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September 9, 2008

RE: Support Clean Water: Help Enact H.R. 2421/S. 1870

Dear Member of Congress:

Full Clean Water Act protections for the nation's waters, including the many streams, rivers, ponds, wetlands, and lakes that supply drinking water, recreation opportunities, commercial fishing, and wildlife habitat are being lost. Without these protections, it will be easier to pave over wetlands and dump waste into small streams – adversely affecting our communities in California.

On behalf of our membership and supporters throughout California, we are writing to ask for your support for the Clean Water Restoration Act of 2007 (H.R. 2421/ S. 1870), which will help to ensure clean water for our state. If you are not yet a cosponsor, we urge you to add your name to this bill today. Passage of the Clean Water Restoration Act will make certain that the streams, tributaries, wetlands, rivers, lakes, and coastal waters Congress originally intended to be protected from pollution by the 1972 Clean Water Act will remain protected now and for future generations.

The loss of Clean Water Act protections for the large network of headwater and seasonal streams that provides us with drinking water is of special concern. These streams are the drinking water sources for more than 14 million Californians, according to U.S. Environmental Protection Agency data.

One example of a drinking water source at risk is the Santa Ana River, which lies south and east of Los Angeles. This critical river is the main drinking water source for Orange County and its surrounding areas, where population is projected to continue growing for decades to come. Eighty-nine percent of this arid watershed is fed by streams that only flow seasonally or after rainstorms. The recent split Supreme Court decisions and confusing Bush administration guidance on the Clean Water Act could leave the majority of this watershed unprotected, allowing the unlimited discharge of waste into these streams and endangering local communities' drinking water sources. Not only are drinking water sources in southern

California at risk, but if these small tributaries are degraded or destroyed, downstream water quality will inevitably suffer.

The Los Angeles River watershed is another area at great risk. On June 4, 2008, the U.S. Army Corps of Engineers issued a ruling that puts all federal Clean Water protections at great risk for many headwater streams and wetlands in the Los Angeles River basin. The Corps ruled that only two small stretches of the Los Angeles River, totaling just eight percent of the entire river miles is "traditionally navigable" under the Clean Water Act. This ruling makes it far less likely that federal Clean Water Act protections would be applied to the small streams that flow into the rest of the Los Angeles River, threatening the health of those waters and the quality of the Los Angeles River itself and greatly undermining plans to revitalize the River. The Los Angeles River is over 50 miles long, flowing from the suburbs of the San Fernando Valley to the ocean in Long Beach. Originally, the Los Angeles River meandered through wetlands and marshes delivering needed water for the parched region. The implications of the Corps' ruling are so dire that the Environmental Protection Agency recently opted to review the Corps' decision.

These are just two recent examples in California of how the Clean Water Act's long-standing anti-pollution defenses are now in jeopardy.

Just last month, Congressman James Oberstar and Congressman Henry Waxman released an internal U.S. EPA memo showing that hundreds of Clean Water Act enforcement cases have either been dropped completely or made lower priorities due to uncertainty about whether those waters are within the scope of the Clean Water Act. These cases involved oil spills, pollution discharges and illegal filling of wetlands.

These decisions and actions are turning back the clock on conservation and denying the protections of the Clean Water Act. Because of two Supreme Court rulings and muddled Bush administration guidance, the EPA and Corps are doing little to conserve small streams and wetlands. At stake is everything from the Santa Ana River Watershed to the LA River.

In response to this threat, Chairman James Oberstar, Congressman Vernon Ehlers, Congressman John Dingell, Senator Barbara Boxer, and Senator Russ Feingold have championed legislation that would restore the benefits of Clean Water Act protections to these waters. The Clean Water Restoration Act would simply adopt the existing regulatory definition (in place since the 1970s) to confirm that all "waters of the United States" are protected under the Act.

The Clean Water Act has done more than any other law to protect California's waters from unregulated pollution and destruction. Congress must reaffirm and restore critically needed protections for the streams, wetlands and other waters now at risk in California. We urge you to support the Clean Water Restoration Act.

Sincerely,

William Preston Bowling
Founder/Director
ACME (Aerospace Cancer Museum of Education)

Raul Macias
Executive Director
Anahuak Youth Sports Association

Melissa Samet
Senior Director, Water Resources
American Rivers, California Field Office

Barbara Vlamis
Executive Director
Butte Environmental Council

Bill Jennings
Executive Director and Chairman
California Sportfishing Protection Alliance

Christina Walsh
Founder & Director
CleanUpRocketdyne.org

Joshua Basofin
California Representative
Defenders of Wildlife

Dan Jacobson
Legislative Director
Environment California

Shelly Backlar
Executive Director
Friends of the Los Angeles River

Jim Brobeck
Forest Policy Analyst
Lassen Forest Preservation Group

Steve Burke
Spokesperson
Protect Our Water (POW)

Tim Little
Executive Director
Rose Foundation for Communities and the Environment

Maureen McCorry
Director
San Joaquin Et Al

Bill Hatch
Board Member
San Joaquin Valley Conservancy

Joan Clayburgh
Executive Director
Sierra Nevada Alliance

Mark Franco
Headman
Winnemem Wintu Tribe

Jennifer Clary
Policy Analyst
Clean Water Action

Laurel Firestone
Co-Executive Director
Community Water Center

Robin Freeman
Coordinator
East Bay Watershed Center

Dan Bacher
Editor
Fish Sniffer Magazine

Byron Leydecker, JCT
Chair
Friends of Trinity River

Traci Sheehan
Executive Director
Planning and Conservation League

Melanie Winter
Founder & Director
The River Project

Horacio Amezcuita
General Manager
San Jerardo Cooperative, Inc

Lydia Miller
President
San Joaquin Raptor Rescue Center

Jim Metropulos
Senior Advocate
Sierra Club - California

Miguel Luna
Executive Director
Urban Semillas