



EARTHJUSTICE

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**Clean Water at Risk From Bush Administration Proposal:
*Majority of the Nation' Streams, Ponds, and Wetlands Could Lose
Federal Safeguards Against Pollution And Destruction***

A recently obtained Bush administration draft rewrite of the long-standing regulatory definition of “waters” protected by the Clean Water Act seeks to eliminate all Clean Water Act safeguards for the majority of streams, wetlands, and ponds across the country. If adopted, the Bush administration draft rule would attempt to **exclude** from federal Clean Water Act programs and protections:

- **Intermittent streams that have running water for less than ½ of the year**
- **Other tributary streams that are not fed by groundwater**
- **Perennial streams that are not fed primarily by groundwater or where the water table is not above the stream bed most of the year**
- **All streams that do not have groundwater as a source, including all ephemeral streams**
- **Wetlands that do not have a “regular and continuous surface flow” to navigable waters and protected tributaries (the majority of the nation’s remaining wetlands)**
- **Interstate waters, including interstate streams and wetlands**
- **Portions of streams that are diverted through man-made conveyances (such as ditches or culverts)**

The rulemaking, if finalized, may eliminate protections for more than 60 percent of streams in the U.S. and tens of millions of acres of wetlands. The waters put at risk of pollution, degradation, and destruction from the Bush administration’s draft rule all provide important functions for human communities as well as fish and wildlife. Headwater streams and wetlands affect both the quality and quantity of waters in downstream rivers, lakes, and coastal waters. This rewrite of the Clean Water Act rules is the most serious threat to clean water in decades.