



# Weakening the Clean Water Act: SERIOUS PERIL FOR PEOPLE AND WILDLIFE

OUR NATION'S WATER RESOURCES PROVIDE A TREMENDOUS ARRAY OF BENEFITS TO PEOPLE AND WILDLIFE THAT MAY BE LOST FOREVER IF WE FAIL TO KEEP **CLEAN WATER ACT** PROTECTIONS STRONG.

*The Bush administration recently issued new guidelines that jeopardize Clean Water Act protection for many of our nation's wetlands and small streams. In addition, the administration also set the stage to eliminate federal safeguards from many more of our country's most vital water resources. America's people and wildlife depend on healthy waterways. Our nation's water resources provide a tremendous array of benefits that may be lost forever if we fail to keep Clean Water Act protections strong.*

## New Clean Water Act Guidelines: Jeopardy for America's Wetlands and Small Streams

In January 2003, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) issued new guidelines directing their field staff to stop protecting so-called "isolated" water bodies. Since the term "isolated" is not clearly defined, these new guidelines could result in the loss of Clean Water Act safeguards for untold millions of acres of wetlands, ponds and streams across the nation.

The administration itself estimates that the new guidelines remove Clean Water Act protection from 20 million acres of the nation's wetlands, or 20 percent of remaining wetlands in the lower 48 states. The guidelines also threaten thousands of small streams, ponds and other waterways that could also be defined as "isolated" by some regulators.

While some water bodies may appear "isolated" on the surface, most are connected to other waters in some way. Wetlands and streams may be linked only during rainy seasons, for example, or only underground through unseen groundwater networks. These linkages mean that pollution doesn't stay put, it moves among water bodies. Similarly, filling in an "isolated" wetland may impact surrounding waters, even if they may not appear connected.

The Bush administration claims that the new guidelines are necessary to implement a January 2001 Supreme Court ruling that eliminated protection for some "isolated" wetlands. However, the new guidelines go well beyond what the Supreme Court required in its ruling and expose many additional wetlands, ponds, lakes, and streams to limitless pollution, filling and destruction. In order to extend protection to waterways that could be considered "isolated" under the new guidelines, EPA and Corps staff must now ask for permission from their headquarters.

In addition, some agency field staff are taking the concept of "isolated" to an extreme, considering even the upper portion of streams that don't flow all year or flow occasionally underground as "isolated" and outside of federal protection.

## New Clean Water Act Rules: Emerging Threat to Additional Waterways

In January 2003, the Bush administration also issued an Advance Notice of Proposed Rulemaking (ANPRM) that asks for public comment on which types of waters should fall under federal protection.

The ANPRM opens the door for a broader effort to remove Clean Water Act safeguards from a range of waterways beyond the wetlands and streams immediately jeopardized by the guidelines.



## What Is At Risk?

Loss of federal safeguards for wetlands and small streams exposes these critical resources to unlimited pollution, filling, damage and even destruction. The new Bush administration guidelines threaten the critical benefits that wetlands and small streams provide us, including natural flood control, drinking water and wildlife habitat.

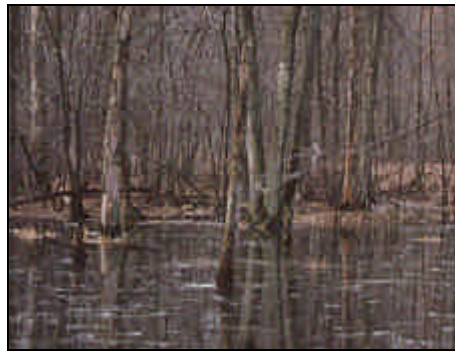
Moreover, any broader change to the Clean Water Act rules that currently safeguard ponds, streams and wetlands could expose many more water resources to unchecked environmental hazards. Drinking water supplies across the nation could be adversely affected and flooding could increase because of the destruction of local wetlands.

Aquatic habitats that sustain wildlife and foster commercial and recreational fishing, tourism and outdoor activities could also suffer as a result of weaker Clean Water Act protection.

*Whether you are an angler casting for trout in the northeast, a bird-watcher who treasures shorebirds, a hunter who counts on mallards and northern pintails or a vacationer who enjoys California's vernal pools, the wildlife and wild places you treasure are at risk.*

## Leaving Water Protection to States Is Not a Solution

Eliminating federal Clean Water Act protection leaves the protection of our nation's waterways to the states. Unfortunately, only one-third of states have existing state-level water protections. Where states do have protection programs in place, many are weaker than the federal Clean Water Act. State water protection programs have evolved to work along with the federal Clean Water Act, not to replace it.



Vernal pool: springtime (Ed Perry)



Vernal pool: early fall (Ed Perry)



Vernal pool: winter (Ed Perry)

Because rivers and streams frequently cross state lines, protections in one state can be undermined by a lack of protections in a neighboring state. The threat also transcends international boundaries.

For example, half of North America's waterfowl breed in the Great Plains, where no state-level protections currently exist.

Moreover, Congress originally saw the protection of the nation's waters as a federal responsibility and passed the Clean Water Act. Water protection standards that vary from state to state could result in one state dumping its pollution problems on downstream states or in a "competition" of deregulation among states hoping to attract industry. Similarly, the fate of nationally important natural resources such as migratory waterfowl could rest on a single state's water quality laws.



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## Your Help Is Urgently Needed

Your help is urgently needed to maintain the Clean Water Act protections that have helped to safeguard America's waters and wildlife for 30 years. Let the Bush administration and your federal legislators know that you do not support the administration's new guidelines or planned changes to the Clean Water Act rules because they put America's waters and wildlife at risk. Write or call your senators and representatives in Congress today, or log on to <http://www.nwf.org> (click on "Take Action") to learn more, send a letter to your legislator and submit on-line comments to the Bush administration.