



## **Report Shows Tennessee Waters at High Risk of Pollution, Destruction**

### ***Supreme Court Decisions and Agency Actions Have Endangered Tennessee's Waters and Wildlife***

A new report shows that many Tennessee waters are at risk from pollution and destruction because they may no longer be protected by the Clean Water Act. Two major Supreme Court cases and subsequent agency guidance have severely weakened federal Clean Water Act protections in Tennessee and have fueled efforts to weaken state water quality laws.

“Tennessee is known for its prized rivers, streams and wetlands,” said Mike Butler, Chief Executive Officer of the Tennessee Wildlife Federation. “Without a strong Clean Water Act, the state’s heritage of diverse wildlife and clean waters is at risk.” While Tennessee has state level protections for many waters, industry groups have already used the uncertainty regarding federal protections to weaken these state laws. It is almost certain that as long as federal protections remain mired in confusion, attacks on state-level protections will continue.

Tennessee has one of the richest diversities of wildlife in the nation and a vast array of important waters, from mountain trout streams, to major tributaries of the Mississippi River, to vast wetlands relied on by ducks and other waterfowl. However, due to recent legal developments, up to 60 percent of the state’s stream miles and half of its 787,000 remaining acres of wetlands may no longer be protected from pollution and destruction under the Clean Water Act.

“Tennessee has some of the most rapidly developing counties in the nation,” said Jim Murphy, National Wildlife Federation wetlands and water resources counsel. “Development pressure coupled with the increased stresses climate change will place on Tennessee’s waters bode poorly for Tennessee’s children’s ability to enjoy clean water and healthy wildlife unless basic Clean Water Act protections are restored.”

Two split decisions of the U.S. Supreme Court (SWANCC 2001 and Rapanos 2006) have put many of America’s wetlands, streams, lakes and ponds at risk by creating doubt over whether Clean Water Act safeguards for many waters still apply. Subsequent agency directives out of Washington have effectively removed Clean Water Act protections for 20 million acres of the nation’s so-called geographically “isolated” wetlands and put many others at risk. Additionally, about 60 percent of stream miles in the United States which do not flow year-round could also lose protection.

This report provides an overview of the waters at risk in Tennessee and documents cases in Tennessee where important waterways have lost basic federal pollution protections because of the confused state of the law. Included among these waters are wetlands associated with a vital tributary to the Tennessee River, a wetland impacting Tennessee's treasured Reelfoot National Wildlife Refuge, and wetlands under siege from development. It is almost certain that these waters would have been protected prior to the SWANCC decision. Now these waters are no longer being protected.

"The waters featured in this report are all valuable to Tennessee's wildlife and people," said John McFadden, Executive Director of the Tennessee Environmental Council and co-author of the report. "These waters impact drinking water sources, wildlife habitats, and provide important recreational opportunities for people. The examples featured in the report are the tip of iceberg, and portend further and more dramatic losses if the current legal confusion is not addressed."

"Tennessee's eastern mountains provide some of the most prized trout streams in the Southeast," said George Lane, Chairman, Tennessee Council of Trout Unlimited. "Climate change is already posing immense challenges to trout in the Southeast. In the face of these challenges, a failure to protect mountain headwater streams from pollution and degradation threatens to doom the future of trout in Tennessee."

"West Tennessee wetlands provide exceptionally important habitat for wintering waterfowl and breeding wood ducks," said Dr. Scott Yaich, director of conservation operations at Ducks Unlimited's national headquarters in Memphis. "Examples now found to be at greater risk of degradation include the Hatchie River Bottoms and Reelfoot Lake, both of which include National Wildlife Refuges."

"I grew up on the Hatchie River, and today it is the last unchannelized mainstem tributary of the Mississippi. Its protection is vital to the wildlife and economy of that area," said Mike Butler.

The millions of people and wildlife that depend on Tennessee's rivers and wetlands need a solution to these problems. The Senate Environment and Public Works Committee passed a bill to restore protections to these waters. It is critical that action be taken before more wetland and headwater streams are polluted or destroyed.

[Read the full report](#)

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