Month XX, 2019

The Honorable Andrew Wheeler

Acting Administrator

U.S.  Environmental Protection Agency

The Honorable R.D. James
Assistant Secretary of the Army
Department of the Army, Civil Works

U.S. Environmental Protection Agency

EPA Docket Center

Office of Water Docket

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**Re: Revised Definition of “Waters of the United States,” Docket ID No. EPA-HQ-OW-2018-0149**

Dear Acting Administrator Wheeler and Assistant Secretary James:

I hereby submit the following comments on the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers’ (Corps) proposed *Revised* *Definition of “Waters of the United States.”*  **I urge you to withdraw this unwise and potentially dangerous proposal that could eliminate Clean Water Act protections up to half of the nation’s wetlands and thousands of miles of streams, including sources of drinking water.**

Congress passed the Clean Water Act in 1972 to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,” and for decades the Clean Water Act has safeguarded our rivers, streams, lakes, and wetlands. The proposed rule is a drastic departure from Congress’s direction, from long-standing policies, and from the protections our water resources and communities need. If the Agencies (EPA and the Corps) continue to move forward with this scheme it will be the most severe weakening of clean water protections since the Act’s inception.

For the first time in the history of the Clean Water Act, the Agencies are proposing to end protections for critical water resources such as ephemeral streams (those that flow only for a short time after significant rain or snow melt) that have been in place for decades. Categorically excluding all ephemeral streams from protections is a dramatic departure from decades of regulatory practice that followed science and common sense to protect our nation’s water resources. In addition, the proposed rule would throw the protection of intermittent stream (those that have wet and dry intervals throughout the year) into turmoil and doubt by creating vague and ill-defined criteria for the circumstances under which protections would attach. In fact, the proposed rule invites comment on whether intermittent streams should be stripped of Clean Water Act protection altogether. Science tells us that ephemeral and intermittent streams are important parts of freshwater ecosystems. I strongly urge the Agencies to maintain protection for streams and wetlands as outlined in current regulations (the Obama administration’s “Clean Water Rule”).

The proposed rule would be a disaster for our nation’s wetlands. It would limit Clean Water Act protection to wetlands that abut or have a surface water connection to other protected waters. This would abandon decades of previous regulatory practice and potentially exclude up to *half of the nation’s wetlands* from Clean Water Act protections, including prairie potholes, vernal pools, coastal prairies, pocosins, and other important natural features of the American landscape.

In effect, the Agencies are proposing to drastically limit which water bodies the Clean Water Act protects from pollution. This would leave them without guaranteed protection under the Clean Water Act’s pollution control, dredge-and-fill permitting, and clean-up programs. The Agencies claim their proposed definition is based in law but limiting Clean Water Act jurisdiction to only waters with a permanent or consistent flow or with a direct surface hydrological connection to other waters has previously been rejected by the George W. Bush administration and by courts interpreting the Act.

Since the Clean Water Act was passed in 1972, we have made significant progress in cleaning up many of our nation’s most treasured rivers. Rivers depend on the small streams that flow into them and wetlands that filter their waters and act as nurseries for fish and wildlife. This proposed rule would allow oil and gas companies, real estate developers, and factory farmers to pollute and destroy many of these streams and wetlands, reversing that progress.  The Agencies should be doing more – not less - to ensure these streams and wetlands are safeguarded in order to better protect and restore the rivers, lakes, bays, and clean water on which all communities depend.

**I urge the you to withdraw this proposed rule.** Thank you for your consideration.

Sincerely,

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