

## **John Hottinger: Under threat: Waters where it all begins**

Small streams that feed the others stand to lose their federal protections.

One of the first things Minnesota's children learn about water is that it is all connected and that we are blessed with a great deal of it. It's part of our unique heritage. In fact, we recently provided specific constitutional funding to help keep it clean and available.

Our children learn that very small streams and wetlands higher up in a watershed feed into larger lakes and rivers, which eventually feed waters across the country. Because of these connections, and the fact that more than 110 million people rely on them for drinking water sources, our small streams and wetlands have been protected under the Clean Water Act for more than three decades.

But now, just as Minnesotan enhances its commitment to clean water, the national Clean Water Act is under attack. Developers, mining companies and other polluting interests are fighting to eliminate the longstanding protections for headwater streams and wetlands -- opening them up to oil spills, pollution and filling.

When Congress enacted the Clean Water Act in 1972, it stated that the goal of the law was to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Congress recognized, correctly, that large rivers and lakes will suffer if the smaller streams that feed into them are polluted or paved over, so it extended Clean Water Act protections to the small creeks and wetlands. In part because of its broad coverage, the Clean Water Act is one of the nation's most effective environmental laws, responsible for the massive -- though still far from complete -- cleanup of our waterways.

But in confusion stemming from unclear Supreme Court decisions starting in 2001, polluters are working to delete Clean Water Act protections one by one. If they get their way, federal oversight and restrictions will no longer apply when headwater streams, seasonal rivers and countless wetlands are paved over, or when waste is dumped into them.

This could open up almost 60 percent of the nation's streams and more than 20 million acres of wetlands to pollution and destruction. Headwater streams and small wetlands may individually appear insignificant, but they play a critical role in filtering pollutants, absorbing floodwaters, and providing habitat to fish and wildlife. In addition, the EPA estimates that more than 950,000 people in Minnesota receive some of their drinking water from areas containing these smaller streams.

Some waters have already lost protection. The Environmental Protection Agency is failing to enforce pollution violations, allowing oil spills, dumping and filling to go unpunished. In just a year and a half, uncertainty over the scope of the Clean Water Act led the EPA to drop 305 enforcement cases and lower the enforcement priority of another 147 cases.

In Minnesota, 45 percent of our streams have no other streams flowing into them, and 51 percent of our streams flow only seasonally, putting them at higher risk of pollution or destruction. In addition, between 12 and 13 percent of the wetlands in Minnesota could be

considered so-called "isolated" waters -- water bodies that are particularly vulnerable to losing Clean Water Act safeguards.

Congress should act quickly to reaffirm the historic scope of the Clean Water Act in the wake of these fractured Supreme Court decisions that are leaving many streams and wetlands without federal protection. Thankfully, Congress is considering a bill coauthored by U.S. Rep. Jim Oberstar of Minnesota as a solution to this problem. This fall, Congress must enact the strongest bill possible to restore the Clean Water Act protections to water bodies that had been protected for decades.

Minnesotans expect to protect rivers like the Mississippi, the St. Croix and the Minnesota -- and the smaller streams which flow into them. Minnesotans know we can't have clean sources of drinking water if headwater streams are polluted or paved. Minnesotans should expect Congress to act now.

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