



[www.americanwhitewater.org](http://www.americanwhitewater.org)

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December 12, 2017

The Honorable Scott Pruitt, Administrator  
U.S. Environmental Protection Agency  
Office of Policy Regulatory Reform  
Mail Code 1803A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

The Honorable Ryan A. Fisher  
Acting Assistant Secretary of the Army for Civil Works  
Department of the Army  
104 Army Pentagon  
Washington, DC 20310-0104

Submitted electronically at [regulations.gov](http://regulations.gov) on Docket EPA-HQ-OW-2017-0644

Dear Administrator Pruitt and Assistant Secretary Fisher,

American Whitewater writes to express our strong opposition to the U.S. EPA and Army Corps of Engineers' proposal to amend the 2015 Clean Water Rule by retroactively adding an "applicability date" for two years after the amendment is approved. The proposal will delay the implementation of the rule, and takes our nation further away from the Clean Water Act's goal of making our waterways fishable, swimmable and drinkable.

American Whitewater is a national 501(c)(3) non-profit organization with a mission to protect and restore our nation's whitewater rivers and enhance opportunities to enjoy them safely. Our members are primarily conservation-oriented kayakers, canoeists and rafters that enjoy exploring whitewater rivers. As outdoor enthusiasts that spend time on and in the water, our members have a direct interest in the health and quality of our nation's waterways—with particular interest in headwater streams and wetlands. As whitewater enthusiasts, our members depend on the rivers and streams they enjoy being free from pollution, and we support strong Clean Water Act protections for these waters.

Most whitewater rivers and streams can only be descended during higher than normal flows caused by rainfall or during snowmelt. Surface runoff and pollution often spike during these times. Additionally, whitewater boating requires submersion as paddlers get splashed, flip over, and occasionally swim. It is part of the fun, but not if the water that gets in our mouths, ears, nose, and any cuts is polluted. It is important to implement the Clean Water Rule as soon as possible in order to protect citizens who recreate in rivers—from paddlers to kids playing in creeks—by keeping them safe from water pollution.

Moving forward with implementation of the Clean Water Rule is important for the rural communities that depend on recreation and tourism as the foundation for their economies, and is critical for those whose livelihoods are made through businesses that are connected to watersports. An economic analysis by the Outdoor Industry Association published in 2017 found that watersports result in approximately \$139 billion in retail spending and 1.2 million direct jobs, accounting for \$44 billion in salaries and wages, \$11 billion in federal taxes, and \$9 billion in state and local taxes.<sup>1</sup> These economic benefits will be severely compromised if the water quality of our waterways continues to decline.

Your agencies propose to amend the 2015 Clean Water Rule in order to maintain the status quo. Doing so extends the uncertainty about whether headwater streams and hydrologically connected wetlands are protected under the Clean Water Act, and ignores what our members know first-hand. Paddlers are in rivers after it rains, and experience directly how riparian wetlands and intermittent streams—and the pollution within them—flow into rivers. Protecting these waters offers assurance that paddlers can enjoy cleaner waters, and we oppose additional delay in implementing the rule.

The science and the public process during development of the Clean Water Rule confirmed members' experience. In January 2015, the EPA's Office of Research and Development released the report entitled *Connectivity of Streams & Wetlands to Downstream Waters: A Review & Synthesis of the Scientific Evidence*. It included over 1,000 peer-reviewed studies that confirmed that the physical, chemical and biological integrity of water bodies is directly connected to upstream tributaries, wetlands, and other waters. Scientists in government, academia, non-profit and private industry organizations performed an extensive peer-review on the document, as did the EPA's Science Advisory Board. This process confirmed the importance of continuing to protect the hydrologically connected headwater streams and wetlands that were historically protected under the Clean Water Act. Additionally, your agencies have already undergone a comprehensive public process that informed the 2015 Clean Water Rule and ensured that it would provide businesses and developers with regulatory certainty, and river users with confidence that clean water will be protected and enhanced. The agencies received 1.1 million comments, with the majority in support of the rule.

American Whitewater urges the agencies to withdraw the current proposal to amend the Rule by adding an "applicability date." Implementing the rule as soon as possible will ensure that the values and functions of our nation's headwater streams and wetlands are protected. In addition to recreation as described above, these values include providing drinking water for 117 million Americans and habitat for fish and wildlife, as well as filtering pollution from contaminated runoff, recharging groundwater supplies and providing important flood control functions.

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<sup>1</sup> Outdoor Industry Association, *The Outdoor Recreation Economy* (2017), p. 18. Available at: [https://outdoorindustry.org/wp-content/uploads/2017/04/OIA\\_RecEconomy\\_FINAL\\_Single.pdf](https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf) (Last visited September 20, 2017).

Since the Clean Water Act was enacted in 1972, our nation's rivers have recovered in a remarkable way. However, we're far from meeting the Act's goal of making all of our waterways fishable, swimmable and drinkable. Many rivers and streams are far from thriving, and are very near critical thresholds for public health and ecological function. Delaying implementation of the Clean Water Rule will further compromise our ability to protect and improve the health of our nation's rivers and will have a direct negative impact on our environment, human health, local economies, and our quality of life.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Colburn', with a stylized, flowing script.

Kevin Colburn  
National Stewardship Director

A handwritten signature in black ink, appearing to read 'Megan Hooker', with a stylized, flowing script.

Megan Hooker  
Associate Stewardship Director