

United States Senate
WASHINGTON, DC 20510

March 31, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

We write to urge you to uphold the long-standing protections of the Clean Water Act and ensure the Act continues to protect America's waters. We support Administration action to clarify the jurisdiction of the Environmental Protection Agency (EPA) and the US Army Corps of Engineers under the Clean Water Act.

For nearly 40 years, the Clean Water Act has safeguarded almost all our Nation's waters. These safeguards protect our rivers, streams, and wetlands from pollution in accordance with Congress' intent that the landmark statute "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Despite major steps forward that have resulted in a majority of the Nation's waters now being safe for fishing, swimming, and other uses, recent Supreme Court decisions, have placed this progress at risk. It is critical that the guidance developed and approved by your Administration provide strong protection for our Nation's waters and restore the ability of Federal agencies to enforce the Clean Water Act. The guidance must, and we are confident that it will, reflect the long-standing agricultural and other exemptions codified in the Clean Water Act.

The Supreme Court's 2001 ruling in *SWANCC v. U.S. Army Corps of Engineers* and its more recent rulings in 2006—*Rapanos v. United States* and *Carabell v. Army Corps of Engineers*—threaten nearly 60 percent of our nation's waters, by removing Clean Water Act protections for many streams, small rivers, and wetlands that are vulnerable to polluters.

The waters threatened by the narrowing of Clean Water Act protections are important for fish and wildlife habitat, flood protection, and supplying drinking water. More than 117 million Americans receive drinking water supplied at least in part by headwaters and similar streams. These vital streams and wetlands are also critical to the health of our most treasured water bodies from the Chesapeake Bay to the Great Lakes and Lake Champlain to the Puget Sound. Millions of small streams and wetlands provide the freshwater that flows into these regional economic engines and emblems of cherished ways of life. If we do not protect this incredible network of waters, we cannot hope to restore these water bodies to health.

We commend EPA and the Army Corps of Engineers for moving to address the confusion left in the wake of *SWANCC* and *Rapanos/Carabell*. We hope the actions the Administration will propose will provide needed clarity and certainty so that the ultimate goals of the Clean Water Act can be met. We look forward to working with you to ensure continued protection of our Nation's vital waters on which the health of our economy and families depend.

Sincerely,



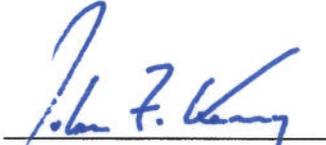
Benjamin L. Cardin
United States Senator



Barbara Boxer
United States Senator



Richard J. Durbin
United States Senator



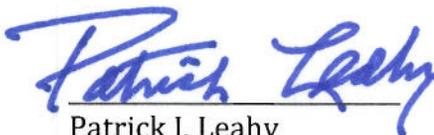
John F. Kerry
United States Senator



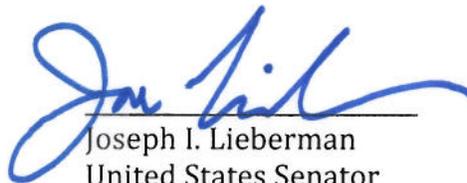
Herb Kohl
United States Senator



Frank R. Lautenberg
United States Senator



Patrick J. Leahy
United States Senator



Joseph I. Lieberman
United States Senator



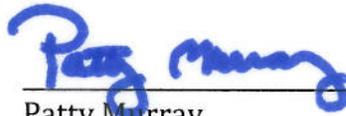
Robert Menendez
United States Senator



Jeff Merkley
United States Senator



Barbara A. Mikulski
United States Senator



Patty Murray
United States Senator



Bernard Sanders
United States Senator



Sheldon Whitehouse
United States Senator