

ACTION ALERT

Protect America's Wetlands

EPA and the Army Corps of Engineers may adopt federal rule changes this year that could reduce protection for wetlands across the nation. The two agencies are now seeking public comments on possible rule changes. We are asking our members to write letters calling on the federal government to take a conservative approach and avoid rule changes that would accelerate draining or pollution of wetlands.

Background

Wetlands have significant environmental and economic value. Wetlands store and cleanse water for free, which reduces flood danger, refills drinking water sources, and filters out pollutants. Wetlands serve as essential habitat for birds, fish, and numerous other forms of wildlife. Wetlands provide outdoor recreation opportunities, including hunting, fishing, birdwatching, and boating, which support local economies.

Since the 1600s, about half the wetlands in what are now the lower 48 states have been drained and filled for farming and development. Recently, the annual wetlands loss rate has slowed as a result of wetlands protection standards, land acquisition, public education, and private initiatives. Weakening of protection standards could cause wetlands loss rates to rise.

New Developments

In January 2001, the U.S. Supreme Court ruled that "isolated" wetlands -- those which have no apparent connection to other surface water bodies -- are not eligible for Clean Water Act protection on the grounds that they support migratory birds.

As a result of the ruling, the administration has questioned whether "isolated" wetlands are eligible for Clean Water Act protection on any grounds at all. EPA and the Army Corps of Engineers may adopt new rules this year that would eliminate all Clean Water Act protection for the significant fraction of the nation's wetlands thought to be "isolated." A key problem is that the term "isolated wetlands" is a misnomer. There is no accepted scientific definition because at different times and places, many "isolated" wetlands are actually connected to other bodies of water in ways that are not immediately obvious. Ponds, for example, may refill underground aquifers that feed clean water into streams. During rainy periods, marshes may overflow into lakes or rivers. Wetlands also are linked to broader ecosystems by serving as resting, breeding, food and/or water sources for animals.

Why 'Isolated' Wetlands Need Protection

"Isolated" wetlands are found everywhere in America and provide vital services. Examples include:

- * Prairie potholes in the Dakotas that produce half of North America's waterfowl.
- * Sandhill wetlands in Nebraska favored by whooping cranes and bald eagles.
- * Vernal pools in California that support numerous rare and endangered species.
- * Playa lakes in Texas and New Mexico that are wintering grounds for millions of ducks and geese.
- * Cypress swamps in Georgia and Florida that prevent flooding.
- * Pocosin wetlands in the Carolinas that keep estuaries clean.
- * Delmarva potholes in Delaware and Maryland that recharge groundwater aquifers.
- * Dune swales near the Great Lakes and kettle holes in New England that support many types of rare plants.

While state laws and federal farm policies provide some backup protections, they do not provide a consistent legal floor. Denial of Clean Water Act protection will leave "isolated" wetlands vulnerable in certain places, for example, in northern Indiana and Ohio, Missouri, along the Texas Gulf Coast, and Nebraska's Sand Hills.

How You Can Help

Please write EPA to tell them that any new wetlands rules should be drawn as narrowly as possible so that "isolated" wetlands are protected and can continue to provide essential services, including flood control, water storage, water filtration, wildlife habitat, and outdoor recreation. If you can, please send copies to your congressional representative and senators.

The deadline for sending in comments is **March 3**. Here is where to send letters:

E-mail - CWAwaters@epa.gov

Postal mail - Water Docket, EPA, Mailcode 4101T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Attn: Docket No. OW-2002-0050.

Helpful Resources

If you would like to explore this topic further, the following web sites are helpful.

"Geographically Isolated Wetlands," report by the U.S. Fish & Wildlife Service http://wetlands.fws.gov/Pubs_Reports/isolated/geoisolated.htm

"Wetlands at Risk: Imperiled Treasures," joint report by the National Wildlife Federation and the Natural Resources Defense Council:
<http://www.nrdc.org/water/conservation/atrisk/contents.asp>

"The SWANCC Decision: Implications for Wetlands and Waterfowl," report by Ducks Unlimited. Long but very informative.
http://www.ducks.org/conservation/404_report.asp

Thank you. If you have any questions, don't hesitate to contact me.

Jim DiPeso
Policy Director
REP America, the national grassroots organization of Republicans for environmental protection

Ph: 253-740-2066
Fax: 206-417-1878

E-mail
Internet: dipeso@repamerica.org
Wireless: jimdipeso@hotmail.com

Washington State Office:
325 Washington Ave. S, #206
Kent, WA 98032

National Office:
3200 Carlisle Blvd. NE, Suite 228
Albuquerque, NM 87110

www.repamerica.org

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Water Docket
EPA
Mail code 4101T
1200 Pennsylvania Ave. NW
Washington, DC 20460
Attn: Docket No. OW-2002-0050

To Whom It May Concern:

I am concerned about the proposed rule changes that could significantly weaken wetland protection throughout the United States. I do not support the changes as proposed and urge the Army Corp of Engineers and EPA to adopt more protective rules that are still consistent with recent Supreme Court rulings.

It is well established that wetlands offer significant ecological and economic value. Wetlands provide habitat for plants and animals, including many commercially important ones. Wetlands also provide flood control, recharge aquifers, maintain baseflow in many streams, and provide a measure of pollutant filtering. If these ecological services were removed, it is likely that replacing them with human-engineered solutions would be more expensive, time-consuming and inefficient. By weakening these standards, the rate of wetland loss could increase. This is unacceptable.

It is my understanding that this ruling stems from the Supreme Court ruling on "isolated wetlands". Wetlands simply do not function in isolation. Many "isolated" wetlands are actually connected to other bodies of water via groundwater and/or flood events. "Isolated" wetlands continue to provide many of the ecosystem services of larger riparian wetlands. In some cases, the protection of the "isolated" wetland is perhaps more important from an ecological standpoint due to the unique plants and animals supported by these wetlands. From a systems ecology standpoint, many smaller wetlands are needed to provide ecological support for larger systems. Without connection and protection, the entire system is in danger of collapse.