



The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

The Honorable R.D. James
Assistant Secretary of the Army, Civil Works
U.S. Department of the Army
104 Army Pentagon Washington, DC 20310

August 13, 2018

RE: Docket ID Number EPA-HQ-OW-2017-0203: Comments on Definition of “Waters of the United States”—Recodification of Preexisting Rule, Federal Register, Vol. 83, No. 134 (July 12, 2018)

Dear Acting Administrator Wheeler and Assistant Secretary James:

On behalf of our millions of members and supporters, the National Audubon Society and the undersigned state offices urge you to retain the 2015 definition of “Waters of the United States” known as the Clean Water Rule. We oppose repealing this rule and we oppose replacing it with a rule that would limit the streams and wetlands that are covered under the Clean Water Act because these actions would permanently weaken protections for these water resources that are so important to birds and people.

The Clean Water Rule protects small streams, wetlands and intermittent streams that are hotspots for bird life and essential to ensuring water quality in downstream rivers and larger water bodies. Wetlands cover roughly 110 million acres in the continental U.S. and are indispensable habitat for hundreds of species of birds, including the Bald Eagle, Wood Stork, Northern Pintail, American Bittern, Semipalmated Plover, Prothonotary Warbler, and many more birds, fish, and wildlife. These waters also filter pollution and provide drinking water for more than 117 million Americans. These rivers, wetlands, lakes, and streams provide recreational opportunities for millions powering a robust outdoor economy.

The definitions put in place after a robust review of scientific information and input from the public create more certainty around which water resources are federally protected. Before finalizing the 2015 rule, the jurisdiction of the Clean Water Act was uncertain for nearly 60% of

streams and wetlands in the United States. Changing the definition of waters of the United States to solely focus on “relatively permanent,” connections to larger water bodies and excluding wetlands that do not have a “continuous surface connection” to other waters, would renew the state of confusion that persisted before the 2015 Clean Water Rule. This could result in the loss of pollution protections for the nearly 60 percent of streams in the lower 48 states that don’t flow year-round—almost 2 million miles of streams—and the end of Clean Water Act protection for countless wetlands.

Clean water as well as the riparian and wetland habitats it creates and supports are critical resources for birds. As you continue analysis of definition of the Waters of the United States, we urge you to withdraw the proposed repeal, take advantage of the years of work assessing science and considering public input and retain the 2015 Clean Water Rule.

Sincerely,

National Audubon Society

Audubon Alaska

Audubon Arizona

Audubon Arkansas

Audubon California

Audubon Connecticut

Audubon Dakota

Audubon Florida

Audubon Great Lakes

Audubon Louisiana

Audubon Maryland

Audubon Minnesota

Audubon Mississippi

Audubon Missouri

Audubon Nebraska

Audubon New Mexico

Audubon New York

Audubon North Carolina

Audubon Pennsylvania

Audubon Rockies

Audubon South Carolina

Audubon Texas

Audubon Vermont

Audubon Washington