May 16, 2007

The Honorable John D. Dingell
United States House of Representatives
Washington, DC 20515

Dear Representative Dingell:

Almost four years ago, Governor Jennifer M. Granholm offered her support for the Clean Water Authority Restoration Act of 2003, and requested that you join in supporting action to protect our nation’s waters in accordance with the original intent of the federal Clean Water Act. Then, as now, our citizens recognized that Michigan’s waters are essential to our culture, to our present health and well-being, and to our economic future. We also know that the quality of the Great Lakes begins at their headwaters – in the springs, wetlands, and streams that flow from Michigan’s peninsulas to the greatest freshwater system in the world. In Michigan, where our lives are interwoven with our waters, we cannot leave this task undone, and I once again urge you to support the Clean Water Authority Restoration Act of 2007 as sponsored by U.S. Representative John D. Dingell, U.S. Representative Vernond J. Ehlers, and U.S. Representative James L. Oberstar.

The defined goal of the Clean Water Act is clear and essential: to restore and protect the chemical, physical, and biological integrity of the waters of the United States. This is a goal that can be achieved only through the cooperative efforts of all of the states by comprehensive attention to our aquatic ecosystems. A partial effort – to protect only selected reaches of our waters or only the waters of certain states – is doomed to failure. Failure will in turn result in real costs for our citizens - costs in flood damage, pollution control, loss of tourism, loss of clean water to drink, and loss of quality of life.

Regrettably, however, our federal courts, including the United States Supreme Court, have listened to arguments made by those who would remove the protection of the Clean Water Act from critical portions of our nation’s aquatic systems. It has been argued that Clean Water Act protection is not intended for headwater streams and wetlands that provide critical fish and wildlife habitat and preserve the sparkling clarity of downstream waters; or for wetlands that protect coastal areas from the ravages of severe storms; or for tributaries that are the lifeblood of our river systems. These voices have obfuscated the very definition of “waters” and have choked a well-established permit program in a web of confusion. It is difficult to determine the potential loss of jurisdiction in our state; however, based on the United States Army Corps of Engineers definition of “traditionally navigable waters” in Michigan, only one percent of our rivers and streams have full and undeniable Clean Water Act protection based on recent confusing Supreme Court rulings.
The best solution for our state and our citizens is a simple one – to restore the traditional scope of the Clean Water Act and to clarify the purpose of the Act based on long-standing regulatory definitions. This is not an expansion of federal authority but a return to a clear and comprehensive common goal. This action will also allow continued state-federal partnerships to provide for streamlined regulatory programs such as those that have been in operation in Michigan for over 20 years. We have been proud to administer a wetland permit program under Section 404 of the Clean Water Act in accordance with our state laws since 1984. Like many other states, Michigan also administers a pollution discharge permit program in accordance with Clean Water Act requirements.

The recent Supreme Court rulings have led to confusion regarding the scope of federal protection under these and other Clean Water Act programs, leading to uncertainty, regulatory delays, legal challenges that further clog our courts, and, sadly, environmental degradation in many states. While Michigan is proud of its water management programs, federal protection for our waters is also essential for this simple reason: no one state acting alone can protect interstate waters. No matter how sound Michigan's program, we cannot ensure the health of the Great Lakes unless all other states whose tributaries flow to these waters also meet the same federal standards. And to the extent that federal protection for the nation's headwaters, tributaries, wetlands, or other waters is reduced or eliminated - our Great Lakes will be at risk.

If we are to ensure that Michigan's waters - and the waters of the Great Lakes - are protected now and for future generations, we must act collectively, we must act now, and we must act with the wisdom of the Congress that provided the structure of the Clean Water Act almost 35 years ago. We must replace the current legal confusion with clarity and predictability. With this letter, I therefore express my deep appreciation to U.S. Representatives Dingell, Ehlers, and Oberstar for their continued outstanding efforts on behalf of our nation's waters, and respectfully urge you to join them in supporting the Clean Water Authority Restoration Act of 2007.

Sincerely,

[Signature]

Steven E. Chester
Director
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cc: Mr. Dan Beattie, Governor's Washington Office
Ms. Dana Debel, Governor's Office
Mr. Stanley Pruss, Deputy Director, Michigan Department of Environmental Quality (MDEQ)
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