

On April 27, 2011, the Obama Administration issued a 'proposed guidance' to begin restoring Clean Water Act protections to streams and wetlands vulnerable to pollution and destruction since the SWANCC (2001) and Rapanos (2006) Supreme Court decisions.

The guidance is under attack in Congress and could fall prey to interests hostile to a strong Clean Water Act if we don't act. Therefore we need to *speak out in force* to ensure this guidance is finalized, EPA improves the guidance in a subsequent 'regulation' and Congress does not block EPA.

Here are some things we can do:

- ✓ Send a comment letter from your organization using the 'sample comment' (pasted below) combined with your state's *waters at risk* information (also pasted below for each state).
- ✓ Upload an action alert to your websites. Here is an action alert from our member Kentucky Waterway's Alliance: <http://www.kwalliance.org/> and Clean Water Action <http://www.cleanwateraction.org/>
- ✓ Table an event with Clean Water Act postcards. We have thousands of post cards. Contact George if interested.

Keep in mind:

- ✓ The clock is ticking... comments on the guidance are due July 31, 2011.
- ✓ Email comments to ow-docket@epa.gov
- ✓ Be sure to include **Docket ID # EPA-HQ-OW-2011-0409** in the subject line of your comments in order for them to be counted.
- ✓ EPA's website: <http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm>
- ✓ National Wildlife Federation's website with background: www.nwf.org/waters

Thank You.

- ✓ ***Thanks for all you do to protect our nation's precious waters!!!!!!!!!!*** Contact George Sorvalis sorvalisg@nwf.org / 202-797-6617 if we can be of any assistance.
- ✓ Keep George in the loop on your activity so we can track our effectiveness.

Sample Comment (State-specific information on waters at risk is below)

Email to: ow-docket@epa.gov

Subject: Restore Lost Clean Water Act Protections, Docket ID # EPA-HQ-OW-2011-0409 (note the Docket ID # needs to be included in the email)

Dear EPA Administrator Jackson,

I write to thank the Obama administration for taking the first step to restore and clarify Clean Water Act protections by proposing for public comment "Waters of the United States" guidance to restore and clarify these protections in a manner that is consistent with both the law and the science. I support the proposed guidance, but also urge you to take additional steps to restore clean water protections, particularly for geographically isolated wetlands such as prairie potholes, playa lakes, and vernal pools, through final agency guidance and rulemaking.

As you are well aware, the Supreme Court decisions in 2001 (SWANCC v. Army Corps of Engineers) and 2006 (Rapanos v. United States) and subsequent agency guidance have removed or jeopardized Clean Water Act protections for over 20 million wetland acres and an estimated 60% of the stream miles on which American communities and wildlife depend.

These lost protections threaten not only fish and wildlife, but the health of Americans: EPA estimates that more than 117 million Americans get their drinking water from public supplies fed in whole or in part by intermittent or ephemeral streams vulnerable to pollution under these decisions.

Thank you again for taking this important first step to restore clean water protections for our wetlands, lakes, and streams.

Sincerely,

State-specific Information on Waters at Risk

Alabama: In Alabama, EPA estimates that 61 percent of the streams have no other streams flowing into them, and that 40 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 2,581,768 people in Alabama receive some of their drinking water from areas containing these smaller streams and that at least 566 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

Arizona: In Arizona, EPA estimates that 56 percent of the streams have no other streams flowing into them, and that 94 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 818,881 people in Arizona receive some of their drinking water from areas containing these smaller streams and that at least 89 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Arizona joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Arkansas: In Arkansas, EPA estimates that 52 percent of the streams have no other streams flowing into them, and that 63 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 911,466 people in Arkansas

receive some of their drinking water from areas containing these smaller streams and that at least 389 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. The Arkansas Game and Fish Commission has noted that the state “is rich with mountain streams, most of which are tributary orders away from any river used or historically used for commercial navigation . . . [including] the Buffalo, an Ozark Zone Blue Ribbon smallmouth bass stream and a national recreation destination.” In view of all of these facts, perhaps it’s not surprising that Arkansas joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

California: In California, EPA estimates that 46 percent of the streams have no other streams flowing into them, and that 66 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 14,272,000 people in California receive some of their drinking water from areas containing these smaller streams and that at least 177 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. And, EPA’s regional office has stated that “[a]ll or portions of most of the major waterways in Southern California (e.g. Los Angeles, Santa Ana, San Mateo, Santa Margarita, San Luis Rey, San Diego and Sweetwater rivers) can flow intermittently, especially during drought years.” In view of all of these facts, perhaps it’s not surprising that California joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Colorado: In Colorado, EPA estimates that 52 percent of the streams have no other streams flowing into them, and that 68 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 3,583,330 people in Colorado receive some of their drinking water from areas containing these smaller streams and that at least 77 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

Connecticut: In Connecticut, EPA estimates that 52 percent of the streams have no other streams flowing into them, and that 8 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 2,223,112 people in Connecticut receive some of their drinking water from areas containing these smaller streams and that at least 12 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. And, according to the EPA regional office, the state has 22,399 acres of so-called “isolated” waters, ones particularly vulnerable to losing protections. In view of all of these facts, perhaps it’s not surprising that Connecticut joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Delaware: In Delaware, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 11 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA says that at least 17 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. And, the Delaware Department of Natural Resources and Environmental Control has said that, even using conservative assumptions, 10,125 acres of wetlands classified as so-called “isolated” waters, which are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it’s

not surprising that Delaware joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

D.C.: In the District of Columbia, EPA estimates that 59 percent of the streams have no other streams flowing into them, and that 28 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. One facility located on such a stream even currently has a permit under the federal law regulating its pollution discharges. In view of all of these facts, perhaps it's not surprising that D.C. joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Florida: In Florida, EPA estimates that 29 percent of the streams have no other streams flowing into them, and that 12 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 916,454 people in Florida receive some of their drinking water from areas containing these smaller streams and that at least 104 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. Also, the Florida Department of Environmental Protection has reported that over 800,000 acres of wetlands in the Panhandle region are so-called "isolated" waters, which are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Florida joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Georgia: In Georgia, EPA estimates that 57 percent of the streams have no other streams flowing into them, and that 33 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 3,810,208 people in Georgia receive some of their drinking water from areas containing these smaller streams and that at least 279 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. Also, the state Department of Natural Resources has indicated that the vast majority of the Carolina Bays it has examined (comprising approximately 66,700 acres) would be considered so-called "isolated" waters, which are particularly vulnerable to losing Clean Water Act safeguards.

Hawaii: In Hawaii, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 46 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 40,084 people in Hawaii receive some of their drinking water from areas containing these smaller streams and that at least 7 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the EPA regional office has noted that approximately 80 percent of Hawaii's wetlands are could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Hawaii joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Idaho: In Idaho, EPA estimates that 51 percent of the streams have no other streams flowing into them, and that 47 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 242,589 people in Idaho receive some of their

drinking water from areas containing these smaller streams and that at least 15 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the EPA regional office has noted that as much as 25 percent of Idaho's wetlands are could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards.

Illinois: In Illinois, EPA estimates that 56 percent of the streams have no other streams flowing into them, and that 55 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 1,623,780 people in Illinois receive some of their drinking water from areas containing these smaller streams and that at least 823 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, some 150,118 acres of wetlands in the state could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Illinois joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Indiana: In Indiana, EPA estimates that 54 percent of the streams have no other streams flowing into them, and that 34 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 1,668,898 people in Indiana receive some of their drinking water from areas containing these smaller streams and that at least 425 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, as many as 312,235 acres of wetlands in the state could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards.

Iowa: In Iowa, EPA estimates that 59 percent of the streams have no other streams flowing into them, and that 62 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 620,639 people in Iowa receive some of their drinking water from areas containing these smaller streams and that at least 513 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. Depending on the assumptions used, the Iowa Department of Natural Resources reported that between 11 and 72 percent of the state's prairie pothole wetlands could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Iowa joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Kansas: In Kansas, EPA estimates that 57 percent of the streams have no other streams flowing into them, and that 81 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 1,372,206 people in Kansas receive some of their drinking water from areas containing these smaller streams and that at least 13 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

Kentucky: In Kentucky, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 29 percent do not flow year-round. Under varying interpretations of the most

recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 3,097,903 people in Kentucky receive some of their drinking water from areas containing these smaller streams and that at least 910 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Kentucky joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Louisiana: In Louisiana, EPA estimates that 38 percent of the streams have no other streams flowing into them, and that 36 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 1,071,156 people in Louisiana receive some of their drinking water from areas containing these smaller streams and that at least 393 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Louisiana joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Maine: In Maine, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 13 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 389,174 people in Maine receive some of their drinking water from areas containing these smaller streams and that at least 25 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. And, EPA's regional office has stated that Maine has 297,837 acres of so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Maine joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Maryland: In Maryland, EPA estimates that 59 percent of the streams have no other streams flowing into them, and that 19 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 3,690,933 people in Maryland receive some of their drinking water from areas containing these smaller streams and that at least 215 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Maryland joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Massachusetts: In Massachusetts, EPA estimates that 52 percent of the streams have no other streams flowing into them, and that 10 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 4,733,465 people in Massachusetts receive some of their drinking water from areas containing these smaller streams and that at least 62 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. And, EPA's regional office has stated that Massachusetts has 46,798 acres of so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that

Massachusetts joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Michigan: In Michigan, EPA estimates that 48 percent of the streams have no other streams flowing into them, and that 36 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 298,007 people in Michigan receive some of their drinking water from areas containing these smaller streams and that at least 163 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. Also, Michigan's Department of Environmental Quality estimated that 930,856 acres of wetlands in the state, along with 26,384 lakes and ponds, could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Michigan joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Minnesota: In Minnesota, EPA estimates that 45 percent of the streams have no other streams flowing into them, and that 51 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 959,301 people in Minnesota receive some of their drinking water from areas containing these smaller streams and that at least 183 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the Minnesota Department of Natural Resources estimated that between 12 and 23 percent of the state's wetlands could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Minnesota joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Mississippi: In Mississippi, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 58 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 289,740 people in Mississippi receive some of their drinking water from areas containing these smaller streams and that at least 409 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Mississippi joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Missouri: In Missouri, EPA estimates that 58 percent of the streams have no other streams flowing into them, and that 66 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 2,549,622 people in Missouri receive some of their drinking water from areas containing these smaller streams and that at least 1,603 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the Missouri Department of Natural Resources estimated that roughly 660,000 acres of wetlands in the state could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Missouri joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Montana: In Montana, EPA estimates that 54 percent of the streams have no other streams flowing into them, and that 63 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 341,821 people in Montana receive some of their drinking water from areas containing these smaller streams and that at least 12 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Montana joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Nebraska: In Nebraska, EPA estimates that 52 percent of the streams have no other streams flowing into them, and that 77 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 525,566 people in Nebraska receive some of their drinking water from areas containing these smaller streams and that at least 197 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the Nebraska Game and Parks Commission has estimated that nearly 829,000 acres of wetlands in the state could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards.

Nevada: In Nevada, EPA estimates that 51 percent of the streams have no other streams flowing into them, and that 89 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA says that at least 26 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

New Hampshire: In New Hampshire, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 15 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 474,976 people in New Hampshire receive some of their drinking water from areas containing these smaller streams and that at least 32 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, EPA's regional office has stated that New Hampshire has 19,147 acres of so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that New Hampshire joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

New Jersey: In New Jersey, EPA estimates that 48 percent of the streams have no other streams flowing into them, and that 6 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 2,882,025 people in New Jersey receive some of their drinking water from areas containing these smaller streams and that at least 234 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that New Jersey joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

New Mexico: In New Mexico, EPA estimates that 53 percent of the streams have no other streams flowing into them, and that 88 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 211,146 people in New Mexico receive some of their drinking water from areas containing these smaller streams and that at least 65 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that New Mexico joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

New York: In New York, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 11 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 10,220,056 people in New York receive some of their drinking water from areas containing these smaller streams and that at least 544 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the state has indicated that approximately 67 percent of the total number of wetlands in a study area near eastern Lake Ontario and some 22 percent of the wetlands in the New York City watershed could be considered so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that New York joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

North Carolina: In North Carolina, EPA estimates that 56 percent of the streams have no other streams flowing into them, and that 23 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 4,297,102 people in North Carolina receive some of their drinking water from areas containing these smaller streams and that at least 513 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. The state's Wildlife Resources Commission has stated that "[i]solated wetlands, ephemeral streams and tributaries are an important part of North Carolina's watersheds." In view of all of these facts, perhaps it's not surprising that North Carolina joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

North Dakota: In North Dakota, EPA estimates that 50 percent of the streams have no other streams flowing into them, and that 84 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 290,800 people in North Dakota receive some of their drinking water from areas containing these smaller streams and that at least 16 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

Ohio: In Ohio, EPA estimates that 60 percent of the streams have no other streams flowing into them, and that 45 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 3,471,892 people in Ohio receive some of their drinking water from areas containing these smaller streams and that at least 1,243 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In

view of all of these facts, perhaps it's not surprising that Ohio joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Oklahoma: In Oklahoma, EPA estimates that 58 percent of the streams have no other streams flowing into them, and that 74 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 2,420,695 people in Oklahoma receive some of their drinking water from areas containing these smaller streams and that at least 196 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Oklahoma joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Oregon: In Oregon, EPA estimates that 53 percent of the streams have no other streams flowing into them, and that 51 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 1,581,537 people in Oregon receive some of their drinking water from areas containing these smaller streams and that at least 74 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Oregon joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Pennsylvania: In Pennsylvania, EPA estimates that 59 percent of the streams have no other streams flowing into them, and that 25 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 7,979,560 people in Pennsylvania receive some of their drinking water from areas containing these smaller streams and that at least 1,876 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it's not surprising that Pennsylvania's Department of Environmental Protection joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Puerto Rico: In Puerto Rico, EPA estimates that 3,997,772 people receive some of their drinking water from areas containing smaller streams – those which have no other streams flowing into them or which do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned.

Rhode Island: In Rhode Island, EPA estimates that 54 percent of the streams have no other streams flowing into them, and that 11 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 551,162 people in Rhode Island receive some of their drinking water from areas containing these smaller streams and that at least 21 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the state has some 3,617 acres of so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it's not surprising that Rhode Island joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

South Carolina: In South Carolina, EPA estimates that 53 percent of the streams have no other streams flowing into them, and that 23 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 1,470,158 people in South Carolina receive some of their drinking water from areas containing these smaller streams and that at least 215 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, even using a conservative approach, the state has approximately 312,613 acres of so-called “isolated” waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards. In view of all of these facts, perhaps it’s not surprising that South Carolina joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

South Dakota: In South Dakota, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 86 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 341,211 people in South Dakota receive some of their drinking water from areas containing these smaller streams and that at least 236 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

Tennessee: In Tennessee, EPA estimates that 60 percent of the streams have no other streams flowing into them, and that 18 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 2,963,333 people in Tennessee receive some of their drinking water from areas containing these smaller streams and that at least 136 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, Tennessee has some 787,000 acres of wetlands, the majority of which are not adjacent to navigable-in-fact waters. In view of all of these facts, perhaps it’s not surprising that Tennessee joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Texas: In Texas, EPA estimates that 53 percent of the streams have no other streams flowing into them, and that 75 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 7,284,836 people in Texas receive some of their drinking water from areas containing these smaller streams and that at least 662 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, in light of interpretations by the Galveston District of the Army Corps, Texas estimated that at least 2,000,000 acres of coastal plain wetlands could be considered so-called “isolated” waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards – as could roughly 250,000 acres of playa lakes in the state, which commonly lack clear surface water connections to other waters.

Utah: In Utah, EPA estimates that 55 percent of the streams have no other streams flowing into them, and that 79 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 2,003,441 people in Utah receive some of their

drinking water from areas containing these smaller streams and that at least 34 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

Vermont: In Vermont, EPA estimates that 56 percent of the streams have no other streams flowing into them, and that 10 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 253,213 people in Vermont receive some of their drinking water from areas containing these smaller streams and that at least 20 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, a federal study found that roughly 17 percent of the wetland area in a Vermont study region could be considered so-called “isolated” waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards – and the state has suggested that this may well be a significant underestimate. Overall, according to the EPA regional office, Vermont has approximately 52,200 acres of these “isolated” waters. In view of all of these facts, perhaps it’s not surprising that Vermont joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Virginia: In Virginia, EPA estimates that 57 percent of the streams have no other streams flowing into them, and that 30 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 3,317,038 people in Virginia receive some of their drinking water from areas containing these smaller streams and that at least 536 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the Virginia Institute of Marine Science has estimated that approximately 93,082 acres of wetlands in the state could be considered so-called “isolated” waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards.

Washington: In Washington, EPA estimates that 54 percent of the streams have no other streams flowing into them, and that 41 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 1,701,824 people in Washington receive some of their drinking water from areas containing these smaller streams and that at least 37 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In view of all of these facts, perhaps it’s not surprising that Washington joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

West Virginia: In West Virginia, EPA estimates that 60 percent of the streams have no other streams flowing into them, and that 36 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 881,596 people in West Virginia receive some of their drinking water from areas containing these smaller streams and that at least 239 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.

Wisconsin: In Wisconsin, EPA estimates that 53 percent of the streams have no other streams flowing into them, and that 45 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 199,457 people in Wisconsin

receive some of their drinking water from areas containing these smaller streams and that at least 212 facilities located on such streams currently have permits under the federal law regulating their pollution discharges. In addition, the state estimated that limiting the law's coverage of so-called "isolated" waters – water bodies that are particularly vulnerable to losing Clean Water Act safeguards – would mean that approximately 1.1 million acres of Wisconsin wetlands would lose federal Clean Water Act protections. In view of all of these facts, perhaps it's not surprising that Wisconsin joined over 30 states in asking the Supreme Court to uphold broad legal protections for small tributaries and their adjacent wetlands.

Wyoming: In Wyoming, EPA estimates that 53 percent of the streams have no other streams flowing into them, and that 66 percent do not flow year-round. Under varying interpretations of the most recent Supreme Court decision, these smaller water bodies are among those for which the extent of Clean Water Act protections has been questioned. EPA also says that 177,861 people in Wyoming receive some of their drinking water from areas containing these smaller streams and that at least 21 facilities located on such streams currently have permits under the federal law regulating their pollution discharges.