

Chairman Andy Biggs
House Committee on Science, Space,
and Technology
Subcommittee on Environment
2321 Rayburn House Office Building
Washington, DC 20515

Ranking Member Suzanne Bonamici
House Committee on Science, Space,
and Technology
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November 28, 2017

Dear Chairman Biggs and Ranking Member Bonamici,

On behalf of our millions of supporters, the undersigned hunting, fishing, and conservation groups write to express our support of the critical Clean Water Act protections laid out in the 2015 Clean Water Rule and our opposition to rolling back those protections.

The rulemaking process for the Clean Water Rule began in 2011 because the scope of the Clean Water Act – and which waters fell within its protection – had become unclear in the wake of two U.S. Supreme Court cases. Stakeholders representing the regulated community, irrigators, local governments, Congress, the Chief Justice on the Supreme Court, and others had all urged the agencies to write a clarifying rule. The agencies provided ample time for stakeholders to engage in the rulemaking process – they took comments for over 200 days, from April 21 to November 14, 2014 and held over 400 stakeholder meetings across the country. During the 2015 Clean Water Rule rulemaking process, over 800,000 people commented in support of Clean Water Act protections for smaller streams and wetlands, and over the past several months, more than 500,000 stakeholders have commented in opposition of attempt to repeal the rule.

In order to ensure a strong scientific and technical foundation for the 2015 Clean Water Rule, EPA's Office of Research and Development issued the report *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*. In the report, the EPA reviewed more than 1,200 peer-reviewed publications and summarized the current scientific understanding about the connectivity and mechanisms by which streams and wetlands, singly or in aggregate, affect the physical, chemical, and biological integrity of downstream waters. This report underwent an external review by EPA's Science Advisory Board consisting of 27 topic experts representing independent experts in their field providing a range of expertise required to assess the scientific and technical aspects of connectivity. The EPA Connectivity report represents the state-of-the-science on the connectivity and isolation of waters in the United States. Hunters and anglers strongly supported the report given its technical and scientific nature.

Hunters and anglers broadly celebrated the Clean Water Rule because it would help clarify federal jurisdiction over "Waters of the United States" and conserve the roughly 60 percent of stream miles and 20 million acres of wetlands (and thereby the downstream waters into which they flow) at risk of being polluted or destroyed because of the jurisdictional confusion. These waters contribute to the drinking water supplies of 117 million Americans, protect communities from flooding, and provide essential fish and wildlife habitat that supports a robust outdoor recreation economy worth \$887 billion. Moreover, wetlands filter pollution from agriculture and

storm water runoff, recharge groundwater supplies, and store large volumes of flood water. As we have seen from recent devastating natural disasters, protecting wetlands, which serve as flood mitigation systems, is critical. In the United States, 9.6 million homes and \$390 billion in property are located in 15,000 square miles of flood-prone areas. During Hurricane Sandy alone, wetlands prevented \$625 million in direct flood damages.

Every year, over 47 million Americans head into the field to hunt or fish. The hunting and fishing industries in the United States directly employ 483,000 Americans and adds billions of dollars in additional spending. The economic benefits of hunting and fishing – which total \$200 billion a year – are especially pronounced in rural areas, where money brought in during fishing and hunting seasons can be enough to keep small businesses operational for the entire year. However, hunting and fishing do not merely provide economic and conservation benefits. They are a heritage that we cherish and want to pass along to our children. If the nation loses streams to nutrient and other pollution and wetlands are drained, it loses fish, wildlife, and sporting access along with them.

As the subcommittee also considers the role of states in its upcoming hearing, we ask members to keep in mind that while 46 states have sought – and obtained – delegation of the § 402 point source discharge program, only two states conduct their own § 404 permit programs. It has been 17 years since the U.S. Supreme Court issued its SWANCC decision and over a decade since the Rapanos decision, yet additional states have not asked for delegation of the § 404 permit program since that time. Mostly, it is just too expensive for states to assume responsibility for the § 404 program, as a [2015 Montana study](#) demonstrated. There is no evidence to support a claim that states would step in to protect wetlands through state regulatory programs should the Clean Water Act protections for headwater streams and wetlands be rolled back. This would put the wetlands that sportsmen and women love at risk once again.

Our country's waterways and the American public have benefitted enormously from the Clean Water Act. Narrowing the scope of waters protected by the Clean Water Act jeopardizes our progress towards achieving fishable, swimmable, and drinkable water for all Americans.

We thank the committee for its consideration of the views expressed in this letter.

Sincerely,

American Fisheries Society
Arizona Wildlife Federation
Backcountry Hunters & Anglers
Fly Fishers International
Izaak Walton League of America
National Wildlife Federation
Theodore Roosevelt Conservation Partnership
Trout Unlimited