

September 18, 2017

Chairman Lisa Murkowski
Interior, Environment, and Related Agencies Appropriations Subcommittee
709 Hart Building
Washington, DC 20510

Ranking Member Tom Udall
Interior, Environment, and Related Agencies Appropriations Subcommittee
110 Hart Building
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Udall,

The undersigned conservation and sportsmen's organizations would like to urge your subcommittee to not adopt any Clean Water Rule riders that might emerge during the Senate Interior, Environment, and Related Agencies Appropriations Subcommittee markup. Any Clean Water Rule rider that allows the federal government to sidestep the Administrative Procedures Act would be completely unjustified. Changing the rule of law to enhance the prospects for a measure designed to weaken the nation's premier clean water law is a disturbing tactic. There should be no place in a funding bill for a rider that would allow the administration to avoid public comment as it takes steps to lift protections for our nation's water that provide fish and wildlife habitat and deliver clean drinking water supplies.

We have attached a letter signed by many of the undersigned groups urging Administrator Pruitt not to repeal the 2015 Clean Water Rule, and several sportsmen's organizations also issued [a joint press release opposing the repeal of the rule](#). The attached letter and the press release highlight sportsmen's support for a rule that conserves our nation's critical headwater streams, shields communities from flooding, supplies drinking water to one in three Americans, and provides essential fish and wildlife habitat that supports a \$887-billion outdoor recreation economy.

There are many reasons why sportsmen oppose the repeal of the Clean Water Rule:

- **The 2015 Clean Water Rule Clarified Clean Water Act Protections for Many Streams and Wetlands.** The rule reestablished safeguards for many streams, lakes, and wetlands that have been at increased risk of pollution and destruction following Supreme Court decisions in 2001 and 2006. In developing the rule, EPA and the Army Corps of Engineers analyzed more than 1,200 peer-reviewed and other studies that assessed connections between small streams, non-tidal wetlands, and other upstream waters on larger downstream waters, including lakes, rivers, and estuaries. That review demonstrated the significant physical, chemical and biological connections between wetlands and headwaters streams to larger rivers. In addition to providing valuable fish and wildlife habitat, these waters are an effective buffer against floods, and filter pollutants out of water that otherwise would have to be treated at great expense to cities and towns.
- **The Rule Gives Greater Certainty to Regulators and the Regulated Community.** The 2015 Clean Water Rule was developed because of the need for clarity as to which waters fall under the regulatory jurisdiction of the Act. Sportsmen had been stymied in their efforts to protect water resources and federal and state water quality personnel had struggled to consistently apply the

law. Without the rule, we return to an earlier regulation and a 2008 interim guidance document to drive the federal government's decisions on Clean Water Act protections for sensitive streams and wetlands. These decisions will once again be made on a case-by-case basis, at great expense to the agencies, while also throwing tremendous uncertainty back into the decision-making process and burdening state and local water quality personnel.

- **The Rule Protects Sportsmen's Favorite Fishing Hole or Duck Blind.** Without clear and adequate safeguards, the places sportsmen and women hold dear, such as iconic western trout streams and the duck factory of the Midwest's prairie potholes, could be destroyed by pollution allowed into headwaters and the outright loss of wetlands. The Clean Water Rule helps ensure these places are protected.
- **The 2015 Clean Water Rule Does Not Overreach.** The rule explicitly excludes some waters, like puddles and most roadside ditches, from regulation and preserves exemptions from regulation for categories of activities, including many farming and ranching practices. These sidebars demonstrate that, contrary to some claims, the rule does not overreach and balances important economic activity with protection of our nation's waters.

We thank you for the opportunity to share our thoughts regarding possible Clean Water Rule riders. We look forward to working with both of you and the rest of the subcommittee to ensure sportsmen and women have a voice in shaping the future of our nation's water resources.

Sincerely,

American Fisheries Society

Backcountry Hunters & Anglers

Fly Fishers International

Izaak Walton League of America

National Wildlife Federation

Theodore Roosevelt Conservation Partnership

Trout Unlimited

Enclosure