

June 24, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army, Civil Works
108 Army Pentagon
Washington, DC 20310

Attn: Docket ID No. EPA-HQ-OW-2011-0409

Dear Administrator Jackson and Assistant Secretary Darcy:

The undersigned hunting, angling, and conservation groups write in strong support of the proposed Clean Water Act guidance on “waters of the United States” issued by the U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers. The proposed guidance is a sound, science-based clarification of Clean Water Act jurisdiction that falls well within the bounds of the existing Clean Water Act regulations and the Supreme Court’s *SWANCC* and *Rapanos* decisions.

Hunting, angling, and conservation-minded organizations like ours support the proposed guidance because wetlands and streams are essential to the outdoor traditions that tens of millions of Americans enjoy. Supreme Court decisions in 2001 and 2006, and agency guidance issued in 2003 and 2008, put these vital natural resources at risk of being drained, filled, or polluted. Together, the Court decisions and agency guidance removed Clean Water Act safeguards from at least 20 million acres of wetlands, particularly prairie potholes and other seasonal wetlands. These wetlands are as essential to shared, continental waterfowl populations and duck hunters as they are to many other species of wildlife and Americans who enjoy a wide range of outdoor recreation activities. Intermittent streams, which provide critical habitat for many fish species, including trout and salmon, and contribute to the public drinking water supplies for more than 117 million Americans, are also threatened.

The proposed guidance puts science squarely at the center of analysis the Corps and EPA must perform to determine if specific waters are covered by the Clean Water Act. This proposed process rests on well-established scientific principles about the hydrological, chemical, physical, and biological connections that exist between a high percentage of waters such as wetlands and small streams, and traditionally navigable and interstate waters. Relying on this science-based process will result in more understandable, consistent, and timely decision-making, which will benefit the public, landowners, and natural resources alike.

Although we support the guidance as proposed, we also believe EPA and the Corps can strengthen protections for certain waters while fully complying with the Supreme Court decisions and the Clean Water Act. In particular, the science supports additional protections for wetlands, which may be some physical distance from traditionally navigable or interstate waters, but are demonstrably linked hydrologically and ecologically to those waters. Specifically, we urge the agencies in the final guidance to further clarify that the Clean Water Act covers geographically separate waters, including prairie pothole wetlands, where the

combined effects of such waters on downstream waters in the watershed are shown to be predictable or observable.

We are also pleased that the agencies have committed to undertaking formal rulemaking as the next step. Rulemaking is widely supported by stakeholders across the spectrum and will provide additional opportunities for public participation. Following this public comment period, we urge the agencies to promptly finalize the guidance and initiate rulemaking to strengthen and further clarify their regulations concerning the specific types of waters protected by the Clean Water Act. Our organizations support a “waters of the United States” rule that will strengthen the Clean Water Act’s legal and scientific foundation and provide greater long-term certainty for landowners and protection for streams, wetlands, and other waters.

By proposing guidance for public comment, EPA and the Army Corps have taken a critical step toward restoring essential Clean Water Act protections for streams, wetlands, and other waters. Americans who hunt, fish, boat, and enjoy the outdoors understand how important these protections are for our traditions, economy, and health.

Sincerely,

Group Name
City, State