At the Mountain Pact, we strive to keep you informed on environmental and public lands policies relevant to your community. Today, we are writing to inform you about the upcoming public comment deadline regarding the Waters of the United States Rule.

What is the Waters of the United States Rule?
In February of this year President Trump issued an executive order stating that the EPA must take steps to revise, or rescind the 2015 Waters of the United States (WOTUS) Rule that was finalized by the EPA and Army Corps of Engineers under the Obama Administration. The Rule was originally issued due to decades long confusion over the scope of the Clean Water Act, and how much reach federal agencies had when implementing pollution and conservation standards.

Historically, the Clean Water Act has provided protection from pollution to 'navigable waters' of the United States. This means that there is a strict permitting process for anything that may be discharged into such waters. The confusion historically stems from what is defined as 'navigable waters.' This has led to less federal oversight and weak state enforcement on occasion, particularly regarding small tributary streams and wetlands. However, small streams and wetlands provide drinking water to roughly 1 in 3 Americans, indicating the importance of protecting all waters of the United States as close to the source as possible. The WOTUS Rule broadened the definition of waters of the United States to include these small tributary streams and wetlands.
What is the Relevance to Mountain Towns?
Were the Obama era WOTUS Rule to be implemented as it was written, it would provide greater protection to the small headwaters streams that run through, or near many of our mountain communities. Protecting these waters from pollution on a federal level, would mean protecting drinking water and water used for recreational activities such as fishing, rafting, and swimming. However, if the current EPA and Army Corps remove these protections, tributaries and wetlands that provide diverse uses for our towns will no longer be regulated by these agencies, possibly leaving them vulnerable to pollution discharge from oil, gas, and mineral extraction, as well as logging and grazing activities.

Currently, the EPA and Army Corps are accepting public comments through September 27 on their proposed rule, which would essentially return the definition of Waters of the United States to the historically used definition – and in doing so, not solve any confusion or provide safeguards from pollution on tributary streams and wetlands. You can submit public comment through September 27 by clicking here.

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