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September 9, 2008

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

Dear Member of Congress:

In America's southwest, there is no resource more precious than water. And thanks to the Clean Water Act, our arid region has seen the clean up and continued protection of vital waters for over 35 years. However, in the last decade split U.S Supreme Court decisions and muddled Bush administration guidance have lead the U.S EPA and U.S. Army Corps of Engineers to question the conservation of small streams and wetlands.

On behalf of our members and supporters, we are asking you to stand in support of clean water for our communities by cosponsoring the Clean Water Restoration Act (H.R. 2421/S. 1870). If you are not yet a cosponsor, we urge you to add your name to this bill. This important legislation will reaffirm Congress's original intent of protecting all the waters of the U.S., including the critical seasonal and headwater streams of the Southwest.

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 110 million Americans, according to U.S. EPA data. In Nevada, 89 percent of the streams are seasonal and in New Mexico, 53 percent of the streams are headwaters. Similarly, in Utah, 79 percent of the streams are seasonal and in Colorado, 52 percent of streams are headwaters. All in all, the majority of southwestern states contain a preponderance of seasonal and headwater streams. In Texas alone, 7.2 million people's drinking water sources come from these streams now under threat.

The Santa Ana River watershed, which lies south and east of Los Angeles, is at risk of losing protections it once enjoyed. 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 discharge of waste into these streams without limits 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.

Another example of waters potentially losing protections is the Santa Cruz River basin in Arizona. In May 2008, U.S. Army Corps of Engineers ruled that two reaches of the River were "traditional navigable waters." Soon thereafter the Corps, suddenly and without explanation, withdrew the report and its conclusion, apparently rejecting or at least reconsidering their initial ruling. This action puts the protection of the headwaters and wetlands in the Santa Cruz watershed at risk. While the U.S. EPA has said it will step in and review this determination as a "special case," this example shows the immediate need for Congress to confirm the fundamental intent of the Clean Water Act by passing the Clean Water Restoration Act.

Again, 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, are "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 confusion of what constitutes a water of the U.S. is turning back the clock on conservation and denying the protections of the Clean Water Act on waters in the Southwest.

To further show the need for urgent congressional action 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 the waters being polluted are within the scope of the Clean Water Act in July 2008. These cases involved oil spills, pollution discharges and illegal filling of wetlands.

Congressman James Oberstar, Congressman Vernon Ehlers, Congressman John Dingell, Senator Barbara Boxer, and Senator Russ Feingold have championed the Clean Water Restoration Act to restore the benefits of Clean Water Act protections to these waters. The Restoration Act would make it clear that the purpose of the Clean Water Act is to protect the nation's waters and wetlands from pollution and development. Until then, streams, lakes, and wetlands will continue to lose vital protections they've had for more than 35 years, and the progress the Clean Water Act has made will be reversed.

Please stand for clean water in southwestern America and support the Clean water Restoration Act today.

Sincerely,

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