



American Bridge

Trump Policy Brief: Clean Water Rule

3.1.17

CLEAN WATER RULE

On February 28th, 2017, the Trump administration took the first step towards eliminating the Clean Water Rule, more commonly known as the Waters of the United States (WOTUS) Rule, under the Clean Water Act. The President signed an executive order calling for a “review” of WOTUS, and rescinding or revising the rule as deemed necessary for “promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles played by Congress and the States.”

The Trump administration pledged to do away with WOTUS on its very first day in the White House. The President proceeded to nominate Scott Pruitt, the then-Attorney General of Oklahoma who had sued the EPA over WOTUS, to head the EPA. He also chose to nominate Neil Gorsuch, a federal judge likely to hear a WOTUS challenge, to the U.S. Supreme Court.

Trump owns 12 golf courses in the U.S., all of which would be subject to WOTUS. Superintendents of Trump’s many clubs have expressed their opposition to the rule.

While Trump may find WOTUS inconvenient for running his golf courses, approximately 60% of the nation’s waterways would be protected by WOTUS. One in three Americans gets their drinking water from these WOTUS-protected sources, and 80% of voters support the rule.

Clean water can also contribute to thriving tourism, hospitality, and outdoor recreation industries, as well as provide necessary protections for fish and wildlife.

The Trump Administration Took The First Step Towards Eliminating The Clean Water Rule, Commonly Known As The Waters Of The United States (WOTUS) Rule

THE TRUMP ADMINISTRATION SIGNED AN EXECUTIVE ORDER CALLING FOR REVIEW OF THE CLEAN WATER RULE

President Trump Signed An Executive Order Instructing The EPA Administrator And The Assistance Secretary Of The Army For Civil Works To Review The Clean Water Rule For Possible Rescission Or Revision. According to an executive order signed by President Trump, “Section 1. Policy. It is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the States under the Constitution. [...] The Administrator of the Environmental Protection Agency (Administrator) and the Assistant Secretary of the Army for Civil Works (Assistant Secretary) shall review the final rule entitled "Clean Water Rule: Definition of 'Waters of the United States,'" 80 Fed. Reg. 37054 (June 29, 2015), for consistency with the policy set forth in section 1 of this order and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law.” [White House, [2/28/17](#)]

- **The Review Would Check For Consistency With The Trump Administration’s Policy Of “Promoting Economic Growth, Minimizing Regulatory Uncertainty, And Showing Due Regard For The Roles Played By Congress And The States.”** According to an executive order

signed by President Trump, “Section 1. Policy. It is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the States under the Constitution. [...] The Administrator of the Environmental Protection Agency (Administrator) and the Assistant Secretary of the Army for Civil Works (Assistant Secretary) shall review the final rule entitled "Clean Water Rule: Definition of 'Waters of the United States,'" 80 Fed. Reg. 37054 (June 29, 2015), for consistency with the policy set forth in section 1 of this order and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law.” [White House, [2/28/17](#)]

- **The Order Called For “Rescinding Or Revising” The WOTUS Rule “As Appropriate And Consistent With Law.”** According to an executive order signed by President Trump, “The Administrator of the Environmental Protection Agency (Administrator) and the Assistant Secretary of the Army for Civil Works (Assistant Secretary) shall review the final rule entitled "Clean Water Rule: Definition of 'Waters of the United States,'" 80 Fed. Reg. 37054 (June 29, 2015), for consistency with the policy set forth in section 1 of this order and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law.” [White House, [2/28/17](#)]

The Order Suggested That The Term “Navigable Waters” Be Interpreted Under The Definition Defined By Justice Antonin Scalia In Rapanos V. United States. According to an executive order signed by President Trump, “[T]he Administrator and the Assistant Secretary shall consider interpreting the term "navigable waters," as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Antonin Scalia in Rapanos v. United States, 547 U.S. 715 (2006).” [White House, [2/28/17](#)]

- **Scalia Argued That The Phrase “Navigable Waters” Only Conferred Jurisdiction Over “Relatively Permanent Bodies Of Water,” Excluding Wetlands Without a Continuous Surface Connection To Bodies Of Water.** “In addition, the Act’s use of the traditional phrase ‘navigable waters’ (the defined term) further confirms that it confers jurisdiction only over relatively permanent bodies of water. [...] Therefore, only those wetlands with a continuous surface connection to bodies that are ‘waters of the United States’ in their own right, so that there is no clear demarcation between ‘waters’ and wetlands, are ‘adjacent to’ such waters and covered by the Act.” [Opinion of Justice Antonin Scalia – Rapanos V. United States, [6/19/06](#)]
- **New York Times: “Based On His Interpretation, The Number Of Federally Protected Waterways Under Mr. Trump’s Order Would Probably Be Far Less Than The 60 Percent Covered By The Obama Administration.”** According to The New York Times, “In directing Mr. Pruitt’s efforts to craft the new water regulation, Mr. Trump’s order asks him to consider a 2006 review of the rule that was written by Antonin Scalia, the Supreme Court justice who died last year. Justice Scalia, who was long the court’s most prominent conservative voice, offered a narrow and tightly constrained interpretation of what would constitute a federally protected body of water. Based on his interpretation, the number of federally protected waterways under Mr. Trump’s order would probably be far less than the 60 percent covered by the Obama administration.” [New York Times, [2/28/17](#)]

The Clean Water Rule Was Commonly Referred To As The Waters Of The United States (WOTUS) Rule

The Clean Water Rule Was Commonly Referred To As The Waters Of The United States (WOTUS) Rule. According to the U.S. House Committee on Oversight and Government Reform, “The ‘Clean Water Rule,’ commonly referred to as the ‘waters of the United States’ (WOTUS) rule, was signed by Environmental

Protection Agency Administrator Gina McCarthy and Assistant Secretary of the Army for Civil Works Jo-ellen Darcy on May 27, 2015 in a picturesque signing ceremony hosted by the National Wildlife Federation on the banks of Washington, D.C.'s Anacostia River." [U.S. House Committee on Oversight and Government Reform, [10/27/16](#)]

Implementation Of The Clean Water Rule Has Been Stalled Pending Legal Challenges

In October 2015, Implementation Of The Clean Water Rule Was Blocked Nationwide By The Sixth Circuit Court Of Appeals, Expanding A Stay That Originally Applied Only To 13 States. According to The Hill, "A federal court ruled Friday that President Obama's regulation to protect small waterways from pollution cannot be enforced nationwide. In a 2-1 ruling, the Cincinnati-based Court of Appeals for the Sixth Circuit delivered a stinging defeat to Obama's most ambitious effort to keep streams and wetlands clean, saying it looks likely that the rule, dubbed Waters of the United States, is illegal. [...] The decision expands a stay that a North Dakota judge imposed in August, the day before the rule took effect, and that only applied to 13 states." [The Hill, [10/9/15](#)]

- **In August 2015, The EPA Was Prevented From Implementing The Clean Water Rule In 13 States Involved In Litigation Against The Rule.** According to The Hill, "The Environmental Protection Agency (EPA) started enforcing its controversial water pollution jurisdiction rule Friday in all but 13 states. [...] In response to a petition from 13 states, a North Dakota federal judge temporarily blocked the rule's implementation late Thursday, ruling that the states would likely suffer if it took effect and that they are likely to succeed when their underlying lawsuit against the rule is decided." [The Hill, [8/28/15](#)]

In January 2017, The Supreme Court Agreed To Decide Whether The Sixth Circuit Court Had Jurisdiction Over The Clean Water Rule. According to Bloomberg BNA, "The U.S. Supreme Court agreed to decide whether challenges to the Environmental Protection Agency clean water rule, which seeks to clarify Clean Water Act jurisdiction, properly lie in federal district courts or a specific federal appeals court (Nat'l Ass'n of Mfrs. v. DOD, U.S., No. 16-299, cert. granted 1/13/17)." [Bloomberg BNA, [1/17/17](#)]

- **American Farm Bureau Federation Attorney Ellen Steen Expected A Ruling To Come By Early July 2017.** According to Bloomberg BNA, "The U.S. Supreme Court agreed to decide whether challenges to the Environmental Protection Agency clean water rule, which seeks to clarify Clean Water Act jurisdiction, properly lie in federal district courts or a specific federal appeals court (Nat'l Ass'n of Mfrs. v. DOD, U.S., No. 16-299, cert. granted 1/13/17). [...] The Supreme Court is likely to rule during this court term, which will end by early July, said Ellen Steen, an attorney for the American Farm Bureau Federation, one of the plaintiffs and petitioners challenging the rule." [Bloomberg BNA, [1/17/17](#)]

ON ITS FIRST DAY IN THE WHITE HOUSE, THE TRUMP ADMINISTRATION ANNOUNCED THAT IT WAS "COMMITTED TO ELIMINATING" WOTUS

January 20, 2017: The Trump Administration Announced That It Was "Committed To Eliminating" The Waters Of The U.S. Rule. According to The White House, "President Trump is committed to eliminating harmful and unnecessary policies such as the Climate Action Plan and the Waters of the U.S. rule." [White House, accessed [1/20/17](#)]

- **The Trump Administration Stated That It Would "Refocus The EPA On Its Essential Mission Of Protecting Our Air And Water."** According to The White House, "President Trump

will refocus the EPA on its essential mission of protecting our air and water.” [White House, accessed [1/20/17](#)]

- **The Trump Administration Claimed That Eliminating The Waters Of The U.S. Rule, Along With The Climate Action Plan, Would Increase Wages By “More Than \$30 Billion” By 2024.** According to The White House, “For too long, we’ve been held back by burdensome regulations on our energy industry. President Trump is committed to eliminating harmful and unnecessary policies such as the Climate Action Plan and the Waters of the U.S. rule. Lifting these restrictions will greatly help American workers, increasing wages by more than \$30 billion over the next 7 years.” [White House, accessed [1/20/17](#)]

Trump Selected A Known WOTUS Opponent As EPA Director, And A Federal Judge Who Is Likely To Hear A WOTUS Case As His Nominee To The Supreme Court

TRUMP’S EPA DIRECTOR, SCOTT PRUITT, CHALLENGED WOTUS AS ATTORNEY GENERAL OF OKLAHOMA

As Oklahoma Attorney General, Pruitt Filed For An Injunction To Delay Implementation Of The Clean Water Rule, Which Would Expand The EPA’s Authority To Regulate The Nation’s Waters.

According to The Oklahoman, “Oklahoma Attorney General Scott Pruitt is asking a federal judge to delay the scheduled Aug. 28 implementation date of a new federal rule that would expand the U.S. Environmental Protection Agency’s authority to regulate the nation’s waters. In a request for a preliminary injunction filed Friday, Pruitt asked a Tulsa federal judge to issue a preliminary injunction that would delay implementation of the new Clean Water Rule until Pruitt’s court challenge to the legality of the rule can be decided.” [The Oklahoman, [7/28/15](#)]

- **Pruitt Called The Clean Water Act The “Greatest Blow To Private Property Rights The Modern Era Has Seen.”** In an op-ed by Scott Pruitt and Rand Paul in Tulsa World, “President Obama’s Environmental Protection Agency currently stands poised to strike the greatest blow to private property rights the modern era has seen, through a proposed rule that radically expands EPA jurisdiction by placing virtually all land and water under the heavy regulatory hand of the federal government.” [Scott Pruitt and Rand Paul, Op-Ed – Tulsa World, [3/10/15](#)]
- **Pruitt Claimed That “A Very Robust Regulatory Regime At The State Level” Already Existed For Water.** According to the Norman Transcript, “That would have made the first stop the EPA for homeowners, builders, farmers, oil and gas, to get permission to do what has always been under the province of the state and cities,” Pruitt said. “We have a very robust regulatory regime at the state level (for water) and this superimposed EPA jurisdiction, to where they had control over dry creek beds in Altus. That gave property owners across the country a lot of uncertainty.” [Norman Transcript, 3/16/16]

Hundreds Of Former EPA Employees Opposed The Confirmation Of Pruitt As EPA Director Due In Part To His Previous Lawsuits Against The Agency

A Letter Signed By Nearly 800 Former EPA Employees Against The Confirmation Of Pruitt

Mentioned His Previous Lawsuits Against The Agency. According to The Hill, “Nearly 800 former EPA employees signed a letter this week urging the Senate to vote down Pruitt, saying he ‘does not share the

vision or agree with the underlying principles of our environmental statutes.’ The group noted his lawsuits and what they consider a lack of environmental work in his career.” [The Hill, [2/20/17](#)]

TRUMP’S SUPREME COURT NOMINEE COULD HEAR A CASE CHALLENGING WOTUS IN FEDERAL COURT

Trump Nominated Federal Appeals Court Judge Neil Gorsuch To The U.S. Supreme Court.

According to The New York Times, “President Trump on Tuesday nominated Judge Neil M. Gorsuch to the Supreme Court, elevating a conservative in the mold of Justice Antonin Scalia to succeed the late jurist and touching off a brutal, partisan showdown at the start of his presidency over the ideological bent of the nation’s highest court. Mr. Trump announced his selection during a much-anticipated evening ceremony that unfolded in prime time at the White House. He described Judge Gorsuch, a federal appeals court judge based in Denver, as “a man who our country really needs, and needs badly, to ensure the rule of law and the rule of justice.” [New York Times, [1/31/17](#)]

Trump’s Supreme Court Nominee Could Potentially Hear A Case Determining Whether The Federal Government Has Jurisdiction To Implement The Rule. According to NPR, “This month, the Supreme Court decided to weigh in, agreeing to hear a case that will determine which federal court has jurisdiction over the rule. It’s possible Trump’s nominee to the court will hear the case. Larry Liebesman, a former EPA and Justice Department lawyer, says any further action will likely be put on hold until there’s a Supreme Court ruling on jurisdiction. ‘It gives the administration a little down time to figure out how to handle the situation. It also suggests that maybe Congress may step in and legislate on this issue as well,’ says Liebesman, now a consultant with Dawson and Associates.” [NPR, [1/29/17](#)]

Trump Owned Multiple Golf Clubs Subjected To WOTUS

TRUMP OWNED 12 U.S. GOLF CLUBS THAT WOULD BE SUBJECT TO WOTUS REGULATIONS

Donald Trump’s Golf Clubs, Including His Flagship Doral Courses, Are Subject To Regulation Under An Expanded Waters Of The United States Rule That Was Finalized Under The Obama Administration. According to NPR, “Here’s where Trump is different from his peers: He gets to name the head of the Environmental Protection Agency, and this week, the president may appoint a nominee to the U.S. Supreme Court, which soon will hear a case involving the environmental rule. [...] At a campaign event in October, Trump said he was especially proud of Doral’s four golf courses. ‘As you know, the Blue Monster is one of the great courses of the world,’ he said. But like any golf course, it is subject to various regulations. And there’s a pending rule that the golf industry hates. In 2015, under the Obama administration, the EPA and U.S. Army Corps of Engineers finalized the Waters of the United States rule to apply clean water regulations to thousands of new streams, lakes and wetlands. Under the rule, the Blue Monster — and all golf courses in the U.S. — would be subject to closer federal regulation. The rule is opposed by a long list of industries, including manufacturers, farmers and golf course owners like Trump.” [NPR, [1/29/17](#)]

- **Superintendents Of Trump’s Golf Clubs Are Part Of An Association That Opposes The Rule.** “They have been filing lawsuits that have put the rule on hold. Bob Helland, with the Golf Course Superintendents Association of America, says the average golf course has over 11 acres of streams, ponds and wetlands that could be affected. Under the rule, courses may now need federal permission before applying fertilizer or pesticides. ‘Many of our routine activities would be deemed as a discharge into waters of the United States and could not move forward without getting a required permit,’ Helland said. Trump’s course superintendents are members of Helland’s association.” [NPR, [1/29/17](#)]

- **Washington Post: “A Coalition Of Golf Associations, Whose Membership Includes The 12 Golf Courses Trump Owns In The United States, Had Written Letters Opposing The Adoption Of The Rule.”** According to Washington Post, “Adopted under former president Barack Obama in 2015, the clean-water rule had been praised by environmental groups as critical to protect waterways, including drinking water and environmental habitats. A wide array of industry groups had opposed the rule, including the golf industry. A coalition of golf associations, whose membership includes the 12 golf courses Trump owns in the United States, had written letters opposing the adoption of the rule.” [Washington Post, [1/20/17](#)]

The WOTUS Rule Would Expand Protections For 60 Percent Of The Country’s Waterways And Drinking Water For 1 In 3 Americans

APPROXIMATELY 60 PERCENT OF AMERICA’S WATERWAYS WOULD BE EXTENDED PROTECTIONS BY WOTUS

The Obama Administration’s Clean Water Regulation Applied To Approximately 60 Percent The Nation’s Bodies Of Water. According to The New York Times, “President Obama on Wednesday announced a sweeping new clean water regulation meant to restore the federal government’s authority to limit pollution in the nation’s rivers, lakes, streams and wetlands. The rule, which would apply to about 60 percent of the nation’s bodies of water, comes as part of a broader effort by Mr. Obama to use his executive authority to build a major environmental legacy, without requiring new legislation from the Republican-controlled Congress.” [New York Times, [5/27/15](#)]

The Waters Of The United States Rule Clarified Which Waterways Were Covered By The Clean Water Act, And Ensured Protections For Tributaries. According to Politico, “On its face, the Waters of the United States rule is largely a technical document, defining which rivers, streams, lakes and marshes fall under the jurisdiction of the Environmental Protection Agency and the Army Corps of Engineers. [...] In essence, the rule would establish whether antipollution laws are triggered if a farmer blocks a stream to make a pond for livestock, a developer fills in part of a wetland to put up a house or an oil pipeline has to cross a creek. [...] The final rule ensures protections for tributaries that have physical signs of flowing water, even if they don’t run all year round, and ditches that ‘look and act’ like tributaries, said Jo-Ellen Darcy, the assistant secretary of the Army for civil works.” [Politico, [5/27/15](#)]

The Rule Allowed The Federal Government To Protect Bodies Of Water Such As Wetlands, Which May Be Periodically Dry. According to The Washington Post, “A second order will instruct the EPA and Army Corps of Engineers to revamp a 2015 rule, known as the Waters of the United States rule, that [*sic*] applies to 60 percent of the water bodies in the country. [...] The current rule gives the federal government wide latitude to protect smaller tributaries as well as some, such as wetlands, that may be dry periodically, on the grounds that they still need to be preserved as critical water supplies.” [Washington Post, [2/20/17](#)]

- **The Clean Water Rule Specified That A Tributary Need Only Show “Physical Features Of Flowing Water” To Be Protected, Including A Bed, Bank, Or Ordinary High Water Mark.** According to the Environmental Protection Agency, “EPA and the U.S. Army Corps of Engineers finalized the Clean Water Rule to clearly protect the streams and wetlands that form the foundation of the nation’s water resources. [...] The Clean Water Act protects navigable waterways and their tributaries. The rule says that a tributary must show physical features of flowing water – a bed, bank, and ordinary high water mark – to warrant protection.” [Environmental Protection Agency, accessed [2/28/17](#)]

- **The WOTUS Rule Protected Two Million Miles Of Streams And 20 Million Acres Of Wetlands That Had Previously Not Been Designated Under The Clean Water Act.** According to ThinkProgress, “The Waters of the United States rule, developed by the EPA and the Army Corps of Engineers, offers protection to two million miles of streams and 20 million acres of wetlands that, until now, were not clearly designated under the Clean Water Act.” [ThinkProgress, [5/27/15](#)]
- **According to EPA Data, Almost 2 Million Kilometers Of Linear Streams In The U.S. Were Perennial.** According to a graphic published by the Environmental Protection Agency, “In the 49 states there are 5,484,159 total kilometers of linear streams, of which 36% (1,975,501 km) are perennial. [Environmental Protection Agency, archived [7/10/14](#)]

Environment America Executive Director Margie Alt Called The WOTUS Rule “The Biggest Victory For Clean Water In A Decade.” According to The New York Times, “The E.P.A. and the Army Corps of Engineers jointly proposed the rule, known as Waters of the United States, last spring. [...] ‘Our rivers, lakes and drinking water can only be clean if the streams that flow into them are protected,’ said Margie Alt, executive director of Environment America. ‘That’s why today’s action is the biggest victory for clean water in a decade.’” [New York Times, [5/27/15](#)]

EPA Administrator Gina McCarthy: Without The Clean Water Rule, The U.S. Is “Only Halfway To Meeting The Clean Water Act’s Goals.” According to an interview with EPA administrator Gina McCarthy for Field and Stream, “[FIELD AND STREAM:] Americans tend to have an ‘if it ain’t broke, don’t fix it’ approach to things these days. Is water quality in the U.S. actually getting worse without this new rule? [MCCARTHY:] We’ve made great progress in improving water quality in the U.S. since the Clean Water Act was passed in 1972. We’ve roughly doubled the number of waters that are swimmable and fishable, from one-third to two-thirds—but that’s only halfway to meeting the Clean Water Act’s goals. We still have many polluted waterways to clear up.” [Gina McCarthy Interview – Field and Stream, [6/8/15](#)]

ONE IN THREE AMERICANS GET THEIR DRINKING WATER FROM WOTUS-PROTECTED SOURCES

One In Three Americans, Approximately 117 Million People, Get Their Drinking Water From Streams Protected By The Clean Water Rule. According to the U.S. Environmental Protection Agency, “People depend on clean water for their health: About 117 million Americans – one in three people – get their drinking water from streams protected by the Clean Water Rule.” [U.S. Environmental Protection Agency, accessed [1/20/17](#)]

National Wildlife Federation President Larry Schweiger: “Drinking Water Supplies For More Than One-Third Of Americans Will Be Safer” Under The Clean Water Rule. According to a web post from the Berkley Conservation Institute, “Today, the U.S. Army Corps of Engineers and Environmental Protection Agency jointly released a proposed rule that would clearly define which streams and wetlands are protected by the Clean Water Act. This action would begin restoring longstanding protections to many of the nation's wetlands, streams and lakes, conserving critical fish and wildlife habitat and providing flood control, cleaner drinking water and a host of other benefits. [...] ‘This is a huge step forward for protecting America's waters and wildlife,’ said Larry Schweiger, NWF president and CEO. ‘We simply cannot protect our rivers, lakes and bays without protecting the many small streams and wetlands that feed into them. Drinking water supplies for more than one-third of Americans will be safer once this rule is put into place.’” [Berkley-Fishing.com/Berkley-Conservation-Institute, accessed [1/24/17](#)]

“Populations That Get Drinking Water From Streams”



[Source: EPA, “Populations that Get Drinking Water from Streams,” accessed [2/28/17](#)]

A LEAGUE OF CONSERVATION VOTERS POLL FOUND THAT EIGHTY PERCENT OF AMERICANS SUPPORTED THE CLEAN WATER RULE

A League Of Conservation Voters Poll Found That 80 Percent Of American Voters Supported The WOTUS Rule, And 69 Percent Would Think Less Of Their Senator If They Voted To Block The Rule. According to a press release by the League of Conservation Voters, “The League of Conservation Voters (LCV) today launched a \$300,000 ad campaign in support of the EPA and Army Corps’ final Clean Water Rule. [...] The ad follows new public opinion polling done for LCV by Hart Research that found broad bipartisan support, with 80 percent of respondents in favor of the Clean Water Rule, while 69 percent would judge their Senator less favorably if they voted to block the rule.” [League of Conservation Voters, [5/29/15](#)]

Clean Water Can Contribute To The Economic Vitality Of An Area

CLEAN WATER PROTECTIONS PROVIDE ECONOMIC BOOSTS IN TOURISM, HOSPITALITY, AND OUTDOOR RECREATION

EPA Administrator Gina McCarthy: “Clean Water Is An Economic Driver – Fisherman, Hunters, And Wildlife Watchers Spent \$144.7 Billion In 2011 Alone.” According to an interview with EPA administrator Gina McCarthy for Field and Stream, “[MCCARTHY:] Hunters know streams and wetlands are critical habitats for waterfowl, birds, and other wildlife. Before the Clean Water Rule, millions of acres of wetlands across the country were not clearly protected. Now that has changed. The Clean Water Rule also protects prairie potholes, Carolina and Delmarva bays, pocosins, western vernal pools in California, and Texas coastal prairie wetlands that impact downstream waters. In particular, the prairie potholes of the Midwest are vital to hunting in America, as they play host to 18 species of waterfowl. The rule also ensures that fields flooded for rice are excluded and can be used for water storage and bird habitat. Here we again see how clean water is an economic driver—fishermen, hunters, and wildlife watchers spent \$144.7 billion in 2011 alone on activities, equal to 1 percent of U.S. Gross Domestic Product.” [Gina McCarthy Interview – Field and Stream, [6/8/15](#)]

American Sustainable Business Council Co-Founder David Brodwin: A Majority Of Small Business Owners Support The Clean Water Rule Because They “Directly Help” Bars, Restaurants, and Tourism, and Indirectly Help “Most Other Businesses.” According to an op-ed by American Sustainable Business Council co-founder David Brodwin for U.S. News and World Report, “Looking across these incidents and many more, there's no doubt that clean water rules help some businesses while forcing others to spend money to improve their operations. Clean water rules directly help restaurants and bars, tourism services, recreation and fitness, and food and beverage producers. Clean water rules indirectly aid most other businesses whose consumers and employees count on clean water to live. That's why large majorities of small business owners support clean water protections.” [David Brodwin – U.S. News and World Report, [6/8/15](#)]

2014: Virginia Entrepreneur Jim Epstein Argued That The Protections Of The Clean Water Act, In Jeopardy Following The Supreme Court Decisions, Added Nearly \$16 Billion In Economic Benefits “For Virginia Alone.” According to an op-ed by entrepreneur Jim Epstein for the Daily Progress, “Virginia’s future depends on clean water, but it’s currently in danger. From the state’s booming wine industry, to tourism surrounding the Chesapeake Bay, to our expansive agriculture industry, Virginia thrives on high-quality clean water. According to Ecological Economics Journal, the Clean Water Act of 1972 has added as much as \$15.8 billion in economic benefits for Virginia alone. These protections are now in jeopardy, because two Supreme Court decisions have made it much more difficult to enforce the law.” [Jim Epstein – Daily Progress, [11/23/14](#)]

American Fly Fishing Trade Association President Ben Bulis: Recreational Fishing And Hunting Can Generate “\$200 Billion In Total Economic Activity” Per Year. According to a web post from the Berkley Conservation Institute, “According to the U.S. Fish and Wildlife Service, the rate of wetlands loss accelerated by 140 percent from 2004 to 2009, the years immediately after the Supreme Court rulings. ‘The economic benefits to the United States from these wetlands and streams are staggering,’ said AFFTA president Ben Bulis. ‘For example, direct spending on hunting and fishing totals \$86 billion each year in the United States, which ripples through the economy, generating \$200 billion in total economic activity annually.’” [Berkley-Fishing.com/Berkley-Conservation-Institute, accessed [1/24/17](#)]

REGULATIONS TO PROTECT RESOURCES ARE OFTEN MORE ECONOMICALLY EFFICIENT THAN CLEANING UP AFTER AN ENVIRONMENTAL CRISIS

American Sustainable Business Council Co-Founder David Brodwin: Regulations To Protect Resources Were More Economically Efficient Than Cleaning Up After An Environmental Crisis.

According to an op-ed by American Sustainable Business Council co-founder David Brodwin for U.S. News and World Report, “The market structures that tolerate pollution need to be disrupted. They are not economically efficient for the economy. Large scale water pollution is enormously costly. The Deepwater Horizon explosion and spill in the Gulf of Mexico led to a \$20 billion fund to settle damage claims. The cost to fishing in Louisiana was pegged at \$2.5 billion and the cost to tourism in Florida at \$3 billion. The much smaller chemical spill at Elk River in West Virginia cost the local economy \$19 million per day, roughly 24 percent of the economic output of the region. In Ohio last year, blooms of toxic algae caused mostly by farm runoff hurt the tourist economy on Lake Erie's south shore. Tourism there brings in \$1.8 billion per year. In Toledo, Ohio, alone, in just one weekend, \$3-\$4 million was lost when restaurants and other businesses had to close due to lack of clean water.” [David Brodwin – U.S. News and World Report, [6/8/15](#)]

Clean Water Is Important For Protecting Wildlife

THE CLEAN WATER RULE WAS SUPPORTED BY SPORT FISHING ORGANIZATIONS, WHO SAID IT WOULD “BETTER PROTECT IMPORTANT HABITATS FOR FISH AND WILDLIFE”

The Clean Water Rule Was Supported By Sport Fishing Organizations, Who Said It Would “Better Protect Important Habitats For Fish And Wildlife.” According to a web post from the Berkley Conservation Institute, “Today, the U.S. Army Corps of Engineers and Environmental Protection Agency jointly released a proposed rule that would clearly define which streams and wetlands are protected by the Clean Water Act. This action would begin restoring longstanding protections to many of the nation's wetlands, streams and lakes, conserving critical fish and wildlife habitat and providing flood control, cleaner drinking water and a host of other benefits. Several leading sportsmen's organizations – the American Fly Fishing Trade Association, Berkley Conservation Institute, Izaak Walton League of America, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, Trout Unlimited and Wildlife Management Institute – applauded the release of the proposed rule, saying that it would better protect important habitats for fish and wildlife.” [Berkley-Fishing.com/Berkley-Conservation-Institute, accessed [1/24/17](#)]

THE CLEAN WATER RULE WAS VITAL TO PROTECTING FISH HABITATS

According To The EPA, The Clean Water Rule's Protection Of Headwater Streams Was “Vital To Downstream Habitat Of Fish.” According to the Environmental Protection Agency, “About 33 million Americans go fishing each year, spending 554 million days by streams, lakes, and rivers. You can't have healthy fish without clean water. Headwater streams protected by the Clean Water Rule are vital to downstream habitat of fish.” [Environmental Protection Agency, accessed [3/1/17](#)]

- **The Clean Water Rule Protected 64 Percent Of Stream Miles Within The California Range Of Salmon And Steelhead.** According to the Environmental Protection Agency, “Headwater streams protected by the Clean Water Rule are vital to downstream habitat of fish. These are examples of where protection of seasonal or rain-dependent streams are important to fishing: In

California, 64% of stream miles in salmon/steelhead range are seasonal or rain dependent.”
[Environmental Protection Agency, accessed [3/1/17](#)]

THE CLEAN WATER RULE PROTECTED PRAIRIE POTHOLDS, WHICH SUPPORTED AT LEAST 172 SPECIES OF FOWL

According To The EPA, The Clean Water Rule Protected Prairie Potholes In The U.S. Midwest, Which Supported At Least 172 Species Of Fowl And Bird. According to the Environmental Protection Agency, “Additionally, the Clean Water Rule protects the prairie potholes of the U.S. Midwest when they provide critical nutrient capture and flood protection for downstream waters. The prairie potholes are vital to hunting in America, as they play host to 18 species of waterfowl. They also support 96 species of songbirds, 36 species of waterbirds, 17 species of raptors and 5 species of upland game birds.” [Environmental Protection Agency, accessed [3/1/17](#)]