

**Sierra Club \* Earthjustice \* Natural Resources Defense Council \* League of Conservation Voters \* National Wildlife Federation \* Environment America \* National Parks Conservation Association \* Clean Water Action \* Izaak Walton League of America \* American Rivers \* Greenpeace \* Green For All \* Physicians for Social Responsibility \* Clean Water Network \* Waterkeeper Alliance \* Defenders of Wildlife**

December 3, 2012

The Honorable Jacob Lew  
Chief of Staff  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. Lew:

We are writing again to ask that the administration promptly issue much-needed and long-awaited guidance to clarify which water bodies are protected from pollution under the Clean Water Act. While we understand that the negotiations over the fiscal cliff will consume the next few weeks, we hope that this guidance can be one of the first policies announced after the end of the 112<sup>th</sup> Congress. We view this guidance as an important first step toward a ‘waters of the U.S.’ rule – and we fully support initiating a formal rulemaking in the coming months to restore much-needed clarity, certainty and fairness to Clean Water Act programs. We want to emphasize, however, that we strongly oppose delaying the guidance pending action on the proposed rule, as some have suggested.

This guidance, prepared jointly by the Environmental Protection Agency and the Army Corps of Engineers, has been under interagency review at the Office of Information and Regulatory Affairs since February 21. When we met with you in March, you committed that the guidelines would be finalized soon. This extended review comes at the end of a protracted process, in which the guidelines were already subjected to interagency review and were put out for lengthy public comment. Both proponents and opponents of the action engaged vigorously, and the vast majority of approximately 230,000 comments were supportive. Quite simply, this guidance is ready for release.

The guidelines would make clear that headwater and intermittently-flowing tributary streams must ordinarily be protected, benefitting over 117 million Americans whose drinking water comes from systems drawing supply from such streams. Likewise, applying the guidelines would restore clear protection for wetlands adjacent to tributaries and to other important waters, including some so-called “isolated” waters. The latter group of resources includes roughly 20 percent of the continental U.S.’s wetlands, which provide vital services like floodwater storage, pollutant filtration, and groundwater recharge. In other words, these guidelines will directly promote clean water.

America’s waterways are vital to our environment, our communities, our economy, and our health. As you know, this guidance for identifying protected waters would replace similar guidelines issued by the Bush administration that, unfortunately, have been construed to leave thousands of streams and wetlands without protection from pollution. As drafted, the new guidelines are far more consistent with the law and the Clean Water Act’s history and intent than the Bush administration’s. Furthermore, these guidelines enjoy vast public support from hundreds of thousands of concerned citizens, sportsmen, public health professionals, elected officials, and farmers.

We would greatly appreciate hearing from you as soon as possible concerning when we can expect to see the final guidelines released. Thank you in advance for your attention to this urgent matter.

Sincerely,

Michael Brune  
Executive Director  
Sierra Club

Trip Van Noppen  
President  
Earthjustice

Frances Beinecke  
President  
Natural Resources Defense Council

Margie Alt  
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Jamie Rappaport Clark  
President and CEO  
Defenders of Wildlife

CC: The Honorable Nancy Sutley, Chair, CEQ  
The Honorable Lisa Jackson, Administrator, U.S. EPA  
The Honorable Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works)