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## **House Blocks Clean Water Protections**

Washington, DC (June 15, 2011) – The House Appropriations Committee today blocked efforts to restore Clean Water Act protections for streams that supply drinking water to 117 million Americans and wetlands that provide flood protection and critical fish and wildlife habitat.

The committee's Republican majority rejected an amendment by Representative Jim Moran (D-VA) that would have allowed the Army Corps of Engineers to revise guidance to its staff on this issue. The bill the committee considered today, which would fund the Corps in fiscal year 2012, includes a provision (Section 109) barring the Corps from taking any steps next year or in future years to revise its Clean Water Act guidance or regulations. By voting against this amendment, the committee would maintain the status quo of wetlands loss, stream impairment, and regulatory confusion.

“The vote today represented a clear choice between restoring Clean Water Act protections to important streams and wetlands and postponing those protections indefinitely,” said Scott Kovarovics, Conservation Programs Director for the Izaak Walton League of America. “Congressman Moran’s amendment provided a balanced path forward for clean water. Unfortunately, opponents of the amendment chose not to take that path.”

“Clean water should not be a partisan issue,” said Steve Kline, Director of the Theodore Roosevelt Conservation Partnership’s Center for Agricultural and Private Lands. “Today's vote is truly dismaying in its short-sightedness and ensures that we will continue to lose wetlands at an alarming clip.”

Section 109 of the bill would prevent the Corps of Engineers from finalizing administrative guidance that has been developed with an unprecedented level of public input. As written, the guidance increases clarity and efficiency for agencies, farmers, and businesses without expanding the jurisdiction of the Clean Water Act. It is ironic that the provision also prohibits a formal rulemaking process. Stakeholders on all sides seem to agree on the need for a formal rulemaking as part of a long-term solution, yet the bill prohibits rulemaking not only in fiscal year 2012 but indefinitely.

“The Section 109 provision leaves us with an intolerable status quo that threatens wetlands and tributaries that provide clean water for iconic systems like the Chesapeake Bay and Great Lakes,

recharge aquifers, help retain floodwaters, and provide important fish and wildlife habitat,” said Jan Goldman-Carter, National Wildlife Federation Wetlands and Water Resources Counsel.

Loss of Clean Water Act protections for small streams and wetlands could affect more than our drinking water supplies and wildlife habitat – it could hurt the nation’s economy. Hunting, fishing, and outdoor recreation contribute billions to the economy, but these activities could be sharply curtailed by water pollution and loss of wetland habitat critical for ducks, trout, and other wildlife.

“American sportsmen greatly appreciate the efforts of Representatives Moran, Dicks, Visclosky, and others as they reminded the House Appropriations Committee what it seems to have forgotten: You can’t have fishable and swimmable waters if substantial amounts of wetlands and headwater streams go unprotected by the Clean Water Act,” said Steve Moyer, Vice President for Government Affairs for Trout Unlimited. “Sportsmen will not forget this vote, and will continue to do all in our power to defeat this and similar provisions that threaten clean water.”

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**BACKGROUND**

The Moran amendment struck a balance on the issues that have been raised to challenge the guidance. Some have expressed concern about public participation in the process while others contend that guidance would adversely affect farming, ranching, and other land uses. The amendment would authorize the Corps to move forward only after accepting public comment on the guidance. When the Corps and EPA proposed the guidance, they initiated a 60-day public comment period through July 1. In addition, the amendment allows the Corps to proceed only if the guidance does not limit exemptions already in the Clean Water Act for common farming, ranching, forestry, and other land use activities. As an administrative document, the guidance can not – and does not – limit provisions of the Clean Water Act that specifically exempt these activities from the law’s wetland and pollution discharge permit requirements.

For more information about the proposed guidance, read “The Clean Water Act Guidance: What It Does and Does Not Do” at [www.trcp.org/assets/pdf/Clean\\_Water\\_Act\\_Guidance\\_Explanation.pdf](http://www.trcp.org/assets/pdf/Clean_Water_Act_Guidance_Explanation.pdf) (PDF link).

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