



Clean Water Act Position Statement July 2004

The Bush administration's direction to federal agencies not to enforce the Clean Water Act on millions of acres of wetlands, lakes, ponds and streams will negatively affect hunting and fishing in Arizona. The non-enforcement of the Clean Water act on so-called isolated waters is a major threat to terrestrial and aquatic wildlife and wildlife habitat and to the outdoor recreational lifestyle in Arizona. Under this policy, citizens of Arizona will lose Clean Water Act protections for an estimated 95% of Arizona waterways.

Passed in 1972 with overwhelming bipartisan support, the Clean Water Act seeks to broadly protect the Nation's waters from pollution, destruction, and degradation. A January 2001 U.S. Supreme Court ruling created a minor gap in Clean Water Act coverage by removing from protection certain intrastate, "isolated" waters that are not navigable if their only connection to other waters is through use by migratory birds. In January 2003, the administration attempted to take advantage of this minor gap and announced its intention to significantly narrow the rules that govern which waters are covered under the Act, potentially abandoning protection for a large proportion of the Nation's wetlands, lakes, ponds, and streams. After an outcry from hunters, anglers, 39 states, and many others who simply did not want to see the scope of the Act narrowed, the administration withdrew its plans.

However, the administration has refused to withdraw a guidance memorandum it issued to federal agencies, also in January 2003, which goes well beyond the Supreme Court's narrow ruling and directs agencies to turn a blind eye to activities that pollute or destroy wetlands, as well as many ponds, lakes and streams. The policy requires field staff to seek approval from their headquarters' offices prior to extending protections to any water that might possibly be considered "isolated."

In Arizona, waters that are being deemed "isolated," such as intermittent or ephemeral streams, make up more than 95% of our waterways. These waterways are critical parts of the ecosystem, offering crucial habitat to birds, fish, and many other game and non-game species.

The 2003 guidance memorandum conflicts directly with the Arizona Wildlife Federation Mission Statement to conserve and protect wildlife and wildlife habitat, and it is the Federation's position that the memorandum should be withdrawn and Clean Water Act protections should be reinstated for Arizona and the Nation.