



Weakening the Clean Water Act: What It Means for Alabama

Across the country, small streams (headwater, intermittent, and ephemeral streams) and wetlands are losing Clean Water Act protections in the wake of two recent Supreme Court decisions and subsequent federal agency directives. **In Alabama, at least 61% of streams do not flow year round, and are at risk of uncontrolled filling and pollution, along with many of the state's remaining wetlands.** Without intervention from Congress or the Administration to restore Clean Water Act protections for waters that were protected prior to 2001, these waters will continue to be polluted and destroyed.

Restoring Clean Water Act protections for small streams and wetlands will keep Alabama's waters clean.



Bon Secour National Wildlife Refuge, USFWS

Intact small streams and wetlands trap substantial amounts of sediments, nutrients, and chemicals keeping those pollutants from reaching downstream waters. In one study, nutrients traveled less than 65 feet in a small headwater stream before being removed from the water. If not filtered out, these pollutants increase drinking water treatment costs, fill in reservoirs and navigation channels, and damage fisheries and recreation.

- **More than 2.6 million people in Alabama get their drinking water from public drinking water systems that rely on small and seasonal streams.** On average, 54% of streams serving these public systems are small or seasonal. In Mobile County, almost 275,000 people get their drinking water from systems that rely on small and seasonal streams, and 68% of the streams that serve Mobile County public drinking water systems are small and seasonal.
- **At least 566 facilities with pollution controls established by Clean Water Act permits are located on at-risk Alabama streams.** If these streams lose Clean Water Act protections, federal permits will no longer be necessary, and the facilities will be able to pollute at will.

Restoring Clean Water Act protections for small streams and wetlands will reduce flooding in Alabama communities.

Intact small streams and wetlands reduce the intensity and frequency of floods by absorbing significant amounts of water and slowing the flow of water downstream. **A single acre of wetland can store 1 to 1.5 million gallons of flood water, and just a 1% loss of a watershed's wetlands can increase total flood volume by almost 7%.** Alabama has already lost at least 50% of its original wetlands.

Flooding from rainfall, tropical storms, and hurricanes is a major risk to Alabama residents. On average, Alabama sees more than 57 inches of precipitation each year, with Alabama's Gulf Coast averaging more than 65 inches a year. In the contiguous United States, Alabama's Baldwin and Mobile Counties are second only to the Pacific Northwest in total rainfall.



NOAA

Protecting small streams and wetlands is vital for fish and wildlife, and a vibrant recreational industry in Alabama.

Intact small streams and wetlands provide critical wildlife habitat. Alabama's Department of Conservation and Natural Resources has developed key recommendations to protect and restore wetlands and related habitats for the benefit of the state's wildlife. Wetlands, including geographically isolated wetlands, provide essential foraging, nesting, and escape habitat for fish and wildlife, and are particularly important for juvenile fish and birds migrating through the Mississippi Flyway. At least 34 at-risk animal and plant species are linked to geographically isolated wetlands in Alabama.



The endangered Wood Stork, USFWS

- **The U.S. Fish and Wildlife (USFWS) Service reports that Alabama residents and nonresidents spent \$2.2 billion on wildlife recreation in Alabama, including almost \$700 million in fishing related expenditures, in 2006.** More than 1 million Alabama residents participated in wildlife watching; 600,000 fished; and 310,000 hunted.
- **Because of Alabama's diverse waterways, the state ranks fifth in the nation in plant and animal diversity and first in freshwater species diversity,** with more than 750 species of freshwater fishes, mussels, aquatic snails, and crayfishes. Unfortunately, Alabama ranks fourth in the nation for the number of species at risk for extinction and only one state has lost more species to extinction than Alabama. **Man-made alterations to the state's waters and landscape contributed to the extinction or extirpation of more than 100 animal species.**
- Alabama's Department of Conservation and Natural Resources developed specific recommendations for protecting significant forest tracts that contain isolated wetlands. These recommendations prioritize protecting areas in Mobile and Baldwin counties where development and sprawl are encroaching on these vital resources. Alabama completed an extensive study of the possible wetland restoration locations for five areas of the State, including in Baldwin and Mobile counties.
- **The Partners for Fish and Wildlife Program, a USFWS program that engages willing partners to protect and restore wildlife values on private property, has identified restoring and protecting 1 million acres of wetlands and restoring or enhancing 7,500 miles of stream habitat as important for Alabama's wildlife.**

Restoring Protections will Bolster Enforcement of Clean Water Act Requirements.

The Supreme Court decisions and subsequent agency guidance have added uncertainty and time-consuming investigations and paper work to the Clean Water Act permitting process and have negatively affected Clean Water Act enforcement cases regionally and nationwide. As a result, extensive resources are being diverted away from protecting human health and the environment to determining whether or not a water is protected by the Clean Water Act.



Richard Seeley

The Administration Must Restore Clean Water Protections for the Nation's Waters

For almost a decade, Congress has failed to enact legislation restoring the historic scope of the Clean Water Act. **To protect the Nation's waters, EPA and the Corps of Engineers should revise their definition of "Waters of the United States" to restore and clarify Clean Water Act protections, including for so-called "isolated wetlands," in a manner consistent with both law and science.** A successful rulemaking will restore and clarify protections for millions of wetland acres and stream miles, and will place these restored protections on a much more secure legal and scientific foundation.



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