

30 July 2007

Governor Tim Pawlenty  
Office of the Governor  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Dear Governor Pawlenty:

Congratulations on your recent selection to lead the National Governors Association. On behalf of Minnesota environmental organizations working to keep our drinking water safe and our lakes, rivers and streams clean; we urge you to use this opportunity to publicly support and actively work for passage of the **Clean Water Restoration Act of 2007**. This legislation, which is needed to protect the nation's waters from pollution, has been introduced in the 110th Congress by our own Congressman Jim Oberstar. It has also been recently reintroduced in the Senate by Senator Russ Feingold.

The bill would reaffirm the historical jurisdiction of the 1972 Clean Water Act ensuring all "waters of the United States" retain the Clean Water Act protection they had for more than thirty-four years. We need your leadership on this issue as Executive of a state known for vast and beautiful lakes and rivers.

This bill does not create new protective authority, but simply restores the regulatory status quo. It is needed because decisions by the Supreme Court over the past few years (Rapanos/Carabell 2006; SWANCC 2001) and administrative actions by the Environmental Protection Agency and Army Corps of Engineers have muddied the waters regarding the jurisdiction of the Clean Water Act. These actions have violated the legislative intent of the law making the Clean Water Restoration Act critically important.

Waters most at risk of losing federal protections include small and seasonal streams and rivers, and nearby wetlands. According to the US EPA, 59 percent of the nation's streams and rivers, measured in miles, fall into this category of waters. Source water protection areas containing these small or intermittent streams and rivers provide water to public drinking water supplies serving more than 110 million Americans. Wetlands provide important functions in our watersheds, from reducing flooding to offering habitat to ducks and other wildlife. Wetlands are also critical in the fight to mitigate

global warming impacts since they are natural carbon sinks, where carbon is stored rather than released into the atmosphere, and offer regulation of droughts.

The regulatory uncertainty created by the administrative ruling is having real economic impacts in Minnesota. It creates a greater burden on state agencies to determine, in conjunction with the Army Corps of Engineers, whether or not a project falls under the Clean Water Act. This leads to increased administrative costs as well as increased project costs. Marcus Hall, Director of Public Works for St. Louis County, recently testified before the House Transportation and Infrastructure Committee that changes to the Clean Water Act could add as much as \$2 million per year to the costs for maintenance and construction of the county's roads.

Great strides toward cleaning up and restoring our nation's lakes, rivers and streams have been made in the thirty-four year history of the Clean Water Act, but there is much work still to do. Today, over forty-five percent of the rivers and lakes in the United States are still too polluted to be safe for fishing, swimming, our drinking water supply, wildlife habitat and other uses.

The Clean Water Authority Restoration Act (CWARA) will return us—in Minnesota and throughout the country— to the path of cleaning and protecting the nation's waters.

Please work to encourage support of the Clean Water Authority Restoration Act publicly, among the Minnesota delegation, and among other governors across the nation.

Thank you for supporting clean water.

Sincerely yours,

Diana S. McKeown, Program Director  
Clean Water Action Alliance of Minnesota

Jeff Heegaard  
1000 Friends of Minnesota

Sean Gosiewski  
Alliance for Sustainability

Marie Zellar, Regional Director  
Clean Water Action Alliance of Minnesota

George Boody  
Land Stewardship Project

Christopher Childs, Conservation Chair  
Sierra Club, North Star Chapter

Ron Meador  
Friends of the Boundary Waters Wilderness

Jim Fitzpatrick  
Carpenter/St. Croix Valley Nature Center

Rolf Nordstrom  
Izaak Walton League of America, MN Division

Gary Botzek  
Minnesota Conservation Federation

Deborah Karasov  
Great River Greening

Gladys Schmitz  
Mankato Area Environmentalists

Brad Easterson  
American Public Information on the Environment

Tom Bell  
Minnesota Ornithologists' Union

Fran Sauer  
Southeastern Minnesotans for Environmental  
Protection (SEMEP)

Charlie Quick, President  
Minnesota Citizens Organized Acting  
Together (COACT)

Don Pylkkanen, Executive Director  
Minnesota Citizens Organized Acting Together  
(COACT)

Patrick Moore  
Clean Up the River Environment (CURE)

Cc: Brad Moore, Commissioner Minnesota Pollution Control Agency  
Mark Holsten, Commissioner Department of Natural Resources  
Gene Hugoson, Commissioner Department of Agriculture