

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 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