requirement that had been part of the WRP pilot program. Based on these discussions with the states, EWRP training was tentatively scheduled for late September in Kansas City.

The Service wrestled with a variety of policy issues when modifying the WRP to fit the needs of the post-flood Midwest. In early September, Lloyd Wright chaired an interagency meeting with FWS, the Extension Service, and EPA in the Chief's office. Two of the most important agencies in the wetlands effort, ASCS and the Corps, did not attend. Wright began by explaining the latest draft wetlands program proposal. All of the flood states but North Dakota, whose state law did not allow perpetual easements, would be in the program. The general counsel for the Department of Agriculture cautioned that, based upon the statutory requirements of the law authorizing the EWP program, they must rebuild eligible levees if asked. The Service, however, could prioritize repairs to push some toward the wetlands option. For example, if landowners who control over fifty percent of the land in a levee district opted for wetlands over repairs, then the levee would be a low priority. All participants stressed the need to avoid any rigid cutoff dates for applications or repairs. Another problem then arose: how could SCS create a priority list of repairs and wetlands when applications would be coming in over a long period, even within each state?

The states reported great enthusiasm for the wetlands option. In mid-September, the Iowa state office stated that it was working closely with a three thousand-acre levee district whose members were interested in participating in the EWRP.[195] As the program was finally approaching implementation in late November, both Tom Wehri, assistant director for Watershed Projects, and Mike Wells, assistant state conservationist in Missouri, admitted that demand for the program would exceed available funds.[196] Personnel at SCS state offices in Iowa and Missouri felt confident they could enroll fifteen to twenty thousand acres if a reasonable price were offered. SCS soils experts estimated that the reclamation of cropland covered with sand could be hundreds of dollars per acre. Therefore, the number of landowners who might opt for the wetlands easement option was expected to be great. The *Des Moines Register* reported that farmers were eager to participate in a streamlined wetlands program.[197]

The enthusiasm of farmers was matched by steadily growing public and media pressure for a wetlands reserve policy in the late summer and autumn of 1993. On September 5 an opinion piece in the *Des Moines Register* advocated an expanded WRP sign-up. The newspaper cited environmental groups like the Environmental Working Group and the

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[195] Lloyd E. Wright, Director, Watershed Projects Division, to Leonard P. Mandrgoc, USDA Emergency Coordinator, Report #39, September 13, 1993. See the Iowa section for more detail on what became known at the "Levee District 8 buy-out."

[196] Robert L. Koenig, "Wetlands Invitation Might Get Too Many Takers," *St. Louis Post-Dispatch*, November 23, 1993.

[197] Dirck Steimel, "Wetlands Proposal Catches Iowa's Eye," *Des Moines Register*, September 2, 1993.

easements. The Service decided to utilize committees formed by each state conservationist. A representative from the American Farmland Trust suggested an escape clause to allow farmers to buy out of the easement (with interest) after thirty years. This proposal was rejected immediately.

By October 1, the team completed polishing the rules and Karl Otte began getting departmental clearances for publication in the *Federal Register*. The draft circular was distributed for comment at the annual meeting of all state conservationists in Ohio in early October. Staff also prepared a detailed handbook for the program, complete with sample forms and easement certifications. An EWRP training session, originally scheduled for September, was held on October 12-14 in Kansas City. The training was attended by SCS staff from national headquarters, the Midwest NTC, and the flood states, as well as Corps of Engineers, EPA, and the FWS personnel. Instruction focused on technical problems (wetlands mapping conventions, hydrology tools), financial issues (procedures to establish land values), and administrative procedures (program flow).

The process of gaining approval at the departmental level was slow, and it was not until November 16 that a final rule was published in the *Federal Register*. The rule delegated management of the EWRP from the Secretary of Agriculture to the Assistant Secretary for Natural Resources and Environment. Assistant Secretary James Lyons in turn made the program an SCS responsibility. The rules also stated that the original WRP program was unchanged.[202] Rules for the emergency wetlands program itself were published on November 29.[203] In its final form, the program was outlined as follows:

> SCS will purchase wetlands conservation easements from persons owning cropland that was damaged by the Midwest floods of 1993. The EWRP will be available to landowners when the cost of cropland reclamation and/or levee repair exceeds the fair market value of the affected cropland. To ensure maximum benefits, SCS state conservationists, in consultation with others, will use a ranking process to evaluate EWRP applications. Ranking criteria included protection and enhancement of habitat for migratory birds and wildlife, floodway expansion, proximity to other protected wetlands, level of wetlands hydrologic conditions restored, wetlands functions and values, likelihood of successful restoration of wetlands values, cost of restoration and easement purchases, and other factors deemed appropriate by SCS.[204]

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202 Department of Agriculture, Office of the Secretary, *Federal Register*, 58, 220 (November 17, 1993), 60541-60542.

203 *Federal Register*, 58, 227 (November 29, 1993), 62495-62500.

204 "Soil Conservation Service, Emergency Watershed Protection Program, Midwest Flood Recovery Work," December 6, 1993. This short report was prepared by Karl Otte of the Watershed Projects Division.

After the first EWRP sign-up was completed in late 1993, the regular WRP program, under ASCS, held its second sign-up in early 1994. A total of $66.7 million was available for twenty states to enroll up to seventy-five thousand acres in the program. Unlike the EWRP program, this sign-up covered any wetlands, not just those inundated by the floods of 1993. The response was tremendous. By early April, landowners had offered almost six hundred thousand acres into the program. Of the twenty states, most important were Mississippi with offers for about ninety-one thousand acres, Louisiana for eighty-one thousand acres, Arkansas for seventy-one thousand acres, and Iowa with fifty-seven thousand acres.[205] In managing this sign-up, ASCS modified its procedures. To help farmers have a better understanding of the acceptable value for their land, the ASCS county committees provided the expected easement values, which were to be confirmed by regular appraisals. The goal was to reduce the number of landowners who were turned down or who rejected the program at the last minute.

At the March 1994 flood recovery meeting in Kansas City, SCS staff reviewed progress of the first EWRP sign-up, discussed changes to the program based on an audit by the department's Office of the Inspector General (OIG), and distributed part of the $340 million supplemental appropriation to be used for a second EWRP sign-up in 1994. SCS decided to dedicate a minimum of $85 million to the emergency wetlands program in 1994. SCS staff in Kansas City also stressed the need for uniformity on expenses such as restoration of wetlands, since cost estimates varied a great deal from state to state. The Midwest NTC was charged with oversight of this process. The 1994 sign-up would run from April 1 to December 31. This eight-month period was designed to enable landowners whose levee repair requests had been rejected the opportunity to enter the wetlands program.

[205] "Wetlands Reserve Program Oversubscribed," United Press International, April 8, 1994.

**SCS EWRP Acres and Spending**[206]
(All dollar amounts in thousands)

| State | 1993 Acres | 1993 Funds | 1994[207] Funds | Total Allocation |
|---|---|---|---|---|
| Illinois | 1,300 | $ 1,630 | $ 3,300 | $ 4,930 |
| Iowa | 5,344 | 4,790 | 25,400 | 30,190 |
| Kansas | 1,200 | 1,220 | 3,200 | 4,420 |
| Minnesota | 500 | 650 | 1,300 | 1,900 |
| Missouri | 9,715 | 6,800 | 42,100 | 48,900 |
| Nebraska | 200 | 220 | 500 | 720 |
| South Dakota | 4,300 | 2,230 | 9,200 | 11,430 |
| TOTALS | 25,400 | $17,540 | $85,000 | $102,540 |

As a result of the audit by OIG, several minor changes were made to the EWRP program in March of 1994. The Service established clear guidelines for determining separately both the fair market value of the land and the easement value. The fair market value was used to determine program eligibility since the land restoration and levee repair costs must exceed this amount in order to participate in EWRP. It was set by a state technical committee and was based on the post-flood value of the land as if it had been reclaimed. The easement value was derived from and was less than the land value since the landowner would still hold actual title to the land. Also, the land retained value for some activities such as recreation or timber harvesting. OIG stressed the need for clear documentation of how each of these values was determined. All 1994 EWRP money was spent according to the new rules.[208]

The wetlands programs proved popular with the public and effective at protecting sensitive natural habitat. The Soil Conservation Service played an important role in the WRP, and the lead role in the EWRP effort. Enthusiasm for these programs, however, was not universal. The attention paid to wetlands even as other, long-term activities

[206] Note: The dollar amounts include the costs of easements, technical assistance for wetlands determinations and restoration plans, and wetlands restoration cost-share.

[207] The acreage is not yet known because the sign-up lasted through December of 1994.

[208] In reality, many of the eight states participating in the first EWRP sign-up already had formulas to take the post-flood land value and subtract a set amount or percentage in order to determine the easement value. A February 8, 1994 memorandum from Edward Riekert, Director of the Watershed Projects Division, focused on two other problems found in the OIG audit: first, that reclamation costs be fully justified and be based on pre-flood conditions; second, that Other Eligible Areas (non-crop land included in the easement because it adds to wetlands values which can be up to twenty-five percent of the total easement) must be clearly justified.

(such as the Small Watershed Program) were threatened caused consternation on Capitol Hill. Midwestern members of Congress made clear to Chief Paul Johnson their displeasure that the watershed program was being reduced while wetlands were being expanded.[209] Also, many landowners wanted to sell their land and retire or move away, not remain responsible for a perpetual easement and tax liability for the property. Another complicating factor was that the flood destroyed as well as created wetlands, especially in the sand-covered areas of the Missouri River bottom.[210] The State Biologist for Missouri said that the Service will have to revisit areas covered with sand in five years to see if they had become wetlands. He estimated that as much as twenty-five percent of the formerly farmed wetlands were no longer wetlands.

Finally, there existed resistance to permanent easements or an expanded federal role in wetlands protection.[211] For example, North Dakota's state legislature passed a law which forbade permanent easements. It was directed specifically at the wetlands program. Many of those in the property rights movement or conservative politics rejected what they saw as an expansion of government power.

One important topic discussed within the ranks of SCS was the need for a floodway or floodplain easement program. Many areas flooded in 1993 did not meet the criteria for the EWRP because they were covered with several feet of sand.[212] SCS staff suggested that an easement program focused more closely on the need to take land in the floodplain closest to major rivers out of commercial agriculture would be more effective in limiting future flood damages and reducing the number of requests for EWP assistance to repair flood control structures.[213] In March, Chief Johnson called for environmental easements for areas ineligible for EWRP or WRP. In April of 1994, SCS staff began working on the environmental easement program, which was authorized by the 1990 farm bill, but never funded. The Service announced its plans for this program at the Corps-sponsored meeting on levee repair in St. Louis in late April. As had been the case when writing rules for the emergency wetlands effort in late 1993, developing eligibility criteria and a method of determining easement values proved difficult. Further, no funds were available to implement the program.

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209 Kenneth Pins, "House Panel Hears Plea for SCS Plan for Wetlands," *Des Moines Register*, March 16, 1994.

210 Jim Patrico, "The Levee Fix," *Top Producer*, (April 1994): 32-36.

211 For example, see Greg Pierce, "Senators Assail Wetlands Policy," *Washington Times*, July 15, 1994.

212 See the section on Missouri for more details.

213 For example, Leroy Holtsclaw for South Dakota supported such a proposal at the March 1994 EWP meeting, but stressed that the program should focus on the floodplains, as did Gary Parker of Illinois and James Wallace of Kansas. In general, the strongest support for an environmental easement program came from those states with the least WRP or EWRP land.

Perhaps the flood and the Service's experience with easements in the Wetlands Reserve Program and Emergency Wetlands Reserve Program, as well as the future environmental easement activity, will help build a "toolbox" from which the government can select the best program to attack local problems in the floodplain, the prairie pothole region, endangered species habitat, or other high-priority areas.

## Public Affairs Efforts

The Service's Office of Public Affairs in Washington and public affairs specialists in each of the nine flood state worked with the media and developed a wide variety of materials for distribution to the public. This included public meetings, press releases, videotapes, and slide shows. Two of the best-known publications were *Flood Facts* sheets, one on general questions and answers concerning SCS flood assistance and the other on the EWP program rules. Flood recovery work resulted in more positive publicity for the Service than any other single activity had in the past.

The Service reached out through and was sought out by electronic media. For example, Cable News Network (CNN) interviewed Jeff Vonk, state conservationist in Iowa, about the flood and recovery efforts. In late July assistant chief for the Midwest, John Peterson, represented SCS in a question-and-answer videotape with Secretary Espy and representatives from ASCS, FmHA, and FSIS. He also participated in a radio call-in show from Kansas City. On August 5 FEMA's emergency television broadcast system featured the Service. The program focused on how the Service could assist in the removal of debris from streams and provide other forms of aid. SCS personnel, such as Karl Otte, became "regulars" on FEMA television, discussing topics like levee repair and wetlands.[214] Excerpts from these programs were also available to the public through cable television's "Weather Channel." In late August an eight-station radio call-in show was broadcast with Missouri state conservationist Russell Mills representing SCS. He discussed levee repairs, debris removal, and CRP regulations.[215] In Kansas, SCS participated in a one-hour telecast with other USDA agencies and the Kansas Farm Bureau on the Royals baseball network.[216]

FEMA, USDA, and the Corps of Engineers cooperated to produce the *Recovery Times,* a newspaper published five times in August and September. This publication was made possible through the donations of color printing from St. Louis Offset and free distribution by *USA Today*, which placed the publication inside its Midwest edition. SCS also sent extra copies to each of its state offices for distribution to the public. Early editions focused on clean-up efforts, safety tips, and the services offered by various

[214] Lloyd E. Wright, Director, Watershed Projects Division, to Leonard P. Mandrgoc, USDA Emergency Coordinator, Report #26, August 5, 1993.
[215] Disaster Update for August 26, 1993, CES, available from IDEA Information Client through the Internet.
[216] Disaster Update for August 26, 1993, CES, available from IDEA Information Client through the Internet.

federal agencies. The fourth issue of the *Recovery Times* contained general information on USDA assistance and specific plans for the EWP program. The final edition was published on September 25.

One of the most interesting and well-publicized aspects of SCS's flood recovery efforts was the assistance offered by the Canadian government. On August 31, ten engineers from the Prairie Farm Rehabilitation Administration (a Canadian agency with many of the same duties as SCS) arrived in Kansas City to assist the Service in flood recovery work. They continued to receive their base salaries from the Canadian government but the United States government paid their travel and living expenses. SCS assigned them to Missouri, Illinois, Iowa, and Kansas.[217] A press conference, managed by Mary Ann McQuinn of SCS's Office of Public Affairs, was held in Kansas City on September 1. Most newspapers in the region published stories about this event, giving SCS a great deal of positive publicity. At least one Kansas City television station did a feature story on Labor Day about the Canadians' work. These detailees played a key role over the next three months in damage assessments and the designs for EWP repair work. On November 29, the Canadians attended a ceremony in their honor in Washington before returning home. The volunteers, their supervisors from the Prairie Farm Rehabilitation Administration (PFRA) , a representative from the Canadian embassy, and several members of the press attended. Secretary Espy and Assistant Secretary Jim Lyons personally thanked them for their efforts. The event also received attention in Canada.[218] For example, the sole female in the Canadian contingent, Stella Fedeniuk, detailed her work in Illinois for the *Winnipeg Free Press*.[219] Perhaps the most important long-term result of this cooperation was the suggestion by the then Chief-designate, Paul Johnson, that contacts between the SCS and PFRA be expanded and regularized.

Secretary Espy, USDA, and SCS generally received positive evaluations in the press in the early stage of flood recovery efforts. This included small town, regional, and national newspapers, as well as the farm press.[220] For example, in mid-August, a favorable *Washington Post* article discussed the central role played by the Department of Agriculture under the Secretary in the flood response efforts. It chronicled USDA's increasing prominence as attention shifted from disaster relief, led by FEMA, to long-

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217 SCS Press Release by Mary Ann McQuinn.

218 "Memories from the 1993 Flood in the U.S. Midwest," *PRFA Communicator* (March 1994).

219 David MacDonald, "Thanks form U.S. for Flood Duty," *Winnipeg Free Press*, November 30, 1993.

220 See the sections on levee policies, wetlands policies, and each state's EWP effort for more detail on press reactions to SCS's work.

term recovery work. The article also stated that the flood showed that further streamlining of Department of Agriculture services was viable and vital. The concentration of USDA agencies in one office building due to flooding in Des Moines was cited as an example of successful cooperation.[221]

When SCS and its EWP work were mentioned, the agency usually received high marks from the press. For example, in July a favorable *Wall Street Journal* article stressed the costs of losing topsoil and the success of SCS's efforts such as the promotion of no-till farming.[222] Other Service reports supported this claim. Wisconsin stated that erosion losses on unprotected fields were three to five times greater than erosion losses on fields with conservation practices such as contour strip cropping and conservation tillage.[223]

Despite general success, an August 27 teleconference of all USDA public affairs officials involved with flood recovery did reveal some problems. First, many participants said that they had not heard of *Recovery Times* or FEMA's daily satellite feed program. Second, officials in the Midwest said the main task was not getting information out to the public; rather, it was getting decisions and guidance on major policies such as wetlands and levee repair. Farmers were desperate for specifics on the Wetlands Reserve Program, since this could directly affect their decision whether to plant next year. One other minor problem involved the accuracy of a publication. One of the *Flood Facts* brochures detailed assistance available from SCS. In Missouri, there were complaints about the wording of this brochure, since it seemed to suggest that the Service would provide financial assistance to farmers for flood damage. In reality, SCS would only provide technical assistance for agricultural lands damaged by erosion. At least one farmer wrote to a Missouri Senator and Secretary of Agriculture Espy to complain.

By November, two trends in the media were clear: first, the national media stopped paying much attention to the Midwest, especially as major brush fires occurred in southern California. Second, local coverage brought to light more frustrations with the department and the flood recovery effort in general. For example, in late November, the Secretary of Agriculture was criticized during his visit to Jefferson City, Missouri, by the Missouri Rural Crisis Center of Columbia. Its director claimed that the USDA was not

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221 Michael S. Arnold, "Espy to Ride the Crest of Flood Recovery Efforts," *Washington Post*, August 12, 1993.

222 The article contained several quotations from the Iowa state conservationist, Jeff Vonk. Scott McMurray, "Midwest Deluge Thwarts Efforts to Protect Soil," *Wall Street Journal*, July 20, 1993.

223 Karl F. Otte, Acting Director, Watershed Projects Division, to Leonard P. Mandrgoc, USDA Emergency Coordinator, Report #8, July 12, 1993.

doing enough to help farmers.[224] Others raised specific policies, such as Espy's decision to eliminate the acreage reduction in corn in 1994 due to 1993's poor harvest. This decision threatened to increase production and drive prices down.[225]

Although the Soil Conservation Service continued to keep the public informed of activities such as the Emergency Wetlands Reserve Program, conservation compliance, and Emergency Watershed Protection work through the local press in the Midwest, the national press largely forgot the floods and their aftermath in 1994.

[224] Dan Fitzpatrick and Beth Pigg, "USDA Secretary, Farmers Clash," *Columbia Missourian*, November 23, 1993.
[225] Marlene Lucas, "Farmers Fuming at Espy," *The Cedar Rapids Gazette*, November 18, 1993.

## The Dakotas

Examining the experiences of North and South Dakota highlights the great variation in flood damage and the different approaches taken in recovery work.

Overall, flood damage was less in North Dakota than in many of the other nine states. Staff in the state office stressed that issues of water supply and water quality have attracted more public concern recently. Nevertheless, at SCS meetings, North Dakota staff stated that there was a perception in the state that they received less attention in flood recovery efforts than "glamour areas" to the south. They pointed out that this neglect was seen not only within the ranks of SCS, but also with FEMA, which was accused of paying relatively little attention to North Dakota. One other problem state staff pointed out was that the Presidential disaster declaration came much later for North Dakota than other states. Emergency Watershed Protection work was well underway even before FEMA arrived. Thus, the emergency agency did little to cooperate with SCS or assist with DSR's during the late summer of 1993.

North Dakota's EWP effort was concentrated in the eastern third of the state and the north central region around the Souris River. Given the limited geographic nature and relatively few requests for EWP assistance, all work was coordinated out of the state office; no separate project offices were established. North Dakota held EWP and ECP training during the first week of August, even as more counties were declared disaster areas. The state office also contacted county commission boards, water resource boards, soil conservation districts, the state engineer, and the Governor's office in order to explain the assistance available through EWP and ECP.[226] By early August, two projects for debris removal around bridges had already been completed along the Sheyenne River in the southeastern part of the state. Most of the work focused on clearing streams around bridges. About 210 DSR's were received. Of the ninety eligible projects valued at around $1.4 million, eighty were for debris removal and ten for erosion control. In the realm of cultural resources, at least six EWP jobs were temporarily delayed while specialists examined the sites.

The experience of North Dakota can be contrasted to the flood recovery work undertaken in South Dakota. By coincidence, the South Dakota Office of Emergency Preparedness held a meeting in January of 1993 in order to discuss with federal agencies procedures for responding to fire, flood, or drought. This coordination was tested

[226] Lloyd E. Wright, Director, Watershed Projects Division, to Leonard P. Mandrgoc, USDA Emergency Coordinator, Office of the Assistant Secretary for Administration, Report #27, August 6, 1993.

sooner than anyone had expected. In this state, the great flood of 1993 began with excess precipitation in 1992. By April of 1993, excess rain on the saturated ground led Congressman Tim Johnson to call upon SCS to repair damaged agricultural levees. In July, SCS began to assist with damage assessment work. Field offices in forty-one counties in the eastern part of the Mount Rushmore State helped local emergency boards.[227] EWP work began in earnest during July, when funds from an earlier emergency project in Arizona were transferred to South Dakota. This money enabled SCS to contract for its first emergency project at Lake Madison, where overtopping of a dam began to wash out the outlet, thus threatening a nearby trailer park. The job cost about $10,000 and was completed in only three days. The local sponsor provided fill material and seeding as its portion of the cost-share.

South Dakota was the only state where levee repair was the predominate type of emergency work. A total of eighty-eight requests for assistance were received in South Dakota. Of these, sixty-seven projects, valued around $1.5 million, were eligible for the EWP program: one for debris removal, three for erosion control, and sixty-four for levee repair. All but two of these jobs were completed by April of 1994. EWP work was confined to five counties in the eastern part of the state. Other than a few towns or conservation districts, most EWP work was sponsored by the Union County commissioners or the Turner Lincoln Clay Water District. One temporary project office was set up in Centerville in the office of the water district. The main barrier to work was standing water. By July of 1994, however, only two EWP jobs were still in progress. Despite heavy rains which had fallen in the northeast part of the state during April, no further work was contemplated.

In South Dakota, relations between SCS and the Corps were cordial, perhaps because the latter was not involved in building or maintaining levees there. The four hundred square mile drainage area delineation between the two agencies work was never an issue, as the Service made the repairs.[228] SCS focused on relatively small agricultural levees, most of which were five to twelve feet high. Many had trees on them, a situation which clearly ran counter to both SCS and Corps maintenance standards. State staff stressed, however, that trees are rare enough in South Dakota that cutting them down, even on levees, was highly unpopular with local residents. These trees form windbreaks which prevent erosion and natural snow fences which limit drifting.

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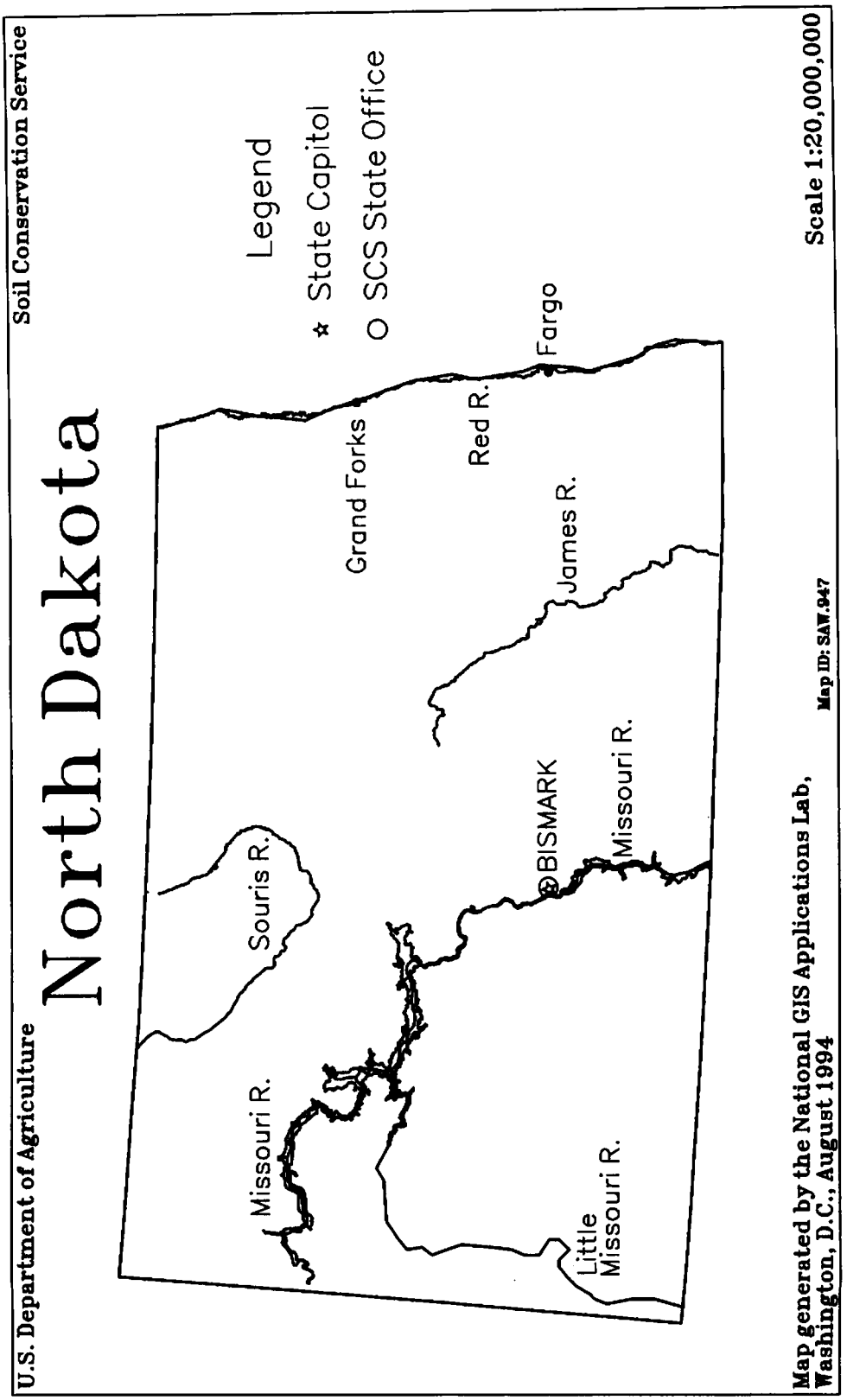
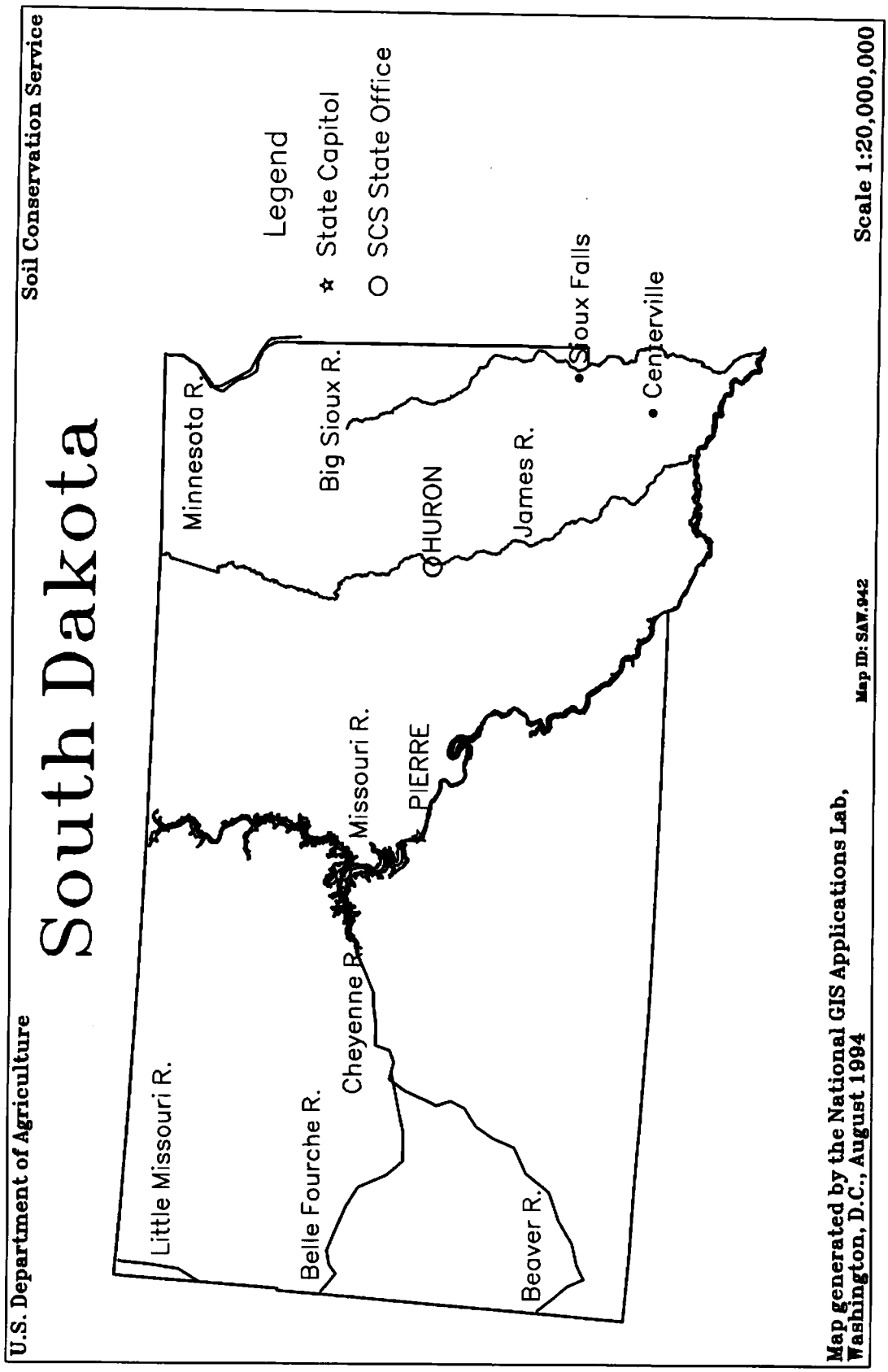
[227] Karl F. Otte, Acting Director, Watershed Projects Division, to Leonard P. Mandrgoc, USDA Emergency Coordinator, Office of the Assistant Secretary for Administration, Report #14, July 20, 1993.
[228] The Corps had already stated that these levees were not eligible for repairs or inclusion in their system.


U.S. Department of Agriculture
Soil Conservation Service
North Dakota
Legend
State Capitol
SCS State Office
Souris R.
Missouri R.
Grand Forks
Red R.
Fargo
James R.
BISMARK
Missouri R.
Little Missouri R.
Map generated by the National GIS Applications Lab, Washington, D.C., August 1994
Map ID: SAW.947
Scale 1:20,000,000


U.S. Department of Agriculture
Soil Conservation Service
South Dakota
Legend
State Capitol
SCS State Office
Minnesota R.
Big Sioux R.
James R.
Missouri R.
Cheyenne R.
Little Missouri R.
Belle Fourche R.
Beaver R.
PIERRE
HURON
Sioux Falls
Centerville
Scale 1:20,000,000
Map ID: SAM.942
Map generated by the National GIS Applications Lab, Washington, D.C., August 1994

Although South Dakota was not one of the pilot WRP states, staff did identify two million acres of wetlands. There were thirty-two sign-ups for Emergency Wetlands Reserve Program in December 1993. Even as SCS prepared the letters which would have finalized the easements, ASCS announced their upcoming sign-up for the WRP program. Farmers felt that they could get more money from the latter, and half rejected the Service's offers. Many hoped that ASCS's appraisal process would result in a higher easement value than SCS's strategy of using a state technical committee and crop values to set easements for each crop reporting region. By mid-March, over five hundred landowners had signed-up for the next round of WRP. Staff in the state office felt that public interest in the second EWRP sign-up, which lasted from April through December of 1994, had been reduced due to competition with the WRP. As a result, the Service began to work with the Fish and Wildlife Service and the Farmers Home Administration to find ways to improve the acceptance rate of EWRP easement offers.

On the other hand, North Dakota was ineligible for the EWRP because its state legislature passed a law to block permanent easements by setting a thirty-year limit on them. The Service refused to allow thirty-year easements to replace the permanent easements used in the other states for two reasons. First, some staff felt that Congress would find this unacceptable. Second, others stressed that if North Dakota became an exception, other states would soon follow suit.

One of the major issues in North Dakota's EWP effort was channel clear-out. In recent decades, Dutch elm disease killed many trees along streams and channels. Then, during the five or six years prior to 1993, the state suffered from drought conditions in many areas. As a result, there was a great deal of debris ready to fall or flow into channels after the heavy rains of 1993. Local drainage districts and county governments called upon SCS to help clear these channels. The Service focused its initial EWP efforts on removing debris around bridges. Each rainfall in late 1993 and early 1994 steadily dislodged and moved debris downstream, often re-clogging the same constricted areas around bridges that SCS had just cleared.[229] As a result, personnel in the state office decided that the volume of debris in these channels was beyond what drainage districts could cope with in their regular operations and maintenance (O & M) efforts.[230]

At the March 1993 EWP meeting in Kansas City and afterward, North Dakota staff announced that they wanted to help with this channel clear-out in order to help local government back into its regular O & M schedule. As state conservation engineer Wes Wiedenmeyer explained, environmental groups supported SCS's role in this task, since

[229] For example, in mid-May 1994 parts of North Dakota received five to seven inches of rain, thus re-clogging some channels.

[230] Most counties have regular O & M plans to clear a set number of miles each year.

the Service was bound by a variety of federal laws concerning wetlands and cultural resources, while counties may lack information or interest in these requirements. Experts at the North Dakota state offices estimated that its channel work could have cost up to $4 million. Some stretches of channel were as long as thirty-five miles. They urged the national-level SCS support this endeavor since landowners and SCS employees in North Dakota were already disappointed that they were unable to join in the emergency wetlands easements effort. Further, they pointed out that each of the flood states was able to devote its share of EWP funds toward the problem most pressing in their states--i.e., levee repair, streambank stabilization, or wetlands easements. Should not North Dakota staff be able to focus on the problem which that state's citizens found most severe? In the end, the Watershed Projects Division at national headquarters provided an additional one million dollars to assist in the most critical cases.[231] During the summer of 1994, SCS in North Dakota worked with water resource district boards to reach agreements for completing this work.

As was the case in North Dakota, some citizens in South Dakota wanted SCS to perform extensive channel clear-out work. Since state staff determined that this was routine maintenance and that most channel blockages were not the result of the 1993 floods, SCS refused to do the work. Also, the U. S. Fish and Wildlife Service was not in favor of it.

In early August of 1993, North Dakota reported major successes in flood control due to SCS's Small Watershed Program. For example, the English Coulee Dam and diversion project held back 350 acres of water up to twenty feet deep, thus protecting part of the University of North Dakota and the city of Grand Forks.[232] The dam and floodway had been constructed in response to a devastating flood in 1979. The project was completed in July 1992 at a cost of $7.5 million. Local communities and infrastructure were protected even after as much as ten inches of rain fell in the Grand Forks area in late July.[233]

Although many farmers had suffered crop losses due to excess moisture over three straight years (1991-1993), this type of damage was not eligible for assistance under the EWP program. SCS experts, however, did meet frequently with county disaster boards and landowners to offer technical advice on restoring cropland. In eastern North Dakota, fungus diseases that were flourishing in the cool and wet conditions represented

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231 "Critical" meant areas upstream and downstream from bridges and residential areas. In many ways, this was simply the expansion of the scope of earlier EWP debris removal work.

232 Lloyd E. Wright, Director, Watershed Projects Division, to Leonard P. Mandrgoc, USDA Emergency Coordinator, Report #23, August 2, 1993.

233 Hope Aadland, "The English Coulee Diversion Project: A Flood Success Story," *North Dakota Water* (October 1993).

a significant threat to agriculture. The state Department of Agriculture estimated that losses were up to twenty-five percent in some small grain fields.[234] Leroy Holtsclaw, assistant state conservationist in South Dakota, pointed out that the topography of much of the region could be likened to a coffee filter. There were few rivers or streams into which excess water could flow; it could only drain slowly away into the ground.

[234] Lloyd E. Wright, Director, Watershed Projects Division, to Leonard P. Mandrgoc, USDA Emergency Coordinator, Office of the Assistant Secretary for Administration, Report #29, August 10, 1993.