



AMERICAN FISHERIES SOCIETY · AMERICAN FLY FISHING TRADE
ASSOCIATION · BACKCOUNTRY HUNTERS AND ANGLERS · INTERNATIONAL
FEDERATION OF FLY FISHERS · IZAAK WALTON LEAGUE OF AMERICA ·
NATIONAL WILDLIFE FEDERATION · THEODORE ROOSEVELT CONSERVATION
PARTNERSHIP · TROUT UNLIMITED

November 2, 2015

Re: Hunters and Anglers Strongly Oppose S.1140, Legislation Blocking the Clean Water Rule

Dear Senator:

The undersigned sportsmen organizations strongly oppose S.1140, the “Federal Water Quality Protection Act.” S.1140 would derail a final rule which clarifies the jurisdiction of the Clean Water Act. Produced by EPA and the Army Corps of Engineers (the Agencies), the Clean Water Rule restores longstanding protections for millions of wetlands and headwater streams. These waters contribute to the drinking water of 1 in 3 Americans, protect communities from flooding, and provide essential fish and wildlife habitat that supports a robust outdoor recreation economy.

The Clean Water Rule is a major step forward in clarifying protections for many streams and wetlands that have been at increased risk of pollution or destruction due to regulatory confusion during the last 15 years. These at-risk streams and wetlands are home to countless fish and wildlife species, and America’s hunters and anglers rely on them for access to quality days in the field. A recent poll found that [83 percent of sportsmen and women](#) think the Clean Water Act should apply to smaller streams and wetlands, as the new rule directs. The sport fishing industry accounts for 828,000 jobs, nearly \$50 billion annually in retail sales, and an economic impact of about \$115 billion every year that relies on access to clean water. The Clean Water Rule will translate directly to an improved bottom line for America’s outdoor industry.

We have three primary objections to S.1140. First, S.1140 will lock in a state of jurisdictional confusion for the foreseeable future, meaning that valuable fish and waterfowl habitat will remain at risk indefinitely. The bill prohibits the agencies from clarifying the Clean Water Act until they have met several specified criteria. (The bill directs the agencies to “use best efforts” to satisfy these criteria by December 31, 2016, which is an unrealistic deadline.) After nearly 15 years of Clean Water Act confusion, such an extended delay is unacceptable to the millions of hunters and anglers eager to have their local waters fully protected again.

Second, S.1140’s consultation requirements are unnecessary and duplicative. The Agencies engaged in a thorough multi-year rulemaking process that included over 400 stakeholder

meetings and an extended public comment period that produced over one million comments. Nearly 900,000 members of the public commented in support of the Clean Water Rule. In addition, the Clean Water Rule is informed by a thorough and extensive review of the peer-reviewed literature of wetlands and hydrologic sciences demonstrating the important chemical, physical, and biological connections between water bodies. The bill requires the Agencies to solicit input from stakeholders they have already consulted, consider factors they have already considered, and then propose the rule anew. In reality, the legal issues surrounding Clean Water Act jurisdiction have been hashed out, the science has been analyzed, peer-reviewed, and compiled, and the public and key stakeholders have weighed in. Simply put, the Agencies have all the information they needed to make an informed decision. There is nothing to gain by sending the agencies back to square one.

Third, S.1140 would eliminate federal protections for waters long covered by the Clean Water Act. The bill makes it more difficult to protect smaller headwater streams, disregards wildlife connections in jurisdictional determinations, and eliminates protections for “isolated” waters. Many of these types of waters are prime hunting and fishing grounds, and in the case of what the bill calls “isolated” waters, are also the primary breeding grounds for the vast majority of waterfowl in North America.

We commend the Agencies for finalizing the Clean Water Rule. This rule is the best chance in a generation to clarify Clean Water Act protections while preserving – and, in some cases, enhancing – longstanding Clean Water Act exemptions for farmers, ranchers, and foresters that encourage wise stewardship of land and water resources.

Opponents claiming the rule goes too far and protects water too much have filed a barrage of nearly identical legal challenges in numerous district and appellate courts across the country. On October 9th, the 6th Circuit Court of Appeals issued a temporary stay of the Clean Water Rule nationwide. The Clean Water Rule and those who oppose it will have their day in court. Meanwhile, we want Congress to know that despite these legal challenges, conservationists across the nation are steadfast in our support for the Clean Water Rule. We are confident, when the dust settles in the courts, that the Clean Water Rule will withstand challenges saying it protects our water too much.

The Clean Water Act has always been about restoring and maintaining the chemical, physical, and biological integrity of the Nation’s waters. It is bedrock support for America’s more than 40 million hunters and anglers, and for the 117 million Americans whose drinking water depends on healthy headwater streams. Protect America’s clean waters. Oppose S.1140 and any other legislative action against the rule that may follow this fall.

Thank you for considering our views.

Sincerely,

American Fisheries Society
American Fly Fishing Trade Association
Backcountry Hunters and Anglers
International Federation of Fly Fishers

Izaak Walton League of America
National Wildlife Federation
Theodore Roosevelt Conservation Partnership
Trout Unlimited