Honorable Members of Congress:

Protecting and sustaining clean and abundant water resources is vital to the future of the nation. The House and Senate are likely to engage in discussion and debate concerning Clean Water Act jurisdiction in the 110th Congress. Our organizations, which represent state agencies with expertise and jurisdiction in several disciplines, believe that legislation is likely to be the only viable solution to the current uncertainty over the scope of the Clean Water Act. We believe that any new legislation should build on existing programs and sound science. It should meet the goals of the Clean Water Act. We the undersigned believe that remedial legislation is needed for the following reasons:

- **The Carabell/Rapanos decision creates uncertainty in jurisdiction for all Clean Water Act programs.** These include not only the Section 404 program but shared state/federal/tribal responsibilities for implementing storm water management programs, erosion and sediment control programs, and the National Pollution Discharge Elimination System under Section 402.

- **Uncertainties are creating confusion and a backlog of permits at state as well as federal levels.** State, tribal, and local wetland/water programs including state Section 401 programs are being adversely impacted by the uncertainty over jurisdiction created by the Carabell/Rapanos decision. At the end of 2006 there was a federal backlog of 20,000 applicants waiting to learn whether their activity required a Section 404 permit. The continuing disputes and court cases over jurisdiction inhibit the ability of states, tribes and local governments to ensure that water quality standards are met.

- **Uncertainties mean that many wetlands and small rivers and streams that are valuable and important to maintaining clean, plentiful water in the United States may no longer be protected under the Clean Water Act.** These waters include many ephemeral and intermittent streams, and their adjacent wetlands, prairie potholes, bogs and other headwaters. These collectively make up at least two thirds of all the waters in the lower 48 states. These waters are:
  - **Vulnerable to pollution.** They receive 40% of the point source discharges requiring individual permits in the lower 48 states.
  - **Critical to drinking water supplies.** They provide source water for an estimated 110 million Americans.
• Critical to flood attenuation and storage during floods and hurricanes like Katrina.

• Critical to fisheries. These waters provide food, habitat and water for trout, sturgeon, salmon and other important recreational and commercial fish and shellfish species.

• Critical to migratory birds. Wetlands and small streams provide essential habitat for many of the nation’s waterfowl, songbirds and shorebird populations.

• Important to climate change. Wetlands, including extensive bogs which are often isolated, store an estimated 40% of the world’s carbon. In addition wetlands and headwater streams are likely to provide important refuges and migration routes for species attempting to adapt to global climate change.

• Important to the economy. A healthy economy relies on clean, plentiful water supplies. Eliminating and altering wetlands and headwater streams both degrade water quality and reduce base flow. This increases the cost of providing water for communities and agriculture.

Over the past 30 years many federal, state and tribal partnerships have been developed under the umbrella of the Clean Water Act to protect and preserve our nation’s water resources. New legislation can ensure that under the Clean Water Act such partnerships continue to achieve the goals of protecting the physical, chemical and biological integrity of the Nation’s waters.

Congressional action is needed and we respectfully urge your attention to this issue. Thank you for your sincere consideration of our request.

Association of State Wetland Managers
Association of Fish and Wildlife Agencies
Association of State Floodplain Managers
Coastal States Organization