



MISSOURI DEPARTMENT OF CONSERVATION

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JOHN D. HOSKINS, Director

March 12, 2003

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Water Docket
Environmental Protection Agency
Mailcode 4101T
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

To Whom It May Concern:

RE: Docket ID No. OW-2002-0050
Advance Notice of Proposed Rulemaking (ANPRM) on the Clean Water Act
Regulatory Definition of "Waters of the United States"
Federal Register ol.68, No.10, Pages 1991-1998, January 15, 2003

Please be advised that the staff of the Missouri Department of Conservation's Division of Fisheries opposes any reduction or limitation of existing jurisdictional authority of the COE and the EPA that provides protection to "waters of the United States." All wetlands are inexorably linked to existing stream channels and their hydrologic cycle whether or not they are "adjacent." Failure to afford protection to "isolated" wetlands will inevitably lead to increased draining and filling which will negatively impact ground waters and in-stream flows. Polluted ground water and the disruption of stream's hydrologic cycles mean increased costs for the general public, a diminished biosphere, and increased threats to rare and endangered species of all types.

We urge the COE and EPA to promulgate rules regarding wetlands which interpret the Supreme Court decision *Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers, 531 US 159 (2001)(SWANCC)* in as restrictive a manner as possible. Voiding or minimizing our mutual responsibility for maintaining a quality environment should never be permitted. Sound scientific fact should be the filter through which this decision is interpreted.

Sincerely,

NORMAN P. STUCKY
FISHERIES DIVISION ADMINISTRATOR

NPS:fef
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