



Cayuga Lake Watershed Network
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It takes a Network to protect a watershed!

September 3, 2021

US Environmental Protection Agency
Washington DC
RE: Defining Waters of the USA (WOTUS)
Docket ID No. EPA-HQ-OW-2021-0328

Dear US EPA:

From New York State's Cayuga Lake watershed, I am writing on behalf of our country's water – beginning with the infant rivers that form in the uplands and wetlands of Cayuga Lake's 870-square mile watershed. These quiet waters flow to join creeks, plummet over great waterfalls and into Cayuga Lake, and eventually reach the Atlantic Ocean. I also write on behalf of the rocky little headwaters streams in ferny uplands in so-called "coal country"; the pools and other undeniably water-filled declivities across the Great Plains; and on behalf of the hidden, grand cave rivers that undergird valleys, mountains and communities, spilling out via springs for human and ecosystem uses. These are some of the waters of the US – WOTUS. They all must be protected.

My action request in this comment was to have been removal of the 2020 Navigable Waters Protection Rule (NWPR), which minimized protections for wetlands and streams in favor of farming, development, and mining interests. However, on August 30 2021, Judge Rosemary Marquez, U.S. District Court for the District of Arizona, ruled that the NWPR is too flawed to stand.

Please build on this victory, a gift to the US EPA, while you undergo your own restoration in 2021.

I am concerned that you will fall back to implementing the equally-flawed 1986 regulation as interpreted by the Bush-Cheney administration in 2008. That

action and accompanying legal decisions threw into question the definition of what is and is not a water of the US. This opened the door to widespread abuse of and disrespect for the Clean Water Act, one of the most effective of our landmark federal environmental protection laws. Energy companies were quick to use new loopholes and exemptions to irretrievably pollute vulnerable water sources, fracking for fossil fuel gas and oil.

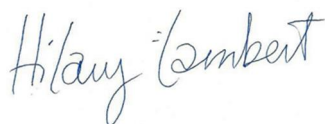
Please take this opportunity to strip away the layers of circuitous legalese that have been imposed on the CWA's original intent, which was to protect and restore the waters of the US. Not some waters, or special subsets of waters. But all waters.

I attended EPA's August 25 webinar. While I was delighted that it was proposed to remove the 2020 rule – which has now been done for you – I was concerned to hear that attention would be paid to all interest groups for the sake of inclusion. That sounds like your door is still open for special interests to lobby for loopholes big enough to drive a bulldozer or tractor through.

This comment is being submitted at the close of a week of nationwide extreme, catastrophic, climate change-fueled weather events focused around too much and too little water. Familiar landscapes and long-established weather patterns are shifting under our feet as I write these words. We cannot know what will happen next, so now is no time to be supporting outdated industries that are entering a period of profound flux and transformation.

Please focus on the law's impacts to the resource itself: our country's waters. Please simplify and strengthen the Clean Water Act's original objective, to "restore and maintain the chemical, physical, and biological integrity of the Nation's water," with the goals of eliminating pollutant discharges and providing for the "protection and propagation of fish, shellfish, and wildlife" and "recreation in and on the water." CWA, Section (101(a)).

With gratitude,

A handwritten signature in blue ink that reads "Hilary Lambert". The signature is written in a cursive, flowing style.

Dr. Hilary Lambert
Executive Director, Cayuga Lake Watershed Network
Updated 9/9/21