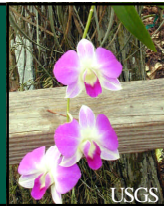


Weakening the Clean Water Act: What it Means for Florida



The purpose of the Clean Water Act is “to restore the chemical, physical, and biological integrity of the nation’s waters.” Over the past 31 years, the Act has led to great improvements in our water quality and protection of our water resources. In spite of this, last year the Bush Administration issued guidelines that eliminate Clean Water Act protection for many of our country’s important wetlands, streams, and other waters. These waters provide tremendous benefits to people and wildlife across the nation—benefits that will be lost forever if the Administration continues on its current path.

The U.S. Environmental Protection Agency estimates that the new guidelines remove Clean Water Act protection from 20 million acres, or 20 percent of the wetlands remaining in the lower 48 states. Loss of federal safeguards leaves these wetlands and other threatened waters subject to an incomplete patchwork of state and local protection. In the many areas where no state or local safeguards exist, it leaves these waters completely exposed to unlimited destruction and pollution.

Federal Clean Water Act Changes:

The Bush Administration claims that its new guidelines are necessary to implement a 2001 Supreme Court

ruling limiting Clean Water Act protections for some “isolated” ponds and wetlands. However, the guidelines go beyond the narrow scope of the so-called “SWANCC” decision, and needlessly put at risk millions of acres of wetlands, streams, ponds, lakes and other waters.

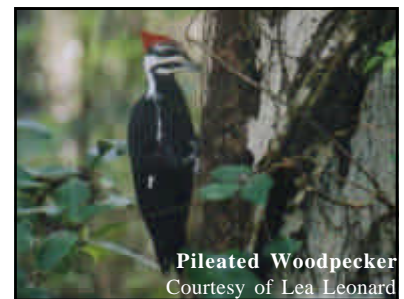
While the Administration



had also asked for public comment on whether the rules of the Clean Water Act itself needed changing, it abandoned this effort after an enormous outpouring of opposition to this plan from Congress, 39 state agencies, conservation and environmental groups, hunters and anglers, and the public. But the guidance remains in effect and is causing unnecessary damage to many wetlands, rivers, lakes, and ponds.

Why Do We Need Federal Protection?

The removal of wetlands protections at the federal level has prompted many to look at state-level protections that could “plug the gap” left by the guidance and the 2001 Supreme Court decision. Only about one-third of the states (18) have any independent protection programs against dredge and fill activities in these types of waters, and most are substantially weaker than the Clean Water Act. In general, state water protection programs have evolved to work in conjunction with the federal law and heavily rely on federal funding and personnel to effectively protect waters.



Another concern is the nature of water

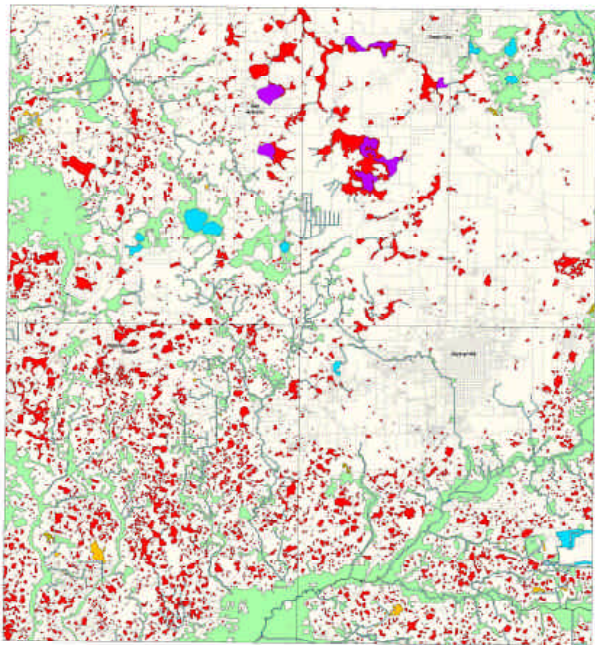
resources. Since many states can share one common river, lake, or stream, protections in one state can be undermined by a lack of protections in a neighboring state. A lack of protection at the federal level could lead to a “race to the bottom” where states deregulate, making it cheapest to pollute locally in an attempt to attract industries from out of state. Additionally, some internationally important resources are now threatened, such as North America’s waterfowl, half of which breed in the prairie pothole wetlands of the northern Great Plains states where no state-level wetlands protections exist.

Current Protections in Florida:

While many of Florida's wetlands and streams will not be left completely unprotected, the Panhandle area has been left without the protections found in other areas of the state. Outside the Panhandle, Florida protects its wetlands and streams through a permitting process which has been delegated to five water management districts, each of which has their own permitting rules and standards. While the St. Johns River Water Management District (Central Florida) has relatively comprehensive and protective rules that protect virtually all wetlands and streams, including intermittent streams, the other water management districts standards are not nearly as protective.

A few exemptions in Florida law also put wetlands and streams at risk. These include broad exclusions in permitting requirements for agricultural, silvicultural and horticultural activities. Additionally, Florida's requirements for replacing wetlands destroyed by development are weaker than in most other states.

Dade City Study Area, Florida



This 168,000-acre study area in Western/Central Florida contained 34,000 acres of wetlands, or 20% of the total acreage. Of these wetlands, 90% of the total number of wetlands, might be considered "isolated." These are shown in red.

In order for all of Florida's wetlands and streams to be adequately protected, the state will need to commit significant additional staff and financial resources to its water permitting programs to compensate for the loss of federal protection. Florida has already lost over 40 percent of its wetlands to urban sprawl, agriculture and citrus developments. In order to prevent accelerated degradation of aquatic resources, protection programs will have to be improved.

Wetlands at Risk:

While many of Florida's wetlands could be at risk under the Administration's guidance, the most vulnerable will be shallow, forested depressional wetlands such as cypress domes and sinkhole wetlands.



Cypress Dome
USEPA Photo

Cypress domes dot much of the state and are easily recognizable as thick stands of cypress trees ranging from 2.5 to 25 acres, with the tallest trees located in the center surrounded by shorter ones in a dome shape.

Cypress domes are significant habitat for a wide variety of wildlife. These types of shallow wetlands are important amphibian-breeding areas supporting several frog species. America's endangered woodstork population breeds primarily in South Florida, often choosing to nest high in the mature cypress trees and feed in the shallow waters below. Further, Florida wetlands are a critical component of the landscape that supports populations of the endangered Florida panther and Florida black bear.

Cypress domes serve Floridians most directly as holding areas for excess rainwater. "Isolated" depressional wetlands such as cypress domes are capable of holding water accumulation from Florida's heavy seasonal rains and help prevent flooding of local areas.

According to the U.S. Fish and Wildlife Service, the most detrimental human effect on Cypress Dome ecosystems is development; including conversion to residential subdivisions, commercial sites, and golf courses. Loss of federal protection will only exacerbate this situation.

Streams and Waterways at Risk:

According to the EPA, Florida's total stream mileage is 51,858. Of these, 2,959 miles are intermittent (they run only part of the year) and 25,909 miles have been severely altered by humans into canals or ditches. Though man-made, these canals have become integrated into the landscape and have been adopted by a large variety of wildlife.

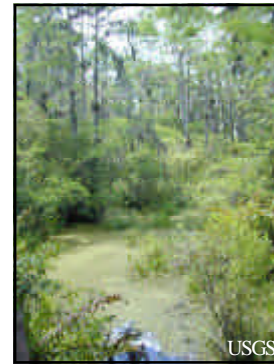
Alligators, sport fish, migratory birds, river otters and even wintering manatees have made themselves at home in these waterways. Florida's lake-dwelling largemouth bass can even be found in many of the state's canals. Due to the confusing language of the guidance, some regulators may not decide to protect these man-made conveyances.



Pig Frog
USGS

Recreation:

Streams, wetlands and their dependent wildlife help make Florida a beautiful place and provide it with a lucrative source of income. According to the Florida Fish and Wildlife Conservation Commission, Florida is the official "Fishing Capital of the World." This title is attributable to the wide variety of habitat and fish species in the state. Many saltwater and freshwater fish utilize Florida streams for breeding and growth, and all species, whether they reside in salt or freshwater, are highly dependent upon the water quality of the state's stream and canal systems. In the 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, it was found that over 3 million Floridians participated in recreational fishing activities in Florida in 2001, spending over \$5 billion. Additionally, more than 3.2 million individuals participated in wildlife watching activities spending close to \$1.5 billion in the state.



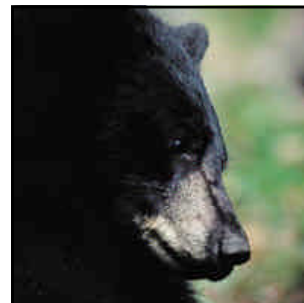
USGS

Water Quality:

Small streams make up approximately 85% of the total drainage network in a basin and collect most of the water and dissolved nutrients from the surrounding terrestrial ecosystem. Small wetlands and streams act as a sieve for larger water bodies, capturing nutrients, debris, and pollutants as water flows toward rivers and lakes. Maine's clean water supply is maintained by healthy headwaters. The upper reaches of streams filter the pollutants, making downstream water safe for drinking and more appealing for recreation.

Flooding:

Wetlands and streams that could be considered "isolated" are crucial to regulating water levels during Florida's typical heavy rains. Wetlands have the ability to hold amazing amounts of excess water (up to 1.5 million gallons per acre) that they then slowly distribute back into the watershed. These wetlands help minimize flooding damages sustained by riverfront communities and those surrounding the everglades.



Florida Black Bear
US Dept. of
Transportation

What You Can Do

Log on to <http://www.nwf.org/ourprograms> (click on **wetlands conservation** under National Programs) to get more information and to see if your legislators have taken steps to protect our Nation's waters.

Ask President Bush, Senators Graham and Nelson and your representative to:

- work for the withdrawal of the harmful guidelines
- fully enforce the Clean Water Act to ensure protections for all our valuable wetlands and streams
- support the passage of the **Clean Water Authority Restoration Act of 2003** (H.R.962 and S.473)