

September 2, 2021

Administrator Regan
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Acting Assistant Secretary Pinkham
Department of the Army
Office of the Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, DC 20310

RE: Docket ID Number: EPA-HQ-OW-2021-0328: Pre-proposal Public Meetings and Recommendations Regarding the Definition of “Waters of the United States”

Dear Administrator Regan and Acting Assistant Secretary Pinkham,

The undersigned organizations are greatly concerned about public health, public safety and environmental quality. We span the state of Massachusetts and beyond, and work closely with communities large and small to protect our water resources and ensure a healthy, climate-resilient environment for future generations.

We request that the Environmental Protection Agency (EPA) and the Army Corps of Engineers create a strong , robust Navigable Waters Rule (Rule) that is rooted in science to keep our nation’s most vulnerable waterways out of harm.

The most recent version of the Rule, implemented by the Trump administration, jeopardized the health and safety of our streams, rivers, and wetlands. On August 30, the District Court of Arizona invalidated that Rule because it increased pollution and endangered communities. EPA now has an opportunity to create strong safeguards for our country’s most precious resources.

As we well know in the small states of New England, water does not respect political boundaries; it is interconnected. The Merrimack River flows for over sixty miles in New Hampshire before crossing into Massachusetts, and the Taunton, Blackstone, and Ten Mile Rivers all originate in Massachusetts but end in Rhode Island’s Narragansett Bay. Similarly, the state’s largest river, the Connecticut, enters Massachusetts from Vermont and New Hampshire, and continues into Connecticut. The interstate nature of our waterways necessitates strong federal protections that ensure no state suffers poor water quality due to another’s policy shortcomings. Disparate state approaches make states downstream of more lax states vulnerable to reduced drinking water protection and weakened flood control.

Massachusetts is also home to four Wild & Scenic River systems. It is crucial that the small streams and tributaries in the headwater regions of these watersheds remain protected to ensure that these nationally significant rivers continue to thrive, especially amidst a changing climate and growing development pressures.

Rivers and streams are a key part of our state's recreation economy. In 2019, outdoor recreation supported 113,794 jobs and \$5.5 billion in wages and salaries.¹ Fish and wildlife populations only thrive with the clean, cool flows provided by healthy wetlands and headwater streams. A strong Rule would protect these resources that provide recreational opportunities for residents, and the employment opportunities for those who steward our waterways and open spaces. This is especially important as the pandemic continues in the United States, and people recreate closer to home in smaller streams and parks.

Although far less arid than the West, Massachusetts still experiences severe drought, and our rivers, drinking water supply, agricultural industry, and ecosystems have suffered as a result. We need to ensure our drinking water supplies are protected, as climate change brings more frequent and more severe droughts to our region. The now-invalidated version of the Rule imperiled access to secure, safe, clean water for families and businesses

We ask that the EPA restore and implement the requirements that were in place before the Trump administration's Rule and quickly move towards developing a stronger, more protective standard to protect all our waters, including ephemeral streams, groundwater resources, and wetlands.

Thank you for considering our comments.

Sincerely,

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¹ United States Department of Commerce, Bureau of Economic Analysis. <https://outdoorindustry.org/wp-content/uploads/2015/03/Massachusetts.pdf>

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