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'Wetland' definition debated

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Coastal Conservation League Land Use Director Jane Lareau, pines abruptly gave way to carnivorous pitcher plants and a stand of cypress trees rising from smooth, tea-colored waters. Before bounding into the isolated wetland in a pair of rubber boots, Everett said, "I have to tell you, there's a huge cottonmouth in here."

And that's not all. Floating along the surface among the exposed cypress knees and lily pads were carnivorous plants called bladderworts. "These are very ecologically rich little ponds," she said.

Pristine spots such as this are primary watering and nesting spots for larger species of wildlife, including wood ducks, bobcats, black bears and all manner of birds.

What protections?

Like countless other unidentified isolated wetlands DHEC estimates cover more than 300,000 acres of the state, this tiny protected sanctuary is little more than a shallow indentation in the landscape, unconnected to a larger stream or body of water.

In 2001, the U.S. Supreme Court threw out a portion of the Clean Water Act that covered these wetlands. This removed what conservationists consider crucial protections that apply to larger bodies of water, and left the decision on how to treat these parcels up to individual states or landowners.

According to Sen. Larry Grooms, R-Bonneau, chairman of the Senate Agriculture Committee, DHEC claims jurisdiction over isolated wetlands but its rules are not clearly drawn.

DHEC oversees development around isolated wetlands in the coastal counties under its office of Ocean and Coastal Resource Management and through the state's pollution and stormwater control laws. Lacking a clear set of regulations, a developer could fill in a wetland with OCRM approval but later be sued by DHEC or an environmental group for a violation of the Pollution Control Act and be required to restore the wetland.

Back in the forest, Lareau and Everett ran into Jake Duncan near the edge of a spectacular island of cypress that rose amid a grass-bottomed stand of longleaf pines. A former wetlands expert for the Army Corps of Engineers, Duncan runs D&D Wetland and Endangered Species Training, a



A cypress-lined, lilly-strewn pond in the Francis Marion National Forest.

PHOTOGRAPHS BY CHRIS DIXON/STAFF



The stormwater retention system at Towne Centre in Mount Pleasant is designed to capture urban runoff such as motor oil, antifreeze, brake dust and fertilizer from impervious surfaces such as pavement. Under current federal guidelines, this pond is considered a man-made wetland.

local environmental education company.

Duncan said a federally endangered flatwood salamander had been found about four years ago near the first pond Everett visited. He said too many small wetlands across the state that are critical to amphibians already have been allowed to disappear through the Army Corps and the state. Grooms' bill wasn't perfect, he said, because it didn't protect wetlands smaller than a half-acre, but it was a turn in the right direction.

"After permitting them all away, they've become rare things," he said.

But is it a wetland?

In March, former U.S. Interior Secretary Gale Norton announced that the United States moved beyond "no net loss" to a "net gain" of wetlands. The gain of some 191,000 acres was accomplished from 1998 to 2004 because the Interior Department began in-

cluding stormwater ponds at golf courses, shopping centers and subdivisions in its definition of "wetland."

In Mount Pleasant, Lareau stood at the edge of Towne Centre's algae-filled pond and pointed to a sheen of what appeared to be oil on top of the water. The pond was doing its job, she said, because it was keeping the oil out of area marshes. Pollutants gather in the ponds and can settle on the bottom.

"But there's nothing environmental about this," she said. "It doesn't clean the water, it doesn't treat it. It may allow sediment to settle out, but it's clearly not a wetland."

Lareau said Norton's designation was dangerous because if a developer wanted to fill in 1 acre of natural isolated wetlands, he could build a 2-acre stormwater pond system and claim an acre "net gain" of wetlands.

Nearby in Belle Hall Plantation, a pair of aerating fountains was losing the battle to algae in storm-

About the bill

Senate Bill 1260, sponsored by Sen. Larry Grooms, would require state Department of Health and Environmental Control permits for impacts to wetlands of more than half an acre and mitigation of the impacts that occur. The bill has stalled in the Senate; it's been held up by its relatively late submission, time-consuming property tax reform legislation and a handful of legislators who Grooms said oppose almost all oversight of wetlands on private property.

Grooms said he has the two-thirds majority necessary to overcome objections and bring the bill to the floor. He will reintroduce the bill next year if it fails to make it to the floor this session.

water ponds in Hibben neighborhood. Alongside a snowy egret and a wooden duck house, a sheen of oil and a powdery white substance Everett said was not pollen floated on the water. Lareau said runoff that sinks to the bottom of these ponds will have to be dredged out, with property owners footing the bills for pollution cleanup.

At Ivy Hall, Everett found a murky, grass-lined pond she identified from an aerial photo taken before development as a former forested isolated wetland. She was stunned to find a rare carnivorous sundew plant growing low among the grass, but she was equally surprised by the lack of life in the water. "It's also insane that the state government hasn't stepped in to protect isolated wetlands because they're so ecologically valuable," Lareau said. "That pond — that's disgusting. There's just nothing there."

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Bloodshed continues

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interests of the religiously and ethnically based parties.

Late Monday, Shiite lawmaker Bahaa al-Din al-Araji said that the parties had agreed on what factions would get each post. But they have yet to decide on the candidates.

Speaking about the prospects for Iraqi national unity, Secretary of State Condoleezza Rice said Monday that the U.S. government is not looking "at how hard they're working to hang together, because they will hang separately or hang together, literally. There's no stronger incentive to get it right than the incentives that they have."

The main stumbling block is the choice to head the Interior Ministry, which controls the police, and the Defense Ministry, which runs the army. U.S. and British officials have insisted those posts go to people without ties to sectarian militias.

Several lawmakers said the Shiite alliance and the Sunni bloc were searching for candidates with enough independence to satisfy the Americans and the British, but who would also be acceptable to the Iraqi parties.

Sunni Arabs have been pushing hard for one of the seven top ministries, which include interior and defense. Sunnis hold only 55 of the 275 parliament seats, compared with 130 for the Shiites.

"In reality, the situation is being dictated by the Americans on the basis of electoral results, not the national interest," Sunni politician Khalaf al-Ilyan said.

As the politicians haggled, bloodshed continued.

The deadliest attack Monday occurred when a car bomb exploded near an Iraqi court in central Baghdad, killing five Iraqi civilians and wounding 10, police Lt. Col. Falah al-Mohammedawi said.

CIA veteran for No.2 spot

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after several key Republicans expressed reservations over the week-end about Hayden's nomination, citing his military background and involvement in warrantless domestic surveillance. Most damaging to the White House was criticism by Rep. Peter Hoekstra, R-Mich., the House intelligence committee chairman, who called Hayden "the wrong man at the wrong place at the wrong time."

Bush also reached out to the skeptical CIA work force, which has gone through years of tumult since the failure to stop the Sept. 11, 2001, attacks and the flawed assessments of Iraq's weapons programs. "In Mike Hayden, the men and women of the CIA will have a strong leader who will support them," Bush said.

Hayden, wearing a blue Air Force uniform with four stars on the shoulders, also tried to reassure the civilian spies.

"If confirmed, I would be honored to join you and work with so many good friends," he said.

But Hayden, the deputy national intelligence director and formerly head of the National Security Agency, declined to retire his military commission, as several senators from both parties recommended.

The CIA has had several military officers as its director, but none in the past 25 years, and Hayden's nomination comes at a time when Defense Secretary Donald H. Rumsfeld has moved aggressively to expand the Pentagon's intelligence operations. Hayden's nomination has also reignited debate over the legality of the NSA's secret eavesdropping without

court approval on telephone calls and e-mail between the United States and overseas in cases when one participant is suspected of terrorist ties.

Despite the concerns expressed by some lawmakers over the week-end, Hayden received a warm reception Monday in the place it matters most — the Senate intelligence committee, which will handle his confirmation hearings. Committee Republicans either fully embraced him or, at worst, reserved judgment, and a key Democrat said she expects to support Hayden and assumes he will be confirmed.

"He's going to surround himself with professional people," Sen. Dianne Feinstein, D-Calif., told reporters. "Rumsfeld wanted to control the NSA, and to his credit Hayden stood up."

Still, even if Hayden is confirmed, several senators, including Republicans, made clear that they intend to use the process to examine issues such as the NSA surveillance, the civilian-military balance and other matters.

Several liberal Democrats, including Edward M. Kennedy and John F. Kerry of Massachusetts, Frank R. Lautenberg of New Jersey and Charles E. Schumer of New York, signaled that they might fight the nomination.

But the apparent decision to name Kappes as Hayden's deputy was seen among former and current CIA officers as a sign that Hayden will embrace professionals once again and understands the central role of experienced spies in developing a new National Clandestine Service, the name for those tasked with espionage and penetrating terrorist networks.

Opinions vary on school choice

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public schools consistently fail to meet federal and state accountability measures.

Still, many parents are forced to keep their children in low-performing schools because of a lack of options. Private schools remain too expensive, and solutions such as charter and magnet schools don't exist in some regions of the state.

The candidates for state superintendent of education have different ideas on how to address the school choice issue. Three Republicans — Karen Floyd, Elizabeth Moffly and Kerry Wood — said they don't necessarily oppose using public money to provide families with tuition tax credits at private schools.

\$4,500 credits

Last week, for the second year in a row, the South Carolina House defeated a proposal to provide vouchers toward private school tuition. The measure would have given \$4,500 in private school tuition credits to students in low-income households who attend unsatisfactory and failing public schools. The proposal also offered \$1,000 to help others move to private schools from their home public school districts.

Despite the bill's defeat, a vocal contingent of lawmakers seems determined to file new versions of legislation with the same school choice theme during future sessions. The election of a new state superintendent this year could serve as the tipping point in the debate, especially if the winner's view on school choice differs from the anti-voucher stance of outgoing state Superintendent Inez Tenenbaum.

Of the superintendent candidates, Moffly is the strongest advocate of the voucher plan. The

Mount Pleasant real estate agent said she thinks public schools have lost their focus and spend too much time dealing with federal and state mandates. Moffly proposes diverting lottery funds from higher education to the K-12 area and using some of those proceeds to offer substantive scholarships to low-income families interested in private schools.

Floyd said it would be "fundamentally wrong" to tell parents they have no options beyond an unsatisfactory public school, and she hopes to create a "template of choice" with all options receiving consideration.

The Spartanburg public relations executive has received endorsements from Sanford and other officials who back the tuition tax credit plan, and she said she'll follow whatever model is adopted by the General Assembly as long as it advances student achievement, holds public and private education providers accountable, offers choice within the public school system and complies with federal laws prohibiting discriminatory activities.

"I want parents to have the opportunity to choose for their child, and today, by virtue of ZIP code or socioeconomic status, many families and children do not have those choices," she said.

Wood also said he favors school choice and isn't against a tuition tax credit for private schools, but he said he thinks the state superintendent should be responsible for managing public schools. The computer programmer from Lexington County said he'd focus on improving unsatisfactory public schools by offering pay incentives to teachers who opt to stay at those schools for five years.

Two other Republican candidates for the top education job, Bob Staton and Mike Ryan, do not sup-

port using public money for private schools. Staton, the former chairman of the state Education Oversight Committee, said he's a strong proponent of choice, but within the public school system. He said expanding charter schools and offering open enrollment across district lines would enhance educational choice and allow families to not feel "restricted" to a failing school.

Insufficient amount

Ryan, an assistant principal at Wando High School, is outspoken in saying a private school tax tuition plan wouldn't help improve low-performing public schools. He also said a tuition tax credit in the range of \$4,500 would not be effective for the middle class, as that level of funding would not come close to covering tuition at most private schools or provide trans-



BRAD NETTLES/STAFF

Montessori Day School fourth-graders Sierrah Franks (left) and Ellen Mitchell use the World Book Encyclopedia on Monday to look for facts about Japan.

portation for students.

The five Republicans will face off in the June 13 primary, with Democratic candidate Jim Rex and Libertarian Tim Moultrie set to challenge the Republican win-

ner in November's general election. Moultrie said he supports the tax credit plan and thinks it would help parents "purchase the education they feel best suits the needs of their children."

Rex, the former president of Columbia College, said he wants to develop a "new system of innovation" within public schools, looking at ideas including single-gender classrooms, Montessori-style learning and team-teaching efforts.

Joining with Republicans Staton and Ryan, Rex said he does not support any proposal that takes away resources from public schools. He said he would oppose any plan by legislators to reintroduce private school tax credits.

"I think it would be a mistake and cause irrevocable damage to our public school system," the race's lone Democrat said. "I would hate to see South Carolina become a petri dish for an unfair, unaccountable, unequal and unaffordable approach."

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