

Weakening the Clean Water Act: What it Means for Missouri



Peter Newcomb/The New York Times/Redux

Across the country, small streams (headwater, intermittent, and ephemeral streams) are losing Clean Water Act protections in the wake of Supreme Court decisions in 2001 and 2006 and subsequent federal agency directives. At least 66% of Missouri's streams — 76% (over 84,000) of stream miles according to Missouri's Department of Natural Resources — do not flow year-round, and are at increased risk of pollution and destruction. At least 35% (660,000 acres) of Missouri's wetlands are also at risk. 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.

Protecting small streams and wetlands will reduce flooding in Missouri communities:

Intact small streams 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%. Missouri has already lost 87% of its wetlands, and at least 35% of those remaining are now at increased risk.

Missouri has suffered significant and repeated flood damage, including major floods in 1993, 2008, and again in 2011. The Great Flood of 1993 devastated communities in Missouri and other Midwestern states, and was one of the nation's most costly natural disasters. Thousands of people were displaced, 48 people died, more than 1,000 levees were over-topped or failed, and damages soared to an estimated \$21 billion. Missouri, along with Illinois and Iowa, accounted for 75% of the flood damage. All three states have lost 85% or more of their historic wetlands. In 2008, Missouri had six major flood disaster declarations as another disastrous flood hit the Midwest, killing 24 people, damaging



Mississippi River Flooding, near New Madrid, MO May 2011 (Jeff Roberson/AP)

20% of the nation's corn and soybean crops, and causing more than \$15 billion in agricultural and property damage.

Missouri's agricultural lands have been hit hard by flooding. Just from 1993 to 2003, Missouri farmland was devastated by flooding that resulted in a loss of over \$3.6 billion. "People living and working along the Missouri River cannot withstand another disaster of this proportion. — Missouri Corn Growers Association President, Spring 2011



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Protecting small streams and wetlands will keep Missouri's water clean:

Intact small streams and wetlands trap substantial amounts of sediments, chemicals, and nutrients, 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, sediments and chemicals increase drinking water treatment costs, fill in reservoirs and navigation channels, and damage fisheries and recreation.

Almost 2.5 million Missourians receive some or all of their drinking water from public drinking water systems that rely at least in part on small streams. According to the Missouri Department of Conservation, about 62% of Missourians receive their drinking water from river and stream sources.

Missouri has reported that 82.5% of the permitted facilities in Missouri, including sewage facilities, discharge into streams without continuous flow. Without Clean Water Act protections for these at-risk streams, the pollution from these facilities may no longer be limited by CWA permits.

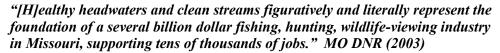
Protecting small streams and wetlands is vital for fish and wildlife, and Missouri's vibrant recreational industry:



Intact small streams and wetlands provide vital habitat for fish and wildlife that support a strong recreational industry in Missouri. Wetlands, including geographically isolated wetlands, provide essential foraging, nesting, and escape habitat for fish and wildlife, and are particularly important for juvenile fish and for birds migrating through the Mississippi Flyway.

The Prairie Pothole Region (America's "Duck Factory") supports a globally significant population of breeding waterfowl, and it is at risk. Ducks banded in their nesting ground in the Dakotas - wetlands surrounded by grasslands - are later observed in Missouri. These nesting grounds have lost Clean Water Act protections since 2001. Without federal protection of wetlands duck habitat, Missouri's duck population - and duck hunting - will suffer in the long run

Fishing, hunting, and wildlife-related recreation generated almost \$3.4 billion in expenditures fueling the Missouri economy in 2006. Sport fishing alone supported over 21,000 jobs and contributed over \$2 billion to the state's economy in retail sales, wages, and business earnings. Hunting activities supported over 24,000 jobs and contributed over \$2 billion to Missouri's economy. Migratory bird hunting alone supported over 5,500 jobs and contributed over \$289 million to the Missouri economy in 2006.





Restoring protections will bolster Clean Water Act protections for people and wildlife:

The Supreme Court decisions and subsequent agency guidance have added uncertainty, litigation, and burdensome fact-finding and paper work to the Clean Water Act permitting process and have negatively affected Clean Water Act enforcement regionally and nationwide. Scarce resources are being spent determining whether a water is protected by the Act rather than protecting human health and Missouri's precious water resources.

Missouri joined more than 30 states in asking the Supreme Court to uphold Clean Water Act protections for small tributaries and their adjacent wetlands.



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.

For more information contact: