

Judith Henckel
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Sent by: National Wildlife
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To Group Ow-Docket@EPA
cc
bcc

Subject EPA-HQ-OW-2007-0282

01/18/2008 12:38 PM

Please respond to Judith Henckel <ednjudy@epix.net>

Dear Representative,

I am a wildlife biologist/educator and a member of our local township Environmental Advisory Council and local Martins-Jacoby Watershed Association. As such I am very aware of the importance of our water as we are at the headwaters of several streams, are the water resource for four surrounding communities and the gateway to the Delaware Water Gap National Recreation Area to our north.

Like capillaries to arteries, small streams, wetlands and other similar bodies of water are connected to our nation's larger lakes, rivers and oceans. These small waters are essential to the health of people, fish and wildlife. We cannot have clean water and productive wildlife habitats unless these waters are protected.

The federal Clean Water Act safeguards our waters against pollution and destruction. For 30 years, it was clear that the Act protected all important bodies of water, including small streams, wetlands and other waters. Now, due to two U.S. Supreme Court decisions and consequent actions by the U.S. EPA and Army Corps of Engineers, the integrity of all waters is in peril.

The June 2007 "guidance" interpreting the current legal scope of waters protected by the Clean Water Act and instructing field officials how to implement recent Supreme Court case law further endangers our waters. The guidance is not as protective as the law allows. This will lead to water pollution and destruction of wildlife habitat.

The stakes are huge. Across the U.S., there are approximately 20 million acres of "isolated" wetlands and nearly 2 million miles of streams that do not flow year-round. For many of these important bodies of water, protection is now unclear.

Therefore, I strongly urge the EPA and the Corps to revise this guidance to provide stronger and clearer protections for headwater streams, "isolated" waters and many wetlands associated with smaller streams. Primarily, the guidance should uphold current broad regulations to the extent allowable. As importantly, it must permit the consideration of the overwhelming collective importance of upstream and isolated waters to the health of downstream waters.

However, this guidance is yet another example of why the current state of the law is confusing and untenable. Even with revisions to the guidance, certainty is needed from Congress that all important waters remain protected. As such, I am copying this letter to my U.S. Senators and Representative so they are aware of my concerns about your guidance and to urge them to pass legislation to reaffirm and restore protections for all waters.

This is critically import to the health of our Areas of Statewide Significance that can help us to maintain of eco-tourist economy.

Sincerely,
Mrs. Judith Henckel
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