

July 25, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army, Civil Works
108 Army Pentagon
Washington, DC 20310

Attn: Docket ID No. EPA-HQ-OW-2011-0409

Dear Administrator Jackson and Assistant Secretary Darcy:

The undersigned hunting, angling, and conservation groups write in strong support of the proposed Clean Water Act guidance on “waters of the United States” issued by the U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers. The proposed guidance is a sound, science-based clarification of Clean Water Act jurisdiction that falls well within the bounds of the existing Clean Water Act regulations and the Supreme Court’s *SWANCC* and *Rapanos* decisions.

Hunting, angling, and conservation-minded organizations like ours support the proposed guidance because wetlands and streams are essential to the outdoor traditions that tens of millions of Americans enjoy. Supreme Court decisions in 2001 and 2006, and agency guidance issued in 2003 and 2008, put these vital natural resources at risk of being drained, filled, or polluted. Together, the Court decisions and agency guidance removed Clean Water Act safeguards from at least 20 million acres of wetlands, particularly prairie potholes and other seasonal wetlands. These wetlands are as essential to shared, continental waterfowl populations and duck hunters as they are to many other species of wildlife and Americans who enjoy a wide range of outdoor recreation activities. Intermittent streams, which provide critical habitat for many fish species, including trout and salmon, and contribute to the public drinking water supplies for more than 117 million Americans, are also threatened.

The proposed guidance puts science squarely at the center of analysis the Corps and EPA must perform to determine if specific waters are covered by the Clean Water Act. This proposed process rests on well-established scientific principles about the hydrological, chemical, physical, and biological connections that exist between a high percentage of waters such as wetlands and small streams, and traditionally navigable and interstate waters. Relying on this science-based process will result in more understandable, consistent, and timely decision-making, which will benefit the public, landowners, and natural resources alike.

Although we support the guidance as proposed, we also believe EPA and the Corps can strengthen protections for certain waters while fully complying with the Supreme Court decisions and the Clean Water Act. In particular, the science supports additional protections for wetlands, which may be some physical distance from traditionally navigable or interstate waters, but are demonstrably linked hydrologically and ecologically to those waters. Specifically, we urge the agencies in the final guidance to further clarify that the Clean Water Act covers geographically separate waters, including prairie pothole wetlands, where the

combined effects of such waters on downstream waters in the watershed are shown to be predictable or observable.

We are also pleased that the agencies have committed to undertaking formal rulemaking as the next step. Rulemaking is widely supported by stakeholders across the spectrum and will provide additional opportunities for public participation. Following this public comment period, we urge the agencies to promptly finalize the guidance and initiate rulemaking to strengthen and further clarify their regulations concerning the specific types of waters protected by the Clean Water Act. Our organizations support a “waters of the United States” rule that will strengthen the Clean Water Act’s legal and scientific foundation and provide greater long-term certainty for landowners and protection for streams, wetlands, and other waters.

By proposing guidance for public comment, EPA and the Army Corps have taken a critical step toward restoring essential Clean Water Act protections for streams, wetlands, and other waters. Americans who hunt, fish, boat, and enjoy the outdoors understand how important these protections are for our traditions, economy, and health.

Sincerely,

Arkansas

Arkansas Canoe Club
Arkansas Chapter #514, Trout Unlimited
Arkansas State Council, Trout Unlimited
Arkansas White River Chapter #698, Trout Unlimited
Arkansas Wildlife Federation
Association for Beaver Lake Environment
The Ozark Society

California

California Division, Izaak Walton League
Streaminders Chapter, Izaak Walton League

Colorado

Colorado Advisory Committee for the Bull Moose Sportsmen’s Alliance
Colorado Backcountry & Anglers
Colorado Trout Unlimited

Florida

Florida Division, Izaak Walton League
Florida Keys Chapter, Izaak Walton League
Florida Wildlife Federation
Mangrove Chapter, Izaak Walton League
United Waterfowlers - Florida

Illinois

Blackhawk Chapter, Izaak Walton League
Champaign County Chapter, Izaak Walton League
Chicago #1 Chapter, Izaak Walton League

Decatur Chapter, Izaak Walton League
Des Plaines Chapter, Izaak Walton League
Elgin Chapter, Izaak Walton League
Elliott Donnelley Chapter, Trout Unlimited
Frank Anetsberger Chapter, Izaak Walton League
Geneseo Chapter, Izaak Walton League
Havana Chapter, Izaak Walton League
Illinois Council, Trout Unlimited
Illinois Division, Izaak Walton League
Illinois Smallmouth Alliance
Kewanee Chapter, Izaak Walton League
Lee Wulff Chapter, Trout Unlimited
Oak Brook Chapter, Trout Unlimited
Peoria Chapter, Izaak Walton League
Walter Sherry Memorial Chapter, Izaak Walton League
Woodford County Chapter, Izaak Walton League

Indiana

Bremen Conservation Club
Clinton Chapter, Izaak Walton League
DeKalb County Chapter, Izaak Walton League
Eagle Creek Watershed Alliance
Evansville Audubon Society, Inc.
Evansville Chapter, Izaak Walton League
Friends of the Patoka River NWR
Gene Stratton Porter Chapter, Izaak Walton League
Griffith Chapter, Izaak Walton League
Indiana Association of Soil and Water Conservation Districts
Indiana Bowhunter Association
Indiana Deer Hunters Association

Indiana Division, Izaak Walton League
Indiana State Council, Pheasants Forever
Indiana Wildlife Federation
Jefferson Township Conservation Club
Miami County Chapter, Izaak Walton League
North Central Council of Conservation Clubs
Porter County Chapter, Izaak Walton League
Reel Women-Reel Men of Indianapolis
Rolling Prairie Conservation Club
Saugany Lake Conservation Club
Sustainable Communities Coalition,
 Evansville
Terre Haute Chapter, Izaak Walton League
Wabash Valley Audubon Society

Iowa

Ames Chapter, Izaak Walton League
Ding Darling Chapter, Izaak Walton League
Des Moines Chapter, Izaak Walton League
Iowa Division, Izaak Walton League
Iowa Wildlife Federation
Mahaska County Chapter, Izaak Walton League
Scenic Waters Chapter, Izaak Walton League
Three Rivers Chapter, Izaak Walton League
Wagner Conservation Coalition
Waterloo Chapter, Izaak Walton League
Worth County Chapter, Izaak Walton League

Kansas

Kansas Wildlife Federation

Louisiana

Louisiana Wildlife Federation

Maryland

Bethesda-Chevy Chase Chapter, Izaak Walton
 League
Free State Chapter, Izaak Walton League
Harford County, Izaak Walton League
Lois Green-Sligo Chapter, Izaak Walton League
Maryland Division, Izaak Walton League
Queen Anne's Conservation Association
Rockville Chapter, Izaak Walton League
Southern Maryland Chapter, Izaak Walton League
Talbot County Chapter, Izaak Walton League
Wildlife Achievement Chapter, Izaak Walton
 League

Michigan

Dwight Lydell Chapter, Izaak Walton League
Fenton Chapter, Izaak Walton League
Michigan Division, Izaak Walton League

Minnesota

Austin Chapter, Izaak Walton League

Bush Lake Chapter, Izaak Walton League
Bluffland Whitetails Association
Cass County Chapter, Izaak Walton League
Gitche Gumee Chapter, Trout Unlimited
Gopher Chapter, Izaak Walton League
Grand Rapids Chapter, Izaak Walton League
Headwaters Chapter, Trout Unlimited
J. W. McCabe Chapter, Izaak Walton League
Jaques Chapter, Izaak Walton League
Lake City Sportsman's Club
Martin County Conservation Club
Minneapolis Chapter, Izaak Walton League
Minnehaha Chapter, Izaak Walton League
Minnesota Advisory Committee for the Bull Moose
 Sportsmen's Alliance
Minnesota Backcountry Hunters and Anglers
Minnesota Chapter of American Fisheries Society
Minnesota Conservation Federation
Minnesota Division, Izaak Walton League
Minnesota River Valley Audubon Chapter
Minnesota Trout Unlimited
Minnesota Waterfowl Association
Natural Resources Club, Central Lakes College
New London Chapter, Izaak Walton League
New Ulm Chapter, Izaak Walton League
Owatonna Chapter, Izaak Walton League
Prairie Woods Chapter, Izaak Walton League
Red Wing Chapter, Izaak Walton League
Rochester Chapter, Izaak Walton League
Twin Cities Chapter, Trout Unlimited
Walter Breckenridge Chapter, Izaak Walton League
Wapashaw Chapter, Izaak Walton League
Will Dilg Chapter, Izaak Walton League
Win-Cres Chapter, Trout Unlimited

Missouri

Conservation Federation of Missouri
Missouri Stream Team Watershed Coalition
Southern Council of Federation of Fly Fishers
Southwest Missouri Fly Fishers
Stream Team #410 (Heart of American Flyfishers),
 Kansas City
Stream Team #510 (Save the Chariton), Macon
Stream Team #680, Hermitage
Stream Team #714 (Green Hill River Watch),
 Unionville
Stream Team #888, Jennings
Stream Team #1215, Miller County
Stream Team #1417, Jefferson City
Stream Team #2542 (South Raymore Neighbors),
 Raymore
Stream Team #2574 (The Concerned Citizens for
 Better Development), Peculiar
Stream Team #2616, St. Louis
Stream Team #3757 (South Grand River Watershed
 Alliance), Peculiar

Stream Team #3957 (Panther Creek), Fordland
Stream Team #3986, Ashland
Stream Team #4023(Amarugia Ridge Runners),
Archie
Stream Team #4072 (Save Our Smallies),
Springfield
Stream Team #4123, Eureka
Stream Team #4219, Raymore
Stream Team #4220, St. Louis
Stream Team #4348 (Park University), Parkville
Stream Team #4353, Monett
Stream Team #4423, St. Louis
The Open Space Council, St. Louis

Montana

Montana Advisory Committee for the Bull Moose
Sportsmen's Alliance

Nebraska

Arapahoe Chapter, Izaak Walton League
Columbus Chapter, Izaak Walton League
Crete Chapter, Izaak Walton League
Fremont Chapter, Izaak Walton League
Grand Island Chapter, Izaak Walton League
Jessie Benton Fremont Chapter, Izaak Walton
League
Lincoln Chapter, Izaak Walton League
Nebraska Division, Izaak Walton League
Platte Valley Chapter, Izaak Walton League
Seward County Chapter, Izaak Walton League
Southwest Chapter, Izaak Walton League
Wayne Chapter, Izaak Walton League
West Point Chapter, Izaak Walton League

New Mexico

New Mexico Advisory Committee for the Bull
Moose Sportsmen's Alliance

New York

Central New York Chapter, Izaak Walton League
New York Division, Izaak Walton League

North Carolina

Albemarle Conservation and Wildlife Chapter
Albemarle Environmental Association, Northeast
North Carolina
Carteret County Wildlife Club
Catawba Valley Wildlife Club
Carolina Fly Fishing Club
Coastal Fisheries Reform Group
Five County Bassmasters
Gaston County Piedmont Area Wildlife Stewards
(PAWS)
Greater Raleigh Outdoors and Wildlife (GROW)
Habitat and Wildlife Keepers (HAWK)

Headwaters, Ltd.
Ladies In the Stream
Lake James Area Wildlife and Nature Society
Lake Norman Wildlife Conservationists
Lincolnton Sportsmen's Club
Mountain Island Lake Wildlife Stewards
Mountain Wild!
North Carolina Bowhunters Association
North Carolina Camouflage Coalition
North Carolina Handicapped Sportsmen, Inc.
North Carolina Trout Unlimited, State Council
North Carolina Wildlife Federation
Protecting, Advocating, and Conserving Together
(PACT) in the High Country
Triangle Fly Fishers
Yadkin Riverkeeper, Inc.

Ohio

Buckeye All-State Chapter, Izaak Walton League
Cincinnati Chapter, Izaak Walton League
Hamilton Chapter, Izaak Walton League
Headwaters Chapter, Izaak Walton League
Mount Healthy Chapter, Izaak Walton League
Ohio Advisory Committee for the Bull Moose
Sportsmen's Alliance
Ohio Division, Izaak Walton League
Tiffin-Seneca County Chapter, Izaak Walton
League
Wayne County Chapter, Izaak Walton League
Western Reserve Chapter, Izaak Walton League

Oregon

Association of Northwest Steelheaders
Beaver All-State Chapter, Izaak Walton League
Oregon Division, Izaak Walton League
Silverton Chapter, Izaak Walton League

Pennsylvania

Franklin County Chapter, Izaak Walton League
Lebanon County Chapter, Izaak Walton League
Pennsylvania Advisory Committee for the Bull
Moose Sportsmen's Alliance
Pennsylvania Division, Izaak Walton League

South Carolina

South Carolina Wildlife Federation

South Dakota

Beadle County Chapter, Izaak Walton League
Bon Homme County Chapter, Izaak Walton League
Bramble Park Zoological Society
Day County Chapter, Izaak Walton League
Deuel County Chapter, Izaak Walton League
East Dakota Water Development District
Kampeska Chapter, Izaak Walton League

Madison County Chapter, Izaak Walton League
McCook Lake Chapter, Izaak Walton League
Northern Prairies Land Trust
Rapid City Chapter, Izaak Walton League
Rosebud Chapter, Izaak Walton League
Sioux Falls Chapter, Izaak Walton League
South Dakota Chapter, The Wildlife Society
South Dakota Division, Izaak Walton League
South Dakota Lakes and Streams Association, Inc.
South Dakota Wildlife Federation
Sunshine Chapter, Izaak Walton League
Upper Big Sioux Watershed Project
Yankton Chapter, Izaak Walton League

Tennessee

Tennessee Chapter, Izaak Walton League
Tennessee Wildlife Federation

Virginia

Alexandria Chapter, Izaak Walton League
Commonwealth Chapter, Izaak Walton League
Fredericksburg-Rappahannock Chapter, Izaak
Walton League
Lynchburg Chapter, Izaak Walton League
Prince William Chapter, Izaak Walton League
Radford Chapter, Izaak Walton League
Roanoke Valley Chapter, Izaak Walton League
Suffolk-Nansemond Chapter, Izaak Walton League
Virginia Division, Izaak Walton League

West Virginia

Jefferson County Chapter, Izaak Walton League
Mon-Valley Ladies Chapter, Izaak Walton League
Monongalia County Chapter, Izaak Walton League
Mountaineer Chapter, Izaak Walton league
West Virginia Division, Izaak Walton League
West Virginia Rivers Coalition

Wisconsin

Brown County Chapter, Izaak Walton League
Watertown Chapter, Izaak Walton League
Wisconsin Advisory Committee for the Bull Moose
Sportsmen's Alliance
Wisconsin Division, Izaak Walton League
Wisconsin Wildlife Federation

Wyoming

Charles E. Piersall Chapter, Izaak Walton League