

The Environmental Protection Agency
Administrator Scott Pruitt
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: COMMENTS ON DOCKET NUMBER EPA-HQ-OW-2017-0480

Dear Administrator Pruitt,

Although I strongly oppose efforts by the Environmental Protection Agency and U.S. Army Corps of Engineers to repeal the Clean Water Rule, I appreciate the opportunity to comment about the requirements that must apply to any new regulation to define the waters of the United States. The protections in the Clean Water rule are fundamentally important for clean drinking water; fish and wildlife; and outdoor recreation, including hunting, fishing, paddling, and boating.

I believe the Clean Water Rule is firmly grounded in science, the law, and common sense. It is impossible to achieve the fundamental purpose of the Clean Water Act – “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” – without protecting tributary streams and small wetlands.

Unfortunately, the president’s February executive order directs that a new rule be informed by a misguided judicial opinion that has never been accepted or adopted. In light of this decision, you and your colleagues must reject this extreme opinion and ensure that any new rule:

- **Is grounded in science.** The existing rule is supported by more than 1,200 studies demonstrating the effects of upstream waters on downstream waters. The science on the connectivity of waters and the influence of tributaries on water quality in the waters into which they flow is voluminous and consistent. Any new rule must protect waters based on the overwhelming scientific record - the science cannot be dismissed or disregarded.
- **Effectively safeguards streams, wetlands, and other waters as required by the Clean Water Act.** The purpose of the Clean Water Act is to improve water quality nationwide. It is impossible to achieve that goal without protecting tributary streams from pollution or small wetlands from being drained and filled.
- **Assures America’s outdoor traditions thrive for generations to come.** Clean water and abundant wetlands are essential to hunting and angling. If this critical habitat is degraded, our hunting and angling traditions – and the \$887 billion outdoor recreation economy – will suffer.

Justice Scalia’s minority opinion fails to meet these requirements. His interpretation of the science on the connectivity of streams and wetlands was fundamentally flawed. The transmission of pollution from smaller to larger waters is not dependent on the length of time that a stream flows. Instead, it is dependent on the physical connectivity between the water bodies. The purpose of the Clean Water Act is to improve and protect water quality by regulating what is discharged into the waters of the United

States. The key factor in meeting this statutory purpose is the connectivity between waters – not how frequently water flows in a stream or when pollution flows from that stream into another water.

Pollution discharged into a stream that does not flow continuously will adversely affect the chemical, physical, and biological integrity of the nation's waters to which they are connected. As a result, any new rule must protect tributary streams regardless of the number of days during which they flow.

Thank you for considering these important factors as you shape the future of America's most critical natural resource: clean water.