



*His Vision*

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*Our Mission*

June 10, 2014

The Honorable Bob Gibbs  
Chairman, Subcommittee on Water  
Resources and Environment  
Committee on Transportation  
and Infrastructure  
B-370A Rayburn House Office Building  
Washington, DC 20515

The Honorable Timothy H. Bishop  
Ranking Member, Subcommittee on  
Water Resources and Environment  
Committee on Transportation  
and Infrastructure  
B-375 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Gibbs and Ranking Member Bishop:

The Theodore Roosevelt Conservation Partnership (TRCP), a coalition of 38 sportsmen organizations committed to conservation and the preservation of our sporting traditions, appreciates the opportunity to comment on your hearing titled *Potential Impacts of Proposed Changes to the Clean Water Act Jurisdictional Rule*. The TRCP requests that you address the concerns of America's 47 million hunters and anglers while deliberating efforts to clarify the reach of the Clean Water Act by including this statement in the hearing record.

Like all Americans, hunters and anglers rely on clean water. Yet bedrock safeguards for streams, lakes and wetlands have been eroding for more than a decade because of a pair of Supreme Court decisions (*Solid Waste Agency of Northern Cook Cty. v. Army Corps of Engineers (2001)* and *Rapanos v. United States (2006)*) that called into question more than 30 years' worth of Clean Water Act protections for these waters. As a result of the decisions, 60 percent of stream miles in the United States, which provide drinking water for more than 117 million Americans, are at increased risk of pollution and destruction. Wetlands are at risk as well. In fact, the rate of wetlands loss increased by 140 percent during the 2004-2009 period – the years immediately following the Supreme Court decisions. This is the first documented acceleration of wetland loss since the Clean Water Act was enacted more than 40 years ago during the Nixon administration.

Following Supreme Court direction in the *Rapanos* decision, as well as at the request of many diverse stakeholders, including sportsmen's organizations, the U.S. Army Corps of Engineers and Environmental Protection Agency jointly proposed a rule on March 25, 2014, to clarify the jurisdiction of the Clean Water Act. This rule represents the best chance in a generation to restore protections to waters upon which hunters and anglers rely while preserving all exemptions for agricultural activities – and, in some cases, enhancing them.

Sportsmen have been requesting a rulemaking to resolve Clean Water Act confusion for years, because, simply put, better habitat equals better hunting and fishing. We were particularly pleased to see the proposed rule categorically include tributaries to waters already covered by the Clean Water Act in the definition of "waters of the United States" and, therefore, within the jurisdiction of the Clean Water Act. These tributaries include, for example, many headwater streams that provide spawning grounds for trout and salmon. Also, the proposed rule categorically includes wetlands adjacent to these tributaries, which provide critical nesting habitat for waterfowl, in the definition of "waters of the United States."

The proposed rule asks for input from the public about how best to treat a third category of waters – so-called "other waters," which are not categorically included in the proposed rule.

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Many waters of this type are important for hunting and fishing, and we look forward to the opportunity to comment on how to treat them in the final rule. We are urging stakeholders to use the public comment period as a chance to improve the proposed rule rather than calling for the rule to be withdrawn, as some critics have done, which would deprive sportsmen's organizations and the public the chance to contribute their views.

The impacts of the proposed rule on the sporting communities will be dramatic and overwhelmingly positive. It will reverse much of the damage done by the *SWANCC* and *Rapanos* decisions, and it will reinvigorate our outdoor pursuits that depend on quality habitat.

Hunting and fishing collectively represent a \$200 billion a year economy, supporting 1.5 million jobs. These economic benefits are especially pronounced in rural areas, where income generated during the hunting and fishing seasons can keep small businesses operational for an entire year. Through fees and excise taxes on sporting equipment, sportsmen also pay hundreds of millions of dollars each year for wildlife management, habitat conservation and public access. This economic engine runs on clean water.

Hunting and fishing aren't just valuable components of the local, state and national economies. They are a tradition we hope to pass on to our children, too. Now, when fewer kids are spending time outdoors, we cannot afford to continue to lose quality habitat and days in the field due to confused federal laws.

We cannot maintain the integrity of downstream waters without protecting the headwater streams and wetlands that feed into them. That is what this proposed rule is designed to do. I urge your support for the rulemaking process so we can improve and ultimately finalize this much needed rule and – at long last – restore some Clean Water Act protections and clarify where those protections apply.

Sincerely,

A handwritten signature in black ink, appearing to read "Whit Fosburgh". The signature is fluid and cursive, with a large initial "W" and a long, sweeping tail.

Whit Fosburgh  
President and CEO