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November 14, 2014

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

**Attention: Docket ID No. EPA-HQ-OW-2011-0880**  
**Revised Definition of “Waters of the United States” under the Clean Water Act (CWA)**

Dear Administrator McCarthy,

We, the 106 undersigned organizations, who use and depend on our rivers systems from the headwaters, wetlands and tributaries to floodplains and bays, call on you to put the Clean Water Act (CWA) back to work on all U.S. waters. We join our diverse voices with the farmers, ranchers, and other rural leaders quoted herein and undersigned, in a joint call to EPA to restore clarity by approving a final Waters of the USA rule.

We support the rule for the reasons Mr. Alfonzo Abeyta, a fifth generation Colorado rancher, highlights in a new video on why restoring CWA<sup>1</sup> protection is important for agriculture and rural communities: <sup>1</sup> *“Farmers know that everything is connected. Snow from the mountains feeds the streams. The streams feed the rivers. The rivers feed us. You can’t grow food without water... without water nothing survives... it is our job to protect it.”* (<http://www.rmfu.org/colorado-farmer-r-e-m-featured-in-waters-of-the-u-s-video/>)

We support the Clean Water Act because it has worked –in every state— improving water quality, stemming the loss of wetlands and safeguarding streams, lakes and wetlands. That is, it worked until two Supreme Court decisions—*Solid Waste Agency of Northern Cook County (SWANCC) v. Army Corps of Engineers* (2001) and *Rapanos v. United States* (2006)—created uncertainty regarding what waters are protected, and curtailed CWA’s scope.

Water is the lifeblood for agriculture, small businesses and recreation. We don’t want to go back to the day when two-thirds of our waterways were too polluted for fishing, swimming or drinking. Therefore those of us in rural communities, agriculture and other small business need the full protection of the Clean Water Act restored to the countless miles of tributary and seasonal streams, wetlands and rivers that sustain our communities.

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<sup>1</sup> Video clip (1:10—1:22): *“Farmers know that everything is connected. Snow from the mountains feed the streams. The streams feed the rivers. The rivers feed us. You can’t grow food without water... it is our job to protect it.”* (<http://www.rmfu.org/colorado-farmer-r-e-m-featured-in-waters-of-the-u-s-video/>)

Communities need a strong CWA to address severe and continuing threats like chemicals from mining operations that leaked arsenic into the Alamosa River in Colorado, killing all the fish and compromising the water supply; the arsenic, boron, chromium, and manganese from coal ash, dumped for years into the Dan River by Duke Energy, exceeding the facility's "compliance boundary" and polluting rural water supplies; as well as the tides of phosphorus washed from fertilized farms, cattle feedlots and leaky septic systems upstream that contributed to an algae bloom in Lake Erie which compromised water sources for the cities. We are concerned about the growing contamination in many areas that leaves waterways still too polluted to sustain agriculture, recreation and many other uses.

As producers and others who depend on clean water, we know well that how water is cared for upstream affects river systems downstream. Small streams feed our local sources of drinking water and support traditional irrigation systems and agriculture for tribal, *acequia*, historic land grant and our diverse farming communities. Wetlands protect our communities from flooding, and support fish, wildlife, livestock and recreation. The entire river system provides drinking water sources in rural areas and cities alike, and is vital to small businesses<sup>2</sup> as well.

We support the rule because we recognize our shared responsibility to protect our entire river systems— including the streams and wetlands that nourish the rivers—for fishing, boating, recreation, flood control, local water systems and to meet the needs of our communities, our farmers, ranches and fishers, our businesses, and protect these bioregions for future generations.

Many of the undersigned groups have submitted their own comments supporting the completion of the rulemaking process while proposing specific and beneficial improvements. We believe EPA should take these views into account in issuing the final rule.

As farmers and small businesses that share the water, we need a regulatory scheme that is clear, predictable, timely, and focused on protecting aquatic resources. We support the rule's exemptions for commonplace farm and ranch operations and incentives for voluntary conservation practices. We also urge EPA and NRCS to review and retain all of the exemptions and exclusions from the Clean Water Act for the farming and agriculture community including exempting them from the need to obtain a 404 permit when using any of 56 conservation practices – practices that are good for farmers, ranchers, and for clean water.

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<sup>2</sup> A national scientific poll conducted for the American Sustainable Business Council found 80% of small business owners favor federal protection of upstream headwaters and wetlands as proposed in the new "Waters of the U.S." rule. Support for clean water was broad and deep regardless of political affiliation—78% of Republicans and 73% of independents, joined 91% of Democrats in supporting the clarifying of federal rules to apply to headland waters and wetlands. 71% of small business owners said that clean water is necessary for jobs and a healthy economy, 67% are concerned that water pollution could hurt their business in the future and 62% say that government regulation is needed to prevent water pollution. (Poll conducted by Lake Research Partners, on June 4-10, 2014, of small business owners (2 to 99 employees), with a margin of error of +/- 4.2%, is available online here: <http://bit.ly/CleanWaterReport>)

We further urge the EPA, the Army Corps of Engineers and the USDA Natural Resources and Conservation Service to strengthen protections and include resources in the rule to protect the rights of Tribal nations and traditional acequia and land grant communities, to uphold requirements for tribal consultation and action, and to help acequia and land grant communities and all diverse farmers and ranchers comply with the rule.

We all—in the agriculture, rural, environmental, conservation, sports men and women and business communities—support this rule and accept our shared responsibility to protect the water that one in three people in this nation depend upon to live. Final approval of the "Waters of the U.S." rule – with improvements proposed in the comment process – would provide clarity that we as a society depend up clean water and the essential benefits that it brings to communities, residents, fish, wildlife, and plants. We urge you to finalize this rule expeditiously to restore protections to many of the waters originally protected by the Clean Water Act and ensure the health of our waterways. We don't want to go backwards.

Sincerely,

Rural Coalition/Coalición Rural, Washington, DC  
National Latino Farmers and Ranchers Trade Association, Washington, DC  
Federation of Southern Cooperatives/Land Assistance Fund, Atlanta, GA  
National Hmong American Farmers, Inc., Fresno, CA  
North Carolina Association of Black Farmers Land Loss Prevention Project, Durham, NC

American Sustainable Business Council, Washington, DC  
Community Food and Justice Coalition, Oakland, CA  
Earthjustice, Washington, D.C.  
Food & Water Watch, Washington, DC  
National Family Farm Coalition, Washington, DC  
National Immigrant Farming Initiative, Washington, D.C.  
Slow Food USA, Brooklyn, NY  
Union of Concerned Scientists, Washington, D.C

#ProsumingPermaculture, Brooklyn, NY  
Adelante Mujeres, Forest Grove, OR  
Agri-Tech Producers, LLC, Columbia, SC  
Agricultural Missions, Inc, Louisville, KY  
Alabama State Association of Cooperatives, Forkland, AL  
Alianza Nacional de Campesinas, Oxnard, CA  
American Federation of Government Employees Local 3354 Saint Louis, MO  
American Indian Mothers Inc., Shannon, NC  
Arthur Christopher Community Center Charleston, SC  
Ashtabula, Geauga, Lake Counties Farmers Union, Windsor, OH  
Atrisco Land Grant Elders Board, Atrisco, NM  
BioRegional Strategies, Truchas, NM  
Black Farmers and Agriculturalists Association, Tillery, NC

Black Veterans for Social Justice, Brooklyn, NY  
Calpulli Huey Papalotl, Berkeley, CA  
Center for Family Farm Development, Inc., Decatur, GA  
Church Women United in New York State, Rochester, NY  
Citizens For Water, New York City, NY  
Classic Organic, Gaviota, CA  
Community Farm Alliance, Frankfort, Kentucky  
Concerned Citizens of Tillery, NC  
Concerned Citizens of Wagon Mound and Mora County, Wagon Mound, NM  
Conservation Stewards, Denver, CO  
Damascus Citizens for Sustainability, Narrowsburg, NY  
Eat Ideas Farm, Ann Arbor, MI  
Ecohermanas, Washington, DC  
Edible San Diego Magazine, San Diego, CA  
Eye of Heru Study Group, Detroit, MI  
Factory Farming Awareness Coalition, Oakland, CA  
Fair World Project Portland, OR  
Family Farm Defenders, Madison, WI  
Farm to Table Food Services, Oakland, CA  
Farms Nor Arms, Petaluma, CA  
Farmworker Association of Florida Apopka, FL  
Friends of Batiquitos Lagoon, Encinitas, CA  
Golden Drum, Brooklyn, NY  
Greene County Democrat, Eutaw, AL  
Growing Power, Milwaukee, WI  
Indian Country Agriculture And Resource Development Corporation (ICARD), Anadarko, OK  
Indian Nations Conservation Alliance, Twin Bridges, MT  
Institute for Agriculture and Trade Policy, Minneapolis, MN  
Iowa Citizens for Community Improvement, Des Moines, IA  
Jesus People Against Pollution, Columbia, MS  
Kentucky Resources Council, Frankfort, KY  
King Solomon Baptist Church, Sapulpa, OK  
La Mujer Obrera, El Paso, TX  
Latham Family Farms, Oklahoma City, OK  
Lideres Campesinas, Oxnard, CA  
Los Jardines Institute (The Gardens Institute), Albuquerque, NM  
Mossville Environmental Action Now, Westlake, LA  
Natural Contents Kitchen, Narrowsburg, NY  
Nebraska Sustainable Agriculture Society, Ceresco, NE  
New Mexico Land Grant Consejo, Albuquerque, NM  
North American Climate Conservation and Environment (NACCE), Roosevelt, NY  
Northeast Organic Dairy Producers Alliance, Deerfield, MA  
Northeast Sustainable Agriculture Working Group (NESAWG), New Paltz, NY  
Northwest Atlantic Marine Alliance, Gloucester, MA  
Northwest Forest Worker Center Albany, CA

NYH2O, New York, NY  
Ocean Beach People's Organic Food Market, San Diego, CA  
Oklahoma Black Historical Research Project, Oklahoma City, OK  
Organic Consumers Association, Finland, MN  
Peaceroots Alliance, Petaluma, CA  
Pesticide Action Network Oakland, CA  
PLDA Housing Development Corporation, Gainesville, AL  
Pululu Farm, Arroyo Seco, NM  
Pululu Farm, Taos, NM  
Rocky Mountain Farmers Union, Denver, CO  
Root 'N Roost Farm, Livingston Manor, NY  
Roots of Change, Oakland, CA  
Rural Advancement Fund, Orangeburg, SC  
Rural Vermont, Montpelier, VT  
San Diego Community Garden Network, San Diego, CA  
San Joaquin Del Rio de Chama Land Grant, Gallina, NM  
Seattle Wholesome Nutrition, Seattle, WA  
Shoreline Study Center, Encinitas, CA  
SoHo Trees, Brooklyn, NY  
Sustainable Pathway to Urban Prosperity, Spencer, OK  
The Brice Institute, Wind Gap, PA  
The Second Chance Foundation New York, NY  
Town of Atrisco Grant –Merced, Atrisco, NM  
United Farmers USA, Manning, SC  
Well Springs Community Services, Inc., Boley, OK  
West County Toxics Coalition, Richmond, CA  
WhyHunger, New York, NY  
Winston County Self Help Cooperative, Louisville, MS  
World Farmers, Lancaster, MA  
Youth Agriculture Resource Preservation Organization, Awendaw, SC  
Youth Agriculture Resource Preservation Organization, Georgetown, SC  
Youth Agriculture Resource Preservation Organization, Ladson, SC  
Youth Agriculture Resource Preservation Organization, Mount Pleasant, SC  
Youth Agriculture Resource Preservation Organization, Oklahoma City, OK  
Youth Agriculture Resource Preservation Organization, Round O, SC