

**Izaak Walton League · National Wildlife Federation
Theodore Roosevelt Conservation Partnership · Trout Unlimited
The Wildlife Society**

April 22, 2010

Dear Representatives:

Our organizations and the millions of hunters, anglers, and conservationists we represent write in support of America's Commitment to Clean Water Act (HR 5088). We urge you to co-sponsor this legislation and actively support its passage in the House.

America's Commitment to Clean Water Act represents a new approach to addressing the threats the Supreme Court's *SWANCC* and *Rapanos* decisions pose to drinking water for 117 million Americans and healthy habitat for fish and wildlife. This bill clearly reflects Chairman Oberstar's commitment to listen to a wide spectrum of interests when crafting a new bill for this Congress. HR 5088 would achieve the core goal of restoring critical Clean Water Act protections for streams, lakes, wetlands, and other waters while being more tailored and specific than legislation introduced in previous Congresses. New provisions include:

- Statements that reinforce the purpose of the legislation is simply to restore Clean Water Act protections to the specific waters that were protected prior to the Supreme Court's *SWANCC* decision.
- A more specific definition of "waters of the United States" that closely follows the definition the EPA and Army Corps have used for decades. This definition does not include any reference to "activities affecting" such waters that some considered expansive.
- Statutory (compared to existing regulatory) exemptions from the Clean Water Act for prior converted cropland and certain waste treatment systems. Including an exemption for prior converted cropland adds to existing exemptions in the law for a wide range of common farming practices, including plowing, seeding, and cultivating.
- Specific references to Congress's long-standing constitutional authority to protect and restore the nation's waters.

Importantly, the legislation deletes the term "navigable" from the Clean Water Act to clarify that Congress's primary intent was to improve water quality rather than to sustain navigation. This purpose is clearly stated in the very first section of the law, which reads: "The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." This change is essential to remedy the

Court's decisions, which undermine the effectiveness and enforceability of the Act by giving greater meaning to this term than Congress intended.

Hunters, anglers, and other Americans who enjoy the outdoors understand that clean water is essential to healthy habitat, robust populations of fish and wildlife, and the strength of the economy that depends on hunting, fishing, boating, and outdoor recreation. Each of these is at risk today under Supreme Court decisions that would remove Clean Water Act protections for 20 million acres of wetlands, especially in the Prairie Pothole Region, and thousands of miles of seasonal and headwater streams.

America's Commitment to Clean Water Act is balanced and tailored to address the threats facing clean water, habitat, and fish and wildlife. We urge you to co-sponsor this important measure and actively support its passage this spring in the House.

Sincerely,

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