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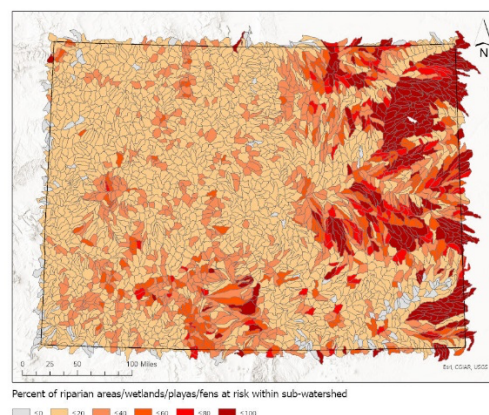
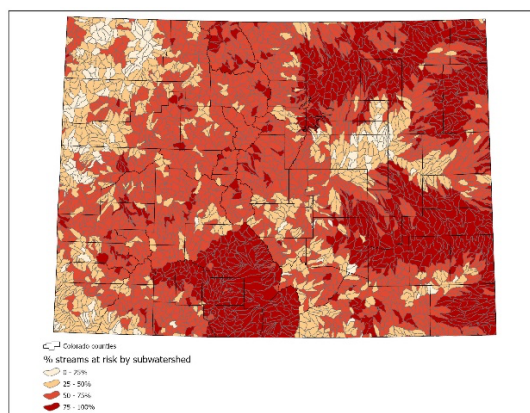
8/23/21 US Environmental Protection Agency & Army Corps of Engineers Listening Session Regarding the Agencies' intent to Repeal and Replace the Navigable Waters Protection Rule

Thank you for this opportunity to comment on your intent to repeal and replace the 2020 Navigable Waters Protection Rule (2020 Rule) that dramatically reduces protection for our nation's waters.

The Theodore Roosevelt Conservation Partnership (TRCP) is 61 hunting, angling, conservation, science and outdoor recreation non-profits, and thousands of individual members, whose mission is to ensure all Americans have quality places to hunt and fish. The TRCP has been engaged in, commented on, and filed amicus briefs regarding various administration definitions of the Clean Water Act's notoriously vague phrase, "waters of the U.S." that delineates the scope of the Act's protection. This makes sense because the TRCP's community of interest is one of the staunchest proponents for applying the Act broadly. [Polling](#) we did in 2018 showed that 92% of hunters and anglers wanted to maintain or expand protection for headwaters streams and wetlands from what then existed (the 2015 Clean Water Rule).

My first point is a plea. Please repeal the 2020 Rule as soon as possible – at least by the end of the year. The 2020 Rule is doing real harm on the ground. The President recognized that it needs to go, in his Executive Order signed on his first day in office. Both agencies are on the [record](#) before the courts considering challenges to it and in press statements for this docket that the 2020 Rule threatens our nation's waters, with already at least 333 projects likely to harm streams or wetlands having received determinations allowing them to proceed without a Clean Water Act permit.

When the 2020 Rule became effective in Colorado, the TRCP asked two of its partners with ace GIS teams to map the effects of the rule on the states' many streams and wetlands. These two maps, one for streams and the other wetlands, provide powerful visualizations of the threats of the 2020 Rule:



There is no reason for delay. Yes, there will be challenges to repeal, but the agencies have already built a record to justify doing so. Meanwhile, every day more projects likely to harm streams or wetlands receive NJDs, which last five years. That means the tail for this pernicious rule lasts well into the future.

As noted above, the TRCP has provided input on the appropriate scope for Waters of the US multiple times in the last decade. We will be happy to do so again and will attach them to our written comments for this docket. We are comfortable doing so because the issues, starting with the importance of healthy, clean, and functioning streams and wetlands to fish and wildlife, are scientifically not in doubt. Nor is the legal basis for much broader inclusion. While the pre-2015 regime – combining the agencies' 1986 rule with their 2008 post-*Rapanos* guidance – is neither ideal, nor a long-term solution, it will do while the agencies once again work to find a durable definition of Waters of the US.